

Minutes of the Special Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 18 February 2003, commencing at 6.02pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Basil Franchina	Mt Hawthorn Ward
Cr Marilyn Piper, JP	North Perth Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manger Corporate Services
Debbie Winfield	Minutes Secretary

12 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Steed Farrell of 90 Matlock Street, Mount Hawthorn - Item 7.1, on behalf of the Mount Hawthorn Precinct Group. He read out a statement of the Precinct Group's views. They believe that the Town Planning Scheme is out of date and needs to be reviewed, and they agreed with the Town Officer's report that stated the community desires to be closely involved with the planning process of this review, and requested that the community be briefed on and involved with the Scheme Examination Report.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 5.1 Mayor Nick Catania announced that sadly Tony Di Scerni, President of the Banks Precinct Action Group, had passed away on Saturday 15 February, following a long illness, and that the funeral would be held at Karrakatta tomorrow at 3.30pm. The Mayor spoke of Tony as a devoted family man, who had the welfare of the Banks Precinct at heart, and had been a great contributor and at the forefront of many achievements in the Precinct, and that he will be greatly missed.

The Council meeting stood for a one minute silence in respect for Tony Di Scerni.

6. DECLARATION OF INTERESTS

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

7. REPORTS

7.1 Review of Town of Vincent Town Planning Scheme No. 1

Ward:	Both Wards	Date:	13 February 2003
Precinct:	All Precincts	File Ref:	PLA0100; PLA0140
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report relating to the review of the Town of Vincent Town Planning Scheme No. 1; and*
- (ii) *authorises the Chief Executive Officer to invite submissions from the public on whether a review of Town Planning Scheme No.1 is desirable.*

Moved Cr Drewett, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Drewett, Seconded Cr Hall

That the draft Municipal Heritage Inventory be made available to the public.

Debate ensued.

Cr Drewett stated that his amendment that the draft Municipal Heritage Inventory be made available to the public is WITHDRAWN (and that this be considered with other amendments to be included into the proposed report). The seconder, Cr Hall and the Council consented.

Moved Cr Hall, Seconded Cr Ker

That the FURTHER REPORT, as circulated, be received with the original report.

CARRIED (7-0)

(Crs Franchina and Piper absent from the meeting.)

Moved Cr Chester, Seconded Cr Ker

That amendments be made as follows:

- (i) *that in clause (ii), the words "for a period of 28 days" be added after the word "public" and the words "The request for submissions from the public will be accompanied by an Information Sheet that addresses the general background, steps involved in the review of the Town Planning Scheme, the purpose of the subject submission period, and the nature of comments sought" be added at the end;*
- (ii) *that new clauses(iii) and (iv) be added as follows:*

- "(iii) *authorises the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No.1 in accordance with the Western Australian Planning Commission Planning Bulletin Number 15, June 1996 - Town Planning Scheme- Examination and Review, and taking into consideration any comments received from Elected Members and the public during the above submission period, including, but not limited to, the following:*
- (a) *a community demographics profile as a comparison with the Perth Metropolitan area and identify any changes/trends in the Town and Precincts from the ABS statistics of 1991, 1996 and 2001;*
 - (b) *a population report and identify any changes/trends in the Town and Precincts from the ABS statistics of 1991, 1996 and 2001;*
 - (c) *the numbers and type of dwellings/commercial buildings and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (d) *the number of vacant blocks and identify any changes/trends in the Town and Precincts between 1991 and 2001; and*
 - (e) *the number of demolitions and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (f) *a report on the department of Planning and Infrastructure's range of series of population projections for the Town of Vincent;*
 - (g) *the role of the Municipal Heritage Inventory Review in the Town Planning Scheme Review and implications for the Municipal Heritage Inventory Review Itself; and*
 - (h) *progress with and likely outcomes of the future Perth Strategic Land Use Planning Study for the Perth Metropolitan Region;*
- (iv) *authorises the Chief Executive Officer to prepare and present a report to the Council at its Ordinary Meeting to be held in May 2003 addressing the public submissions received during the above submission period and the above scheme examination report."*

CARRIED (7-0)

(Crs Franchina and Piper absent from the meeting.)

MOTION CARRIED AS AMENDED (7-0)

(Crs Franchina and Piper absent from the meeting.)

COUNCIL DECISION ITEM 7.1.

That the Council;

- (i) *receives the report relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *authorises the Chief Executive Officer to invite submissions from the public for a period of 28 days on whether a review of Town Planning Scheme No.1 is desirable. The request for submissions from the public will be accompanied by an Information Sheet that addresses the general background, steps involved in the review of the Town Planning Scheme, the purpose of the subject submission period, and the nature of comments sought;*

- (iii) *authorises the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No.1 in accordance with the Western Australian Planning Commission Planning Bulletin Number 15, June 1996 - Town Planning Scheme- Examination and Review, and taking into consideration any comments received from Elected Members and the public during the above submission period, including, but not limited to, the following:*
- (a) *a community demographics profile as a comparison with the Perth Metropolitan area and identify any changes/trends in the Town and Precincts from the ABS statistics of 1991, 1996 and 2001;*
 - (b) *a population report and identify any changes/trends in the Town and Precincts from the ABS statistics of 1991, 1996 and 2001;*
 - (c) *the numbers and type of dwellings/commercial buildings and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (d) *the number of vacant blocks and identify any changes/trends in the Town and Precincts between 1991 and 2001; and*
 - (e) *the number of demolitions and identify any changes/trends in the Town and Precincts between 1991 and 2001;*
 - (f) *a report on the department of Planning and Infrastructure's range of series of population projections for the Town of Vincent; and*
 - (g) *the role of the Municipal Heritage Inventory Review in the Town Planning Scheme Review and implications for the Municipal Heritage Inventory Review Itself; and*
 - (h) *progress with and likely outcomes of the future Perth Strategic Land Use Planning Study for the Perth Metropolitan Region; and*
- (iv) *authorises the Chief Executive Officer to prepare and present a report to the Council at its Ordinary Meeting to be held in May 2003 addressing the public submissions received during the above submission period and the above scheme examination report.*

FURTHER REPORT:

The consultation period for this initial stage of the review is 28 days and written comments on the desirability of a review of Town Planning Scheme No.1 will be received during this period. In the event that Council resolves to undertake this initial community consultation, the consultation, consisting of letters to ratepayers and residents and newspaper advertisements in state and local circulars, will commence in late February 2003. The outcome of the consultation, which includes the comments received from the public and Elected Members, will be reported to the Council at an Ordinary Meeting scheduled for May 2003. This report will also be accompanied by a draft version of the Scheme Examination Report and a recommendation pertinent to whether a review or major amendment of the Scheme is required.

In addition to the following expanded timeframe of events, a (WAPC) flow chart of the Scheme Review process, which commences after the Local Government has resolved to review the Scheme, is attached.

Stages	Main Milestones	Anticipated Timeframe
1	Invitation for submissions from the public on the desirability of a review of the Town Planning Scheme.	Commence late February 2003 through March 2003 for 28 days.
2	Consideration and determination of the community's response to the desirability of reviewing the Scheme.	April 2003
3	Preparation of a town planning scheme examination report on the status and operation of Town Planning Scheme No. 1.	Report to Council May 2003
4	Consideration and determination of the contents, conclusions and recommendations of the Scheme Examination Report by the Council and then the Western Australian Planning Commission and Minister for Planning and Infrastructure.	May 2003
5	Council resolution to prepare a new town planning scheme.	May 2003
6	Preparation of a local planning strategy.	April through to October 2003
7	Preparation of a new town planning scheme.	
8 onwards	Advertising, adoption, approval, endorsement and promulgation of the local planning strategy and new town planning scheme. The local planning strategy and new town planning scheme will generally be adopted, advertised and endorsed, concurrently.	

BACKGROUND:

- 14 May 2002 In response to a Notice of Motion (Item 11.2 - Ordinary Meeting of Council 14 May 2002) regarding "Endorsement of a "Non Discretionary" Town Planning Scheme", the Council resolved, inter alia, that as part of the Town Planning Scheme review, the Town adopts in principle the process of a 'non-discretionary' Town Planning Scheme.
- 25 June 2002 A report was presented to the Council at its Ordinary Meeting providing information relating to the advantages/disadvantages of a non-discretionary Town Planning Scheme, the expected cost and timeframe of a Scheme review along with legal advice sought from the Town's Solicitors in relation to the Notice of Motion. Council's resolution was that this item 'LIE ON THE TABLE'.
- 15 October 2002 A further report was prepared in relation to the above matter and the Council's resolution was also that the item 'LIE ON THE TABLE'.
- 3 December 2002 The Council at its Ordinary Meeting resolved the following with regard to the review of Town Planning Scheme No.1:

"That;

- (i) *the Council receives the report relating to the review of the Town of Vincent Town Planning Scheme No 1;*
- (ii) *the Council authorises the Chief Executive Officer to prepare a scheme examination report on the status and operation of the Town of Vincent Town Planning Scheme No. 1, and prior to the preparation of the examination report, the Council requests the Minister for Planning and Infrastructure for an exemption from the requirement to invite submissions from the public on the desirability of a review of the scheme, as it is considered that the existing scheme will need to be reviewed and a new scheme prepared; and*
- (iii) *the Council authorises the Chief Executive Officer to convene an Elected Members' briefing session prior to the preparation of the scheme examination report for Elected Members to have input in the preparation of the examination report."*

DETAILS:

The Town Planning and Development Act 1928 (Clause 7AA Review of Schemes) requires a Town Planning Scheme to be reviewed in each fifth year following the promulgation/gazettal of the Scheme. The Town of Vincent Town Planning Scheme No.1 was gazetted/promulgated on 4 December 1998 and therefore is due for formal review by 4 December 2003.

Prior to formally reviewing the Scheme, the Town is required to examine its current Scheme through a report (referred to as the Scheme Examination Report - (SER)) to the Minister for Planning and Infrastructure on the operation of the Scheme as the first legal step of the Scheme Review.

Before making its SER, a local government must prepare a consolidation of the Scheme and invite submissions from the public on whether a review of the Scheme is desirable. The local government may be exempted from these requirements in circumstances where the Scheme does not zone or classify land, or it requests the Minister for Planning and Infrastructure to agree that public submissions are not necessary when it is considered that the existing Scheme will need to be reviewed.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007 – Key Result Area One: Environment and Infrastructure.

"1.3...Develop, implement and promote sustainable urban design.

c) Review the Town Planning Scheme to:

- *encourage diversity throughout the Town;*
- *encourage hubs or centres of community within the Town;*
- *review residential densities;*
- *review zoning."*

FINANCIAL IMPLICATIONS:

The current 2002/2003 Budget lists \$65,000 for Town Planning Scheme Amendments and Policies, which is sufficient to cover the first year of the review process however, additional funds will need to be considered for the 2003/2004 Budget.

COMMENTS:

Following a preliminary investigation of the Scheme with a view to preparing a Scheme Examination Report (SER), it may be pertinent to invite submissions from the public on whether a review of the Scheme is desirable. Whilst the existing Town Planning Scheme is not particularly flawed, there is a need to ensure that the Town has a Scheme representative of the community's vision for growth and change into the future. The current Scheme was initiated by the former City of Perth and to date, matters such as density, have not been comprehensively reviewed.

A clear signal supporting this need for review has been the recent initiating of Scheme Amendments Nos.11 and 15 for the Eton Locality and Banks Precinct, respectively. Both Amendments similarly deal with the matter of density resulting from significant community concern. However, a broader picture of the community's acceptance or otherwise of the Scheme's operation is not clearly known, yet there is evidence that the community desires to be closely involved in the planning process by virtue of a recent Residential Design Codes workshop held by the Town in December 2002. This particular forum was well attended by Precinct Groups' representatives, and it was clear from the feedback that the community share a positive approach to a review of the Scheme, which it is anticipated, will result in a progressive and proactive document.

Accordingly, in order for the Town to accurately report on the status of the current Scheme and its operation over the last four years, inviting comment is considered appropriate.

The Town Planning Regulations do not stipulate a timeframe or format for community consultation at this stage of the process, however, it is considered that a period no less than 28 days would be appropriate. The advertising should be comprehensive including letters to ratepayers and residents and notices in both state and local newspapers.

Following the public consultation, the results will be reported to Council along with a recommendation of whether to comprehensively review the Scheme or to undertake major amendments to the existing Scheme. The SER will then be prepared in accordance with the Western Australian Planning Commission's Planning Bulletin No.15, which is attached at Appendix 7.1. The Bulletin outlines the requirement for Local Governments to examine and review Town Planning Schemes, and to provide guidance on the procedures to carry out Scheme examinations and reviews. With reference to SER's, the Bulletin cites that it should not be a lengthy document but that it should contain some brief statements on the status of the current Scheme and its operation in its active years, such as:

- * the age of the Scheme and the number of amendments made to it;
- * whether the Scheme has fulfilled its original objectives, and if there have been significant changes in the district to require revision of the Scheme;
- * any limitations found in the administration of the Scheme;
- * the effectiveness of the Scheme provisions to control and guide land use and development in the district;
- * the extent the Scheme conforms with the Metropolitan Region Scheme; and
- * Council's conclusions on whether the Scheme should be reviewed through preparation of a new Scheme, revoked, or declared as a consolidated Scheme.

If Council concludes that the Scheme should be reviewed by the making of a new Town Planning Scheme, the report should include some information regarding the objectives and format of the new Scheme, and the timing and preparation of it.

Stages	Main Milestones
1	Invitation for submissions from the public on the desirability of a review of the Town Planning Scheme.
2	Consideration and determination of the community's response to the desirability of reviewing the Scheme.
3	Preparation of a town planning scheme examination report on the status and operation of Town Planning Scheme No. 1.
4	Consideration and determination of the contents, conclusions and recommendations of the Scheme examination report by the Council and then the Western Australian Planning Commission and Minister for Planning and Infrastructure.
5	Council resolution to prepare a new town planning scheme.
6	Preparation of a local planning strategy.
7	Preparation of a new town planning scheme.
8 onwards	<p>Advertising, adoption, approval, endorsement and promulgation of the local planning strategy and new town planning scheme.</p> <p>The local planning strategy and new town planning scheme will generally be adopted, advertised and endorsed, concurrently.</p>
Timeframe	<p>It would be anticipated that community consultation of the desirability to review the Scheme would commence immediately following a Council resolution to do so, that is, late February 2003. The entire project to promulgation of the new town planning Scheme is expected to take up to 2 years.</p> <p>An effective Community Consultation programme that involves community consultation at key milestones throughout the Town Planning Scheme Review, is currently being developed and will be reported to Council shortly.</p>
Estimated Cost	<p>The estimated cost in undertaking a full review of Town Planning Scheme No. 1 and preparation of a new Town Planning Scheme would be up to \$100,000. The associated costs would be required to cover various and numerous tasks, including the following:</p> <ul style="list-style-type: none"> • Additional 'in house' resources or out-sourcing of the project. It is considered most appropriate and effective that the project is undertaken 'in house'; • Extensive community consultation of both the draft local planning strategy and new Town Planning Scheme; and • Legal advice, and production of the draft and final documentation.

Conclusion

In view of the above, it is considered appropriate that the Council resolves to authorise the Chief Executive Officer to invite submissions from the public on whether a review of Town Planning Scheme No.1 is desirable.

8. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 6.37pm with Councillors Chester, Doran-Wu, Cohen, Drewett JP, Hall, and Ker, Chief Executive Officer, John Giorgi JP, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Technical Services, Rick Lotznicher, Minutes Secretary, Debbie Winfield, and twelve members of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 18 February 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003