



CITY OF VINCENT

**SPECIAL
COUNCIL MEETING**

Minutes

18 November 2014

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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Minutes of the Special Meeting of Council (regarding the reconvened Town Planning Scheme No.2) of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 18 November 2014, commencing at 6.00 pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.05 pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

(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.

The Presiding member, Mayor John Carey, ruled (without dissent) that the reconvened Special Council Meeting would continue at item 5 – Declarations of Interest, being the point at which the meeting was previously adjourned, on 28 October 2014.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Rick Lotznicker Director Technical Services,
Jacinta Anthony Acting Director Community Services; and
Bee Choo Tan Acting Director Corporate Services

(b) Members on Approved Leave of Absence:

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Gabriela Poezyn	Director Planning Services
Joshua O'Keefe	Acting Manager Strategic Planning, Sustainability and Heritage Services
Jerilee Highfield	Executive Assistant, Minutes Secretary
<u>Media</u>	
Sophie Gabrielle	Journalist – " <i>The Guardian Express</i> "

Approximately 25 Members of the Public.

3. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

5. DECLARATIONS OF INTERESTS

5.1 Financial Interests

- 5.1.1 The Presiding Member Mayor Carey declared a Financial Interest in Item 7.1 as he owns a property situated at 213 Brisbane Street, Perth, which is proposed to be down-zoned from Residential R80 to Residential R60 under Draft Town Planning Scheme No. 2, and Administration is further recommending that the new zoning be changed from R60 to R50. Mayor Carey sought approval to participate in the debate and vote on the item and to continue to preside over the meeting. In accordance with s. 5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Mayor Carey to participate in debate, vote on the Item and to continue presiding at the meeting and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.
- 5.1.2 Cr Topelberg declared a Financial Interest in Item 7.1 as his primary residence is located at 145 Grosvenor Road, North Perth, which is currently in the Norfolk Precinct and the subject of a proposed Amendment to the text of the new Town Planning Scheme No. 2. Cr Topelberg sought approval to participate in debate and vote on the Item. In accordance with s. 5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Cr Topelberg to participate in debate and vote on the Item and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.
- 5.1.3 Cr Topelberg declared a Financial Interest in item 7.1 as his family owns a property situated at 346 - 352 William Street, Perth which is proposed to be rezoned to District Centre under Draft Town Planning Scheme No. 2. Cr Topelberg sought approval to participate in the debate and vote on the item. In accordance with s.5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Cr Topelberg to participate in the debate and vote on the Item and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.
- 5.1.4 Cr Wilcox declared a Financial Interest in Item 7.1 as she owns a property at 117 Dunedin Street, Mount Hawthorn, that is coded R30 and which could be affected by the change in land use classification proposed by Amendment No. 39 to TPS 1 and if the provisions of Amendment No. 39 are incorporated into the new Town Planning Scheme No. 2 then the change proposed by Amendment No. 39 would continue under the new Scheme. Cr Wilcox requested approval to participate in the debate and vote on the item. In accordance with s.5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Cr. Wilcox to participate in debate and vote on the Item and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.

- 5.1.5 Cr Cole declared a Financial Interest in Item 7.1 as she owns a property situated at 83 Anzac Road, Mount Hawthorn which is coded R30 and which could be affected by the change in land use classification, proposed by Amendment No. 39 to Town Planning Scheme 1 and if the provisions of Amendment No. 39 are incorporated into the new Town Planning Scheme No. 2 then the change proposed by Amendment No. 39 would continue under the new Scheme. Cr Cole requested approval to participate in the debate and vote on the item. In accordance with s.5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Cr Cole to participate in debate and vote on the item and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.
- 5.1.6 Cr McDonald declared a Financial Interest in Item 7.1 as she owns property situated at 33/144 Lincoln Street, Highgate that is proposed to be rezoned from Residential R80 to Residential/Commercial R100 under the new town Planning Scheme No. 2. Cr McDonald requested approval to participate in the debate and vote on the item. In accordance with s.5.69 of the Local Government Act 1995, the CEO requested approval from the Minister for Local Government for Cr. McDonald to participate in debate and vote on the item and the Department of Local Government and Communities approved that request in writing, by letter dated 18 November 2014.
- 5.1.7 Cr Pintabona declared a Financial Interest in Item 7.1 as he owns a property situated at 30 Fairfield Street, Mount Hawthorn that is coded R30 and which could be affected by the change in land use classification proposed by Amendment No. 39 to Town Planning Scheme No. 1 and if the provisions of Amendment No. 39 are incorporated into the new scheme then the change proposed by Amendment No. 39 would continue under the new Scheme. Cr Pintabona requested approval from Council to participate in the debate and vote on the item.

The CEO advised Council that it must now determine Cr Pintabona's request to participate in the debate and vote on Item 7.1. In doing so, the CEO read aloud the provisions under which Council must make this determination, as stated under s. 5.68(1) of the Local Government Act 1995. In particular, the CEO emphasised that in considering this request and in accordance with subsections 5.68(1) (b) (i) and (ii) of the Act, Council would need to be satisfied that Cr Pintabona had disclosed the extent of his interest and that the interest is so trivial or insignificant as to be unlikely to influence the disclosing members' conduct in relation to the matter, or is common to a significant number of electors or ratepayers. The CEO further reminded Council that at its meeting on 4 November 2014 it had granted this permission to the same declarations of interest from Cr Pintabona, Cr Cole and Cr Wilcox, relating to Amendment No. 39 to Town Planning Scheme No. 1.

PROCEDURAL MOTION:

Moved Cr Wilcox, Seconded Cr McDonald

That Council, in accordance with section 5.68(1)(b) of the Local Government Act 1995 ALLOWS Cr Pintabona, to participate in the debate and vote on the item on the basis that it is satisfied that both requirements under subsection 5.68(1)(b)(ii) of the Act have been met, given that Amendment No.39 only seeks to change the use permissibility of Multiple Dwellings and that a significant number of properties in Mount Hawthorn are affected by the Amendment.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Pintabona was present in the Chamber but did not vote.)

5.1.8 Cr Harley declared a Financial Interest in Item 7.1 as she owns a property at 13/401 - 403 Oxford St, Mount Hawthorn which is one of seventeen residential units in this Residential/Commercial mixed use building. The property is proposed to be rezoned from Commercial to District Centre under Draft Town Planning Scheme No. 2. Cr Harley requested approval from Council to participate in the debate on the matter only and did not seek any approval to participate in the vote.

Cr Harley departed the Chamber at 6.13pm.

The CEO reminded Council of the provisions under which it must determine Cr Harley's request, as stated under s.5.68 (1) of the Local Government Act 1995. In particular, the CEO emphasised that in considering Cr. Harley's request and in accordance with subsections 5.68 (1) (b) (i) and (ii) of the Act, Council would need to be satisfied that Cr Harley has disclosed the extent of her interest and that the interest is so trivial or insignificant as to be unlikely to influence Cr. Harley's conduct in the relation to the matter, or is common to a significant number of electors or ratepayers.

PROCEDURAL MOTION:

Moved Cr Topelberg, Seconded Cr Buckels

That Council, in accordance with section 5.68(1)(b) of the Local Government Act 1995 ALLOWS Cr Harley, to participate in the debate on the item on the basis that it is satisfied that both requirements under subsection 5.68(1)(b)(ii) of the Act have been met, given that Cr Harley's interest in the subject land represents only one-seventeenth of the residential owners in the development, over and above the commercial owners, and given that approximately 20 other nearby properties along, Oxford Street (and many more landowners) are equally affected by the proposed District Centre zoning under Town Planning Scheme No. 2.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was absent from the Chamber and did not vote.)

Cr Harley returned to the Chamber at 6.17pm.

The Presiding Member Mayor Carey advised Cr Harley that Council had approved her request to participate in the debate on Item 7.1.

5.2 Proximity Interests

Nil

5.3 Impartiality Interests

Nil

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

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

- 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 1,000m² to 2,000m² 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 2,000m² 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;

- 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.

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

The Presiding Member Mayor Carey ruled that the Recommendation would be divided and put in the form of individual motions.

RECOMMENDATIONS 1, 2 and 3 (excluding Recommendations 3.1-5 inclusive)

Moved Cr Topelberg, Seconded Cr Cole

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:

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Buckels

That a new Recommendation 6 be inserted as follows:

6. REQUIRES Administration to submit the following Local Planning Policies to Council by January 2015 for consideration of consent to advertise:

- **Residential Design Elements Policy**
- **Variations Policy**
- **Multiple Dwellings Policy**

6.1 That the Draft Precinct Policies be submitted to Council by February 2015 for consideration of consent to advertise:

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 1 be amended as follows:

“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 and late Attachment 013 (as tabled) relating to the Summary of Submissions for the Claisebrook Precinct, ENDORSES Administration's comments and recommendations contained therein, FORWARDS ~~that~~ those Attachments to the Western Australian Planning Commission for its consideration and ADVISES submitters of its decision;”

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

**RECOMMENDATIONS 1, 2, 3 & 6 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was present in the Chamber but did not vote.)

RECOMMENDATION 3.1

Moved Cr Peart, Seconded Cr Topelberg

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;

AMENDMENT 1

Moved Cr Peart, Seconded Cr Topelberg

That Recommendation 3.1.1 (a) be deleted as follows:

3.1.1 Amending the zoning of:

- ~~(a) 1 Auckland Street from Residential R20 to Residential R40;~~

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (5-3)

For: Presiding Member Mayor Carey, Cr Cole, Cr Peart, Cr Pintabona and Cr Topelberg

Against: Cr Buckels, Cr McDonald and Cr Wilcox

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 2

Moved Cr Buckels, Seconded Cr Peart

To delete Recommendation 3.1.1(d) as follows:

- ~~(d) 118 – 120 Eton Street North Perth from Residential R30/40 to Residential R60/100; and~~

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Buckels

That new Recommendation 3.1.1(e) be included to read as follows:

“3.1.1 (e) Abandoning the advertised zoning changes of 110 and 112 Eton Street, North Perth and 6 Carrington Street, North Perth from Residential R60 to Residential/Commercial R100;”

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 6

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 3.1.2 be amended as follows:

“3.1.2 Abandoning the advertised zoning changes of 83 – 107 Angove Street and 70 – 1162 Angove Street from Residential R30 to Residential/Commercial RC60;”

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

**RECOMMENDATION 3.1 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was present in the Chamber but did not vote.)

RECOMMENDATION 3.2

Moved Cr Buckels, Seconded Cr Topelberg

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;**

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Topelberg

That Recommendation 3.2.1(a) be deleted as follows:

3.2.1 Amending the zoning of:

- (a) ~~482 – 590 Newcastle Street from Residential/Commercial R160 to Residential/Commercial R100;~~

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For: Presiding Member, Mayor John Carey (two votes – deliberative and casting vote), Cr Buckels, Cr Topelberg and Cr Wilcox

Against: Cr Cole, Cr McDonald, Cr Peart and Cr Pintabona

(Cr Harley was present in the Chamber but did not vote.)

Cr Harley departed the Chamber at 7.10pm.

Debate ensued.

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That Recommendation 3.2.1(c) be deleted and replaced with the following:

- 3.2.1 (c) 167 – 177A-D Fitzgerald Street and 185 – 191A-B Fitzgerald Street from Residential R160 to Residential R80, 199 – 205 Fitzgerald Street & 4 – 10 Cowle Street from Residential R160 to Residential/Commercial R160 and 209 – 213 Fitzgerald Street from Commercial to Residential/Commercial R160.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was absent from the Chamber and did not vote.)

**RECOMMENDATION 3.2 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was absent from the Chamber and did not vote.)

RECOMMENDATION 3.3

Moved Cr Topelberg, Seconded Cr Buckels

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

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 ~~R40~~R60 to Residential ~~R60~~R100;

Cr Harley returned to the Chamber at 7.13pm.

AMENDMENT 1

Moved Cr Peart, Seconded Cr

That Recommendation 3.3.1 (f) be deleted as follows:

(f) 12 Grosvenor Road from Residential R40 to Residential/Commercial R40

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That a new Recommendation 3.3.1(g) be added as follows:

“3.3.1 (g) 391 Lord Street from Residential R50 to Residential R80;”

Debate ensued.

AMENDMENT 7 PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Presiding Member, Mayor John Carey (two votes – deliberative and casting vote), Cr Buckels, Cr Topelberg and Cr Wilcox

Against: Cr Cole, Cr McDonald, Cr Peart and Cr Pintabona

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 3

Moved Cr Buckels, Seconded Cr Topelberg

That Recommendation 3.3.2 be deleted as follows:

~~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 R100R60 to Residential R60R100;~~

Debate ensued.

AMENDMENT 3 PUT AND LOST (1-7)

For: Cr Buckels

Against: Presiding Member Mayor Carey, Cr Cole, Cr McDonald, Cr Peart and Cr Pintabona, Cr Topelberg

(Cr Harley was present in the Chamber but did not vote.)

**RECOMMENDATION 3.3 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was present in the Chamber but did not vote.)

RECOMMENDATION 3.4

Moved Cr Cole, Seconded Cr Pintabona

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**

Debate ensued.

AMENDMENT 1

Moved Cr Cole, Seconded Cr Peart

That Recommendation 3.4.1 (b) be deleted as follows:

~~(b) 115 – 117 Kalgoorlie Street from Residential R30 to Residential R40; and~~

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (6-2)

For: Presiding Member Mayor Carey, Cr Cole, Cr McDonald, Cr Peart Cr Pintabona and Cr Wilcox

Against: Cr Buckels and Cr Topelberg

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 2

Moved Cr Cole, Seconded Cr Peart

That a new Recommendation 3.4.1(d) be added as follows:

3.4.1(d) To abandon the advertised zoning changes of 40 – 60 Fairfield Street, Mount Hawthorn from Residential R30 to Residential R60.

Debate ensued.

AMENDMENT 2 PUT AND LOST (1-7)

For: Cr Pintabona

Against: Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald, Cr Peart Cr Topelberg and Cr Wilcox

(Cr Harley was present in the Chamber but did not vote.)

AMENDMENT 3

Moved Cr Cole, Seconded Cr Topelberg

That a new Recommendation 3.4.1 (d) be added as follows:

3.4.1 (d) To abandon the advertised zoning changes at 40-60 Fairfield Street, Mount Hawthorn from Residential R30 to Residential R60 and to instead prescribe a new coding of Residential R40.

AMENDMENT 3 PUT AND CARRIED (6-2)

For: Cr Cole, Cr McDonald, Cr Peart, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Presiding Member Mayor Carey, Cr Buckels,

(Cr Harley was present in the Chamber but did not vote.)

**RECOMMENDATION 3.4 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was present in the Chamber but did not vote.)

RECOMMENDATION 3.5

Moved Cr Topelberg, Seconded Cr Peart

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 1,000m² to 2,000m² 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 2,000m² 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;
- 3.5.10 Reinstate 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;

Debate ensued.

AMENDMENT 1

Moved Cr Cole, Seconded

That Recommendation 3.5.11 be amended as follows:

" 3.5.11 Including the use 'Childcare Premises' in Schedule 4 – Special Use applicable to 51 Albert Street, North Perth (Macedonian Club) subject to the following conditions included in Schedule 4;"

- (a) the management of any Childcare Premises at the subject site is run by a not-for-profit, community organisation;**

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Buckels

That a new Recommendation 3.5.13 be included as follows:

“3.5.13 (a) Including the use ‘Concrete Batching Plant’ in Schedule 2 – Additional Uses applicable to 71 Edward Street Perth and 120 Claisebrook Road Perth subject to a condition that the Use will expire on 16 October 2022;”

(b) NOTES that the expiration date of 16 October 2022 is in line with the most recent five year approvals given by the Minister and the likely time frame for adoption of the time Planning Scheme;”

Debate ensued.

The Mover, Cr Topelberg withdrew his amendment.

Debate ensued.

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Buckels

That a new Recommendation 3.5.13 be included as follows:

“3.5.13 Including the use ‘Concrete Batching Plant’ in Schedule 2 – Additional Uses applicable to 71 Edward Street Perth and 120 Claisebrook Road Perth subject to a condition that the Use will expire on 16 October 2017 to coincide with the expiration date of the current Planning approval for that use;”

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

Debate ensued.

AMENDMENT 4

Moved Cr Buckels, Seconded Cr Cole

That a new Recommendation 3.5.14 be added as follows:

“3.5.14 Within areas coded R40 bound by Vincent Street, Beaufort Street, Walcott Street and Fitzgerald Street, a maximum of two dwellings will be permitted per lot;”

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

Debate ensued.

AMENDMENT 5

Moved Cr Cole, Seconded Cr Buckels

That a new Recommendation 3.5.15 be inserted as follows:

“3.5.15 New Clause 4.6.3 be added as follows:

“The use Multiple Dwelling is an ‘A’ use in accordance with Clause 4.3.2 on land zoned R30 and below in Mount Hawthorn”; and

The Zoning Table be updated as follows:

<u>Use Class</u>	<u>Zones</u>
	<u>Residential Zone</u>
<u>Multiple Dwelling</u>	<u>P/A**</u>

****Refer to Clause 4.6 relating to Multiple Dwelling Restrictions”**

Debate ensued.

AMENDMENT 5 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

**RECOMMENDATION 3.5 AS AMENDED
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was present in the Chamber but did not vote.)

RECOMMENDATIONS 4 and 5

Moved Cr Cole, Seconded Cr Pintabona

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.

RECOMMENDATIONS 4 AND 5 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was present in the Chamber but did not vote.)

COUNCIL DECISION ITEM 7.1

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 and late Attachment 013 (as tabled) relating to the Summary of Submissions for the Claisebrook Precinct, **ENDORSES** Administration's comments and recommendations contained therein, **FORWARDS** those Attachments 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) 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;
 - (b) 69 Angove Street North Perth from District Centre to Special Use – Place of Worship; and
 - (c) Abandoning the advertised zoning changes of 110 and 112 Eton Street, North Perth and 6 Carrington Street, North Perth from Residential R60 to Residential/Commercial R100;
 - 3.1.2 **Abandoning the advertised zoning changes of 83 – 107 Angove Street and 70 – 112 Angove Street from Residential R30 to Residential/Commercial RC60;**
 - 3.2 **Scheme Map 3 – Perth as shown in Attachment 006 by:**
 - 3.2.1 **Amending the zoning of:**
 - (a) All land zoned Residential R60 between Cleaver Street and Beaufort Street to Residential R50;
 - (b) 167 – 177A-D Fitzgerald Street and 185 – 191A-B Fitzgerald Street from Residential R160 to Residential R80, 199 – 205 Fitzgerald Street & 4 – 10 Cowle Street from Residential R160 to Residential/Commercial R160 and 209 – 213 Fitzgerald Street from Commercial to Residential/Commercial R160; and
 - (c) 160 – 166 Palmerston Street from Residential R60 to Residential/Commercial R40;

3.3 Scheme Map 4 – Mount Lawley/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;
- (g) 391 Lord Street from Residential R50 to Residential R80;

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 R60 to Residential 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) 369 – 379 & 370 – 376 Oxford Street from Commercial to District Centre; and
- (c) To abandon the advertised zoning changes at 40-60 Fairfield Street, Mount Hawthorn from Residential R30 to Residential R60 and to instead prescribe a new coding of Residential R40.

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 1,000m² to 2,000m² 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 2,000m² 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;
- 3.5.10 Reinstate 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;
- 3.5.13 Including the use 'Concrete Batching Plant' in Schedule 2 – Additional Uses applicable to 71 Edward Street Perth and 120 Claisebrook Road Perth subject to a condition that the Use will expire on 16 October 2017 to coincide with the expiration date of the current planning approval for that use;
- 3.5.14 'Within areas coded R40 bound by Vincent Street, Beaufort Street, Walcott Street and Fitzgerald Street, a maximum of two dwellings will be permitted per lot';
- 3.5.15 New Clause 4.6.3 be added as follows:

The use Multiple Dwelling is an 'A' use in accordance with Clause 4.3.2 on land zoned R30 and below in Mount Hawthorn"; and

The Zoning Table be updated as follows:

Use Class	Zones
	Residential Zone
Multiple Dwelling	P/A**

**Refer to Clause 4.6 relating to Multiple Dwelling Restrictions

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.
 6. **REQUIRES** Administration to submit the following Local Planning Policies to Council by January 2015 for consideration of consent to advertise:
 - (a) Residential Design Elements Policy
 - (b) Variations Policy
 - (c) Multiple Dwellings Policy
 - 6.1 That the Draft Precinct Policies be submitted to Council by February 2015 for consideration of consent to advertise:
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8. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7.55 pm with the following persons present:

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

Signed:Presiding Member John Carey.

Dated this day of 2014.