



CITY OF VINCENT

# SPECIAL COUNCIL MEETING

18 NOVEMBER 2014

## Notice of Meeting and Agenda

Notice is hereby given that the Special Council Meeting which commenced and was adjourned on 28 October 2014 will be reconvened on **Tuesday, 18 November 2014** at 6.00pm.

The meeting will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville.

Len Kosova  
CHIEF EXECUTIVE OFFICER

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

This document is available in other formats and languages.

## **“Enhancing and celebrating our diverse community”**

**PURPOSE** - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

***“To provide and facilitate services for a safe, healthy and sustainable community.”***

**VISION** – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the City’s vision is:

***“A sustainable and caring community built with vibrancy and diversity.”***

### **GUIDING VALUES** (*Describes what values are important to us*)

- **Excellence and Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

- **Honesty and Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

- **Innovation and Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

- **Caring and Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

- **Teamwork and Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

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### **Copyright**

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## **PROCEDURE FOR PUBLIC SPEAKING TIME**

The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **RECORDING OF COUNCIL MEETINGS**

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

## SPECIAL COUNCIL MEETING

### ORDER OF BUSINESS

1. (a) **Declaration of Opening**

(b) **Acknowledgement of Country Statement**

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

(c) **Order of Business at Reconvened Meeting**

In accordance with Clauses 2.12 and 7.3 of the City of Vincent Standing Orders Local Law 2008, the reconvened Special Council Meeting must continue from the point at which it was adjourned unless the Presiding Member or the majority of Elected Members upon a vote, determine otherwise.

2. **Apologies/Members on Approved Leave of Absence**

Nil.

**NOTE: ITEMS 3, 4 AND 5 BELOW WERE DEALT WITH AT THE ADJOURNED SPECIAL COUNCIL MEETING ON 28 OCTOBER 2014.**

3. Public Question Time and Receiving of Public Statements

*Under Section 7(4) (b) of the Local Government (Administration) Regulations 1996, Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting.*

4. Applications for Leave of Absence

Nil.

5. Announcements by the Presiding Member (Without Discussion)

**NOTE: THE SPECIAL COUNCIL MEETING ON 28 OCTOBER 2014 WAS ADJOURNED DURING CONSIDERATION OF ITEM 6.**

6. **Declaration of Interests**

- 6.1 Financial - Local Government Act 1995, s5.60A
- 6.2 Proximity - Local Government Act 1995, s5.60B
- 6.3 Impartiality - Local Government (Administration) Regulations 34

7. **Reports**

- 7.1 Draft Local Planning Strategy and Town Planning Scheme No. 2 – Outcomes of Advertising and Final Adoption.

8. **Closure**

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**7.1 Draft Local Planning Strategy and Town Planning Scheme No. 2 – Outcomes of Advertising and Final Adoption**

<b>Ward:</b>	Both Wards	<b>Date:</b>	23 October 2014
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	SC322
<b>Attachments:</b>	<p><a href="#">001</a> – Schedule of Submissions (name and address suppressed) Town Planning Scheme No. 2 &amp; Local Planning Strategy  <a href="#">002</a> – Modified Draft Local Planning Strategy  <a href="#">003</a> – Modified Draft Town Planning Scheme No. 2  <a href="#">004</a> – Draft Town Planning Scheme No. 2 Scheme Map 1 – Leederville  <a href="#">005</a> – Draft Town Planning Scheme No. 2 Scheme Map 2 – North Perth  <a href="#">006</a> – Draft Town Planning Scheme No. 2 Scheme Map 3 – Perth  <a href="#">007</a> – Draft Town Planning Scheme No. 2 Scheme Map 4 – Mount Lawley/Highgate  <a href="#">008</a> – Draft Town Planning Scheme No. 2 Scheme Map 5 – Mount Hawthorn  <a href="#">009</a> – Schedule of Modifications to Draft TPS2 TEXT Following Advertising  <a href="#">010</a> – Schedule of Modifications to Draft TPS2 MAPS Following Advertising  <a href="#">011</a> – Summary of Submissions, Additional Consultation  <a href="#">012</a> – Recommended Changed Zonings Maps 1 – 5</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J O’Keefe, Acting Manager Strategic Planning Sustainability and Heritage Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council:

1. **NOTES** the summary of submissions received in respect of the draft Local Planning Strategy and Town Planning Scheme No. 2 contained in Attachment 001, **ENDORSES** Administration’s comments and recommendations contained therein, **FORWARDS** that Attachment to the Western Australian Planning Commission for its consideration and **ADVISES** submitters of its decision;
2. Pursuant to Town Planning Regulations 12B(3)(b) and (c) **ADOPTS** the City of Vincent Local Planning Strategy as advertised for public comment and set out in Attachment 002, subject to the modifications shown therein and **FORWARDS** the duly modified strategy to the Western Australian Planning Commission for Endorsement;
3. Pursuant to Town Planning Regulation 17(2)(a) **ADOPTS** Town Planning Scheme No. 2, as advertised for public comment and set out in Attachment 003 and **RECOMMENDS** the following modifications to the Western Australian Planning Commission and Minister for Planning:
  - 3.1 **Scheme Map 2 – North Perth as shown in Attachment 005 by:**
    - 3.1.1 **Amending the zoning of:**
      - (a) **1 Auckland Street from Residential R20 to Residential R40;**

- (b) All properties with direct frontage to Fitzgerald Street, north of Angove Street from Residential R60 to Residential R60-100 as per Clause 5.3.4 of draft Town Planning Scheme No. 2;
    - (c) 69 Angove Street North Perth from District Centre to Special Use – Place of Worship; and
    - (d) 118 – 120 Eton Street North Perth from Residential R30/40 to Residential R60/100; and
  - 3.1.2 Abandoning the advertised zoning changes of 83 – 107 Angove Street and 70 – 116 Angove Street from Residential R30 to Residential/Commercial R60;
  - 3.2 Scheme Map 3 – Perth as shown in Attachment 006 by:
    - 3.2.1 Amending the zoning of:
      - (a) 482 – 590 Newcastle Street from Residential/Commercial R160 to Residential/Commercial R100;
      - (b) All land zoned Residential R60 between Cleaver Street and Beaufort Street to Residential R50;
      - (c) 167 – 177A-D Fitzgerald Street, 185 – 191A-B Fitzgerald Street, 199 – 205 Fitzgerald Street & 4 – 8 Cowle Street from Residential R160 to Residential/Commercial R80; and
      - (d) 160 – 166 Palmerston Street from Residential R60 to Residential/Commercial R40;
  - 3.3 Scheme Map 4 – Mount Lawley/~~Claisebrook~~Highgate as shown in Attachment 007 by:
    - 3.3.1 Amending the zoning of:
      - (a) All land zoned Residential R60 bounded by Vincent Street Beaufort Street, Lincoln Street and William Street to Residential R50;
      - (b) All lots south of Summers Street and east of Lord Street from Commercial and Special Use to Residential/Commercial R100 with the exception of 103 – 129 Summers Street, 712 Edward Street and 120 Claisebrook Road;
      - (c) 71 Edward Street Perth & 120 Claisebrook Road Perth from Special Use – Concrete Batching Plant to Residential/Commercial R160;
      - (d) 399 Lord Street from Public Purpose – Technical School and Residential R100 to Special Use – Community Use;
      - (e) 10 Grosvenor Road from District Centre to Residential/Commercial R40; and
      - (f) 12 Grosvenor Road from Residential R40 to Residential/Commercial R40
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- 3.3.2** Abandoning the advertised zoning changes of 202 – 236 East Parade, 10 – 42 Guildford Road 35 – 39 Stanley Street, 1 Ebsworth Street and 36 Pakenham Street, Mount Lawley from Residential ~~R400~~R60 to Residential ~~R60~~R100;
- 3.4** Scheme Map 5 – Mount Hawthorn as shown in Attachment 008 by:
- 3.4.1** Amending the zoning of:
- (a)** The Mezz car park from District Centre to Special Use – Car Park;
  - (b)** 115 – 117 Kalgoorlie Street from Residential R30 to Residential R40; and
  - (c)** 369 – 379 & 370 – 376 Oxford Street from Commercial to District Centre; and
- 3.5** Amendments to Town Planning Scheme No. 2 Text as shown in the Schedule of Modifications contained in Attachment 009:
- 3.5.1** Increasing the minimum site requirements for lots fronting Charles St to achieve Residential R100 from 1,000m<sup>2</sup> to 2,000m<sup>2</sup> as per Clause 5.3.3 of Town Planning Scheme No. 2;
  - 3.5.2** Introducing sliding densities of Residential R60 – R100 for all Residential R60 zoned lots fronting Fitzgerald St, north of Angove Street where a minimum of 2,000m<sup>2</sup> is required to achieve the higher density as per Clause 5.3.3.(b) of Town Planning Scheme No. 2;
  - 3.5.3** Re-introduce Clause 9.6 relating to the appointment of a Design Advisory Committee;
  - 3.5.4** Deletion of Clause 4.16 which prohibits any residential development occurring on land immediately adjoining or adjacent to the Concrete Batching Plants in Claisebrook;
  - 3.5.5** Introduction of new Clause 5.3.6 to allow approved developments of a higher density to redevelop to the same density notwithstanding if it is inconsistent with the current zoning;
  - 3.5.6** Deletion of Clause 5.3.1 relating to the conditions of how to achieve a density bonus;
  - 3.5.7** Amendment to Clause 4.6.2 to ensure multiple dwellings remain prohibited in the former Cleaver Precinct;
  - 3.5.8** Changes to the definition of Home Store to limit the areas to be a maximum of 25% of the dwelling floor area;
  - 3.5.9** Introduction of thresholds for when local development plans are required as part of Clause 5.8;
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- 3.5.10 Reinstates Clause 5.3.5 relating to requiring a minimum of two parking bays per dwelling in land east of Joel Terrace in the Mount Lawley/Highgate Precinct;
  - 3.5.11 Including the use 'Childcare Premises' in Schedule 4 – Special Use applicable to 51 Albert Street, North Perth (Macedonian Club); and
  - 3.5.12 The inclusion of the Leederville Town Centre as 'DA1' (Development Area) in Schedule 12;
- 4. Pursuant to Town Planning Regulation 22 AUTHORISES the affixing of the common seal to, and endorses the signing of, the Town Planning Scheme No. 2 documentation by the Mayor and Chief Executive Officer; and
  - 5. FORWARDS Town Planning Scheme No. 2 to the Western Australian Planning Commission for its consideration REQUESTING the Hon Minister for Planning grant final approval, subject to the modifications listed in 3 above.

**PURPOSE OF REPORT:**

To present Council with the outcomes of advertising of the City's Draft Local Planning Strategy and Town Planning Scheme No. 2 and to request Council adopt the draft Local Planning Strategy (LPS) and Town Planning Scheme No. 2 (TPS2) in its modified form.

**BACKGROUND:**

The *Planning and Development Act 2005* requires that all local governments prepare and maintain a Town Planning Scheme. This document is the statutory basis to guide development decisions providing long term certainty to the local community property owners. The Act further requires that the town planning scheme is reviewed every 5 years. The City began its review in 2004 with the initiation of the Vincent Vision program. The comprehensive consultation program undertaken by the City established the community's long term vision for the City and informed the preparation of the local planning strategy and ultimately the town planning scheme.

The draft local planning strategy and town planning scheme were endorsed by Council on 20 December 2011 and forwarded to the Western Australian Planning Commission and the Minister for Planning for consent to advertise to the public.

Ministers Modifications

Prior to advertising, the Minister requested the City make several changes. Many of these were accepted by the City but the following were disputed;

- 1. The deletion of the provisions empowering the formation of a DAC;
  - 2. Including the demolition of dwellings as development not requiring planning approval;
  - 3. The various zoning changes in Claisebrook including the prohibition of residential development adjacent to or opposite the batching plants, rezoning of the batching plants to Special Use Zone and changing the 'Residential/Commercial' zone to 'Commercial'; and
  - 4. The introduction of R-AC zones in activity centres.
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Following a deputation by the then Mayor, Hon Alannah McTiernan on 28 May 2013 to the Statutory Planning Committee, the Minister agreed that items 2 and 4 could be reverted back however items 1 and 3 were required to remain during the advertising period.

In September 2013, the Minister provided consent to advertise the draft documents subject to 104 modifications being made.

A notice was published in the 11 March 2014 *Government Gazette* marking the beginning of the statutory advertising period for the draft local planning strategy and town planning scheme.

#### Precinct Policies

Council also endorsed draft precinct policies as supplementary information for the advertising of the new scheme. The 5 draft precinct policies consolidate the current 15 precinct policies, a recommendation of the local planning strategy. Development standards, as well as other requirements specific to each precinct are detailed within the precinct policies. The development standards include maximum height, plot ratio, land use mix and street setbacks.

The precinct policies, although provided as supplementary information have not yet been formally advertised and are still subject to change based on community feedback and the Administration's recommendations on the very specific development standards which are to apply to the zones in each precinct.

#### Directions 2031

In 2010, the state government released Directions 2031 and beyond, a metropolitan planning strategy. The document provides a framework for local governments to deliver housing, infrastructure and services in order to accommodate rapid growth occurring in the state. At its core, the document delegates dwelling targets for local governments to achieve.

The 2010 document identifies the dwelling target for the City of Vincent as being 5,000 additional dwellings. This figure was revised to 6,730 dwellings in 2013 with an additional 2,460 dwellings noted as being required within the City of Vincent in the long-term (post 2031) as the metropolitan area reaches a population of 3.5 million.

The draft Local Planning Strategy undertakes a calculation of how the City is expected to achieve the required number of additional dwellings to satisfy the requirements of Directions 2031.

#### **History:**

<b>Date</b>	<b>Comment</b>
2004	A review of the City's Town Planning Scheme No. 1 was formally initiated by Council.
20 December 2011	Council endorsed the Draft Local Planning Strategy and Town Planning Scheme No. 2.
23 December 2011	The draft documents were sent to the Western Australian Planning Commission and Minister for Planning for consent to advertise.
9 October 2012	Council endorsed a Community Engagement Plan for the advertising of the LPS and TPS2.
September 2013	Consent to advertise the Draft LPS and TPS2 received from the Minister for Planning.
3 December 2013	Council endorsed an amended Community Engagement Plan to identify 'Claisebrook North' as its own precinct for the purposes of advertising the draft LPS and TPS2 AND Council endorsed the modifications made to the LPS as requested by the Minister for advertising.

Date	Comment
11 March 2014 – 27 June 2014	Advertising period of Draft LPS and TPS2.
11 August 2014	The administration facilitated a Council Member workshop to present the outcomes of advertising and discuss the key issues with the Draft documents.
27 August 2014 – 12 September 2014	Additional consultation was undertaken with adjoining landowners of properties that requested a zone change during the formal advertising period.
14 October 2014	<u>The outcomes of the additional consultation relating to individual rezoning requests were presented to Elected Members with a draft recommendation for discussion.</u>

**Previous Reports to Council:**

This matter was most recently previously reported to Council on the following dates:

- 20 December 2011;
- 9 October 2012;
- 3 December 2013; and
- 22 April 2014.

The Minutes of these Items is available on the City's website at the following link:  
[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**DETAILS:**

Local Planning Strategy

The City's Draft Local Planning Strategy (LPS) has been prepared in accordance with Directions 2031 and establishes high level objectives over a range of key areas. Although prepared concurrently with the draft TPS2, the LPS informs the new town planning scheme and implements the recommendations of the LPS at the local level.

The objectives of the LPS include:

- (a) To promote and safeguard the health, safety and convenience and general welfare of the inhabitants of the City.
- (b) To recognise the historical development of the municipality and its contribution to the identity of the City's residential and commercial centres and associated sense of place.
- (c) To integrate land uses and transport systems throughout the district.
- (d) Achieve quality urban design outcomes for public and private areas that provide the City with high levels of amenity.
- (e) To cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range and variety and choice in housing to support the changing social needs of the community; including the ageing population and affordability.
- (f) To co-ordinate and ensure that development is carried out in an efficient and sustainable responsible manner that integrates consideration of economic, social and environmental goals and reduces the City's carbon footprint.
- (g) To ensure planning at the local level is consistent with the Metropolitan Region Scheme and State Planning Policy.

- (h) Improve access into and around the district, and ensure safe and convenient movement of people, including pedestrians, cyclists, public transport users and motorists.
- (i) To maintain and enhance the network of open space to cater for active and passive recreation, consistent with the needs of the community.
- (j) To assist employment and economic growth by ensuring suitable planning provisions to support a variety retail, commercial, entertainment and tourism developments in key locations, to provide employment self-sufficiency and self-containment.
- (k) To provide a flexible and robust strategic and statutory planning framework for the City that can readily adapt to forecasted growth and market trends as they arise.

#### Key Elements of the Local Planning Strategy

The LPS outlines that the main strategic planning elements for the future of the City include;

- The division of the City into five precincts, each with its own Activity/Town Centre (Regional or District Centre). The Precincts provide a framework for planning and enabling proposals to be tailored to the respective needs of different areas of the City. The precinct boundaries are determined after considering:
    - Suburb and subdivision boundaries.
    - Local character.
    - Historical significance.
    - Land use and planning issues.
  - Redefine the existing district centre zonings to create new Activity/Town Centres (Regional or District) areas, and create a new District Centre in the Perth Precinct, in accordance with the State Government's Activity Centres Hierarchy, these Activity/Town Centres (Regional or District) will be the focal point for economic activity within each of the five community precincts, which is then supported by smaller neighbourhood and local centres;
  - Focus the redevelopment of the Leederville Activity/Town Centre, as a Secondary/Regional Centre through the implementation of the Leederville Masterplan and/or Activity Centre Structure Plan;
  - High density mixed use and high density residential development will be located within close proximity to train stations and along high frequency bus routes in line with the principles of Transit Oriented Development (TOD);
  - Create urban corridors along major transport routes and promote a mix of complementary uses that integrate with the transit system;
  - Retain existing areas of lower density in the City to ensure that the character of the areas is retained including places of heritage significance;
  - Provide opportunities to accommodate affordable housing, particularly in planned urban growth areas that are well connected to public transport, key services and public open space networks;
  - Maintain and enhance existing public open space networks to cater for all user groups in the community, and investigate expanding this network, in particular in targeted growth areas, Activity/Town Centres, and strategic development sites; and
  - Investigate options to enhance the public transport network along the City's major arterial roads, such as rapid transit, or CAT services, to improve the connectivity within the City and with neighbouring Local Government Authority attractors.
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### Review of the Local Planning Strategy

Whilst *Vincent Vision 2024* has delivered a clear vision for the City until 2024, the local planning strategy is required to be flexible enough to respond to a range of current and future scenarios. To this end, the Strategy will be reviewed every five years.

The City of Vincent will play the lead role in the implementation of the LPS. Its direction and actions have implications across all operations of Council, however, implementing change cannot be achieved in isolation and must foster an effective partnership between local and state government, surrounding councils, business and particularly community, is key to its success.

The City received 3 submissions directly relating to the LPS during its advertising period, one from another local government or government agencies and one from a resident. The City has already made various amendments to the text prior to advertising occurring which was reported to Council on 3 December 2013. These can be found in Attachment 001.

The Administration has made a number of modifications to the draft LPS document since the completion of the advertising period. A key change is the updating of the statistics which were informed by the 2006 census. Since its adoption the 2011 figures were released and have now been included in the strategy.

Another change made to the document includes a refinement of the City's targeted growth areas. Amendments have been made which defines the City's support for development on the City's major roads and within Town Centres, including calculations regarding the dwelling yield under each scenario.

An important inclusion to the draft Local Planning Strategy is how the City will deal with 'transition sites'. These are broadly defined as land situated immediately between non-residential and a residential zone. For these sites there is scope for the City to support future rezoning applications where an appropriate zone can be demonstrated to reduce the impacts of the adjoining higher zone.

During the advertising of draft TPS2, many of the rezoning requests received were from sites which could be defined as transitional sites. While the Administration has made a recommendation for these individually, higher level support given to others which were not brought to the City's attention could also be supported.

The changes made to the strategy are highlighted with underline and strikethrough in the document found as Attachment 002.

### Town Planning Scheme No. 2

The *Planning and Development Act 2005* requires that all Local Governments maintain a Town Planning Scheme. This is a legal document that regulates how land is used. Specifically, it stipulates how land is zoned i.e. commercial or residential, and contains other important information relating to development standards across the City.

The objectives of Draft Town Planning Scheme No. 2 include:

- Setting out the local government's planning aims and intentions for the scheme area;
  - Setting aside land as reserves for public purposes;
  - Zoning land within the scheme area for the purposes defined in the scheme;
  - Controlling and guiding land use and development;
  - Setting out procedures for the assessment and determination of planning applications;
  - Making provision for the administration and enforcement of the scheme; and
  - Addressing other matters contained in the *Planning and Development Act 2005*.
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The Draft Town Planning Scheme No. 2 was adopted by Council on 20 December 2011 and was forwarded with the Draft Local Planning Strategy to the Western Australian Planning Commission shortly after for approval to advertise.

Of the 15,000 dwellings and 5,000 commercial properties in the City, it is expected that almost 6,000 of these will be directly affected by the changes proposed in the new Town Planning Scheme.

### Consultation

The advertising of the LPS and TPS took place between 11 March 2014 and 27 June 2014, a total of 15 weeks. The planning regulations requires an advertising period of 12 weeks for a new scheme however with the Easter and ANZAC school holidays, the timeframe was extended by three weeks to ensure every resident was given the opportunity to comment.

During the consultation period, the following took events took place across the 6 precincts:

- 2 information nights per precinct;
- 1 open day per precinct; and
- 1 focus group pre precinct.

### *Information Nights*

The information nights held provided a forum where residents could receive all the relevant information needed to make an informed submission, which included a presentation by City officers.

Two sessions were held in each precinct, one in a community venue and the other at the City's offices. Both were facilitated by an external consultant. Following an extensive presentation by City officers, a question and answer session allowed the community to clarify any concerns or request further information.

The advertised documents and maps were available for inspection as well as a range of other information which was available to assist residents in making their submission.

### *Open day*

The format of the open day was a very informal setting with all relevant documents and maps available for inspection and City officers available to discuss individual issues or questions one on one. There were no presentations by City officers at these events.

One of these was undertaken for each precinct at the City's offices.

### *Focus Group*

One focus group was held in each precinct, except for North Perth and Claisebrook due to a lack of attendees. The purpose was to interrogate individual elements of the proposed zoning changes with a small group of residents selected at random.

In addition, the advertising of the draft Scheme and Strategy also included:

- A dedicated website [www.yourvincentyoursay.com.au](http://www.yourvincentyoursay.com.au);
  - Link on the main website;
  - Letters to each property subject to a zone change;
  - 15,000 brochures sent to every household in the City; and
  - Other resources including information sheets and FAQ's which were all available online and distributed at the above events.
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268 submissions were received from the community and the events were well attended as follows:

Precinct	Focus Groups	Open Days	Information Nights	Total
Leederville	3	2	20	25
Mount Hawthorn	0	6	27	33
Mount Lawley/Highgate	6	8	44	58
North Perth	0	4	31	35
Perth	4	10	23	37
Claisebrook	0	3	7	10
<b>Total</b>	<b>13</b>	<b>33</b>	<b>152</b>	<b>198</b>

#### Outcomes of Advertising

The submissions received are categorised as being either in support, objecting or impartial. Only the submissions which relate to the *advertised* components of the document have been included in the following tables.

Some of the common issues raised by residents in all precincts were:

- Traffic management/increase;
- Parking;
- Heritage/Character conservation;
- Open space/landscaping; and
- Height/Privacy.

As development potential intensifies, the community becomes increasingly concerned with perceived impacts such as increased local traffic. These are managed by development control policies including heritage management, impact of building bulk and landscaping. Issues such as the quality and quantity of open space are co-ordinated between the City's various departments.

The Administration has responded to each individual submission in the summary of submissions found in Attachment 001.

#### *Individual Property Zoning Requests*

The City also received submissions where property owners requested zoning changes for their properties. These have not been included in the overall tabulation of submissions but rather dealt with individually, and within each precinct section and included for consideration one by one in the officer's recommendation.

In order to further inform the recommendation to Council, further consultation was undertaken with the surrounding residents of these requests between 27 August 2014 and 12 September 2014. The outcome of this advertising is noted in the relevant sections of this report.

In making a recommendation on each request, a number of things were taken into consideration:

- How does the request align with the objectives of the local planning strategy?
- Does the request represent orderly and proper planning of the locality?
- What will the impact be on the neighbouring properties and how will they have a chance to be consulted?
- Would the request be classified as a substantial departure or modification from the advertised town planning scheme, triggering the WAPC to recommend to the Minister that it requires further advertising?

Advice from the Department is that any modification to the scheme requested by the City following advertising will be assessed against the objectives of the local planning strategy and would take into account additional consultation which has occurred as a result of any further modifications.

The Administration has not recommended any requests for modifications that are likely to prompt the Minister to require the scheme, or parts of the scheme to be re-advertised.

All landowners who were affected by a recommendation of the Administration to down-code land or re-instate the zoning of TPS1 were notified prior to Council making a determination on each matter.

### **AMENDMENTS TO TOWN PLANNING SCHEME MAPS**

#### **LEEDERVILLE PRECINCT**

The Leederville Precinct contains three main areas where significant zoning changes were advertised. The relevant maps showing the recommended zoning changes can be found in Attachment 004, and are listed below.

<b>Area</b>	<b>Advertised Amendments</b>	<b>Indicative Provisions as per Draft Precinct Policy Provisions (not formally advertised)</b>	<b>Submissions Received</b>
Leederville Town Centre	Various Zones → Regional Centre	As per Structure Plan requirements	No
Galway/Tennyson St	Residential R30 → Residential R40	2 storey Multiple/grouped dwellings permitted 220sqm min lot size 0.6 plot ratio	Yes
Oxford Street	Residential R60 → Residential/Commercial R100	4 storey Multiple dwellings/mixed use permitted 1.25 plot ratio	Yes

A total of 5 submissions were received from residents and landowners within the Leederville precinct, 4 of which relate to the below issues one being a general comment, for a full response refer to Attachment 001.

<b>Number</b>	<b>Issue</b>	<b>Support</b>	<b>Object</b>	<b>Impartial</b>	<b>Total</b>
1	Rezoning of Oxford St – R60 to RC100	3			<b>3</b>
2	Rezoning of Galway and Tennyson St – R30 to R40		1		<b>1</b>





INFORMATION NIGHT		
Key Issue	Specific Comments Received	Administration Response
	<ul style="list-style-type: none"> <li>• Parking and access to sites</li> <li>• Lack of traffic calming measures</li> </ul>	where alternative transport modes are available such as public transport (buses and trains). The City's new bike lanes are also being constructed on Oxford and Newcastle Streets in Leederville.
		<ul style="list-style-type: none"> <li>• Upgrades to the pedestrian and road network may be undertaken where a need it's identified</li> </ul>

The following comments were made at the focus group in response to being questioned on specific issues. A total of 3 people attended the focus group.

FOCUS GROUP		
Topic	Specific Comments	Administration Response
<i>Increased residential density and land uses along Oxford Street</i>	<ul style="list-style-type: none"> <li>• The mixed use zone along Oxford Street is supported</li> <li>• The rezoning along Oxford Street will allow for more flexibility and better interface with the streetscape</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• Oxford Street is an <i>Activity Corridor</i> with access to public transport and amenities suitable for higher density development.</li> </ul>
<i>Residential density</i>	<ul style="list-style-type: none"> <li>• The residential density is appropriate for Leederville</li> <li>• There is a preference for a tight urban form where the area is highly walkable</li> <li>• Concern was raised over the four-storey height with additional stories available</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• The City's policy framework controls the built form outcomes including height and some setbacks.</li> </ul>
<i>Leederville Structure Plan, identification of precincts and suitability of RC zoning</i>	<ul style="list-style-type: none"> <li>• The proposed zoning of Regional Centre is supported</li> <li>• There should be less of a car focus in this area</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• The Leederville Town Centre is a designated <i>Secondary Centre</i> by the State's Activity Centres Policy and suitable for high density development.</li> </ul>

The focus group supported the recommended zoning changes and identified key issues which support the City's approach to planning for the future. These include a reduction in car dependence and the encouragement of diverse land uses in the precinct. Height was raised as a concern as the minimum heights are proposed to be raised by one storey.

**Additional Issues**

*Interface*

Some concern was raised in regards to the increased height along Oxford Street. It was identified that the increase of the permitted height to 4 storeys, to align with what is permitted for R100 by the R Codes will have impact on the surrounding lower density areas, particularly when it is coupled with the City's variations policy which may allow an additional 2 storeys.

Solutions to these interface conflicts are currently being investigated by the Administration. Several of the City's development policies are being reviewed and it's expected a policy-led solution acceptable to the community, developers and the Western Australian Planning Commission (WAPC) will be recommended.

A recommendation to reduce density as a means to reduce height would not be accepted by the WAPC at this time (following advertising) as it may be considered inconsistent with the objectives of the local planning strategy.

**Summary of Recommended Modifications**

On this basis, no changes to that which was advertised are recommended for the Scheme Map 1 – Leederville.

**NORTH PERTH PRECINCT**

The North Perth precinct contains 7 main areas where significant zoning changes were advertised. The relevant maps showing the recommended zoning changes can be found in Attachment 005, and are listed below.

Area	Advertised Amendments	Draft Precinct Policy Provisions (not formally advertised)	Submissions Received
London Street	Residential R20 → Residential R40	2 storey Multiple/grouped dwellings permitted 220sqm min lot size 0.6 plot ratio	No
Charles Street	Residential R60 → Residential R60-R100	R100 permitted with 1,000sqm 4 storey max (R100) Multiple/grouped dwellings permitted 1.25 plot ratio (R100)	Yes
Eton Locality	That the 'Sunset Clause' will be deleted and R20 will become the actual zone	R20 Single Houses/Grouped Dwellings 450sqm min lot size	Yes
Angove Street (west)	Residential R30 → Residential/Commercial R60	3 storeys Multiple dwellings/ mixed use permitted 0.7 plot ratio	Yes
Angove Street (east)	Commercial → District Centre	3 storeys Mixed use permitted (R100) 1.25 plot ratio	No
Fitzgerald Street	Residential R60 → Residential/Commercial R60	4 storeys Multiple dwellings/mixed use permitted 1.0 plot ratio	No
Scarborough Beach Road	Residential R60 → Residential/Commercial R80	3 storeys Multiple dwellings/mixed use permitted 1.0 plot ratio	Yes

A total of 44 submissions were received from residents and landowners within the North Perth precinct during the formal advertising period. The main issues are summarised in the table below. The response from the Administration to each issue can be found in Attachment 001.

Number	Issue	Support	Object	Impartial	Total
1	Deletion of Clause 20(4)(c)(ii) – Sunset Clause for R20 after March 2015	6	7		13
2	Rezoning of Charles St – R60 to R60-R100	2	10	2	14
3	<del>Rezoning of Brisbane St – R80 to RC80</del>	4			4
4	Deletion of Clause 20(4)(d)(i) – Restriction of 2 dwellings per lot	5		1	6
5	Rezoning of Charles Hotel – Hotel and Service Station to RC100	1			1
6	Rezoning of Angove Street – Residential R30 to Residential/Commercial R60		1		1
7	Rezoning of Scarborough Beach Road – R60 to RC80		2	1	3
8	Proposal to allow Office Uses on the ground floor of a District Centre Zone	4			4
9	Rezoning of Old Midland Brick Site – RC80		1		1

All these areas of proposed changes to the zoning generated considerable community debate. Some of the key points raised by residents are highlighted below.

Key Issue	Specific Comments	Administration Response
<i>Concerns over high density</i>	<ul style="list-style-type: none"> <li>Loss of character and diminishing quality of life</li> <li>Loss of heritage buildings</li> <li>Properties adjacent to those along arterial zones (and a higher zoning) are not given opportunity to develop (density is focused on arterials)</li> <li>Privacy issues for buildings adjacent to high density developments</li> <li>Loss of trees and open space</li> </ul>	<ul style="list-style-type: none"> <li>The City values its heritage and the character of the precinct.</li> <li>To support this, the demolition of any building in the City requires a planning approval following an assessment to establish whether the building is significant and should be protected.</li> <li>The City's policy framework and the R Codes control the built form outcomes including height and some setbacks.</li> </ul>
		<ul style="list-style-type: none"> <li>Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be included in the precinct policy.</li> <li>The City's policy framework and the R Codes determine the required landscaping within developments.</li> </ul>

Key Issue	Specific Comments	Administration Response
		<ul style="list-style-type: none"> <li>The City's Parks Department undertakes many initiatives to promote the use of native plants and the ongoing 'greening' of verges, private land and open space.</li> </ul>
<i>Parking</i>	<ul style="list-style-type: none"> <li>Congestion, safety issues, lack of availability</li> <li>Increased density bringing more vehicles but with less mandatory parking as a result of the R-Codes minimum requirements</li> </ul>	<ul style="list-style-type: none"> <li>Future development may result in ongoing demands on the local parking network. Density has been located where alternative transport modes and other amenities are located to reduce the number of car trips required.</li> </ul>
<i>General</i>	<ul style="list-style-type: none"> <li>Variations policy and the impact on proposed developments (i.e. the extra two storey allowance)</li> <li>Concern over design guidelines for higher density developments. To ensure high quality developments as the density is increased</li> <li>The Scarborough Beach Road area and likely amalgamation of properties to create options for owners.</li> </ul>	<ul style="list-style-type: none"> <li>The Variations Policy is currently under examination by the Administration at the request of Council.</li> <li>The City can request a <i>Local Development Plan</i> for significant developments. This provides an additional layer of planning to respond to local issues and requirements.</li> </ul>

There was no focus group for North Perth precinct due to lack of attendees.

### **Additional Issues**

The following key issues were identified during by the community and key stakeholders.

#### *Building Heights/Interface*

A key issue identified is the building interface conflict between potential R100 sites and adjoining R40 and less zoned properties on Charles Street. The Administration is currently investigating a policy-led solution to address such issues as these provisions do not sit directly in the scheme.

A reduction in overall height as a solution is not considered appropriate given the State's planning framework.

#### *Charles Street Sliding Density Minimum Lot Size Increases*

The sliding density on Charles Street was endorsed by Council as part of the draft TPS2 and advertised accordingly. This would allow land to be zoned R100 should it achieve a lot size of 1,000sqm. This would also encourage the gradual amalgamations of lots to rationalise the effect of development and access on Charles Street through more comprehensive developments.

Main Roads have provided a submission supporting the sliding density but recommending the City considers increasing the minimum lot size requirements to 1,500sqm. Following further consideration, the Main Roads submission is supported and the Administration recommends increasing the minimum lot size even further to 2,000sqm so that a minimum of three standard lots would be required to be amalgamated.

### *Fitzgerald Street Sliding Density*

In addition to the modifications to the sliding codes on Charles Street, Main Roads has also recommended the City consider including the sliding density provisions on residential zoned land on Fitzgerald Street north, between Angove Street and the local government boundary.

The recommendation is supported and has been included on the affected properties on Scheme Map 2 – North Perth for consideration by Council.

This recommendation is consistent with the objectives of the draft local planning strategy and the scheme to provide more diverse and denser housing targets along the main roads where current and future alternative high frequency transport modes are provided, particularly since Fitzgerald Street is the proposed route for the future light rail system.

Given proposed changes to the density on Fitzgerald Street and the impact this may have on the adjacent properties, additional consultation was undertaken with affected properties however no submissions were received. This modification is recommended to be supported by Council.

### *Angove Street*

A portion of Angove Street (west) between Albert Street and Farmer Street was advertised to be rezoned from Residential R30 to Residential/Commercial R60. In 2010 when the scheme was prepared, this would have been considered an appropriate increase of density along a key arterial road which connects the North Perth centre and the commercial area of Scarborough Beach Road.

During the advertising period, a submission was received requesting the property be included as District Centre. This triggered the proposed zoning of the whole street to be re-examined by the Administration and concluded that the Residential R30 zone be re-instated for this portion of Angove Street.

The high quality of some of the character residential homes on this road would be severely diminished should the advertised zoning of Residential/Commercial R60 be supported. In addition, partial development of this area over time would result in a fragmented streetscape with potentially 5 storey development abutting single storey character homes.

It is recommended to retain the Residential/Commercial R60 zone for 109 – 117 Angove Street (south side) and 118 Angove Street (north side) as transition zones to the commercial area to the west and to formalise the commercial uses already occurring on these sites.



There was no additional consultation to adjoining properties for this proposed change as the change represents a less intense use of the land than previously advertised, however landowners have been advised of the Administrations recommendation to Council on the matter.

*Macedonian Orthodox Church*

The Macedonian Orthodox Church Site was advertised as having a change of zoning from Commercial to District Centre.

Given the re-assessment of the future zoning of Angove Street, it is recommended the zoning of the church site be changed from District Centre to Special Use – Place of Worship. This change will align the zoning to the site’s predominant use and provide certainty for the continuation of its activities. In addition, the reduction of the District Centre zone on this site and on those adjoining will become transition sites between the low density Residential R30 to the west.

It is recommended that Council supports an amendment to Schedule 4 to draft Town Planning Scheme No. 2 as follows.

No.	Description of Land	Special Use	Conditions
4	Lot 192 (No. 51) Albert Street, North Perth	Place of Worship	

*Requested Zoning Changes*

The City also received five further submissions from individual property owners in this precinct requesting zoning changes to their properties. The table below provides a summary of each request and the officer’s recommendation. The full schedule of submissions is found in Attachment 011.

Number	Address	Advertised Zone	Requested Zone	Officer Recommendation
1	6 Albert Street	Residential/Commercial R60	District Centre	Residential/Commercial R60
2	Charles Hotel (and surrounds)	Residential/Commercial R100	Residential/Commercial R160	Residential/Commercial R100
3	Macedonian Club of WA	Special Use	Addition of Childcare Premises to the Special Use schedule	Addition of Childcare Premises to the Special Use schedule
4	1 Auckland Street	Residential R20	Residential/Commercial R80	Residential R40
5	178-180 Alma Road	Residential R40	Requested the non-conforming use be taken off the register	Already undertaken

1. 6 Albert Street, North Perth (and 71, 73 & 79 Angove Street & 2A, 2B, 6, 8 & 8A Albert Street)

The above properties were advertised as a mix of District Centre (71 & 73 Angove Street) and Residential/Commercial R60 (79 Angove Street & 6, 8 & 8A Albert Street).

With the proposed change of zone of the church to 'Special Use' and the re-instatement of Angove Street to R30 (discussed above), these properties may still contribute a commercial role in the area as a transition between the town centre to the east and the residential area to the west. A Residential/Commercial R60 zone is therefore considered appropriate for these lots.

The separate request from 6 Albert Street to be rezoned from Residential/Commercial R60 to District Centre was subsequently advertised to adjoining properties with one submission received in support of the request. The zoning of District Centre is not recommended to be supported given the high development potential the zone would provide including a height limit of between four and six storeys.

It is therefore recommended Council does not support the request and instead supports the zoning of 6 Albert Street (and others mentioned above) as Residential/Commercial R60 as outlined in the officers recommendation.



## 2. Charles Hotel – Charles Street

The Hotel site was advertised to be rezoned from its current 'Special Use – Hotel' to Residential/Commercial R100. 511 – 513 Charles Street is the associated car park site and located on the northern eastern corner of Ellesmere Street and Charles Street. This was advertised to change to Residential R60-R100. Lots 118 – 122 Eton Street are also owned by the Hotel and were advertised to be zoned Residential R30/40.

A submission was received from the landowner requesting a zone of Residential/Commercial R160 be applied to the hotel, the car park site and the lots fronting Eton Street located across the road.

The request from the landowner represent significant intensification of development on the site which would be compounded as the residential area behind the site to the west of Charles St being down-coded from Residential R30/40 to Residential R20 as part of the Eton Locality down-zoning.

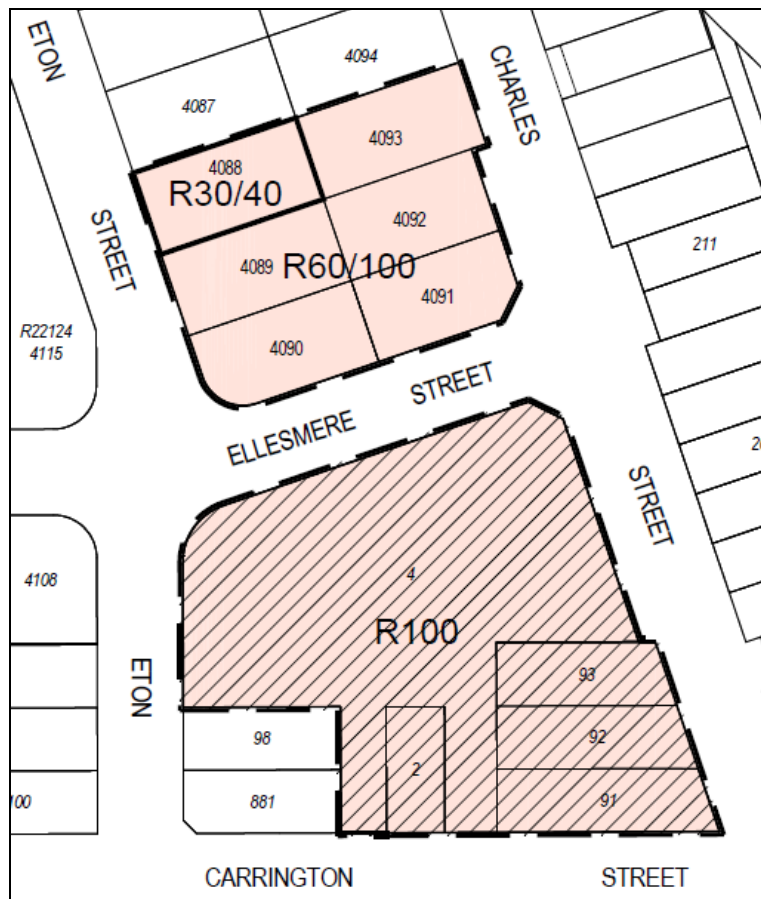
The hotel rezoning request was advertised to the surrounding community. A total of 15 submissions were received all of which were objections to the proposal. A schedule of submissions can be found in Attachment 011 and a number of issues were raised including:

- Increased antisocial behaviour;
- Commercial uses will deteriorate the residential character of the area;
- Restriction of height to 2 storeys;
- Parking congestion will increase; and
- Overlooking/privacy.

The Administration does not support the original request submitted.

The owner of the Hotel has provided a revised submission to the City in response to the outcome of the community consultation. In summary it requests the following:

- To withdraw the previous submission of Residential/Commercial R160 across all landholdings;
- To support the advertised zone of Residential/Commercial R100 for the hotel and former service station site;
- To support the advertised zone of R60/100 for the Charles Street lots;
- To support the advertised zone of R20/40 for 122 Eton Street;
- To request 118 and 120 Eton Street be considered as R60/100 to align with its rear neighbours fronting Charles Street.



**FIGURE 1: Revised Zoning Request from Charles Hotel**



Given the strong community objection to the request and the impact this may have on the surrounding properties, Council is recommended to support the advertised zones for these properties with the exception of 118 – 120 Eton Street which is recommended to be included as Residential R60/100 which will deliver a comprehensive development site contributing to the medium to long term objectives of the draft Local Planning Strategy.

Although this represents an increase of development potential for those two lots, the impact of the surrounding area would be minimal as the development would orientate to Charles Street and the land directly opposite is public open space. Maintaining the northern most site as R30/40 would also provide an appropriate buffer to the northern residential area.

3. *Macedonian Club – 51 Albert Street North Perth*

Representatives of the Macedonian Club have provided a submission that the use 'Childcare Premises' be included in their special use zone and included in Schedule 4 – Special Use of TPS2.

The Club has made preliminary presentation to Elected Members at a Council Member Forum on 15 April 2015. In addition, the City's Planning Department liaised with the City's Parks Department regarding the loss of some of the adjoining parkland for fenced playground. The proposal was supported in principle.

Consultation was undertaken with surrounding landowners regarding the request. Three submissions were received which supported the proposal provided it did not detract from the amenity of neighbourhood.

It is therefore recommended Council supports the amendment of Schedule 4 of draft Town Planning Scheme No. 2 in relation to this site as follows.

No.	Description of Land	Special Use	Conditions
1	No. 51 (Lot 192) Albert Street, North Perth	Hall and Non-Residential Club Childcare Premises	

Council include any additional conditions it sees fit to support the operations of that use.

4. *1 Auckland Street North Perth*

This property is located on the southern boundary of the Eton Locality and was advertised to be rezoned from Residential R30/40 to R20. As the subject site directly adjoins the eastern boundary of the old Midland brick site and are likely to be affected by increased development potential there, the landowners have requested that the property be considered to be zoned Residential/Commercial R80.

The site does not have direct frontage to Scarborough Beach Road and may impose additional pressures on the residential area it adjoins to the north east, particularly given that area is proposed to be zoned Residential R20. A zoning of Residential R20 for 1 Auckland Street however, is also not appropriate given its proximity to the Midland Brick site.

This request was advertised to the neighbouring community and one objection was received which identified current parking issues would be exacerbated and a height limit of 3 storeys was too high.

Accordingly, it is recommended that Council support a zoning of Residential R40 to transition the zoning between Residential/Commercial R80 and Residential R20.

**Summary of Recommended Modifications**

It is recommended Council supports the following modifications to draft TPS2 relating to the North Perth Precinct.

1. Inclusion of 'Childcare Premises' with associated conditions in Schedule 4 for Macedonian Club
2. Amending sliding densities clause (5.3.4) to state that a minimum of 2,000m<sup>2</sup> is required instead of 1,000m<sup>2</sup>
3. Adding a new clause to include sliding densities on Fitzgerald Street;
4. Reverting the zoning of Angove Street from RC60 back to R30 **except** 6, 8, 8A Albert Street and 79 Angove Street;
5. Amending 1 Auckland Street from proposed R20 to R40.

**PERTH PRECINCT**

The Perth Precinct contains seven main areas where significant zoning changes were advertised. The relevant maps showing the recommended zoning changes can be found in Attachment 006, and are listed below.

Area	Advertised Amendments	Draft Precinct Policy Provisions (not formally advertised)	Submissions Received
Fitzgerald Street (north)	Residential R80 → Residential R160	5 storey Multiple/grouped dwellings permitted 2.0 plot ratio	No
Fitzgerald Street (south)	Residential R80 → Residential/Commercial R160	5 storey Multiple/grouped dwellings/mixed use permitted 2.0 plot ratio	No
Hyde Park & Cleaver Precincts	Residential R80 → Residential R60	2 storey Single house or grouped dwellings only 120sqm min lot size	Yes
Beaufort Street	Residential R80 → Residential/Commercial R100	4 storeys Multiple/grouped dwellings/mixed use permitted 1.25 plot ratio	No
Brisbane Street	Residential R80 → Residential/Commercial R80	3 storeys Multiple/grouped dwellings/mixed use permitted 1.0 plot ratio 100sqm min lot size	No
William Street	Commercial → District Centre	5 storeys Mixed use permitted (R160) 2.0 plot ratio	No
Newcastle Street	Residential R80 → Residential/Commercial R160	5 storeys Multiple/grouped dwellings/mixed use permitted 2.0 plot ratio	Yes

25 submissions were received in total from residents within this Precinct. 23 are regarding general changes occurring in the area and 3 relate to specific properties and requests for additional zoning considerations.

The change of zone from Residential R80 to Residential R60 generated the most comments and the zoning of the proposed Newcastle Street zoning also triggering several submissions. The response from the Administration to each issue can be found in Attachment 001.

Number	Issue	Support	Object	Impartial	Total
1	Rezoning of Hyde Park and Cleaver Precinct – R80 to R60	5	7	3	15
2	Rezoning of Newcastle Street – R80 to RC160	3	2		5
3	Cleaver Precinct. The text relating to the ban of multiple dwellings was different to that in TPS1.			1	1

Some of the key points raised by residents are highlighted below.

INFORMATION NIGHTS		
Key Issue	Specific Comments	Administration Response
<i>Heritage &amp; Character</i>	<ul style="list-style-type: none"> <li>The corner of Cleaver and Carr Street, the Hyde Park area and Florence Street should remain as a character area</li> <li>To preserve heritage buildings, height could be developed at the back to retain frontages</li> <li>Concern over new land uses next to heritage buildings</li> <li>An R100 zone is suggested for Newcastle Street instead of the proposed R160</li> </ul>	<ul style="list-style-type: none"> <li>The City values its heritage and the character of the precinct.</li> <li>To support this, the demolition of any building in the City requires a planning approval following an assessment to establish whether the building is significant and should be protected.</li> <li>The forthcoming 'Character Retention Areas' will provide another layer of planning protection for properties which contribute to the streetscape.</li> </ul>
<i>Concerns with high density</i>	<ul style="list-style-type: none"> <li>Lack of infrastructure provision</li> <li>Traffic congestion</li> <li>Parking</li> </ul>	<ul style="list-style-type: none"> <li>To reduce the impact on the existing network, future development may result in ongoing demands on the local parking network.</li> <li>Density has been located where alternative transport modes and other amenities are located to reduce the number of car trips required.</li> <li>The City's new bike lanes are also being constructed on Bulwer Street.</li> </ul>
<i>General</i>	<ul style="list-style-type: none"> <li>Concern was raised over lower density blocks surrounded by areas of higher density</li> <li>There were a mix of comments between residents who wanted to protect heritage and</li> </ul>	<ul style="list-style-type: none"> <li>Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be addressed by way of a policy.</li> </ul>

INFORMATION NIGHTS		
Key Issue	Specific Comments	Administration Response
	character and those who wanted to have the option to redevelop at a higher density	

The following issues were also tested at the focus group.

FOCUS GROUP		
Topic	Specific Comments	Administration Response
<i>Increase of density and land uses along Beaufort Street, Fitzgerald Street, Newcastle Street, Brisbane Street and Lord Street</i>	<ul style="list-style-type: none"> <li>• Generally the increase of density in these areas was supported, although there was a mix of views</li> <li>• Higher density creates walkable areas</li> <li>• The proposed increase in density along Newcastle Street could create privacy issues if buildings are developed at a seven storey height</li> <li>• R100 is a suggested zoning along Newcastle Street, instead of R160</li> <li>• Increase traffic load has not been accounted for</li> <li>• Heritage frontages should be maintained</li> <li>• Mixed use along streets is generally supported</li> <li>• Higher density on arterial roads and fewer car parking bays to encourage public transport.</li> </ul>	<ul style="list-style-type: none"> <li>• The increased density proposed in the Perth precinct by draft TPS2 is consistent with the draft Local Planning Strategy and Directions 2031.</li> <li>• Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be addressed through policy provisions.</li> <li>• Residential/Commercial R100 is supported on Newcastle Street (west) replacing the advertised Residential/Commercial R160.</li> </ul>
<i>Changing of zoning from R80 to R60</i>	<ul style="list-style-type: none"> <li>• If the R80 zoning is retained, new developments will negatively affect the streetscape. A down zoning to R50 or R60 will protect the Cleaver Precinct</li> <li>• Down-zoning will avoid the demolishing of character buildings by taking away incentive to develop large lots</li> <li>• If the current zoning remains, character, street trees and period homes will be lost to higher density developments</li> <li>• There are no issues/objections to the proposed down-zoning to</li> </ul>	<ul style="list-style-type: none"> <li>• Supported.</li> <li>• The Administration recommends Council amend the advertised Scheme Map to reflect adopted Scheme Amendment 37 zone applicable to this area.</li> </ul>

FOCUS GROUP		
Topic	Specific Comments	Administration Response
	protect amenity and vegetation	
<i>Proposed District Centre zone on William St</i>	<ul style="list-style-type: none"> <li>The proposed heights are supported in this area as higher density on the high profile site is not supported</li> </ul>	<ul style="list-style-type: none"> <li>Noted/supported.</li> <li>The increased density proposed in the Perth precinct by draft TPS2 is consistent with the draft Local Planning Strategy and Directions 2031 with access to public transport and amenities.</li> </ul>

### Additional Issues

The following comments are made regarding additional key issues identified.

#### *Newcastle Street (west)*

The advertised town planning scheme proposed the zoning of the properties that front the northern side of Newcastle Street, west of Charles Street be amended from Residential R80 to Residential/Commercial R160.

Associated with this proposal is a doubling of the residential code and associated general site requirements, including an increase to the plot ratio from 1.0 to 2.0 and a height of 5 storeys.

The proposal to increase the density coding in this area was a result of this portion of Newcastle Street having been included in the West Perth Regeneration Area, a former project of the City aimed at re-vitalising the commercial area to the south of Newcastle Street.

The project was deferred given the extensive cost of work needed by consultants to assist the Metropolitan Scheme Amendment required to rezone the land from Industry to Urban.

Accordingly, the doubling of development standards on the north side of Newcastle Street is no longer considered appropriate.

This land is more closely aligned to the land to its north comprising a residential precinct with significantly lower density and in many parts multiple dwellings are not permitted.

The role of this area is to promote a transition zone and it is expected that significant interface issues to the adjoining areas are likely to be experienced. A number of submissions received objecting to the higher density and the future impacts on the surrounding community support this view.

While R160 is not considered appropriate, zoning of Residential/Commercial R100 with a height of 4 storeys is recommended to be supported by Council.

#### *Hyde Park and Cleaver Precinct Downcoding*

The draft town planning scheme shows that the Hyde Park and Cleaver Precinct (areas where multiple dwellings are prohibited) are proposed to being re-coded to R60. This zoning change is in response to changes to the minimum lot sizes of R80 under the Residential Design Codes at the time.

Since the adoption of the draft document in 2011, the state government amended the general site requirements to further reduce the lot size for R80. Due to this, Council initiated a scheme amendment to reduce the residential coding to R50, which contain the same general site requirements, including minimum lot size, that R80 had prior to the change in 2013.

Council considered this a more satisfactory outcome than progressing with the Residential R60 coding advertised by draft TPS2. Given the Scheme Amendment has undergone its statutory advertising period and has been adopted by Council, it will be automatically included as part of TPS2 if approved by the Minister.

These proposed changes to the zoning in this precinct generated the most submissions mainly due to the confusion of the two processes running concurrently.

The Administration also recommends Council supports an additional amendment to the draft scheme text which affects this area. Clause 4.6.2 is recommended to be amended to replace the word *Beaufort Street* with *Cleaver Street*. This will re-instate the intention of Clause 20 (4) (a) (iii) of TPS1 banning multiple dwellings in the (former) Cleaver Precinct.

It is therefore recommended that TPS2 reflects the zoning of properties in this area to align with the resolution of Council to adopt Scheme Amendment 37 on 24 June 2014 to Residential R50 and the textual change to reflect the intent of Clause 20 (4) (a) (iii) or TPS1.

*Requested Zoning Changes*

The City received two submissions from individual property owners in this precinct specifically requesting a zoning change for their property with the full schedule of submissions found in Appendix 011.

Number	Address	Advertised Zone	Requested Zone	Officer Recommendation
1	199 Fitzgerald Street	Residential R160	Residential/ Commercial R160	Residential/ Commercial R80
2	160-166 Palmerston Street	Residential R60	Any other zone which would protect current rights for Multiple Dwellings and/or commercial use on ground floor	Residential/ Commercial R40

1. *199 Fitzgerald Street*

This property is currently zoned Residential R80 but was advertised as changing to Residential R160. The significant increase of density for this property and those adjacent on Fitzgerald Street was advertised as this location was earmarked to be a light rail station as part of the MAX light rail system proposed by the State Government and the density was considered to promote transit orientated development principles.

A submission was received from a representative of the landowner who supported the change in zoning but also requests that a commercial component to the zone is included to enable the continuation of the current commercial land use.

On this basis, consultation for a Residential/Commercial R160 zone was undertaken with surrounding landowners, however no submissions were received.

This process has triggered the Administration to undertake a further assessment of other nearby properties where a significant increase in density are being flagged, namely:

- 167 – 177A-D Fitzgerald Street;
- 185 – 191A-B Fitzgerald Street; and
- 199 – 205 Fitzgerald Street & 4 - 8 Cowle Street.



The reason for the significant increase in density is the location of the proposed light rail station. In addition, a high density zoning of R160 for these sites will significantly impact the amenity of the heritage precinct located immediately to the west. Height limits of between 5 and 7 storeys could be applied which are significantly greater than the single storey character homes adjacent.

The Administration is therefore recommending Council support a Residential/Commercial R80 zone in these areas, which will maintain the status quo but will formalise the commercial uses which are currently operating.

2. *160-166 Palmerston Street*

This site currently accommodates a budget motel comprising 21 short stay units over 3 storeys. It is currently zoned Residential R80 but was advertised as part of draft TPS2 and Scheme Amendment 37 to be down coded in line with the Hyde Park precinct from R60 to R50.

The landowner has made a submission requesting that the site's current rights to commercial and multiple dwelling developments be preserved. Although a specific zone was not requested, Administration advertised the request as a 'Local Centre' zone given this aligns with the request received. The change of zone from Residential and adding a commercial element would also mean that the restriction of multiple dwellings currently applicable to the site would be removed.

During the additional consultation period, two submissions objecting to the request were received. The adjoining landowners argued that the development standards which are afforded to the site by this zone were too great and the provisions of the draft precinct and variation policies, a building of up to 6 storeys could be developed.

Having re-evaluated the matters raised, the Administration concurs the Local Centre zone is no longer considered to be appropriate as it would increase the development potential for this site significantly. A more appropriate zone would be Residential/Commercial R40 and earmarked for a height of 3 storeys.

The development site requirements for this zone are required to be included in the draft precinct policy as none are currently stipulated. It is the Administration view that given the site is already a commercial operation and has the built form and function of multiple dwellings, a 'like for like' redevelopment is appropriate.

#### Summary of Recommended Modifications

It is recommended Council supports the following modifications to draft TPS2 relating to the Perth Precinct.

- The proposed R60 zone in Hyde and Cleaver Precincts will change to R50 as per Scheme Amendment 37 approval by Council;
- Change Newcastle Street (west) from RC160 to RC100;
- 160 – 166 Palmerston Street from R60 to Residential/Commercial R40;
- 199 – 205 Fitzgerald Street to change from R160 to RC80 to allow the commercial component to continue to operate;
- 4 – 10 Cowle Street to change from R160 to RC80 to allow the commercial component to continue to operate;
- Clause 4.6.2 be amended to replace 'Beaufort Street' with 'Cleaver Street'.

#### MOUNT LAWLEY/HIGHGATE

For the purposes of the consultation period, Mount Lawley and Claisebrook were split into two separate precincts to allow Administration to separate the key issues at the public meetings held. For the purposes of this report they have been consolidated. Combined, 68 people attended the events run for these areas.

Three of the main community issues faced by the draft town planning scheme were found in these areas and include the following:

- Claisebrook and the batching plants;
- The Hyde Park precinct down coding; and
- Issues in the Banks Precinct relating to zoning of Lord Street and Car Parking requirements.

Combined, the key changes advertised to residents of this precinct are summarised below and shown in Attachment 008.

Area	Advertised Amendments	Draft Precinct Policy Provisions (not formally advertised)	Submissions Received
William Street	Residential R60 → Residential R80	4 storey Multiple/grouped dwellings permitted 1.0 plot ratio 100sqm min lot size	Yes
Beaufort Street	Commercial → District Centre	4 storey Multiple dwellings/mixed use permitted Sole commercial building not permitted 1.25 residential plot ratio	No
East Parade	Residential R60 → Residential R100	4 storeys Multiple/grouped dwellings	Yes



Area	Advertised Amendments	Draft Precinct Policy Provisions (not formally advertised)	Submissions Received
		permitted 100sqm min lot size 1.25 plot ratio	
Lord Street	Residential R60 and R80 → Residential R100	4 storeys Multiple/grouped dwellings permitted 100sqm min lot size 1.25 plot ratio	No
Hyde Park Locality	Residential R80 → Residential R60	2 storey Single house or grouped dwellings only 120sqm min lot size	Yes
Claisebrook	Residential/Commercial R160 → Special Use Concrete Batching Plant  Prohibition of dwellings on roads fronting batching plants  Residential/Commercial → Commercial	Various heights permitted up to 12 storeys Mixed use permitted (R160) Various plot ratio requirements	Yes

This table highlights the issues which generated responses from the community. The response from the Administration to each issue can be found in Attachment 001.

Number	Issue	Support	Object	Impartial	Total
1	Deletion of Clause 20(4)(g)(ii) which requires a minimum 2 parking spaces per lot		7	3	10
2	Deletion of Clause 20(4)(d)(i) which restricts 2 dwellings per lot	6	1	1	8
3	Rezoning of Hyde Park and Cleaver Precincts – R80 to R60		6		6
4	Rezoning of William Street – R60 to R80	4		1	5
5	Rezoning of East Parade/Guilford Road – R60 to R100		5	8	13
6	Deletion of Clause 20(4)(f)(i) - No Multiple Dwellings Permitted in R50 Areas		1		1
7	Rezoning of EPRA area to Commercial		21		21
8	Rezoning of Concrete Batching Plants to Special Use – Concrete Batching Plant	2	35		37

Some of the key points raised by residents are highlighted below.

*Mount Lawley*

<b>INFORMATION NIGHTS</b>		
<b>Key Issue</b>	<b>Specific Comments</b>	<b>Administration Response</b>
<i>Traffic, Parking &amp; Access</i>	<ul style="list-style-type: none"> <li>• Traffic congestion and lack of parking is a concern, an overpass from East Parade to the train station is required as crossing the road pedestrian is dangerous</li> <li>• There is a lack of parking, the clause relating to the Banks Precinct and the minimum requirement for two car park bays per dwelling should remain in the Scheme</li> <li>• Laneways in the busy roads in Mount Lawley and Highgate Precinct are currently not providing strong access points</li> <li>• Parking on Vincent Street is currently an issue. In particular, people are parking all day and walking into Perth City</li> <li>• Traffic concerns over the proposed change of zoning for East Parade from R60 to R100 as the area is already very busy.</li> </ul>	<ul style="list-style-type: none"> <li>• The Administration supports the feedback from the 'Banks Precinct' community relating to density and potential impacts in this area. The R100 density is recommended to be re-instated until further planning for the precinct has been undertaken.</li> <li>• The Administration recommends re-instating the parking requirements of 2 bays per dwellings in the area east of Joel Terrace.</li> <li>• Future development may result in ongoing demands on the local parking network. Density has been located where alternative transport modes and other amenities are located to reduce the number of car trips required. The retention of the R60 zoning from Scheme No. 1 is recommended.</li> </ul>
<i>Interface between proposed higher density developments and existing lower density developments</i>	<ul style="list-style-type: none"> <li>• To address these interface concerns; reduce density or increase density of adjoining developments or implement a staggering effect</li> <li>• The interface issue was raised</li> </ul>	<ul style="list-style-type: none"> <li>• The City's policy framework controls the built form outcomes including height and some setbacks.</li> <li>• Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be included in the precinct policy.</li> </ul>
<i>Variations policy</i>	<ul style="list-style-type: none"> <li>• There was some confusion over developments of five storeys in areas with an existing height requirement of two storeys</li> </ul>	<ul style="list-style-type: none"> <li>• The Variations Policy is currently under review by the Administration at the request of Council.</li> </ul>
<i>Density</i>	<ul style="list-style-type: none"> <li>• A comment was made</li> </ul>	<ul style="list-style-type: none"> <li>• The adopted approach to</li> </ul>

INFORMATION NIGHTS		
Key Issue	Specific Comments	Administration Response
	regarding the proposed increase of density along major transport routes and the impact of inaccessibility of pedestrians and vehicles into the area this type of development could create.	locate residential density on the City's main roads and within town centres will locate the resident population where they can be best serviced by the infrastructure required to reduce car dependency and where there are increased services. <ul style="list-style-type: none"> <li>• The increased density proposed in the Mount Lawley precinct by draft TPS2 is consistent with the draft Local Planning Strategy and Directions 2031.</li> <li>• The City's policy framework controls the built form outcomes including height and some setbacks.</li> </ul>
<i>General</i>	<ul style="list-style-type: none"> <li>• Lots that have been vacant for a long time are an issue.</li> </ul>	<ul style="list-style-type: none"> <li>• The City has limited powers to force development on vacant/abandoned sites.</li> <li>• TPS2 provides incentives to encourage future development</li> </ul>

The following comments were made at the Mount Lawley focus group in response to specific issues.

FOCUS GROUP		
Topic	Specific Comments	Administration Response
<i>Changing of zoning from R80 to R60 (in the context of current Scheme Amendment 37) &amp; multiple dwellings still not permitted in Hyde Park precinct</i>	<ul style="list-style-type: none"> <li>• The main issues if the reduction in zoning in these areas does not occur:                             <ul style="list-style-type: none"> <li>- Loss of existing housing stock.</li> <li>- Streetscape.</li> <li>- Mature trees.</li> <li>- Facades.</li> <li>- Loss of character houses.</li> <li>- Parking.</li> <li>- Pressure on services and infrastructure (such as education).</li> <li>- Green spaces.</li> </ul> </li> <li>• There is no objection o a down zoning to R50, as this would retain the</li> </ul>	<ul style="list-style-type: none"> <li>• At its meeting on 24 June 2014, Council adopted scheme amendment 37 which authorized a down zoning from R80 to R50.</li> <li>• The Administration recommends Council support including the outcome of Scheme Amendment 37 in draft TPS2.</li> <li>• Multiple Dwellings will continue to be prohibited in the (former) Hyde Park and Cleaver Precinct.</li> </ul>

FOCUS GROUP		
Topic	Specific Comments	Administration Response
	streetscape and character, whilst increasing density in other nodes and along corridors.	
	<ul style="list-style-type: none"> <li>• Overall, high density is supported if it is well managed. Beaufort Street is an example of this.</li> <li>• With high density, there must be a high level of amenity.</li> <li>• Multistorey dwellings should not be permitted adjacent to Hyde Park</li> </ul>	
<i>Increase of density along William St, Railway Parade, Lord Street and East Parade</i>	<ul style="list-style-type: none"> <li>• Potential issues:                             <ul style="list-style-type: none"> <li>- Access to the area</li> <li>- Lack of high quality green open space</li> <li>- Lack of strong design guidelines.</li> <li>- Broader guidelines for R100 lots that address the rear of the development could protect amenity</li> <li>- The interface between lots zoned R100 next to lots zoned R20. A stepped zoning (wedding cake approach) could address these interface issues</li> <li>- Loss of land value for the R20 lots next to R100 lots</li> <li>- Lack of affordability</li> <li>- Developers making money at cost of existing residents</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The increased density proposed in the Mount Lawley/Highgate precinct by draft TPS2 is consistent with the draft Local Planning Strategy and Directions 2031 and suitable for high density development with access to public transport and amenities.</li> <li>• The City's policy framework controls the built form outcomes including height and some setbacks.</li> <li>• Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be included in the precinct policy. The City can also request a <i>Local Development Plan</i> for significant developments. This provides an additional layer of planning to respond to local issues and requirements.</li> </ul>

*Claisebrook*

INFORMATION NIGHTS		
Key Issue	Specific Comments	Administration Response
<i>General</i>	<ul style="list-style-type: none"> <li>• Concern over the concrete batching plants and the Minister's plan for the Claisebrook area;</li> <li>• Interface between higher density and lower density developments; in particular, the proposed R80 zoning on Summers Street and the lower density development that surrounds the area;</li> <li>• The impact of the current EPRA/MRA scheme;</li> <li>• Frustration was expressed over the Minister for Planning's amendments and design changes for the area; and</li> <li>• Concerns over possible increases in rates due to proposed changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Many of the comments support Council's view that the Concrete Batching Plants should not continue operations in Claisebrook North beyond their current approval and that the Council's proposed 'mixed use' zone is an appropriate long-term vision for the precinct which will encourage more people to live, work and recreate within the City, reducing dependence on cars and enhancing the vibrancy of the City.</li> <li>• The City's policy framework controls the built form outcomes including height and some setbacks.</li> </ul>
		<ul style="list-style-type: none"> <li>• Increased provisions to deal with 'interface' conflicts currently experienced between high and low density development will be addressed by way of the precinct policy.</li> <li>• The new scheme will formalise the zonings and be more specific in terms of land uses;</li> <li>• The City can also request a <i>Local Development Plan</i> for significant developments. This provides an additional layer of planning to respond to local issues and requirements.</li> </ul>

It is noted a focus group for Claisebrook was not held due to lack of attendance.

**Additional Issues**

The following comments are made regarding some of the additional key issues identified during the consultation by the community and key stakeholders.

### *Parking Bays*

Clause 20 (4)(g)(iii) of the City's Town Planning Scheme No. 1 requires a minimum of two parking bays are provided for each new dwelling located on the eastern side of Joel Terrace.

This clause was introduced to assist parking shortfalls in this area due to irregular subdivision patterns and a constrained road network.

When the draft scheme was prepared in 2011 and based on previous decisions, it was proposed to remove this clause from the new scheme, because the requirement is not enforced anywhere else across the City and is in some cases is inconsistent with the R Codes.

Following advertising and the number of objections received relating to this issue; Administration recommends that the requirement as new Clause 5.3.6 is reinstated.

### *East Parade/Lord Street*

The lots fronting East Parade and parts of Guildford Road are currently zoned Residential R60 but were advertised to change to Residential R100. This would allow a height limit of 4 storeys and would most likely result in large scale residential development comprising predominantly multiple dwellings.

The proposed zoning is in response to the East Parade Urban Regeneration joint project between the City and the Department of Planning.

The collaborative effort identified short and medium term actions to be taken by both the City and the Department including:

- Short term: Development of draft design guidelines by the Department of Planning for the site
- Medium term: Rezone the affected land to a higher density during the review process of TPS2 and, investigate the possibility to identify the area as a special control area

Additionally, it was understood the development would comply with transit orientated development principles which would require significant pedestrian upgrades between the development area and the East Perth train station.

The latest information from the Department of Planning confirms that the project remains unfunded and that no further action would be taken by the Department of Planning until the increase up-zoning had been included in TPS2.

The commitment from the Department of Planning was to have draft design guidelines for the entire site as a short term task, with these in place prior to the zoning being approved. This has not occurred.

In the absence of draft design guidelines, increased density to R100 is not considered appropriate as there was also strong objection from the community relating to the R100 density and associated height for development.

This level of development is considered to be too intense for this land and will result in traffic impacts which will have a negative impact on the amenity of the neighbourhood, particularly those in the adjoining Residential R20 properties.

Therefore, it is recommended that Council support reinstating the current zone of Residential R60 to maintain the status quo in the area until such time as the Department advises the City of their intentions for the site, and re-commence planning and consultation with the community.

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*Hyde Park Precinct Down-coding*

The draft town planning scheme shows that the Hyde Park and Cleaver Precinct (areas where multiple dwellings are prohibited) are proposed to being re-coded to R60. This zoning change is in response to changes to the minimum lot sizes of R80 under the Residential Design Codes at the time.

Since the adoption of the draft document in 2011, the state government amended the general site requirements to further reduce the lot size for R80. Due to this, Council initiated a scheme amendment to reduce the residential coding to R50, which contain the same general site requirements, including minimum lot size, that R80 had prior to the change in 2013.

Council considered this a more satisfactory outcome that progressing with the Residential R60 coding advertised by draft TPS2. Given the Scheme Amendment has undergone its statutory advertising period and has been adopted by Council, it will be automatically be included as part of TPS2 if approved by the Minister.

These proposed changes to the zoning in this precinct generated the most submissions mainly due to the confusion of the two processes running concurrently.

It is therefore recommended that TPS2 reflects the zoning of properties in this area to align with the resolution of Council to adopt Scheme Amendment 37 on 24 June 2014 to Residential R50.

*Claisebrook*

The City of Vincent has a very strong long-term vision for the Claisebrook which is to create an inner city urban village with an established residential population and vibrant mix of commercial and entertainment based land uses.

The introduction of Town Planning Scheme No. 2 will see Claisebrook form part of the City's main scheme with the gazettal of TPS2 also rescinding the East Perth Redevelopment Scheme 1992, the current scheme which applies to this area.

To implement this long term vision, the draft Town Planning Scheme No. 2 when adopted by Council in December 2011 defined the Claisebrook area by zoning the whole of the former EPRA Scheme area to Residential/Commercial R100 by TPS2 with the exception of:

- The batching plant sites, which were adopted as having a residential density of R160 and a height of 8 storeys;
- The sites north of Cheriton Street (but not including those fronting Claisebrook Road) as having a density of R160 and height of 12 storeys; and
- The sites south of Cheriton Street (but not including those fronting Claisebrook Road) as having a density of R160 and height of 10 storeys.

The Residential/Commercial zone will encourage the mix of desired land uses to begin locating in this area. The building height identified by the draft Precinct Policies for the Cheriton Street properties corresponded to that which was permitted under the EPRA Scheme. In addition, a much higher density was located on the batching plant sites (R160) as a long term strategy for the landowners/operators to diversify future land uses and formed a significant incentive to encourage redevelopment of the sites in the long term and at the expiration of the land use.

The role of Claisebrook as an inner city urban village encourages the principles of the State Governments Development Control Policy 1.6 relating to Transit Orientated Development.

This has been further supported by the Development Assessment Panel determination on 25 September 2014 to approve a 10 storey mixed use development on land immediately adjacent to a concrete batching plant.

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*Requested Zoning Changes*

The City also received four submissions from individual property owners in this precinct requesting a zoning change for their property. A full schedule of submissions can be found in Appendix 011.

Number	Address	Advertised Zone	Requested Zone	Officer Recommendation
1	12 Grosvenor Road	Residential R40	District Centre	Residential/ Commercial R40
2	391 Lord Street	Residential R50	Residential R100	Residential R50
3	4 Turner Street	Residential R50	Residential R100	Residential R50
4	399 Lord Street – Corrective Services	Technical School/Residential R100	Special Use – Community Use	Special Use – Community Use

1. *12 Grosvenor Road*

This property is located adjacent to a property which was advertised to be zoned District Centre by draft TPS2. Both properties are heritage listed and are known as the ‘three sisters’. A third cottage was demolished some years ago where the car park is now located.

A request was received to consider also zoning 12 Grosvenor Road to District Centre on the basis that this would align it with the property next door (an identical heritage building) and would support the future land uses the owner had envisioned for the site.

The request was advertised to the adjoining neighbours and one objection was received.

This objection argued that:

- 1) The encroachment of the District Centre zone into the residential area of Grosvenor Road was too great; and
- 2) The development potential awarded to the site as a result of the new zone would impact the street and residents.

According to the submission, the reason the neighbouring 10 Grosvenor Road was being granted a higher zone was as a result of a zoning error by the City of Perth and requested that TPS2 would ‘clean up’ this inconsistency.

These two properties function as a ‘transition’ zone between the Mount Lawley District Centre and the residential area. Given this role, District Centre zone is considered to provide too much development potential for this transitional site.

Accordingly, it is recommended both properties should be zoned Residential/Commercial R40 which would allow them to continue with current and future commercial operations but would not risk the future amenity of the surrounding neighbourhood.

2. *391 Lord Street*

A submission was received from 391 Lord Street during the advertising period to consider a change of zoning from Residential R50 to Residential R100 given it is located immediately adjacent to another R100 zone. The balance of Lord Street was advertised to be zoned R100 and this proposal continues to be supported by the Administration.



The property is located on the corner of Lord and Harold Street with its primary frontage to Harold Street. Only properties with primary frontage to Lord Street were supported for the higher zone as they would yield better development outcomes and place less pressure on the entry and exit points of the development sites.

As such, this request is not supported. No submissions were received during the further consultation of this request.

3. *4 Turner Street*

A submission was received from 4 Turner Street to also include this property into the group of adjoining lots earmarked for Residential R100. The property was recently subdivided and developed as a small lot and only has frontage to Turner Street.

Given the property is not located on Lord Street the Administration does not support the request to change the zone to R100.

During the advertising period of this request one objection was received.

4. *399 Lord Street*

This property is owned by the Department of Justice and used for 'community purposes', primarily as an office and consulting facility with youth.

The property was advertised as being zoned 'Special Use – Technical School and Residential R100 in draft TPS2. A submission provided by the Department highlighted that the proposed zone did not accurately reflect the current or proposed long term use of the site and that it was neither a technical school nor facilitated any accommodation.

On this basis, the Administration recommends Council support a 'Special Use – Community Use' zone for this property as per the following.

No.	Description of Land	Special Use	Conditions
5	399 Lord Street, Mount Lawley	Community Use	

**Summary of Recommended Modifications**

It is recommended Council supports the following modifications to draft TPS2 relating to the Mount Lawley/Highgate Precinct.

- Re-instate the car parking clause in Banks Precinct;
- Revert zoning of lots fronting East Parade from R100 back to R60;
- The proposed R60 zone in Hyde and Cleaver Precincts will change to R50 as per Scheme Amendment 37 approval by Council;
- Change of 'Commercial' and 'Special Use' zones in Claisebrook to Residential/Commercial';
- Deletion of Clause 4.16 relating to prohibiting residential dwellings in the area.
- 10 & 12 Grosvenor Road to change from District Centre and Residential R40 to Residential/Commercial R40;
- 399 Lord Street will go back to 'Special Use' and the residential element will be abandoned.

**MOUNT HAWTHORN**

The key changes advertised to residents of this precinct are summarised below.

Area	Advertised Amendments	Draft Precinct Policy Provisions (not formally advertised)	Submissions Received
London Street	Residential R20 → Residential R40	2 storey max Multiple/grouped dwellings permitted 0.7 plot ratio 200sqm min lot size	Yes
Eton Locality	Removal of Sunset Clause to retain Residential R20 permanently	2 storey max Single houses/grouped dwellings permitted 450sqm min lot size	Yes
Scarborough Beach Road	Residential R60 → Residential/Commercial R80	3 storeys max Multiple/grouped dwellings/mixed use permitted 1.0 plot ratio 100sqm min lot size	Yes
Scarborough Beach Road (Glendalough)	Regional Centre R-AC2 → District Centre R-AC2	7 storeys max Multiple dwellings/ mixed use permitted 2.5 plot ratio	No

This table highlights the issues which generated responses from the community. The response from the Administration to each issue can be found in Attachment 001.

Number	Issue	Support	Object	Impartial	Total
1	Rezoning of Scarborough Beach Road – R60 to RC80	8	2		10
2	Rezoning of Fairfield St – R30 to R60	1	1		2
3	Rezoning of London St – R20 to R40	3		1	4
4	Proposal to Rezone R30 Areas to R40 or R50	3			3
5	Rezone of Scarborough Beach Road – Commercial to District Centre	1		1	2
6	Rezone of Oxford Street (North) – Commercial to District Centre	1			1
7	Removal of Sunset Clause – Eton Locality	1			1
8	Multiple Dwellings in Residential Zone and resulting effect on amenity and character		1		1

Some of the key points raised by residents are highlighted below.

<b>INFORMATION NIGHTS</b>		
<b>Key Issue</b>	<b>Specific Comments</b>	<b>Administration Response</b>
<i>Traffic congestion</i>	<ul style="list-style-type: none"> <li>• Traffic is currently a problem in the area</li> <li>• Suggested that traffic impact studies are needed with the proposed zoning increases</li> <li>• Access is also a concern</li> <li>• Safety issue surrounding the increase in traffic around laneways</li> </ul>	<ul style="list-style-type: none"> <li>• Motorised vehicular traffic may be increased with the increased development occurring within the precinct.</li> <li>• Future development may result in ongoing demands on the local parking and traffic network. Density has been located where alternative transport modes and other amenities are located to reduce the number of car trips required.</li> <li>• Upgrades to the pedestrian and road network may be undertaken where a need it's identified.</li> </ul>
<i>Parking</i>	<ul style="list-style-type: none"> <li>• Additional parking for high density developments is required</li> <li>• There were many comments about parking, including the following –                             <ul style="list-style-type: none"> <li>- If a car park is demolished, parking must be provided elsewhere to accommodate this</li> <li>- Car parking is currently the main issue for some of the participants</li> <li>- Parking along Scarborough Beach Road is currently an issue</li> </ul> </li> <li>• It was noted that cycle ways are being invested in to relieve some traffic and parking pressure into the future</li> <li>• Access issues were also mentioned, in particular the need for 6 meters on right of ways</li> </ul>	<ul style="list-style-type: none"> <li>• Future development may result in ongoing demands on the local parking network. Density has been located where alternative transport modes are located to assist in any shortfall as well as other amenities to reduce the number of car trips required.</li> <li>• Parking is assessed and determined as per the Parking and Access Policy (Commercial) and the Residential Design Codes (Residential).</li> <li>• Scarborough Beach Road is a major transport corridor and there are City owned car parking facilities within close proximity of development.</li> </ul>
<i>Density</i>	<ul style="list-style-type: none"> <li>• Comment about the proposed high density providing more dwellings than required in Directions 2031</li> </ul>	<ul style="list-style-type: none"> <li>• The adopted approach to locate residential density on the City's main roads and within town centres will locate the resident</li> </ul>

INFORMATION NIGHTS		
Key Issue	Specific Comments	Administration Response
	<ul style="list-style-type: none"> <li>The impact of increasing density and zoning on the existing lifestyle, character and amenity was raised</li> <li>The overall mentality of long linear high density development was questioned as not being 'walkable'</li> <li>Privacy issues were mentioned, in particular the interface between higher density developments and existing lower density houses</li> </ul>	<p>population where they can be best serviced by the infrastructure required to reduce car dependency and where there are increased services.</p> <ul style="list-style-type: none"> <li>The increased density proposed in the Mount Hawthorn precinct by draft TPS2 is consistent with the draft Local Planning Strategy and Directions 2031.</li> </ul>

No focus group held for Mount Hawthorn precinct due to lack of attendees.

#### Additional Issues

The following comments are made regarding some of the additional key issues identified during by the community and key stakeholders.

#### *Car Parks in Mount Hawthorn*

During the advertising of the TPS2, some of the car parks located in the Mount Hawthorn precinct were advertised to change zone from Special Use – Car Park to various other zones.

In some cases this would have unintended consequences on the surrounding locality. A full list of the car parks in Mount Hawthorn and their zoning is listed below:

Car Park	Current Zone	Advertised Zone
The Mezz Car Park	Special Use – Car park	District Centre
Oxford Street	Commercial/Residential R30	District Centre/Residential R30
Flinders Street	Special Use – Car Park/ Residential R30	Special Use – Car Park/ Residential R30
Coogee Street	Commercial	District Centre

Although no submissions were received relating to these proposed changes, re-evaluation of the matter has raised the following issues.

- 1) Currently, the 'Mezz' car park is zoned 'Special Use – Car Park' and it was advertised to be rezoned to District Centre. Following a re-evaluation of this proposal, this zone is considered to be inappropriate as a special use zone be retained to secure its use as a car park.
- 2) The 'District Centre' zone provides much greater development options, including a height limit of 5 storeys and it immediately adjoins land zoned Residential R30.

Accordingly, it is recommended the Special Use – Car Park for this site is supported by Council.

*Scheme Amendment 39 – Multiple Dwellings as ‘SA’ uses in Mount Hawthorn*

On 22 July 2014, Council initiated an amendment to TPS1 which will list ‘multiple dwellings’ as a ‘SA’ use in the zoning table. This would be supported by a clause which would state that the ‘SA’ use would only be applied to multiple dwellings in Mount Hawthorn.

The effect of the Scheme Amendment is that multiple dwellings in Mount Hawthorn would not be permitted unless Council approved the use following being advertised to the public. This amendment would provide more power to Council to make a decision based on its own discretion.

The Administration recommends the draft Scheme not be amended at this time in response to this amendment. The matter is still going through due process of advertising and consideration of Council and therefore any amendments to the Scheme would be premature.

Once the outcome is known, the City may request that once/if gazetted, the proposed changes are applied to TPS2.

*Requested Zoning Changes*

The City also received three submissions from individual property owners in this precinct requesting a zoning change for their property with the full schedule of submissions found in Attachment 011.

Number	Address	Advertised Zone	Requested Zone	Officer Recommendation
1	57-59 Fairfield Street (includes 4 properties)	Residential R30	Residential R60	Residential R30
2	115-117 Kalgoorlie Street	Residential R30	Residential/ Commercial R80	<u>Residential R40</u>
3	370-376 & 375-379 Oxford Street (includes 7 properties – North of Anzac)	Commercial	District Centre	District Centre

*1. 57, 57A, 57B & 59 Fairfield Street*

The owners of the above properties have requested the City consider rezoning the group of properties to a higher density of Residential R60.

The justification for this is that the car park of the Mezz Shopping Centre was advertised to be zoned District Centre these properties would form an appropriate transition between the centre and the neighbouring residential area.

The matter was advertised to surrounding residents advising of the request. 17 objections were received and another submission was made from the neighbours north of the site also requesting that their property be included.

A summary of the main issues raised during the additional consultation include:

- Traffic and parking issues;
- Not located on a main road;
- Elevation of the site is too great to sustain 3 storey development;
- Not consistent with the residential nature of the area;
- The building bulk would dominate the streetscape; and
- Impact on the rear laneway.

A full summary of submissions can be found in [Attachment 011](#).

Given it is the recommendation of the Administration to change the zoning of the Mezz car park back to a special use zone, considering the higher density as a transition zone is now no longer applicable to these sites and it is therefore recommended Council does not support the change of zone.

2. *115 – 177 Kalgoorlie Street*

Following the recent sale of this property (Heritage listed former Anglican Church site) the contracted owner provided a late submission to the City requesting the site be considered for Residential/Commercial R80. This is the zone advertised for the neighbouring property to the north which has direct frontage to Scarborough Beach Road. Although in the alternative, a reduced zoning of Residential R60 was requested in the event the more intense zone was not supported.

Consultation was undertaken with surrounding landowners with 3 written objections were received. The main issues raised are summarised as follows:

- Development of 3 storeys is not in keeping with existing streetscape;
- The inclusion of commercial uses is not appropriate;
- Increased traffic problems;
- A zoning request is premature not knowing what final development standards apply to the zone by the Precinct Policies;
- Permitted land uses are extremely broad;
- Purchase of property was influenced by surrounding zonings;
- Traffic problems with nearby school and proposed new park;
- Objectives of the zone are inconsistent with Character Statement of Mount Hawthorn in the Precinct Policy; and
- The property is located off the major road and is not appropriate in the residential area.

In addition to the above submissions, a petition of 25 signatories was received objecting to the request on the following grounds:

- The street and the immediate surrounds is not a commercial precinct;
- Commercial operations are disruptive and incongruous with the surrounding residential environment;
- A three storey building and high density housing is not consistent with the prevailing precinct policy.

A full summary of the submissions can be found in [Attachment 011](#).

In response to the issues raised by the neighbours, a further submission was received to request an alternative proposal. The following points were made:

- Concerns with development potential of Residential/Commercial R80 zone immediately to the north impacting on the site;
  - 115 – 117 Kalgoorlie Street has a unique land use and development history and based on its existing characteristics provides the opportunity to transition between the high and low density codes;
  - A transition density of Residential R40 is requested;
  - Any future development would occur on the northern side of the property given the heritage building on the southern boundary;
  - R40 has the same height limit as R30.
-

The site is setback from Scarborough Beach Road and is more characteristic of the lower density properties to the south. However, given its size, and its location between the proposed higher density and lower density areas a transition zone of R40 is supported by as it does not represent a great departure from the general site requirements of the adjacent R30 land.

3. *375 – 379 & 370 – 376 Oxford Street*

During the advertising period a submission was received from the abovementioned properties requesting to be included as 'District Centre' to be aligned with the immediately adjoining properties.

It unclear as to why the properties were not originally recommended to be included as part of the District Centre zone in 2011 as they form a logical extension of the centre and create an appropriate 'bookend' for the zone fronting Anzac Road.

Given the requested zone represented an intensification of the site, the City consulted with surrounding landowners regarding the matter. No submissions were received.

On this basis, it is recommended Council supports the extension of the District Centre zone to Anzac Road to include these properties.

**Summary of Recommended Modifications**

It is recommended Council supports the following modifications to draft TPS2 relating to the Mount Hawthorn Precinct.

- Reinstating the zone Special Use – Car Park for the Mezz;
- Listing Multiple Dwellings as a 'SA' use in the zoning table with a new Clause outlining this applies to the areas coded R30 and below in Mount Hawthorn as per Scheme Amendment 39; and
- Inclusion of 375 – 379 & 370 – 376 Oxford Street as District Centre zone as per the Scheme Map 5 – Mount Hawthorn shown in Attachment 008.

**SUBMISSIONS BY LOCAL GOVERNMENTS AND AGENCIES**

During the advertising period of the draft local planning strategy and town planning scheme, a number of submissions were received from adjoining local authorities and government agencies/utilities. Comments are summarised below, the response from the Administration can be found in Attachment 001 of this report.

*Metropolitan Redevelopment Authority*

The Metropolitan Redevelopment Authority (MRA) provided a submission outlining their general support of the draft local planning strategy and town planning scheme.

They indicated the local planning strategy would benefit from additional detail addressing localized implementation rather than high level information and that the City should consider bolstering the strategies and actions section.

Section 6.3 of the local planning strategy deals with current and future commercial floor space. Whilst an overview is given to current floor space, no detail is given to anticipated future floor space.

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The MRA felt that:

- 1) Neither the strategy nor the scheme addresses place making initiatives, specifically, how the newly appointed place making team will develop short term achievable and visible results driven incentives; and
- 2) The previous comments provided by the MRA to the City on the North Perth Master Plan and the rezoning of the Hyde Park and Cleaver Precincts did not appear to have been considered in the draft scheme.

#### *Water Corporation*

As the State's primary water and waste infrastructure provider, WaterCorp have advise that they will need to upgrade networks throughout the City due to the higher densities, although he City was reminded the developer is required to provide all water and sewerage reticulation including any upgrades that are required due to significant development. This may also be required where subdivision occurs.

With water efficiency being a key component for redeveloped areas, an examination of drainage systems and water balance is recommended by WaterCorp at the planning stage of development. These elements are being incorporated in development areas such as Leederville Town Centre however for individual developments; this responsibility lies with the developer.

It was advised that the building code currently stops short on regulating the necessary criteria to achieve the target efficiencies required to cater for increased dryness through climate change.

In addition to these comments, the WaterCorp has requested three wastewater pump stations located within the City be rezoned as 'Public Purpose'. They include:

- 51 Lynton Street, Mount Hawthorn (not supported);
- Lot 26 Barnet St, North Perth (supported); and
- 53 Albert Street, North Perth (not supported).

#### *Heritage Council WA*

The Heritage Council of WA provided a submission stating it was encouraged to see a strong emphasis on heritage within the City's local planning strategy which included seeing dedicated strategies and actions relating to cultural heritage.

The Heritage Council WA were also supportive of the use of the provisions of the Model Scheme Text as the basis for TPS2. In particular, they were supportive of Clause 5.3.1(b) in relation to special application of residential design codes, which allows for the consideration of density bonus if proposed development conserves or enhances an existing dwelling. The agency states this will result in positive outcomes for heritage places.

#### *City of Perth*

The City of Perth provided a submission which was generally supportive of the local planning strategy and town planning scheme, with the following comments:

- Further analysis of the cumulative impact of the proposed high density development is required, including urban corridors and additional commercial floor space on the activity centre hierarchy to be undertaken to determine the implications on the City of Perth;
  - Review of definitions outlined in the TPS2 (plot ratio);
  - Supports the discretionary approval of light and service industrial uses situated within commercial zones;
  - Recommends renaming the new precinct known as "Perth" to avoid confusion;
-



*City of Bayswater*

The City of Bayswater's submission was generally supportive of the local planning strategy and town planning scheme.

Their additional comments relate primarily to the proposed zoning and future development of the Banks Precinct and land on both East Parade and Guildford Road.

The City generally supports the higher zoning for those lots fronting the major roads however identified the interface between R100 and R20 will be an issue. To ensure an appropriate buffer would be provided, it was recommended to increase the zoning or ensure appropriate setbacks are applied to the future development site.

It was also brought to the City's attention that many of the lots proposed to be R100 on Guildford are adjacent to a Character Protection Area (CPA). As such the City of Bayswater's character protection guidelines should be duly considered. The increase of density appears to be consistent with the City's 'Focus Area for Change No. 13' which has been identified in the City's Local Housing Strategy for more intensive development.

*Main Roads WA*

Main Roads WA (MRWA) provided a submission which:

- 1) Supported the density bonus provisions in the cases where access is taken away from primary regional roads;
- 2) Identified a need to undertake a Transport Impact Assessment, as part of the development of the Leederville Structure Plan area;
- 3) That the proposed higher density on East Parade and Guildford Road will exacerbate the existing restriction of access into residential area; and
- 4) Is generally supportive of the sliding densities proposed on Charles Street which would encourage the amalgamations of lots to achieve the higher density.

MRWA also recommends the minimum lot size to achieve R100 be increased to 1,500m to provide the best outcome in terms of reducing the number of crossovers onto the major road, and that the same approach be applied to Fitzgerald Street.

**AMENDMENTS TO TOWN PLANNING SCHEME 2 TEXT**

The Town Planning Scheme Text supports the operation of the Town Planning Scheme Maps and is the head of power for all development within a local government. The modified Draft Town Planning Scheme No. 2 is contained in Attachment 003.

The information above has summarised the outcomes of the community consultation and justified the recommendations of the Administration relating to the zones within the various precincts as a result.

In addition to the changes required on the scheme maps, various changes are required to the scheme text which will enforce many of the supported recommendations.

If the recommendations are supported by Council, the Minister for Planning is required to approve the changes prior to the gazettal of the new scheme.

A detailed schedule of recommended amendments to the scheme text can be found in Attachment 009 of this report.

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The key recommendations include the following.

*Changes to Town Planning Scheme Text*

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification								
Sliding Densities Charles Street	Clause 5.3.3 (a) <i>Within the area coded R60-R100 along Charles Street in the North Perth Precinct, development will only be permitted to R100 standards where the lot area is greater than 1,000 square meters.</i>	Clause 5.3.3 (a) <i>Within the area coded R60-R100 along Charles Street in the North Perth Precinct, development will only be permitted to R100 standards where the lot area is greater than 2,000 square meters.</i>									
Sliding Densities Fitzgerald Street	Not advertised	Clause 5.3.3 (b) <i>Within the area coded R60 – R100 along Fitzgerald Street in the North Perth Precinct, development will only be permitted to R100 standards where the lot area is greater than 2,000 square meters.</i>									
Sliding Densities Leederville	Clause 5.3.4 (a) <i>Within the areas of the Leederville Precinct, density coding provisions for land coded R80-160 is to be determined in accordance with the table below:</i> <table border="1" data-bbox="427 1220 746 1444"> <thead> <tr> <th>Land Area</th> <th>Density</th> </tr> </thead> <tbody> <tr> <td>Less than 500m<sup>2</sup></td> <td>R80</td> </tr> <tr> <td>500-1500m<sup>2</sup></td> <td>R120</td> </tr> <tr> <td>More than 1500m<sup>2</sup></td> <td>R160</td> </tr> </tbody> </table>	Land Area	Density	Less than 500m <sup>2</sup>	R80	500-1500m <sup>2</sup>	R120	More than 1500m <sup>2</sup>	R160	Delete	It is recommended to delete this clause. The clause is now redundant given the preparation of the Leederville Structure Plan which will stipulate these development controls.
Land Area	Density										
Less than 500m <sup>2</sup>	R80										
500-1500m <sup>2</sup>	R120										
More than 1500m <sup>2</sup>	R160										
Design Advisory Committee	Not Advertised	9.6 DESIGN ADVISORY COMMITTEE  9.6.1 <i>The Council is to appoint a design advisory committee for the purpose of considering, and advising the Council with respect to, applications.</i>	These clauses were requested to be removed by the Minister prior to advertising as they are not found as a standard clause in the model scheme text.								
		9.6.2 <i>The Design Advisory Committee may be consulted on design matters relating to development.</i>  9.6.3 <i>The Design</i>	The DAC assists Council make discretionary decisions, including achieving design excellence to support height variation applications.  Having the clauses								

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification
		<i>Advisory Committee is to operate in accordance with the guidelines outlined in the Terms of Reference relating to a Design Advisory Committee.</i>	located within the Scheme ensures that the process of DAC applications is considered highly by both Council and any third party decision makers.
Claisebrook	<p><i>Clause 4.16 Residential developments and uses</i></p> <p><i>Clause 4.16.1 "aged or dependant persons dwelling", "grouped dwelling", "single house", "residential building", "multiple dwelling" and "short term accommodation" are not permitted on lots with direct frontage to Edward Street east of Lord Street, Caversham Street, and Claisebrook Road between Chelsea Street and Murchison Terrace.</i></p>	Deleted	<p>At its meeting on 3 December 2013, Council resolved that following the completion of the advertising of draft TPS2 the zoning for the Claisebrook precinct would be changed back to what was adopted by the Council on 2011 prior it being sent back to the Minister for Planning for final approval.</p> <p>This includes the deletion of new Clause 4.16 which relates to the prohibition of any form of dwellings on roads which front of are immediately adjacent to the concrete batching plants in Claisebrook.</p> <p>This has been supported by the decision of the Development Assessment Panel on 25 September 2014 relating to a 10 storey development in this area.</p>
Like for Like Clause	Not advertised	<i>Clause 5.3.6 Notwithstanding any other provision of the Scheme, where the general site requirements of an approved residential development is greater than that permitted by the relevant R-Code applicable under the Scheme, Council may permit the site to be redeveloped to meet the general site requirements of the relevant R Code.</i>	Where an approved development has been constructed with greater development provisions i.e. higher density to that which is permitted under a current scheme, there are no provisions that protect the rights of that development, should it be destroyed or the owner(s) wish to re-develop.

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification
			<p>The model scheme text does not have provisions such as these so therefore it is recommended Council support the inclusion of the new Clause 5.3.6 as below:</p> <p>Notwithstanding any other provision of the Scheme, where the general site requirements of an approved residential development is greater than that permitted by the relevant R-Code applicable under the Scheme, Council may permit the site to be redeveloped to meet the general site requirements of the relevant R Code.</p>
<p>Density Bonus</p>	<p><i>Clause 5.3.1</i></p> <p><i>5.3.1 Density Bonus</i></p> <p><i>The Local Government may grant an increase in the permitted dwelling density by up to 50% if -</i></p> <p><i>(a) the proposed development effects the discontinuance of a non-conforming use; or</i></p> <p><i>(b) the proposed development conserves or enhances an existing dwelling building or existing dwellings buildings worthy of retention, including, but not limited to all places on the Heritage List; or</i></p> <p><i>(c) the proposed development would remove all existing vehicular access to and from the site from a road shown on the MRWA Perth Metropolitan Functional Road Heirarchy map as a primary distributor or district distributor (A).</i></p>	<p>Deleted</p>	<p>It is recommended to delete clause 5.3.1 from the new town planning scheme which awards a density bonus of up to 50%.</p> <p>A density bonus of up to 50% for achieving development objectives which is promoted/regulated by other mechanisms is no longer considered appropriate. In addition, the introduction of this new town planning scheme represents a significant increase in density as of right and therefore additional development bonuses is considered excessive.</p>

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification
Multiple Dwellings - Cleaver Precinct	<p><i>Clause 4.6.2                      Multiple dwellings are not permitted in the area coded R60 R50 and R25 between Fitzgerald Street and Beaufort Street in the Perth Community Precinct.</i></p>	<p><i>Clause 4.6.2                      Multiple dwellings are not permitted in the area coded R60 R50 and R25 between <u>Cleaver</u> Street and Beaufort Street in the Perth Community Precinct.</i></p>	<p>A submission made to the City highlighted that the wording of this clause was not transferred directly across into the new town planning scheme.</p> <p>Information found on one of the City's files made it clear that this was intentional, although the reasons are unknown.</p> <p>Given the planning staff who were responsible for the advertising of the new scheme were not made aware of this, no effort was made to inform the local community that this was proposed to change.</p> <p>Clause 4.6.2 of draft TPS2 will be required to be amended to reinstate the previous intention of this provision.</p>
Home Store Definition	<p><i>home store means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling</i></p>	<p><i>home store means any shop contained within a residential dwelling but not exceeding a total of 25% of the total dwelling floor and which is operated by a person resident in the dwelling</i></p>	<p>The Administration recommends that Council and ultimately the Minister support an amendment to the definition to a more suitable floor space calculation which may change depending on the size of the dwelling.</p> <p>It is proposed to re-define the maximum floor space allowed by a home store to a maximum of 25% of the total dwelling floor space. This will provide a sliding scale of the permitted floor space depending on the total dwelling size.</p>
Local Development Plan	<p><i>Clause 5.8                      The local government may require a local development plan in accordance with clause 6.2.15 of the Scheme prior to lodgement of a subdivision and/or development application.</i></p>	<p><i>Clause 5.8.1                      A local development plan under clause 5.8 is required in accordance with clause 6.2.15 prior to the lodgement of a subdivision and/or development application in the following instances;</i></p>	<p>TPS1 contains provisions requiring a local development plan when the City deems fit.</p> <p>It is recommended to modify Clause 5.8 to include specific instances when this is required.</p>

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification
		<p><i>Has a total site area of more than 3,000m<sup>2</sup>;</i></p> <p><i>Exceeds 4 storeys in height;</i></p> <p><i>Required, Notwithstanding that the site may not be subject to Development Area provisions under Part 7 of the Scheme; and</i></p> <p><i>The local development plan is to be prepared and submitted by an owner or a proponent, and processed accordingly under clause 6.2.15 of the Scheme.</i></p> <p><i>Clause 5.8.2</i>  <i>In addition to Clauses 5.8.1 (a) – (d) the local government may require a local development plan for any other development proposal.</i></p>	
<p>Multiple Dwellings in Mount Hawthorn</p>			<p>The City recently undertook advertising of Scheme Amendment 39 which amended the zoning table of the City's Town Planning Scheme No. 1 to identify Multiple Dwellings as a 'SA' use in Mount Hawthorn.</p> <p>Council will consider the full summary of submissions received during that advertising period and will be asked to make a decision on whether to adopt the Scheme Amendment with or without amendments or to abandon it.</p> <p>This report does not wish to pre-empt the outcome of this decision so Council will be recommended as part of the forthcoming decision on Scheme Amendment 39, to include the outcome of that matter as part of TPS2.</p>

Proposed Change	Advertised Clause	Recommended Clause	Officer's Justification
Car Parking in Banks Precinct	Not Advertised	<i>Clause 5.3.5 In the residential area east of Joel Terrace in the Mount Lawley/Highgate Precinct a minimum of two parking spaces must be provided for each dwelling.</i>	The City received a number of objections to the proposal to remove the clause requiring that 2 car parking bays are required for residential development east of Joel Terrace.  It is recommended to reinstate this requirement as clause 5.3.6 in TPS2.
<u>Corrections</u>	<p>1. <u>Clause 8.2 (m) swimming pools where no part is more than 1800 millimetres above the surrounding ground level.</u></p> <p>2. <u>Clause 8.2 (i) (k) (l) (s) (u)</u></p> <p>3. <u>Clause 5.3.6</u></p> <p>4. <u>Clause 5.5.1 (c) (iii)</u></p> <p>5. <u>Clause 5.7</u></p> <p>6. <u>Clause 8.2 (h)</u></p> <p>7. <u>Clause 9.6.1</u></p> <p>8. <u>Schedule 5</u></p>	<p>1. <u>Clause 8.2 (m) swimming pools where no part is more than 1800 500 millimetres above the surrounding ground level;</u></p> <p>2. <u>Replace 'City of Vincent' with 'Local Government'</u></p> <p>3-9 <u>Replace 'Council' with 'Local Government'</u></p>	<p>1. <u>Incorrect reference to 1800mm above ground level. should be 500mm</u></p> <p>2-9. <u>To be consistent with previous changes required by WAPC</u></p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 11 March 2014 – 27 June 2014

Consultation Type: The Town Planning Scheme Review Community Engagement Plan was implemented during the advertising period and involved 12 information nights (2 per precinct) 6 open days (1 per precinct) and 6 focus groups (1 per precinct). A dedicated website was established ([www.yourvincentyoursay.com.au](http://www.yourvincentyoursay.com.au)) and City staff was available to the public during regular business hours.

Additional consultation was undertaken between 27 August 2014 and 12 September 2014 to advertise the 15 individual zoning requests prior to the recommendation of the Administration being drafted to Council.

Comments received: 167 submissions were received during the advertising period and 16 submissions were received outside the advertised period and considered as late submissions.

A further 48 submissions were received during the additional consultation.

**LEGAL/POLICY:**

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

Town Planning Scheme No. 2 has been processed in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

With respect to the Local Planning Strategy, Regulation 12B(3) requires it be reviewed by Council in light of any submissions received, and to be adopted with or without modifications and to submit a copy to the Commission for its endorsement.

In accordance with Regulation 17(2), Council is also required to consider the submissions received in respect of Town Planning Scheme No. 2 and must resolve to either (a) adopt the scheme with or without modifications, or (b) not proceed with the scheme.

Further, pursuant to Regulation 18(1), within 28 days of the passing of that resolution, the City must provide the WAPC with (among other things) a schedule of submissions and Council's recommendation and response to the submissions, together with particulars of any modifications recommended to the scheme.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The adoption of the City's Draft Local Planning Strategy and Town Planning Scheme No. 2 will fulfil the City's obligations under the Planning and Development Act 2005 of preparing, maintaining and reviewing a town planning scheme. With local government reform facing the City of Vincent, the risks of the new town planning scheme not being adopted before amalgamations are high. Council should consider and determine the draft town planning scheme in a timely fashion to avoid any unnecessary implications of it not being gazetted prior to amalgamations.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2013-2017* states:

*"Natural and Built Environment:*

*Objective 1.1: Improve and maintain the natural and built environment and infrastructure.*

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

*1.1.2 Enhance and maintain the character and heritage of the City.*

*Leadership, Governance and Management:*

*Objective 4.1: Provide good strategic decision-making, governance, leadership and professional management.*

*4.1.4 Plan effectively for the future.*

*4.1.5 Focus on stakeholder needs, values, engagement and involvement."*

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**SUSTAINABILITY IMPLICATIONS:**

The Draft Local Planning Strategy and Town Planning Scheme No. 2 address the key principles of sustainability ensuring the City of Vincent continues to develop in a sustainable way.

To emphasise the City's commitment to sustainability, additional reference has been made throughout the Draft Local Planning Strategy, within the Draft Town Planning Scheme No. 2 Text and elaborated further in the Precinct Policies, ensuring that developments have due consideration for the principles of sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be paid from the operating budget: Town Planning Scheme Amendment Policies.

**CONCLUSION:**

Draft Town Planning Scheme No. 2 and the associated draft Local Planning Strategy represent the culmination of some 10 years of work commencing in 2004 with Vincent Vision 2024. The Scheme and Strategy have been the subject of extensive community consultation over the past few years and will, once in place, guide planning decisions for at least the next five years. The Scheme and Strategy presents a clear vision and certainty for future development and residents within the City of Vincent.

Administration recommends that Council adopts the Local Planning Strategy, in accordance with Regulations 12B(3)(b), subject to certain modifications.

It is also recommended Council adopts Town Planning Scheme No. 2 in accordance with Regulation 17(2)(a), subject to the modifications outlined in this report.