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**(20 SEPTEMBER 2005)**

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Minutes of the Special Meeting of Council of the Town of Vincent held at the Loftus Community Centre, 99 Loftus Street, Leederville, on Tuesday 20 September 2005, commencing at 6.10pm.

**1. DECLARATION OF OPENING**

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

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Maddalena Torre (unwell)                      South Ward

The Chief Executive Officer advised that Cr Farrell would be arriving late due to work commitments

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward (from 6.59pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – The Perth Voice (from 6.15pm until 7.12pm)
Dan Hatch	Journalist – Guardian Express (until 7.12pm)

17 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

Mayor Catania advised that there would be a special presentation to former Councillor, Caroline Cohen, in appreciation of her services to the Town of Vincent.

The Mayor thanked Caroline for her dedication and hard work during her four year term as a Councillor and presented her with a Recognition of Service plaque and a gift.

Received with acclamation.

### 3. PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

1. Mr Cosi Schirripa of 66 Auckland Street, North Perth – Item 7.4 – Thanked the Council’s officers for such a good report. Requested that Council add an additional clause enabling the Town to proceed to advertising without getting DPI approval.
2. Mr John McRoberts of 97 Kalgoorlie Street, Mt Hawthorn – Item 7.3 – Stated that the design may not be conventional but have got the support of adjoining neighbours. Advised that the design would allow them to remain in the house while the extension is being built. Confirmed that they will not be using the extension for ancillary accommodation.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.22pm.

### 4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Ian Ker requested leave of absence for the Ordinary Meeting of Council to be held on 27 September 2005 for work reasons.

**Moved Cr Lake, Seconded Cr Chester**

*That Cr Ker be granted leave of absence for the Ordinary Meeting of Council to be held on 27 September 2005 for work reasons.*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

### 5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 5.1 Launch of Personal Alarms for Seniors

Mayor Catania advised that he was very pleased to attend the launch of the Town of Vincent’s introduction of Personal Alarms for Seniors held at the Loftus Community Centre on Monday 19 September 2005. The Hon Michelle Roberts, Minister for Police and Emergency Services also attended. He also advised that this initiative had received great media coverage and that he has had a number of calls from other local governments and members of Parliament enquiring about the alarms and the cost.

### 6. DECLARATION OF INTERESTS

- 6.1 The Chief Executive Officer declared a financial interest in the following Items:
  - 7.12 – Chief Executive Officer’s Performance Review 2005 - Appointment of Consultant. The nature of his interest being that it relates to his contract of employment; and

- 7.13 – Notice of Motion Submitted by Cr Dudley Maier – Request for Policy – Distribution of Tickets at the Multi-Purpose Rectangular Sports (Members Equity) Stadium and Confidential Report. The nature of his interest being that he is a member of the Stadium Committee and as such there may be occasions (albeit limited circumstances) whereby he may be a recipient of a ticket to an event at the Stadium and/or may have use of the suite.
- 6.2 All Elected Members declared a financial interest in Item 7.13– Notice of Motion Submitted by Cr Dudley Maier – Request for Policy – Distribution of Tickets at the Multi-Purpose Rectangular Sports (Members Equity) Stadium and Confidential Report. The nature of their interest being that they may be a recipient of a ticket to an event at the Stadium and/or may have use of the suite.

The Chief Executive Officer advised that the Minister for Local Government had given permission for the Elected Members to participate and vote in this Item. This permission is only valid for the meeting of 20 September 2005.

- 6.3 Items 7.6, 7.7 and 7.8 relating to the Municipal Heritage Inventory.

The Chief Executive Officer advised that a previous Minister for Local Government had given approval for the Mayor, Crs Chester, Doran-Wu and Ker to participate in debate and vote in matters relating to Heritage and that this approval was still valid.

- 6.4 Cr Ker declared a financial interest in Item 7.11 – Western Australian Planning Commission Transport Assessment Guidelines for Developments – Draft Stakeholders Comments. The nature of his interest being that as a transport consultant, he may be required to apply the Guidelines when they are finalised.
- 6.5 Crs Lake and Maier declared a financial interest in Items 7.6, 7.7 and 7.8 relating to the Municipal Heritage Inventory. The nature of their interest being that they are part owners of properties listed in the Municipal Heritage Inventory.

Crs Lake and Maier requested approval to participate in debate and vote on these items.

**Crs Lake and Maier departed the Chamber at 6.30pm to allow Council to consider their request.**

**Moved Cr Ker, Seconded Cr Chester**

***That Crs Lake and Maier be permitted to participate in debate and vote on Items 7.6, 7.7 and 7.8 relating to the Municipal Heritage Inventory.***

**Debate ensued.**

Cr Ker requested that each item be voted on separately. The Presiding Member declined this request.

**MOTION LOST (2-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Cr Chester</b>	<b>Mayor Catania</b>
<b>Cr Ker</b>	<b>Cr Doran-Wu</b>
	<b>Cr Messina</b>

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm. Crs Lake and Maier were absent from the Chamber and did not vote.)**

**Crs Lake and Maier returned to the Chamber at 6.35pm.**

**The Presiding Member advised Crs Lake and Maier that their request had not been approved.**

## **7. REPORTS**

The Presiding Member, Mayor Catania JP, requested that the Chief Executive Officer to advise the meeting of:

The Agenda Items were categorised as follows:

**7.1 Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 7.4 and 7.3

**7.2 Items which require an Absolute Majority which have not already been the subject of a public question/comment and the following was advised:**

Nil.

Presiding Member, Mayor Nick Catania JP, requested Elected Members to indicate:

**7.3 Items which Elected Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority and the following was advised:**

Cr Chester	Item 7.9
Cr Ker	Nil
Cr Doran-Wu	Nil
Cr Lake	Item 7.1
Cr Messina	Nil
Cr Maier	Nil
Mayor Catania	Nil

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

**7.4 Items which members/officers have declared a financial or proximity interest and the following was advised:**

Items 7.6, 7.7, 7.8, 7.11 and 7.13

**7.5 Unopposed items which will be moved "en bloc" and the following was advised:**

Items 7.2, 7.5, 7.9, 7.10 and 7.12

**7.6 Confidential Reports which will be considered behind closed doors and the following was advised.**

Item 7.13

The Chief Executive Officer advised the meeting of the **New Order** of which items will be considered, as follows:

(a) **Unopposed items moved en bloc;**

Items 7.2, 7.5, 7.9, 7.10 and 7.12

(b) **Those being the subject of a question and/or comment by members of the public during "Question Time";**

Items 7.4 and 7.3

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the following unopposed items be moved en bloc;*

*Items 7.2, 7.5, 7.9, 7.10 and 7.12*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

<b>7.2 No. 616 (Lot 92 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use to Shop (Beauty Salon)</b>
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<b>Ward:</b>	South	<b>Date:</b>	13 September 2005
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO3280; 5.2005.3095.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:***That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Cook on behalf of the owners Kevro Nominees Pty Ltd and Serrurier Nominees Pty Ltd for proposed Change of Use to Shop (Beauty Salon), at No. 616 (Lot 92 D/P: 692) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 16 August 2005 (site plan) and amended plans stamp-dated 31 August 2005 (floor plan), subject to:*

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (iii) doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with the street.*

**COUNCIL DECISION ITEM 7.2****Moved Cr Ker, Seconded Cr Doran-Wu***That the recommendation be adopted.***CARRIED (7-0)****(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

<b>Landowner:</b>	Kevro Nominees Pty Ltd & Serrurier Nominees Pty Ltd
<b>Applicant:</b>	R Cook
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	473 square metres
<b>Access to Right of Way</b>	East side, 3.02 metres wide, sealed, dedicated road.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves a change of use to shop (beauty salon) at the subject property.

The proposed shop (beauty salon) will operate as a beauty day spa which will incorporate beauty therapy and treatments, spa treatments and hairdressing.

The proposed hours of operation are Monday, Tuesday, Wednesday and Friday 9.00am to 5.00pm, Thursday 9.00am to 8.00pm and Saturday 9.00am to 3.00pm, inclusive. There will be six to eight employees working at the subject premises.

The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
<b>Car Parking</b>			
Car Parking Requirement (nearest whole number)			8 car bays
<ul style="list-style-type: none"> <li>Proposed Shop: 1 car bay per 15 square metres of gross floor area (proposed 124.14 square metres)</li> </ul>			(0.72675)
Apply the adjustment factors			
<ul style="list-style-type: none"> <li>0.95 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces)</li> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.90 (the proposed development is within a District Centre Zone)</li> </ul>			5.81 car bays
Minus car parking on-site			7 car bays
Resultant surplus			1.19 car bays
<b>Bicycle Parking</b>			
Shop			
<ul style="list-style-type: none"> <li>1 space per 300 square metres of gross floor area for employees (class 1 or 2)- 0.4 space</li> <li>1 spaces per 200 square metres of gross floor area (class 3)- 0.6 space</li> </ul>			None indicated on plans, has been conditioned to comply.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

The proposal is not considered to unduly impact on the amenity of the adjacent or surrounding properties and is therefore, recommended for approval subject to standard and appropriate conditions.

**7.5 Amendment No. 23 to Planning and Building Policies – Draft Policy Relating to Variations to Planning Approval and Building Licence Plans**

<b>Ward:</b>	Both Wards	<b>Date:</b>	7 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0156
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final version of the Draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Attachment 7.5, resulting from the advertised version having been reviewed and regard to no written submission received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Attachment 7.5; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Variations to Planning Approval and Building Licence as shown in Attachment 7.5, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 7.5**

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the final version of the draft Policy relating to Variations to Planning Approval and Building Licence Plans, and seek final adoption.

**BACKGROUND:**

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

The Council at its Ordinary Meeting held on 12 July 2005 resolved the following:

*“That the Council;*

- (i) *RECEIVES the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6;*
- (ii) *ADVERTISES the draft Policy relating to Variations to Planning Approval and Building Licence Plans for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iii) *AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*
  - (a) *"3) Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any the following cases~~:*
    - ...
    - The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council."; and*
  - (b) *clause (iii) – No Additional or Amendment to Planning Approval Condition on page 4 of 5 being shown in strikethrough.; and*
- (iv) *AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*
  - "3) *Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any the following cases~~:*
    - ...
    - The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council.";"*

**CONSULTATION/ADVERTISING:**

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

Advertising of the draft Policy concluded on 23 August 2005. No submissions were received during the comment period.

**LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:  
*"1.3 Develop, implement and promote sustainable urban design."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

In light of the above, it is recommended that the Council receives, adopts and advertises the new Policy, in line with the Officer Recommendation.

**7.9 Progress Report No.1 - Review of Town of Vincent Town Planning Scheme No. 1**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0140, PLA0100
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES Progress Report No.1 relating to the review of the Town of Vincent Town Planning Scheme No 1; and*
- (ii) *AUTHORISES the Chief Executive Officer to list the Town Planning Scheme Review for discussion at an Elected Members Forum to be held in October 2005.*

**COUNCIL DECISION ITEM 7.9**

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

**PURPOSE OF REPORT:**

To report to the Council on the progress of the review of Town Planning Scheme No.1.

**BACKGROUND:**

27 May 2003                      The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.

24 June 2003                      The Council at its Ordinary Meeting resolved as follows:

*"That the Council;*

- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*

- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

30 June 2005

A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant.

23 August 2005

The Council at its Ordinary Meeting resolved the following in relation to community visioning:

*"That the Council;*

- (i) *RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;*
- (ii) *ACKNOWLEDGES the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;*
- (v) *CONSIDERS the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and*

- (vi) *AUTHORISES the Chief Executive Officer to:*
- (a) *make available the final Project Report and Vision Statement documents to those who directly participated in the project and prepare an Executive Summary that will be made available to the public and distributed to those involved;*
  - (b) *develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;*
  - (c) *display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution;*
  - (d) *develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024;*
  - (e) *facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024;*
  - (f) *identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event;*
- (vii) *AMENDS page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:*
- “Transport*
- ...*
- Significantly ~~less~~ more households in Vincent have no motor vehicle...”*; and
- (viii) *DISCUSSES the matter at a Forum.”*

**DETAILS:**

The review of Town Planning Scheme No.1 has effectively commenced with the completion of *Vincent Vision 2024*. Community Visioning was undertaken primarily to guide the review of the town planning scheme and in this respect, has provided much of the base information required to formulate a Local Planning Strategy. The attached Gantt chart outlines the details and tasks required to bring together the community visioning information into a document that will provide the strategic basis and framework for the new town planning scheme.

### **Town Planning Scheme Review Process**

The review of the Town's Town Planning Scheme No.1 and the preparation and promulgation of a new Town Planning Scheme will result in the following two (2) main documents:

- (i) The Local Planning Strategy-  
A local planning strategy is the strategic basis and framework for the new town planning scheme and is to-
  - (a) set out the long-term planning directions for the Town;
  - (b) apply State and regional planning policies; and
  - (c) provide the rationale for the zones and other provisions of the scheme; and
  
- (ii) The new Town Planning Scheme-  
A Town Planning Scheme is a legally binding document that prescribes the requirements for the use and development of land in the Town. The Town Planning Scheme comprises the following two (2) documents-
  - (a) town planning scheme text; and
  - (b) town planning scheme maps.

The Town may also have policies prepared, advertised and adopted pursuant to the town planning scheme as is the case currently with Town Planning Scheme No. 1 and associated Policies.

### **CONSULTATION/ADVERTISING:**

There is a legal requirement to advertise the draft new Town Planning Scheme for 3 months.

### **LEGAL/POLICY:**

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable.

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

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

...

*(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.*

..."

### **FINANCIAL/BUDGET IMPLICATIONS:**

The 2005/2006 Budget lists \$80,000 for Town Planning Scheme amendments and policies.

### **COMMENTS:**

Initially, the Town viewed the preparation of the scheme review in terms of addressing the existing inadequacies, the level of discretion and nature of proposed and successful amendments, to the current Scheme. However, since the Town undertook community visioning, the direction of the new Scheme is clearly set to follow the 6 vision statements and guiding principles of *Vincent Vision 2024*.

Briefly, the philosophy behind the new Scheme is to establish a simple, sophisticated scheme text and maps developed from a comprehensive Local Planning Strategy. The content of the Local Planning Strategy will focus on the five town centres and residential areas of Leederville/West Perth, Mount Hawthorn, North Perth, Perth and Mount Lawley/Highgate and will cultivate planning responses to the Vision Statements and Guiding Principles of *Vincent Vision 2024* in order that the resultant scheme text and maps will be representative of the community's vision. The Strategy will also address aspects relating to the State Government's Network City, affordable housing, and how the Scheme will seek to facilitate the community's vision in terms of housing density and urban design, character and heritage, the five town centres and commercial areas, and environmental design and sustainability where it relates to town planning. Aspects relating to the level of discretion, scheme amendments (including the Eton Locality) and the inadequacies of the existing scheme will also be addressed in the Strategy.

Notwithstanding the above, it is considered appropriate that the Town's Officers present to an Elected Members Forum to discuss and determine the proposed course of the Strategy. Accordingly, it is recommended that the Council receive this progress report and attached Gantt chart and authorises the Chief Executive Officer to list the Town Planning Scheme Review for discussion at an Elected Members Forum to be held in October 2005.

**7.10 Progress Report No.1 - Vincent Vision 2024 Implementation**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0144
<b>Attachments</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No.1 -Vincent Vision 2024 Implementation; and*
- (ii) *AUTHORISES the Chief Executive Officer to identify \$46,000 through the 2005/2006 Budget Review process to facilitate the 2005/2006 implementation stage of Vincent Vision 2024.*

**COUNCIL DECISION ITEM 7.10**

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

**PURPOSE OF REPORT:**

To report to the Council on the next stage of *Vincent Vision 2024*.

**BACKGROUND:**

- 27 May 2003                      The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.
- 24 September 2003            A presentation to the Elected Members on Community Visioning was given by Futurist and Planner Steven Ames.
- 7 October 2003                A Notice of Motion was passed by the Council relating to Community Visioning and authorising the CEO to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation.
- 16 December 2003            The Council at its Ordinary Meeting endorsed the Project Brief relating to Community Visioning and authorised the Chief Executive Officer to call tenders for the delivery of a Community Visioning project.

24 February 2004 The Council at its Ordinary Meeting accepted the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process.

23 November 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

*"That the Council:*

- (i) *RECEIVES the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following; and*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$7,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$7,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0</i>

- (iii) *RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for."*

21 December 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

- "(i) RECEIVES the Progress Report No. 3 relating to the Community Visioning Project;*
- (ii) APPROVES the completion of tasks for Stages 3, 4 and 5 of the Community Visioning Project as outlined in this report;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY the distribution of 'Communities Program' funding from the Western Australian Planning Commission totalling \$40,000 (\$18,000 for the Community Visioning Project and \$21,200 to the Town Planning Scheme Amendments and Policies Project) as outlined in this report, subject to receipt of written confirmation from the Western Australian Planning Commission that this funding has been granted; and*
- (iv) APPROVES of the Community Visioning Project time frame to be extended until 30 April 2005, to enable the tasks of States 3, 4 and 5 to be completed."*

5 January 2005            The Western Australian Planning Commission advised that the Town's application for funding under the 'Communities Program' of *Dialogue with the City* was successful and accordingly the requested amount of \$40,000 had been granted.

30 June 2005            A final Project Report, Vision Statements and associated documentation were delivered to the Town by the Project Consultant.

23 August 2005        The Council at its Ordinary Meeting resolved the following with regard to the *Vincent Vision 2024* Final Project Report and accompanying documents:

*"That the Council;*

- (i) *RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;*
- (ii) *ACKNOWLEDGES the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;*
- (v) *CONSIDERS the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and*
- (vi) *AUTHORISES the Chief Executive Officer to:*
  - (a) *make available the final Project Report and Vision Statement documents to those who directly participated in the project and prepare an Executive Summary that will be made available to the public and distributed to those involved;*

- (b) *develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;*
- (c) *display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution;*
- (d) *develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024;*
- (e) *facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024;*
- (f) *identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event;*
- (vii) *AMENDS page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:*
  - “Transport*
  - ...*
  - Significantly ~~less~~ more households in Vincent have no motor vehicle... ”; and*
- (viii) *DISCUSSES the matter at a Forum.”*

**DETAILS:**

In accordance with the Council's resolution as above, the following Table outlines the range of tasks required to progress the next stage of *Vincent Vision 2024*. Essentially, the tasks outlined below will require the employment of a dedicated officer given that the Project Manager for *Vincent Vision 2024* will be unable to administer both the implementation of *Vincent Vision 2024* and the Town Planning Scheme Review.

<b>Task</b>	<b>Required Action</b>	<b>Estimated Cost</b>
The Final Report and Vision Statement documents are made immediately available to those who directly participated in the project.	The Community Visioning Taskforce, Professional Panel and all participants (with email contact) have been advised of the progress of the final report, its adoption by the Council at OMC 23/08/2005 and its availability on the Town's website and <a href="http://vincentvision2024.com.au">vincentvision2024.com.au</a>	Uploading of documents to the website was completed 30 August 2005 (funded from 2004/2005 Budget).  <b>NIL</b>

<b>Task</b>	<b>Required Action</b>	<b>Estimated Cost</b>
Strategic Framework with direct links to the Town's Strategic Plan, Plan for the Future (Principal Activities Plan), the Annual Budget, and the Sections Business Plans.	Liaise with the Town's Executive Managers and Managers, discuss outline of Strategy at an Elected Members Forum, report the Strategy to Council.	Project Implementation Officer (PIO) 2005/2006: - part-time (\$30 per hour gross) 2.5 days per week (15.2 hours) October 05 to June '06 (36 weeks) \$16,416 - work station in administration building (not identified) - work station equipment, including computer - \$5,000 <b>\$21,416</b>
Display of the Final Report and Vision Statement Documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre. Additional copies available for distribution.	Hard copy (no alteration to basic documents). Co-ordinate printing with graphic designer.  Brochures - Co-ordinate with graphic designer and printer re: placement of brochures, editing of text, illustrations, colours and printing.	<ul style="list-style-type: none"> <li>• PIO (as above)</li> <li>• Graphic Design \$90 per hour (approx. \$3,000 for preparation of 6 brochures, \$450 for CD preparation)</li> <li>• Printing</li> </ul> Final Report and 6 Vision Statements attached as 1 hard copy x 25 copies (unbound) \$3,000 approximately.  CD (all documents) with printed label 200 copies - \$350  Set of 6 full-colour vision brochures 200 copies - \$5,379  <b>\$12,179</b>
Community Engagement and Information Strategy.	<ul style="list-style-type: none"> <li>• Ongoing maintenance of the <i>Vincent Vision 2024</i> web site.</li> <li>• Documents being available in a variety of formats.</li> <li>• 'How we are going' newsletters.</li> <li>• Responding to Vision queries - all types.</li> <li>• Widespread promotion.</li> </ul>	<ul style="list-style-type: none"> <li>• PIO (as above).</li> <li>• Domain hosting, website \$35 per month (paid to 12/05) - \$210 to June '06.</li> <li>• Graphic Design \$90 per hour for 5 hours - \$450.</li> <li>• Newsletter insert - \$2,000 (less if an insert in Town's quarterly newsletter).</li> <li>• Newspaper advertisement costs (2 x \$480 each) - \$960.</li> <li>• Additional promotional materials (printing and distribution of DL flyer) - \$2,750.</li> </ul> <b>\$6,370</b>
Community Presentation and Launch of <i>Vincent Vision 2024</i> .	<ul style="list-style-type: none"> <li>• Widespread promotion (newspapers, mail out, posters).</li> <li>• Co-ordinate catering.</li> <li>• Co-ordinate printing of documents to distribute at event.</li> <li>• Event planning.</li> </ul>	<ul style="list-style-type: none"> <li>• Newspaper advertisement costs (2 x \$480 each) - \$960.</li> <li>• Promotional materials (posters 50 - \$100, graphic design - \$450) - \$550.</li> <li>• Catering costs based on 70 @ \$6 per head - \$420.</li> </ul> <b>\$ 1,930</b>

<b>Task</b>	<b>Required Action</b>	<b>Estimated Cost</b>
Completion of Tile Display along Vincent Street.	An event to be organised with schoolchildren to produce an additional 120 tiles.	120 tiles (including the supply of tiles, paint, labour and firing) - \$1000 Installation - \$3,000 <b>\$4,000</b>
		<b>Total Funds Required</b> <b>\$45,895. say \$46,000</b>

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:  
*"1.3 Develop, implement and promote sustainable urban design.*

...

*(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.*

... "

**FINANCIAL IMPLICATIONS:**

No provision has been made for Community Visioning/*Vincent Vision 2024* in the 2005/2006 Budget.

**COMMENTS:**

It is considered that the Community Visioning Project has been a particularly successful project. Delivery of the outcomes, therefore, is paramount to ensuring *Vincent Vision2024* is realised. The Table above outlines the costs and resources required to implement the outcomes of the Project in terms of the employment of a dedicated Officer to develop the short and long term strategies of implementing the Visions, the Community and Information Strategies, printing and promotional costs and general overseeing of the project's implementation. Whilst the Town would principally fund the implementation of the project, it is noted that additional funds may be sourced through the *Dialogue with the City* Communities Program Round 2 of Funding which specifically deals with implementation of projects. Enquiries made to the Department for Planning and Infrastructure indicate that this round of funding will commence in late 2005.

In view of the above, it is recommended that the Council receives this report and authorises the Chief Executive Officer to identify \$46,000 to facilitate the 2005/2006 implementation stage of *Vincent Vision 2024*.

**7.12 Chief Executive Officer's Performance Review 2005 - Appointment of Consultant**

<b>Ward:</b>	-	<b>Date:</b>	16 September 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of WALGA's Employment Solutions to assist in conducting the CEO's Performance Review 2005, as detailed in this report, at a cost of \$1,700 plus GST of \$170.00.*

**COUNCIL DECISION ITEM 7.12**

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

**PURPOSE OF REPORT:**

The purpose of the report is to gain Council approval to engage a consult to assist in conducting the CEO's Performance Review 2005.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 November 2004, the Council resolved as follows;

*"That the Council;*

- (i) RECEIVES this Performance Review Report 2004 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the position of Chief Executive Officer of the Town of Vincent;*
- (ii) NOTES that the next review of the CEO's performance is to be conducted in November 2005; and*
- (iii) ENDORSES the draft Key Result Areas based on the Town's Strategic Plan 2003-2008 for the 2005 review period."*

The CEO's contract was signed on 5 August 2004.

The new contract incorporates new clauses which give effect to the Council's decision to give the Council the flexibility to appoint an external person to assist in conducting the CEO's annual performance review. The performance review process is similar to previous years and will now consist of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004) or date to be agreed;
3. CEO and external consultant to meet to discuss the process and timing;
4. CEO to present report to external consultant and Mayor;
5. External consultant to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
6. External consultant to send each Elected Member a questionnaire to individually record their assessment and impressions of the CEO's performance and will compile a summary of responses and comments;
7. A summary of the Elected Members' responses will be prepared and discussed jointly between the external consultant, Mayor and CEO;
8. CEO provided with an opportunity to comment on the report;
9. The external consultant and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

An indicative timeframe was been prepared and is as follows:

<b>Item</b>	<b>Timeline</b>	<b>Indicative hours</b>
1. Report to Council seeking approval to use External Consultant	20 September 2005	-
2. Initial meeting with CEO to discuss timeline and format	23 September 2005	1hr approx
3. Consultant to review of CEO's Review Report	30 September-7 October 05	2hrs approx
4. Consultant to issue the CEO's questionnaire to Elected Members	10-14 October 2005	1hr approx
5. Collation of Elected Members' responses and follow-up, if required	17-21 October 2005	3hrs approx
6. Preparation of Elected Members' responses Summary Report for discussion with CEO	24-28 October 2005	2hrs approx
7. Meeting with CEO to discuss Elected Members' Summary Report	31 October-4 November 2005	1hr approx
8. Meeting with Mayor and Councillors to discuss Elected Members' Summary Report	7-18 November 2005	2hrs approx

<b>Item</b>	<b>Timeline</b>	<b>Indicative hours</b>
9. Preparation of CEO report to Council and liaison with Mayor	21-25 November 2005	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	28 November-2 December 05	1hr approx
11. Report to OMC 13 December 2005	-	-
	<b>Total</b>	<b>16hrs approx</b>

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan (Amended) 2005-2010, Key Result Area 4 *"Governance and Management"*, in particular, 4.4(b) - *"Enhance employee empowerment, professional development and job satisfaction."*

**FINANCIAL/BUDGET IMPLICATIONS:**

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. Mr Phillips of WALGA assisted Council in preparing the CEO's Key Result Areas in late 2003 and the CEO's Performance Review 2004 and at this time it was indicated that it would be beneficial for him to be engaged to assist the Council in carrying out the CEO's performance review.

**COMMENTS:**

The proposed CEO Review Process is in keeping with the Council decision of 24 August 2004 and 9 November 2004 and the CEO's Contract of Employment.

**7.4 Proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land coded R20, within the Eton Locality Plan 7.**

<b>Ward:</b>	North	<b>Date:</b>	7 September 2005
<b>Precinct:</b>	North Perth, P8; Mount Hawthorn, P1	<b>File Ref:</b>	PLA0101
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
- (a) *clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (b) *clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*
- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.*

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**Moved Cr Doran-Wu, Seconded Cr Chester**

*That the recommendation be adopted subject to clause (iii) being amended to read as follows:*

- “(iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.*”

**Debate ensued.**

**Moved Cr Ker, Seconded Cr Messina**

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

*“(iii) **AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.**”*

**AMENDMENT CARRIED (7-0)**

*(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)*

**MOTION AS AMENDED CARRIED (7-0)**

*(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)*

**COUNCIL DECISION ITEM 7.4**

*That the Council;*

- (i) pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), **RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;***
  - (a) **clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and***
  - (b) **clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;***
- (ii) **REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and***
- (iii) **AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.***

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**PURPOSE OF REPORT:**

The purpose of this report is to initiate an amendment to the Town’s Town Planning Scheme No.1 (TPS No. 1), to delete the following clauses:

- (i) **clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”;** and*

- (ii) clause 20 (4) (h) (i) *“After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.”*

These clauses generally relate to the lots coded R20 in the area contained in the *“Eton - Locality Plan 7”* as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements.

**BACKGROUND:**

29 November 2001 The North Perth Precinct Group submitted a petition to the Town supporting a rezoning of the Eton Locality to Residential R20. The Group contacted 368 out of 479 (77 percent) of the residences in the Eton Locality through a door knocking exercise with 316 out of the 368 residences contacted (over 85 percent) supporting the down zoning.

18 December 2001 Council at its Ordinary Meeting resolved the following:

*“That the Council;*

- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) *considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
- (iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the “Eton - Locality Plan 7” as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from “Residential R60”, “Residential R30/40” and “Residential R30”, respectively, to “Residential R20”.*

26 February 2002 Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.11 to the TPS No.1 to rezone the *“Eton - Locality Plan 7”* as identified in the Town’s Policies relating to Residential Design Guidelines – Locality Statements from *‘Residential R30’* and *‘Residential R30/40’* to *‘Residential R20’*.

12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.

- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 19 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sends response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.
- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in 'The West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.
- 17 December 2002 The Council at its Ordinary Meeting resolved the following:
- “(i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
  - (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
  - (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.”*

- 16 January 2003                      The Town advised the WAPC of the above resolution.
- 8 April 2003                         The Council at its Ordinary Meeting carried the following Notice of Motion unanimously:
- “That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council’s strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from “Residential R30” and “Residential R30/40” to “Residential R20”.”*
- 10 April 2003                         The Town wrote to both the Hon. Minister for Planning and Infrastructure and the Local Member of Yokine, advising of the above resolution and expressing community support for the amendment and concerns of the Elected Members regarding the delay in processing Amendment No. 11 by the WAPC.
- 27 May 2003                         The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of ‘Community Visioning’.
- 28 May 2003                         Correspondence from the Hon. Minister for Planning and Infrastructure, noted that the WAPC recommended that the amendment documents be modified to replace the R30 code with R20/30 and to replace R30/40 with R20/40, to be further advertised and considered by Council Members.
- 20 June 2003                         Meeting held with representatives of the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to TPS No. 1.
- 23 June 2003                         Mayor Nick Catania wrote to the Hon Minister for Planning and Infrastructure, with respect to a partnership between the concerned parties, to approve Amendment No. 11 to down zone to R20 and the Town would proceed with the following:
- “1. *Identify sites and areas throughout the Town which are considered to be appropriate to accommodate higher densities, as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
2. *Engage in consultation with the community/stakeholders and follow due process in the review of the Town of Vincent Town Planning Scheme No.1. If found to be appropriate through proper process, designate higher densities to the appropriate sites identified in 1 above.*

3. *Develop appropriate design guidelines, policies, structure plans, detailed area plans, and the like, to deliver social and environmental dividends to the Town's community and the broader community as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
4. *Liaise and consult with the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to 1. above."*

24 June 2003

The Council at its Ordinary Meeting resolved the following:

*"That the Council;*

- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process."*

11 July 2003

The Town sent a request to the WAPC for approval to commence preparation of a new Town of Vincent Town Planning Scheme, pursuant to section 7AA of the Town Planning and Development Act (as amended).

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

*"That the Council;*

- (i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

*"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.*

*The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:*

- 1. *Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
- 2. *Modifying clause 20(4) of the Scheme to insert new provision as follows:*
  - a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
    - (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
    - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
  - b) *Inserting sub-clause 20(4)(h)(i), as follows:*
    - (h) *Mount Hawthorn Precinct P 1,*
    - (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

*BE ADOPTED FOR FINAL APPROVAL;*

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;*
- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1."*

3 October 2003                      The Hon Minister for Planning and Infrastructure formally approved Amendment No. 11 to TPS No.1.

7 October 2003                      Amendment No. 11 was published in the Government Gazette on 7 October 2003.

19 February 2004                      The Town received response from the Hon Minister for Planning and Infrastructure to its request for detailed reasons for the exclusion of lots from Amendment No. 11. The following was noted:

*". . . The 'Regional Residential Density Guidelines for the Perth Metropolitan Region' (RRDG) is listed as the strategic policy under SPP No.8 and was used to assess the amendment.*

*The RRDG provides guidelines for allocating residential densities in the Perth metropolitan area. In summary, it provides that low density areas (ie. R20) should be located on land that is either remote from reticulated sewerage, has environmental or topographical conditions that make higher densities unfeasible, or where the protection of heritage dwellings or streetscape is required and that medium density (ie. R30,40) coding should be applied carefully in existing areas where criteria specified in the RRDG are evident.*

*Our need to contain urban sprawl is critical and given the above policy there is a presumption against down coding in inner urban areas.*

*In my final determination on Amendment no. 11, I considered the submissions received in some depth. In my analysis, I considered the heritage issues, and the volume and content of the submissions received, including the property interests of those making submissions. Those areas where there appeared to be little or no support for down-zoning, I gave precedence to the general policy consideration.”*

24 September 2004            The Town sent further correspondence to the WAPC regarding the Town’s previous request to commence preparation of a new Town of Vincent Town Planning Scheme.

30 June 2005                A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.

5 August 2005                The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.

9 August 2005                The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.

17 August 2005                The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:

*“ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.*

*Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominately single residential resulted in it being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”*

23 August 2005                The Council at it Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:

*“That the Council:*

- (i) RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project; . . .*
- (iii) ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024; . . . “*

**DETAILS:**

As a result of Town Planning Scheme Amendment No. 11, the majority of the Eton Locality is coded R20, with the exception of a few lots scattered through the Locality. The proposed amendment is to delete reference to the clauses relating to; *“After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”*, and

*“After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”*, respectively.

The Town is seeking to initiate an amendment to TPS No.1 with regard to the above to allow for appropriate, orderly and proper planning consideration to be given to the zoning requirements of the Eton Locality, during the Town’s Town Planning Scheme Review.

The following details below delineate the context of the amendment:

**Town Planning Scheme Review**

With the finalisation of the Town’s Community Visioning Project (*Vincent Vision 2024*), the Town has now commenced with the review of TPS No.1. The preparation and promulgation of a new town planning scheme will result in the following two (2) main documents the Local Planning Strategy and the new Town Planning Scheme (including scheme text, scheme maps and associated Policies).

The initial focus of the review of TPS No.1 sought to concentrate on addressing existing inadequacies and anomalies, the level of discretion and nature of amendments to the current Scheme. The Town undertook a community visioning process (*Vincent Vision 2024*) to ensure the community was highly engaged in shaping the future direction of the Town’s urban environment. The outcomes of which, ascertain the direction the new Scheme is set to follow and respect, those being the overall and five vision statements of key town centre areas, as well as guiding principles of *Vincent Vision 2024*. The philosophy behind the Scheme review is to establish a simple, sophisticated Scheme text and maps developed from a comprehensive Local Planning Strategy. The content of the Local Planning Strategy will seek to cultivate planning responses to the vision statements and guiding principles in order that the resultant Scheme text and maps will be representative of the community's vision.

The Strategy will also address aspects relating to the State Government's Network City, affordable housing, and how the Scheme will seek to facilitate the community's vision in terms of housing density and urban design, character and heritage, the five town centres and commercial areas, and environmental design and sustainability where it relates to town planning. Aspects relating to the level of discretion, scheme amendments (including the Eton Locality) and the inadequacies of the existing scheme will also be addressed in the Strategy.

#### **Community Visioning - Vincent Vision 2024**

The Town's Community Vision project has engaged the community in a highly sophisticated manner. In January 2005, the Town was successfully awarded a funding grant of \$40, 000 from the Western Australian Planning Commission under the 'Communities Program' of *Dialogue with the City*.

It is considered that the Community Visioning Project has been a particularly successful project. The final report and accompanying documents provide exemplary information with which to commence the review of Town Planning Scheme No.1 and it is considered that this project will aid the Town in producing a Scheme representative of its community. The background information and documents along with the vision statements, principles and guidelines contained in each of the five town centre areas is comprehensive and sets a clear direction for how the community desires to see the Town in 2024.

In outlining aspects of the project's implementation, the Project Report states:

#### ***"Implementing Vincent Vision 2024***

*'True to the Oregon Model of Community Visioning, adopted by the Town of Vincent as the framework for undertaking Vincent Vision 2024, it is the community that presents these vision documents to the Council.*

*While it is not the prerogative of the Council to change or amend the vision statements or guiding principles, it is appropriate for the Council to formally accept and endorse the Community Vision as the vision for the new Town Planning Scheme and the vision that will guide the strategic direction and development of the Town of Vincent into the future.*

*The new Town Planning Scheme should clearly demonstrate how the Community Vision and Guiding Principles for both Vincent and each of the five places are going to be achieved through the provisions of the Scheme. Obviously, it is imperative that the new Town Planning Scheme in no way strays or contradicts the Community Vision or any of the Guiding Principles."*

The Eton Locality straddles both North Perth and Mount Hawthorn, and as such is it pertinent to present both outcomes.

#### **North Perth Outcomes:**

It is important to note that there are a total of 3,519 dwellings in North Perth of which almost 70 percent are 'separate houses' compared to 55 percent for the Town of Vincent as a whole. Almost 20 percent of the housing stock is 'semi-detached or town houses' and 'flats, units or apartments'.

Under section 5 - Housing, Density and Urban Design 2024 the following values, issues and trends, vision and guiding principles were identified:

*“Community Values*

- *Heritage housing and character streetscapes*
- *Current density and scale*
- *Pedestrian accessibility*
- *Residential streetscape and parks*
- *Friendly and mixed neighbourhoods and housing*
- *Community unity in anti development*

*Issues and Trends*

- *Impacts of higher densities*
- *Poor design and impact on streetscape*
- *Neglected houses and streetscapes*
- *Lack of environmental design principles*
- *Declining housing affordability*
- *Impact of heavy arterial traffic on local streets*
- *Overhead power lines*

*Vision 2024*

*New development and redevelopment in North Perth has proceeded with extreme care and respect. Higher density residential development has been strategically placed around the town centre and activity nodes, close to public transport, providing diversity of housing types. Lower density areas, set in quiet leafy streets, preserve the characteristic single residential form with backyards and privacy maintained. High quality new and modified housing respects streetscapes, neighbouring built form and residential amenity: inappropriate infill housing has been successfully avoided.*

*Guiding Principles*

1. *A wide choice of housing caters for a full range of household types, lifecycles and incomes levels.*
2. *Streetscapes are a vital and integral part of a quality residential and neighbourhood environment, with street furniture, lighting, footpaths and permeable frontages. Street trees are allowed to flourish with underground power and the best of care in maintaining and retaining historic planting themes.*
3. *Setbacks and scale are such that the height of buildings do not dominate the street and retain a human scale and quality.*
4. *Low density housing is protected and traditional housing stock is retained.*
5. *Density is carefully managed and controlled with higher density housing occurring principally in the town centre.*
6. *New housing development reflects design excellence, energy efficiency and the orientation of the predominant housing types.*
7. *Exemplary design embraces the existing built form, sensitively integrating the new with the old. Buildings are designed to have a long-term life with adaptability for a range of uses over time.*
8. *Quality urban design shapes the development of the built environment in a way that preserves the integrity, character and liveability of the area, encouraging a more attractive and comfortable place for people.*

9. *Guidelines and incentives encourage excellence in urban and building design. Developers and builders are assisted in meeting design guidelines.”*

Under section 6 – Character and Heritage 2024 the following values, issues and trends, vision and guiding principles were identified:

*“Community Values*

- *Intact heritage buildings and character houses*
- *Sense of place, character and local identity*
- *Intact character streetscape*
- *Mix of styles and cultural diversity*
- *Improvements to the character of North Perth*

*Issues and Trends*

- *Impact of development and heavy traffic*
- *Neglected character homes and streetscapes*
- *Lack of awareness and lost of heritage*
- *Mock heritage*
- *Disincentives to retaining heritage homes*
- *‘Europeanised’ character homes*
- *Lack of recognition of migrant and indigenous heritage*

*Vision 2024*

*The distinctive character and heritage of North Perth is protected, preserved and reflected in the built and natural environment with sympathetic integration of the ‘new’ with the ‘old’. North Perth’s remarkable heritage buildings, character streetscapes and trees are highly valued by the community. Our early heritage and migrant past are embraced and celebrated through community cultural development, events, festivals and markets.*

*Guiding Principles*

1. *Heritage buildings, places and character streetscapes are preserved and protected by local policies and statutory mechanisms and afforded assistance through heritage preservation schemes and other initiatives.*
2. *Traditional character homes are valued for their contribution to the streetscape, identity and ambiance of the area. Guidelines and policies reflect these characteristics.*
3. *New development exhibits design excellence and is respectful of the local heritage context and character. Development reflects the established patterns of the built environment with orientation and setbacks respecting heritage buildings.*
4. *Adaptive reuse of heritage buildings maximises the conservation of the urban fabric and contributes to the public domain.*
5. *The community is aware of the local heritage and culture of the area. Widely interpreted in the built and natural environment this heritage and culture provides a strong local identity and sense of place.”*

**Mount Hawthorn Outcomes:**

It is important to note that there are a total of 2,538 dwellings in Mount Hawthorn of which 85 percent are ‘separate houses’ compared to 55 per cent for the Town of Vincent as a whole. Mount Hawthorn has very few ‘semi-detached or town houses’ and ‘flats, units and apartments’ compared with both the Town of Vincent and Perth metropolitan area.

Under section 5 - Housing, Density and Urban Design 2024 the following values, issues and trends, vision and guiding principles were identified:

*“Community Values*

- *Current density and family friendly housing*
- *Intact streetscapes, parks and trees*
- *Design and neighbourhood interaction*
- *Heritage and character housing*
- *Mix of housing options*
- *Commercial area does not invade residential area*

*Issues and Trends*

- *Negative local impacts of higher density*
- *Poor design and new houses that do not respect neighbours or character*
- *Deteriorating streetscapes*
- *Declining affordability and housing choice*
- *Absence of sustainable and environmental design*

*Vision 2024*

*Mt Hawthorn has retained its family-friendly feel and has maintained and enhanced its existing housing stock, density and streetscapes. New developments respect the current buildings and built forms, whilst embracing the principles of sustainability. Carefully designed, higher density residential developments in the town centre offers additional housing choices. Climate-sensitive designs combine with appropriate landscaping to provide award-winning, sustainable urban design.*

*Guiding Principles*

*A wide choice of housing caters for a full range of household types, lifecycles and incomes levels.*

1. *Streetscapes are a vital and integral part of a quality residential and neighbourhood environment, with street furniture, lighting, footpaths and permeable frontages. Street trees are allowed to flourish with underground power and the best of care in maintaining and retaining historic planting themes.*
2. *Low density housing is protected and traditional housing stock is retained.*
3. *Setbacks and scale are such that the height of buildings do not dominate the street and retain a human scale and quality.*
4. *Density is carefully managed and controlled with higher density housing occurring principally in the town centre.*
5. *New housing development reflects design excellence, energy efficiency and the orientation of the predominant housing types.*
6. *Exemplary design embraces the existing built form, sensitively integrating the new with the old. Buildings are designed to have a long-term life with adaptability for a range of uses over time.*
7. *Quality urban design shapes the development of the built environment in a way that preserves the integrity, character and liveability of the area, encouraging a more attractive and comfortable place for people.*

8. *Guidelines and incentives encourage excellence in urban and building design. Developers and builders are assisted in meeting design guidelines.”*

Under section 6 – Character and Heritage 2024 the following values, issues and trends, vision and guiding principles were identified:

*“Community Values*

- *Heritage buildings and streetscapes*
- *Local heritage places and icons*
- *Sense of history and local identity*

*Issues and Trends*

- *Buildings and places that detract from local character*
- *Impediments to heritage retention*
- *New developments that are out of character and scale*

*Vision 2024*

*Mt Hawthorn nurtures and supports its unique character and heritage. We recognise that all Mt Hawthorn’s buildings together combine to give the area its special character. Mt Hawthorn’s character is focused on the town centre with its traditional main street community-oriented atmosphere. New sustainable developments respect the character and heritage of the area. Art and interpretive works have enhanced our knowledge and appreciation of local history.*

*Guiding Principles*

1. *Heritage buildings, places and character streetscapes are preserved and protected by local policies and statutory mechanisms and afforded assistance through heritage preservation schemes and other initiatives.*
2. *Traditional character homes are valued for their contribution to the streetscape, identity and ambiance of the area. Guidelines and policies reflect these characteristics.*
3. *New development exhibits design excellence and is respectful of the local heritage context and character. Development reflects the established patterns of the built environment with orientation and setbacks respecting heritage buildings.*
4. *Adaptive reuse of heritage buildings maximises the conservation of the urban fabric and contributes to the public domain.*
5. *The community is aware of the local heritage and culture of the area. Widely interpreted in the built and natural environment this heritage and culture provides a strong local identity and sense of place.”*

Essentially the outcomes presented above are reflective of the Town’s request to initiate the proposed scheme amendment. Retention of existing density, character streetscapes and dwellings heritage and local character significance are key components that contribute to the community’s vision. Given that particular reference in the Minister’s letter dated 7 August 2003 that the provision to those lots down-zoned to R20 reverts to the former R code requirement on 1 July 2006, on the basis that the down-coding is an interim arrangement to enable the Town to conduct a review on housing and density across the Town, it is considered that the outcomes of the Community Visioning process are a fundamental mechanism, reflective of this requirement. They highlight community opinion relating to density, and can be convincingly used as evidence to support the retention of the down-coded density within the Eton Locality. Nevertheless, as part of the TPS No.1 Review, the Town will complete an extensive review through the Local Planning Strategy, this will take into account both the communities response to urban planning issues and the State’s strategic urban planning requirements.

**LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

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

*(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

In light of the outcomes of the Community Visioning project it is considered that the removal of the above noted clauses is reflective of the visions presented to the Town.

The WAPC draft strategy, *'Network City: Community Planning for Perth and Peel'* (Network City), Strategy 3-5 states the following in respect to development in the local context:

*"Require all development projects to respond to their local context, including climate and landscape, and ensure that development in established areas occurs without comprising the characteristics of those areas valued by their existing community"*

The Town's successful grant application through Dialogue in the City program is reflective of the Advisory Program as noted in Network City:

*"Community vision and local improvement grants - assist local governments and communities identify the future role for their suburbs, prepare a vision for particular places, develop and cost design concepts and local place-making initiatives to realize that vision."*

The Town's community vision is an exemplary example of realising the local visions for urban areas within the Town and has partly identified the future roles for the suburbs of North Perth and Mount Hawthorn.

The Draft Statement of Planning Policy No.1 State Planning Framework (Variation 2), April 2005, states the following in regard to environment:

*"A1 Environment iii. - protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;"*

The protection of aesthetic, architectural, historic and cultural values from inappropriate land use has been delineated by the Town's community as stated previously. The importance of protecting areas with such values has been significantly identified, and meets the above provision.

With respect to the issue of ensuring sustainable built environment for future populations and reducing urban sprawl is not taken lightly by the Town, and they are serious strategic considerations in the development of the new Town Planning Scheme. It is noted that the previous reasons given by the WAPC and the Minister in determining the Eton Locality highlight this as a key concern, and was used as a basis for determining the previous amendment outcome. Whilst the concerns have been given due consideration, the updated State strategies and policies are more reflective of the present trends in urban planning principles and community engagement. The Local Planning Strategy as part of the review of TPS No. 1 will; set out the long-term planning directions for the Town; apply State and regional planning policies; and provide the rationale for the zones and other provisions of the Scheme.

Furthermore, the Town has identified a conflict of timeframe between the review of TPS No. 1 and the requirement to revert the down-coded land in the Eton Locality on 1 July 2006. The indicative timeline for the TPS No. 1 Review demonstrated that the new scheme should be finalised by 30 June 2006 including lodgement of the new Scheme (that is scheme text, scheme maps and associated Policies) with the WAPC, which coincides with the 1 July 2006 requirement. It is anticipated that the promulgation of the new Scheme would occur by late 2006/early 2007. Should the land within the Eton Locality revert to the previous density codes of R30 and R30/40, respectively on 1 July 2006, there will be an interim period of at least six months where subdivision and adjustment at the higher density may occur, directly conflicting with the community outcomes of '*Vincent Vision 2024*'.

Given the above, it is further considered that the Town has sufficient reason and evidence to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i), respectively, of TPS No.1, given the community's visions and the review of the scheme.

In light of the above, it is recommended that the Council initiates Amendment No. 22 to TPS No.1.

**7.3 No.97 (Lot: 190 D/P: 1791) Kalgoorlie Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions and Loft to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2005
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO3269; 5.2005.3081.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Loader		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J G McRoberts on behalf of the owners M D & J G McRoberts for proposed Partial Demolition of and Alterations, Additions and Loft to Existing Single House, at No.97 (Lot 190 D/P: 1791) Kalgoorlie Street Mount Hawthorn and as shown on plans stamp-dated 1 August 2005 (excludes ground floor plan) and 12 September 2005 (ground floor plan), subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Kalgoorlie Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) the subject approved additions and loft shall not be used for additional accommodation, or a separate dwelling to the main dwelling; and is for the sole personal use of the inhabitants of the main dwelling only.*

**COUNCIL DECISION ITEM 7.3**

**Moved Cr Doran-Wu, Seconded Cr Lake**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)**

<b>Landowner:</b>	M D & J G McRoberts
<b>Applicant:</b>	J G McRoberts
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves proposed partial demolition of and alterations, additions and loft to existing single house at No.97 Kalgoorlie Street, Mount Hawthorn. The alterations and additions consist of kitchen, dining, living and loft/store room. The dwelling after completion of additions is proposed to be a three bedroom, one store room, one study, one kitchen, one bathroom, one dining room, one living room and one laundry single house. The owners have provided a signed statutory declaration stating that the extension has been designed in the manner shown on the plans so that the impact on the existing structure will be minimal and in order to minimise costs, any potential damage the existing elderly structure and to enable the existing building to remain habitable while the extension is being developed.

The applicant's submission and Statutory Declaration are "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks: - South	4 metres	1.5 metres	Supported - variation is considered minor and affected neighbour provided letter of no objection.

<b>Non-Compliant Requirements</b>	
Privacy Setbacks: - Deck	Setback to be 7.5 metres in direct line of sight within cone of vision.  Cone of vision setback to northern boundary 0.7 metre.
- Kitchen	Setback to be 6 metres in direct line of sight within cone of vision.  Cone of vision setback to southern boundary 3.5 metres.
<b>Consultation Submissions</b>	
The Planning Application was not advertised as the written consent of both affected neighbours was received.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

The variations sought by the applicant (which are addressed in the Assessment Table) are considered to be supportable and not to have an undue impact on the surrounding area, and the affected neighbours have stated no objection.

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions.

**7.1 Further Report - Proposed Traffic Management Scheme in Bourke and Adjacent Streets, North Perth**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2005
<b>Precinct:</b>	Smith's Lake P6	<b>File Ref:</b>	TES0515 & TES0560
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further report on the proposed Traffic Management scheme to be implemented in Bourke, Kadina, Albert and Emmerson Streets, North Perth;
- (ii) **APPROVES** the implementation of the proposed Bourke Street traffic management proposal as outlined on attached amended Plan No 2301-CP-1A and the installation of entry statements in Kadina, Albert and Emmerson Streets at their respective intersections with Charles Street as detailed in attached Plan No. 2301-CP-2 estimated to cost \$30,000;
- (iii) **MONITORS** traffic in all streets in the subject area following the implementation of the approved traffic measures and **RECEIVES** a further report outlining the findings in 3 months time; and
- (iv) **ADVISES** all respondents of its decision.

**COUNCIL DECISION ITEM 7.1**

**Moved Cr Lake, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

(Cr Torre was an apology. Cr Farrell arrived at 6.59pm.)

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the recent community consultation undertaken for the proposed Bourke and adjacent streets traffic management scheme.

**BACKGROUND:**

Following consideration by the LATM Advisory Group, the Council, at its Ordinary Meeting held on 14 June 2005, considered an interim report on a proposed traffic management scheme for Bourke Street and adjacent streets, where the following decision was adopted:

*"That the Council;*

- (i) RECEIVES the interim report on the Proposed Traffic Management proposals for Kadina, Albert, Bourke and Emmerson Streets, North Perth;*
- (ii) APPROVES IN PRINCIPLE the proposed measures as outlined on attached Plan Nos. 2301-CP-1 and 2301-CP-2;*
- (iii) CONSULTS with the Smith's Lake Precinct Group and those residents and/or businesses most directly affected by the proposed measures giving them 21 days to respond, and*
- (iv) RECEIVES a further report at the conclusion of the consultation period."*

## **DETAILS:**

### **Bourke Street - Information**

Bourke Street is classified as a Local Distributor Road and provides connectivity between Charles Street, classified as a Primary Distributor Road, and Loftus Street, which is classified as a District Distributor A road. The intersection of Bourke and Loftus Streets is controlled by traffic lights, while the Charles Street intersection is restricted to a left turn out only from Bourke Street into Charles Street. The section between Loftus Street and Campsie Street is controlled by a series of medians islands and a roundabout at the intersection of Campsie Street. Traffic speed is further restricted by on-road parking.

The section between Campsie Street and Charles Street, being the subject of this report, has a varying road width of between 10.4m and 12.5m wide road grading from either direction to a low point adjacent to Smith's Lake. Further, the road separates two well patronised recreational reserves, Charles Veryard Reserve to the north (used extensively for organised sport and dog exercise), and Smith's Lake Reserve to the south, used for passive recreation and conservation purposes.

This section of Bourke Street is rarely used for on-road parking and the driver's perception is of an open, straight and unimpeded route. As a consequence, the 85% percentile speed of vehicles travelling in either direction is 10kph above the posted speed. Because of this, residents have indicated that the combination of vehicle speed and geometry of the road (grade and width) makes it difficult to cross at times.

The following table outlines recent traffic data for the aforementioned section of Bourke Street.

<b>Street</b>	<b>Section</b>	<b>85% Speed</b>	<b>Average Speed</b>	<b>Traffic Volumes</b>
Bourke St	Campsie to Kayle	60 kph	52.6 kph	3,641

### **Kadina, Albert and Emmerson Street - Information**

The above streets intersect with Charles Street and are located to the south (Emerson Street) and north (Albert and Kadina Streets) of Bourke Street. Unlike Bourke Street, each of these roads comprises an intersection providing unrestricted access to Charles Street.

All three (3) streets are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy. Kadina and Albert Streets terminate at Barnett Street and do not provide a direct link between Charles and Loftus Streets, while Emmerson Street does provide a link between Charles and Loftus Street, however, is restricted to left in and out only at Loftus Street.

The following table outlines traffic data for the Access Roads in question:

Street	Section	85% Speed	Average Speed	Traffic Volumes
Kadina St	Charles to Tay	53 kph	40.8 kph	842
Albert St	Charles to Tay	53 kph	39.9 kph	607
Barnett St	Albert to Bourke	56 kph	45.4 kph	930
Emmerson St	Charles to Kayle	54 kph	44.1 kph	938

### Local Area Traffic Management (LATM) Advisory Group's Conclusion

In light of the above data, and having considered the connectivity of the surrounding road network, the Group concluded that there was little to be gained by 'rat runners' using the surrounding streets to avoid Bourke Street.

However, the Group also recognised that the residents of the surrounding streets had an expectation that appropriate measures should be introduced in their streets to address their concerns, both perceived and real.

After some discussion, it was agreed that the adjacent streets, when entering from Charles Street, required some form of delineation or entry statement to emphasise to the motorist that they were entering a residential street.

As a result, a concept plan, 2301-CP-2, was prepared outlining entry statements at the intersections of Kadina, Albert and Emmerson Streets with Charles Street, and formed part of the interim report to Council at its ordinary meeting of 14 June 2005.

### Community Consultation

In accordance with the Council's decision of 5 July 2005, some 230 letters with comment sheets and reply paid envelopes, were distributed to residents in Bourke, Kayle, Barnett, Emmerson, Albert and Kadina Streets, as well as Deague Court, Hanover Place and Macedonia Place, requesting feedback on the traffic management proposal. A copy was also sent to the Smith's Lake Precinct Group.

The residents were asked to comment on the proposal to install traffic calming measures in Bourke Street and complementary entry statements in Kadina, Albert and Emmerson Streets.

At the close of the consultation period on Tuesday 26 July 2005, 42 replies had been received, representing an 18.3% response rate.

Of the 42 responses received 31 (74%) were *in favour* of the proposal, 8 (19%) were *against*, and 3 *partially in favour* (7%).

## Discussion

The majority of the respondents *in favour* of the proposal made no specific comments (that is ticked the *I agree* box only), and/or took the opportunity to make unrelated suggestions. A summary of all the comments, both for and against, from those respondents who specially addressed the proposals, is attached:

Several respondents raised concerns regarding the lack of pedestrian crossing facilities and other issues relating to Charles Street, which is outside of the scope of this proposal, and which has previously been referred to Main Roads WA.

The **Smith's Lake Precinct Group**, in a letter dated 26 July 2005, endorsed the proposals with the following comments:

1. There is an unsafe entry to Emmerson Street by vehicles heading north in Charles Street. Also for vehicles entering Charles Street from Emmerson Street, due to the steep grade of the latter at this location. Moving the slightly raised red pavement marking a few metres further west would improve the situation. Similar action could be considered for Albert and Kadina Streets

### Officer's Comment:

This will be incorporated in the design, where practical.

2. Some drivers wanting to turn right from View Street into Charles Street travel into Bourke Street and make a U-turn at Kayle Street intersection to head north in Charles Street. Could the feasibility of a roundabout at Bourke and Kayle Streets intersection be investigated, or some alternative measures to inhibit this practice.

### Officer's Comment:

Main Roads WA will be requested to install a "No U-Turn" sign on the existing pedestrian island in Bourke Street.

3. Some drivers make illegal right turns out of Bourke Street into Charles Street.

### Officer's Comment:

This issue was addressed in a report to Council at its Ordinary Meeting of 9 August 2005 on Proposed Traffic Management in View Street, North Perth, where Council resolved to:

*"(iv) FURTHER REQUESTS that Main Roads WA APPROVES the installation of a section of solid median island to replace a section of painted island on Charles Street to deter illegal right turns from View and Bourke Streets. The works would be carried out and funded by the Town;"*

4. We noted that Council had asked LATM to investigate the need for traffic calming initiatives in Bourke Street between Loftus and Oxford Streets. The meeting (Smith's Lake Precinct Group) requests Council to also investigate the need for traffic calming initiatives in Bourke Street between Campsie and Loftus Streets.

Officer's Comment:

The Loftus and Oxford Street section was referred to the Advisory Group by the Council at its Ordinary Meeting held on 26 July 2005. It is recommended that the section of Bourke Street between Bourke and Campsie will be referred to the LATM Advisory Group.

**Officer's Comments**

While the LATM Advisory Group endeavoured to take a holistic approach to the proposed Bourke Street changes and the potential impact upon the surrounding streets, many of the residents' comments and suggestions greatly exceeded the scope of both the proposed works and the budget. Further, the traffic data does not indicate a significant problem in the adjoining streets.

In respect of the last submission regarding cyclists' safety, the following comments are provided.

The proposed changes in Bourke Street are restricted to the section between Campsie Street and Kayle Street and therefore the remainder of Bourke Street will remain the same. The central median in this section will be 2.0m wide to accommodate the proposed street trees, allowing for a (minimum) 4.2m wide traffic lane in either direction, complying with Main Roads WA standards. Further, there will be no on-road or verge parking on the Smith's Lake side while the raised plateaus/speed humps will be a low profile as per the Town's current standard. In respect of line marking cycle lanes, there is insufficient width to provide either a 1.2m (minimum) or 1.5m (desirable) cycle lane while maintaining adequate lane width for motorised traffic. To mark cycle lanes would give cyclists a false sense of security as larger vehicles would tend stray into the lane.

**Proposed Changes to Concept Plan No. 2301-CP-1**

The Bourke Street concept plan (2301-CP-1) as distributed to the residents incorporated two (2) pedestrian crossing points between Charles Veryard Reserve and Smith's Lake. However, at its ordinary meeting of 9 August 2005, Council received a report on the *Revised Concept Plan - Proposed Smith's Lake Reserve Redevelopment* at which plan No. 2346-CP-2 was subsequently approved in principle. As a consequence, the western most pedestrian crossing point (adjacent the Western Power substation) was deleted, directing pedestrians, via the internal shared path network, to the intersection of Bourke and Kayle Street, which was considered a safer option.

This has resulted in an amended plan, 2301-CP-1A.

**Conclusion:**

While the response rate from residents canvassed was relatively low (42 out of 230 letters distributed), some respondents in Kadina, Emmerson and Albert Streets considered that calming measures should be installed in their streets. There were also some concerns raised by the Smith's Lake Precinct Group regarding several matters that have been incorporated into the design. It is recommended that the proposal as outlined on the attached plan be implemented and that the above streets be monitored to determine whether the proposal has resulted in any adverse impact on other streets. If there is evidence of either an "unacceptable" increase in traffic or speed, this matter will be revisited.

**CONSULTATION/ADVERTISING:**

The respondents will be advised of the Council's decision.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

A total of \$31,000 has been included in the 2005/2006 budget to implement the works as shown on the attached plans.

**COMMENTS:**

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the WA Police for enforcement of the legal speed limit.

It is therefore recommended that the Council approves the implementation of the Bourke Street traffic management proposal as outlined on amended Plan No. 2301-CP-1A, and proposed entry statements as shown on Plan No. 2301-CP-2.

As indicated in the main body of the report, a majority of respondents concurred with the concept plans. Many also took the opportunity to expand on their comments and suggestions to include other issues outside the scope of the proposed works.

However, if the proposed changes are approved, the post construction process will include follow-up traffic counts and impact assessment for Bourke, Kadina, Albert, Barnett and Emmerson Streets. If there is found to be an adverse impact upon these streets, a further report will be submitted to Council seeking to have the matter referred back to the LATM Advisory Group for further consideration.

Mayor Catania advised that Crs Lake and Maier had declared a financial interest in Items 7.6, 7.7 and 7.8. Crs Lake and Maier departed the Chamber at 6.50pm and did not speak or vote on the matters.

<b>7.6</b>	<b>Planning and Building Policies - Amendment No. 30 - Draft Policy Relating to Heritage Management - The Heritage List (Municipal Heritage Inventory)</b>
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<b>Ward:</b>	Both Wards	<b>Date:</b>	6 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0161
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) ***RECEIVES*** the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory) as shown in Attachment 7.6;
- (ii) ***ADOPTS*** the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory) to be applied in the interim up to the formal adoption of the draft Policy;
- (iii) ***ADVERTISES*** the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory) for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (iv) *after the expiry of the period for submissions:*
  - (a) *reviews the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory) having regard to any written submissions; and*
  - (b) *determines the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory) with or without amendment, to or not to proceed with them.*

**COUNCIL DECISION ITEM 7.6**

**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (5-0)**

**(Cr Torre was an apology. Cr Farrell arrived at 6.59pm. Crs Lake and Maier were absent from the Chamber and did not vote.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to introduce and outline the contents of the draft Policy relating to Heritage Management - The Heritage List (Municipal Heritage Inventory), aimed to form part of the draft Policies adopted in the interim at the Ordinary Meeting of Council held on 23 August 2005 that are to replace the existing Policies relating to Heritage Management.

**BACKGROUND:**

Since the interim adoption of the draft Policies relating to Heritage Management at the Ordinary Meeting of Council held on 23 August 2005, it has been recognised that a further Policy relating to Heritage Management is required to provide a framework for statutory implications relating to heritage listed properties within the Town of Vincent.

The Heritage Act of Western Australia 1990 provides detailed information on the management and assessment of heritage places that are listed on a State level, however, little guidance is provided for the management of heritage places that are listed at a local level. The most pertinent clause relating to Local Government is Section 45 (1) states that '*The Council of a municipality shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, or cultural heritage significance*'. This clause whilst indicating the compulsion of all local government authorities to develop a Municipal Heritage Inventory, how this inventory is to be compiled, maintained and utilised is left to the discretion of the local government authority. Given this lack of guidance, the nature of scope of Municipal Heritage Inventories within Western Australia varies widely.

A Municipal Heritage Inventory can be viewed merely as an archival record, completely separate from the standard planning process. Alternatively, a Municipal Heritage Inventory can form part of the Heritage List and be linked to the Town Planning Scheme, implying that heritage is considered to be a determining factor in assessing planning applications. The Town of Vincent have taken the latter approach.

The Town of Vincent has assumed the responsibility and importance of incorporating heritage into its overall Strategic Plan and Local Planning Strategies in order to provide the opportunity to create appropriate heritage provisions within its Town Planning Scheme No.1 and related Heritage Management Policies, to assist in the protection of the Town's heritage assets. In order to achieve these goals, it is important that the Town of Vincent Municipal Heritage Inventory is viewed both as a source of valuable information on places within the community which have been assessed as having cultural heritage significance, as well as a planning tool to assist in the determination of planning applications affecting designated heritage places.

It is recommended that in line with the existing Town of Vincent Town Planning Scheme No. 1, the Heritage List should continue to include all places that are listed within the Municipal Heritage Inventory. All places within the Town's Municipal Heritage Inventory are considered to have cultural heritage significance, assessed on the principles of the Burra Charter.

It is anticipated that good planning and conservation practice will be achieved through maintaining the Municipal Heritage Inventory as the Heritage List, supported by heritage provisions outlined in the Town Planning Scheme No. 1 and the associated draft Policies relating to *Heritage Management - Assessment, Development Guidelines and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)* that were adopted in the interim at the Ordinary Meeting of Council on 23 August 2005, together with the draft Policy be subject to this report - *The Heritage List (Municipal Heritage Inventory)*.

**DETAILS:**

The draft Policy outlines the statutory implications of heritage listed properties within the Town of Vincent.

The key objectives of the draft Policy relating to *Heritage Management - The Heritage List (Municipal Heritage Inventory)* are as follows:

- 1) To provide a framework for statutory protection to places identified within the Town of Vincent as having cultural heritage significance to the local community;
- 2) To provide clear procedural guidelines for using heritage as a determinant in planning applications; and
- 3) To increase public awareness of the expected level of protection assigned to places of local heritage significance within the planning process.

It is anticipated that this Policy will facilitate a greater understanding of the legal implications relating to heritage listed places within the Town of Vincent.

**CONSULTATION/ADVERTISING:**

The draft Policy will be subject to consultation/advertising as prescribed under clause 47 of the Town's Town Planning Scheme No. 1, and the Community Consultation Policy.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure -

*"1.2 Recognise the value of heritage in providing a sense of place and identity".*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

It is viewed as critical that the abovementioned draft Policy is finalised prior to the release of the revised Municipal Heritage Inventory in order to provide sound guidance to the legalities and procedures associated with assessing planning applications that involve heritage listed places within the Town of Vincent.

**7.7 Heritage Incentives Package - Heritage Assistance Fund**

<b>Ward:</b>	Both Wards	<b>Date:</b>	7 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0162
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse, H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Report relating to the Heritage Assistance Fund, Heritage Assistance Fund Application Form, Heritage Assistance Fund Information Sheet and Heritage Assistance Fund Conditions of Funding, as shown at attachment 7.7;*
- (ii) *ENDORSES the Heritage Assistance Fund Application Form, Heritage Assistance Fund Information Sheet and Heritage Assistance Fund Conditions of Funding as shown at attachment 7.7; and*
- (iii) *SUPPORTS the recommendation outlined in the Background to this report to review the scope and intent of the Heritage Assistance Fund prior to the commencement of the 2006/2007 grants round.*

**COUNCIL DECISION ITEM 7.7**

**Moved Cr Chester, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

Cr Chester requested that the Town's Officers be congratulated for a very good report.

**CARRIED (5-0)**

(Cr Torre was an apology. Cr Farrell arrived at 6.59pm. Crs Lake and Maier were absent from the Chamber and did not vote.)

**PURPOSE OF REPORT:**

The purpose of this report is to introduce and outline the contents of the Heritage Assistance Fund Application Form, Heritage Assistance Fund Information Sheet and Heritage Assistance Fund Conditions of Funding. It is anticipated that this *Heritage Assistance Fund* is to be incorporated into the existing Town of Vincent Heritage Incentives Package prior to the commencement of the Consultation Phase of the revised Municipal Heritage Inventory.

## **BACKGROUND:**

At the Ordinary Meeting of Council held on 26 April 2005, a Notice of Motion was received by Councillor Chester resolving that a Heritage Grants Program is to be developed prior to the commencement of the consultative phase of the Town's Municipal Heritage Inventory Review. The Notice of Motion outlined that the *Heritage Grants Program* was to address the following: eligible projects and/or applicants, ineligible projects and/or applicants, selection criteria, conditions of grant funding, grant amounts and payment details, information required in applications, the application process and application forms. It was also resolved at the Ordinary Meeting of Council held on 26 April 2005 that Council lists an amount of \$30,000 for consideration in the 2005/2006 Budget to be allocated to eligible projects in the *Town of Vincent Heritage Grants Program*.

In response to the above Notice of Motion a review of heritage incentive packages offered by various State and local government authorities in Australia, UK, New Zealand, USA and Canada was conducted by the Town's Heritage Officers to gain an insight into the various approaches taken towards developing a heritage incentives package.

This research revealed a strong commonality in the underlying philosophies guiding heritage incentive packages, however, the techniques employed to achieve the desired conservation outcomes varied between the different State and local government authorities.

The types of incentives offered by the government authorities varied from non - financial assistance, including the provision of professional advice and assistance, fast tracking development applications, relaxing of planning controls, residential design guidelines and heritage conservation awards, to financial assistance including low interest loans, grants, tax rebates, waiving of development fees and rates subsidies.

Given this trend towards incorporating various conservation incentive options into the one 'Heritage Incentive Package' it is considered appropriate that the Town adopts what has been titled the 'Heritage Assistance Fund' as a key element of the already largely completed Heritage Incentives Package outlined below.

The Town already has a number of Heritage Incentives in place in which it is worth providing a brief outline.

- **Town of Vincent Building Design and Conservation Awards**  
Held biennially these awards are designed to recognise excellence in building and conservation achievement, in which those entered in the Municipal Heritage Inventory category are eligible to win a cash prize.
- **Density Bonus**  
Under the Town of Vincent Town Planning Scheme No. 1 a land density bonus of up to 50 percent can be granted by the Council if, *"the development conserves or enhances an existing dwelling or existing dwellings worthy of retention"*. All places listed on the Municipal Heritage Inventory are considered worthy of retention.
- **Variation to Town Planning Scheme Provisions**  
The Town Planning Scheme No. 1 allows for variations to the Scheme Provisions in circumstances where it is, *'desirable to facilitate the conservation of a heritage place listed in the Heritage List or enhance or preserve heritage values in a Heritage Area'*. This provision allows owners of heritage listed places with some flexibility when submitting a development application that owners of non-heritage places do not specifically have.

- **Heritage Loan Scheme**

The Heritage Loan Scheme has been established through a partnership between the Heritage Council of Western Australia, the Western Australian Local Government Association, StateWest Credit Society and Local Government authorities in which the Town of Vincent is an inaugural participant. This Scheme provides loans at a reduced rate for heritage conservation works on properties that are listed on a Municipal Heritage Inventory.

- **Heritage Grants Program**

This is administered by the Heritage Council of Western Australia and is designed to provide funds to places that are listed on the State Register or considered likely to be listed on the State Register in the near future.

- **Lotterywest Conservation of Cultural Heritage Grants**

Lotterywest provides the opportunity for not-for-profit organisations and local government authorities to apply for grants involving conservation of cultural heritage properties. Priority is given to projects where the community will directly benefit from the enhancement of its cultural heritage.

The Heritage Assistance Fund has been designed specifically to provide owners of Municipal Heritage Inventory listed properties financial assistance in completing conservation works or compiling conservation reports on the designated property. However, in keeping with the underlying philosophies of heritage incentive programs, the Heritage Assistance Fund should be viewed essentially as a method to assist in the conservation of designated heritage listed properties for the benefit of the whole community and not only as a compensation for property owners of heritage listed places. Furthermore, it should be viewed as one of a number of heritage incentives that are available to those interested in conserving heritage places within the Town of Vincent.

Within the public realm perceptions of what is meant by the term 'heritage' and expectations on the type of selection criteria that should be applied to applications of financial assistance for heritage conservation, varies widely. The review of the various incentive packages revealed that the selection criteria employed to assess applications for financial assistance varied extensively between Local and State government authorities, which indeed could be influenced by a number of factors specific to the locality. In some instances, priority is given to places considered as having the highest degree of cultural heritage significance, others suggest that the public exposure to the place should be a defining factor, others focus on the emergency of the works to be conducted, whereas some focus on the perceived disadvantage of being heritage listed and that financial assistance should be viewed as a type of compensation. The latter of which certainly does not promote good heritage practice and awareness within the community.

In order to provide an effective Heritage Assistance Fund, the Town of Vincent needs to consider resources available and to be clear of its objectives on providing financial assistance to owners of heritage listed properties to ensure that the desired conservation outcomes are met. Details on the selection criteria proposed for the Heritage Assistance Fund are shown within the attachment to this report. Presently all criteria are viewed as equal in weighting.

It is strongly recommended that prior to the release of the 2006/2007 grants rounds, the scope and intent of the Heritage Assistance Fund is reviewed. The first round for 2005/2006, in which the \$30,000 has been allocated, should be viewed as a trial to provide an idea as to the type of conservation works that property owners are wishing to conduct. Drawing from this information, it may become apparent that an effective use of resources will be to specify the type of conservation work or documentation to be conducted for each Heritage Assistance Fund round. Options could include conservation work involving tuck-pointing or the restoration of verandahs or chimneys, or written documentation such as Heritage Impact Statements, Conservation Plans and the like. It is considered that this process will also enable the Town to foster partnerships with specialised tradespeople and heritage professionals within the various fields and assist in promoting a long term approach to heritage conservation within the Town of Vincent.

#### **DETAILS:**

The *Heritage Assistance Fund Application Form* is shown as an attachment to this report and is designed to provide the Town of Vincent with key information on the applicant and the conservation works proposed on the designated heritage listed place.

The *Heritage Assistance Fund Information Sheet* is shown as an attachment to this report and is designed to provide prospective applicants with essential information on the steps involved in submitting an application, selection criteria, funding conditions and the eligibility of conservation proposals.

The *Heritage Assistance Fund Conditions of Funding* is shown as an attachment to this report and provides an outline of the conditions in which the recipient of the Heritage Assistance Fund is to sign and agree upon, prior to the commencement of the works or documentation being conducted.

The key objectives of the Heritage Assistance Fund are as follows;

- Promote best practice conservation planning and physical conservation works associated with places of cultural heritage value within the Town of Vincent;
- Encourage a partnership approach between owners of heritage listed places and the Town of Vincent;
- Provide financial assistance to owners in the conservation and restoration of places listed on the Town of Vincent Municipal Heritage Inventory; and
- Encourage owners to support the designation and retention of buildings recognised as having cultural heritage significance within the Town of Vincent.

The essential details of the Heritage Assistance Fund will be outlined in the brochure titled '*How can we help? Heritage information and conservation incentives*', which forms part of the set of 8 brochures designed and produced to promote good heritage activity and awareness within the Town. These 8 brochures were "*Laid on the Table*" at the Ordinary Meeting of Council held on 21 December 2004. The *Heritage Assistance Fund Application Form*, *Heritage Assistance Fund Information Sheet* and *Heritage Assistance Fund Conditions of Funding* will be made available to download from the Town of Vincent Heritage Website [www.vincentheritage.com.au](http://www.vincentheritage.com.au) and available to collect from the Customer Service Centre at the Town of Vincent Administration and Civic Centre.

To provide property owners a greater opportunity to apply for funding it is recommended that for each financial year two grant rounds will be advertised, closing in February and September. For the financial year 2005/2006 only one round will be offered, closing in March 2006.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure -

*“1.2 Recognise the value of heritage in providing a sense of place and identity”.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget lists \$30,000 for Heritage Grants Program.

**COMMENTS:**

The Heritage Assistance Fund has been developed as part of the Town of Vincent Heritage Incentives Package as a way to promote the conservation of the Town's Heritage and to provide owners of Heritage Listed properties the financial assistance to do so.

It is viewed as critical that the abovementioned Heritage Assistance Fund is finalised and incorporated into the Town's Heritage Incentive Package prior to the release of the revised Municipal Heritage Inventory.

**7.8 Progress Report No.9 - Municipal Heritage Inventory Review**

<b>Ward:</b>	Both Wards	<b>Date:</b>	6 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0098
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council*

- (i) *RECEIVES Progress Report No. 9 pertaining to the Municipal Heritage Inventory Review; and*
- (ii) *ENDORSES the timeline and related strategic projects and initiatives attached at Appendix 7.8.*

**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

At 6.57pm **Moved Cr Chester, Seconded Cr Messina**

*That the meeting proceed "behind closed doors" as the report contains information of a personal nature.*

**CARRIED (5-0)**

(Cr Torre was an apology. Cr Farrell arrived at 6.59pm. Crs Lake and Maier were absent from the Chamber and did not vote.)

Journalists Mark Fletcher and Dan Hatch departed the Chamber at 6.57pm.

Debate ensued.

Cr Farrell entered the meeting at 6.59pm.

**Moved Cr Chester, Seconded Cr Farrell**

*That clause (ii) be deleted and a new clause (ii) inserted as follows:*

- "(ii) REQUESTS a confidential briefing that fully outlines the processes to be undertaken to Council adopting the Municipal Heritage Inventory and all information including the Information Resource Kit, the letter to affected landowners and advice the Council has been provided with in so far as the consultation strategy be provided at that meeting.*

Cr Messina departed the Chamber at 7.05pm.

**AMENDMENT CARRIED (5-0)**

(Cr Torre was an apology. Crs Lake, Maier and Messina were absent from the Chamber and did not vote.)

Cr Messina returned to the Chamber at 7.06pm.

**MOTION AS AMENDED CARRIED (6-0)**

(Cr Torre was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

**Moved Cr Chester, Seconded Cr Messina**

*That an "open" meeting be resumed.*

**CARRIED (6-0)**

(Cr Torre was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 7.8**

*That the Council*

- (i) *RECEIVES Progress Report No. 9 pertaining to the Municipal Heritage Inventory Review; and*
- (ii) *REQUESTS a confidential briefing that fully outlines the processes to be undertaken to Council adopting the Municipal Heritage Inventory and all information including the Information Resource Kit, the letter to affected landowners and advice the Council has been provided with in so far as the consultation strategy be provided at that meeting.*

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**PURPOSE OF REPORT:**

To provide the Council with an update on the progress of the Municipal Heritage Inventory (MHI) Review, associated timeline and related strategic projects and initiatives.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 August 2005, the Council resolved to receive the previous Progress Report No.8 pertaining to the Municipal Heritage Inventory Review and noted that a further progress report would be presented which would include a detailed Gantt chart and outline of outstanding tasks relating to the final stages of this project.

**DETAILS:**

As detailed in Progress Report No.8, the progress of the MHI Review Project is currently directed by 5 features as follows:

1. related strategic projects;
2. electronic creation and subsequent management of the new heritage database and images, creation of owner-contact mailing list, creation and management of the new webpage;
3. creation of Policies to support future management of the MHI and associated heritage services;

4. design and production of Heritage Incentives Package (Information Resource Kit) and other support material; and
5. public consultation, workshops and feedback on the Draft MHI and subsequent adoption.

#### **Initiatives Completed Since Progress Report No.8**

With regard to the above features, the Council has resolved to have - (a) Heritage Grants program; (b) Heritage Incentives Package; and (c) Study of Heritage Listing and Property Values; each completed prior to the release of the Draft MHI.

#### Heritage Assistance Fund

The Heritage Assistance Fund ('heritage grants') has been drafted since the last Progress Report No.8 and related promotional material has been written into the existing brochure texts to accommodate this new initiative.

#### Study of Heritage Listing and Property Values

Statistics required by the Town as part of the '*Study of Heritage Listing and Property Values*' has been completed since the last Progress Report No.8. The overall completion date of this project is outside the jurisdiction of the Town and its outcomes or findings are uncertain. Items for the next quarterly Town of Vincent newsletter have also been completed in accordance with the *Publicity and Consultation Strategy*.

#### Owner Contact List

The contracting of special administrative services to compile the owner contact list for consultation has also commenced since Progress Report No.8 and is well underway. Once completed, this mailing list will provide a picture of how many affected property owners require direct consultation letters when the revised MHI is open for comment.

#### Heritage Policies

Policies relating to heritage management were drafted and have since been adopted by Council at the Ordinary Meeting held on 23 August 2005. A further Policy relating to the relationship between the MHI and the Town Planning Scheme has been drafted. Once this is available, it will be advertised with the remaining draft Policies as one package.

#### Information Resource Kit

Final aspects of the Information Resource Kit will be completed in the coming weeks following a meeting with the Town's media consultants in the first week of September 2005. This will allow the final updates to the Vincent Heritage webpage, printing of the remaining brochures and the preparation of the electronic database for web presentation, including image linking.

#### Workshop Facilitation

The appointment of a facilitator will be substantially advanced with the receipt of quotes on 5 September 2005 from recommended WA facilitators. The facilitator will assist the Officers in designing, preparing and conducting a series of workshops during the public comment period on the revised MHI. This task was finalised in the second week of September and will allow a number of other tasks relating to the consultation phase to now be undertaken by the Officers.

**CONSULTATION/ADVERTISING:**

Members of the community were invited to join a Heritage Working Group as part of the Municipal Heritage Inventory Review in November 2000. The first stage of community consultation was completed by the consultant in 2001. The second stage consultation will commence following authorisation from the Council to release the Draft MHI for consultation.

**LEGAL/POLICY:**

There is a legal requirement for the Town to review its Municipal Heritage Inventory and the "*Publicity and Consultation Strategy*" forms part of that review.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area 1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

**FINANCIAL IMPLICATIONS:**

The current 2005/2006 Budget lists \$14,900 for the *Heritage Incentive Packages* and \$32,400 for the *Municipal Heritage Inventory Review*. The costs of the information brochures, web design and media articles are within the agreed budget allocations, leaving sufficient funds to continue Phase 2 (Draft Release and Public Consultation, including affected owners) and Phase 3 (Post Adoption).

**COMMENTS:**

Overall, good progress is being made on all aspects of the remaining tasks for the MHI Review.

The attached Gantt chart helps to identify the variety of tasks still associated with the final stages of completing this project; however, it is indicative only, as a number of key strategic aspects are yet to be finalised by the Officers, and are largely reliant on the availability of external resources. These primarily include the availability of a facilitator and the Officer's ability to work within the facilitator's dates. The printing timeframe of final brochures and the completion of the electronic imaging for the database are also variables at this point in time which are likely to have a core impact on the overall timeline. Therefore, the chart should be looked upon as subject to change according to multiple variables currently outside the control of the Officers.

A further progress report will be presented to the Council shortly following the scoping of the workshops in association with a draft letter to owners, notifying them of the identification of their property for inclusion on the MHI.

Mayor Catania advised that Cr Ker had declared a financial interest in this Item. Cr Ker departed the Chamber at 7.07pm and did not speak or vote on the matter.

Crs Lake and Maier and Journalists Mark Fletcher and Dan Hatch returned to the Chamber at 7.07pm.

**7.11 Western Australian Planning Commission Transport Assessment Guidelines for Developments – Draft for Stakeholder Comments**

<b>Ward:</b>	Both Wards	<b>Date:</b>	7 September 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0066
<b>Attachments:</b>	<a href="#">001</a> ,		
<b>Reporting Officer(s):</b>	K. Batina, R Lotznicher		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report and the Western Australian Planning Commission’s “Transport Assessment Guidelines for Developments – Draft for Stakeholder Comments - August 2005”, as “LAID ON THE TABLE”; and*
- (ii) *ADVISES the Department for Planning and Infrastructure that the Council SUPPORTS, IN PRINCIPLE, the “Transport Assessment Guidelines for Developments - Draft for Stakeholder Comments - August 2005”, subject to the following comments being addressed in the Guidelines:*
  - (a) *a greater onus should be placed on the proponent rather than the approval authority in determining the likely traffic volumes to be generated from the development and therefore the level of assessment required;*
  - (b) *the approval authority may be able to provide some existing traffic data on existing roads if that information is available (and current), for example traffic volumes, however, it should not be incumbent on the authority to gather new data. This should be the responsibility of the applicant;*
  - (c) *to assist in a better understanding of the basis of the four tiered approach, Table 1 and the associated explanatory text should precede the Four Tiered Approach (Figure 1);*
  - (d) *a footnote at the bottom of Table 1 should be included and state that it is recommended that consultation with the relevant approval authority be undertaken prior to preparing a final transport assessment report;*
  - (e) *in addition to the associated Checklists in the Appendix relating to both types of assessment, a summarised and more succinct description of the requirements and basis for each type of assessment should be provided;*
  - (f) *it should be made a requirement that the checklist, appropriate to the transport assessment provided, be completed, signed and submitted by the proponent at time of application;*

- (g) *the use of words such as 'informal' and 'relatively flexible' should be removed and/or replaced with more suitable wording, applicable to the requirements being outlined;*
- (h) *defining a Study Area should be a requirement for both the Transport Assessments and Transport Statements;*
- (i) *the theoretical basis for the types of assessments should be in the introductory portion of the Transport Assessment Guidelines for Developments document;*
- (j) *concern is raised over the insistence in the Guidelines of determining the 'Scope of Assessment' based on the approval authorities opinion;*
- (k) *in relation to 'Section 3.4.10 – Committed developments with other transport proposals', traffic proposals would need to be developed in partnership with the approving authority with the developer being required to assess the impact the new development would have on the existing road network; and*
- (l) *Table 3 is based on US data and it is considered that this data needs to reflect Australian conditions and some of the average delays outlines appear to be excessive.*

---

**Moved Cr Doran-Wu, Seconded Cr Chester**

*That the recommendation be adopted subject to a new clause (ii)(m) being added as follows:*

- "(ii) (m) *Figure 1, 'Process to determine level of transport assessment required', should be amended to enable local governments to request an extended information/traffic assessment when necessary in some low impact developments, which will have less than 50 vehicles per peak hour and are of a controversial nature, and that this ability be made more explicit in the definition of low transport impact developments."*

**Debate ensued.**

**Moved Cr Lake, Seconded Cr Doran-Wu**

*That clause (ii)(m) be amended to read as follows:*

- "(ii) (m) *Figure 1, 'Process to determine level of transport assessment required', should be amended to enable local governments to request an extended information/traffic assessment when necessary in some low impact developments, which will have less than 50 vehicles per peak hour and are of a controversial nature or likely to impact adversely on residential areas, and that this ability be made more explicit in the definition of low transport impact developments."*

**AMENDMENT CARRIED (7-0)**

**(Cr Torre was an apology. Cr Ker was absent from the Chamber and did not vote.)**

**MOTION AS AMENDED CARRIED (7-0)**

(Cr Torre was an apology. Cr Ker was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 7.11**

*That the Council;*

- (i) ***RECEIVES the report and the Western Australian Planning Commission's "Transport Assessment Guidelines for Developments – Draft for Stakeholder Comments - August 2005", as "LAID ON THE TABLE"; and***
- (ii) ***ADVISES the Department for Planning and Infrastructure that the Council SUPPORTS, IN PRINCIPLE, the "Transport Assessment Guidelines for Developments - Draft for Stakeholder Comments - August 2005", subject to the following comments being addressed in the Guidelines:***
  - (a) ***a greater onus should be placed on the proponent rather than the approval authority in determining the likely traffic volumes to be generated from the development and therefore the level of assessment required;***
  - (b) ***the approval authority may be able to provide some existing traffic data on existing roads if that information is available (and current), for example traffic volumes, however, it should not be incumbent on the authority to gather new data. This should be the responsibility of the applicant;***
  - (c) ***to assist in a better understanding of the basis of the four tiered approach, Table 1 and the associated explanatory text should precede the Four Tiered Approach (Figure 1);***
  - (d) ***a footnote at the bottom of Table 1 should be included and state that it is recommended that consultation with the relevant approval authority be undertaken prior to preparing a final transport assessment report;***
  - (e) ***in addition to the associated Checklists in the Appendix relating to both types of assessment, a summarised and more succinct description of the requirements and basis for each type of assessment should be provided;***
  - (f) ***it should be made a requirement that the checklist, appropriate to the transport assessment provided, be completed, signed and submitted by the proponent at time of application;***
  - (g) ***the use of words such as 'informal' and 'relatively flexible' should be removed and/or replaced with more suitable wording, applicable to the requirements being outlined;***
  - (h) ***defining a Study Area should be a requirement for both the Transport Assessments and Transport Statements;***
  - (i) ***the theoretical basis for the types of assessments should be in the introductory portion of the Transport Assessment Guidelines for Developments document;***
  - (j) ***concern is raised over the insistence in the Guidelines of determining the 'Scope of Assessment' based on the approval authorities opinion;***

- (k) *in relation to 'Section 3.4.10 – Committed developments with other transport proposals', traffic proposals would need to be developed in partnership with the approving authority with the developer being required to assess the impact the new development would have on the existing road network;*
  - (l) *Table 3 is based on US data and it is considered that this data needs to reflect Australian conditions and some of the average delays outlines appear to be excessive; and*
  - (m) *Figure 1, 'Process to determine level of transport assessment required', should be amended to enable local governments to request an extended information/traffic assessment when necessary in some low impact developments, which will have less than 50 vehicles per peak hour and are of a controversial nature or likely to impact adversely on residential areas, and that this ability be made more explicit in the definition of low transport impact developments.*
- 

#### **PURPOSE OF REPORT:**

The purpose of this report is to provide an overview of the contents of the Draft Transport Assessment Guidelines document, formalise the Council's comments on the Draft Guidelines.

#### **BACKGROUND:**

The Department for Planning and Infrastructure (DPI), on behalf of the Western Australian Planning Commission (WAPC), has recently released the *Transport Assessment Guidelines for Development* in draft format for stakeholder comment. The closing date for any submissions is 8 September 2005. The Town sought an extension on the comment period, given the size and content of the document, until 14 September 2005. The Draft Guidelines are only intended for discussion and will be further developed in consultation with a wide range of stakeholders, before final adoption.

The Guidelines have evolved following a review of the manner in which transport information is currently provided for development proposals within the Western Australian planning system. The review which commenced in 1999 included wide consultation with key stakeholders, including local government officers, town planning and transport consultants and major developers and was undertaken jointly by the then Department of Transport and Ministry for Planning.

The overall consensus was that there was a lack of consistency in the manner in which transport information was provided in support of development applications, and little, if any correlation made between the information provided and the scale of impact of the development proposal, in terms of transport.

The Guidelines aim to provide proponents, consultants and planning approval agencies with guidance on which types of land use planning and development proposals should be supported by transport information and in providing that information, what level of information should be provided, dependant on the development proposal type that has been submitted.

## **DETAILS:**

The Department for Planning and Infrastructure (DPI) has requested comments on the following:

- The four tiered approach based on the likely transport impact, that is no assessment, brief transport statement, case-by-case assessment or full transport assessment;
- The levels of development at which each would apply (Table 1);
- The scope and content of the transport statement; and
- The scope and content of the transport assessment.

This report will provide a brief overview of the intent of the Transport Assessment Guidelines and focus comment specifically on the abovementioned areas from the Town of Vincent's perspective.

The Draft Guidelines are "*LAID ON THE TABLE*" and relevant extracts are an attachment to this report.

## **Overview**

The overall aim of the Guidelines is to improve the efficiency of the transport component of the development application process while delivering improved transport outcomes. It is anticipated that with the guidance of the Guidelines, it should make development applications easier to assess, (on a more consistent basis), reduce the potential for having to request additional information and therefore reduce the time taken to assess applications. Therefore, any input received from the Town of Vincent and other stakeholders will assist in developing and finalising the Guidelines to be of functional use and application.

It should be noted that the Guidelines are not intended to be 'better practice' transport guidelines in that they do not provide measures to reduce car use or set targets for the non-car mode share. They simply provide a method to assess the transport impacts of a development on a more consistent basis. It should also be noted, that 'development' in this context, is used in the broader sense, covering structure plans, outline development plans and subdivisions as well as individual development applications.

The Guidelines strongly encourage proponents to approach the relevant approval authority or authorities, prior to commencing preparation of a transport assessment, so that the scope of the assessment is understood by all parties involved, from the outset.

Ultimately, the provision of more consistent and complete transport impact studies, will allow local governments and related government agencies to anticipate what the likely demands will be on existing road networks and associated infrastructure, and to plan for accommodating any increased levels of transport impact resulting from numerous developments. It will also allow for a more expedited processing of applications.

## **Structure**

The Guidelines have been structured in such a manner to reflect the process taken in determining what level of transport assessment is considered to be appropriate based on the level of impact on transport a development is likely to have on surrounding land uses and transport network.

The different levels of information required for a transport statement and a transport assessment are further defined in the latter part of the Guidelines. Furthermore, additional guidance is provided on the preparation of a transport assessment in the Appendix of the Guidelines.

### **Level of Assessment Determination**

The Guidelines suggest a four tiered approach in determining the level of transport assessment and information required to be submitted. The onus of determining the level of assessment required will be on the approval authority on an individual development basis, taking into consideration the likely scale of impact of the development traffic rather than just the amount of traffic generated.

The level of assessment required to be given, and taken, on a without prejudice basis would not preclude the approving authority from requesting further information, at its discretion.

There are a number of described scenarios included in the Guidelines to provide approval agencies and developers with an indication on what the likely level of impact would be and what level of transport assessment would need to be submitted.

In order of the level of information required, the four levels of transport assessment that may need to be submitted as part of a development application are as follows:

- Negligible impact - No assessment;
- Low impact - Brief transport assessment;
- Moderate impact - To be determined on an individual development basis; and
- High Impact - Full transport assessment.

The level of impact is based on the levels of traffic likely to be generated by the development.

Table 1 in the Guidelines provides these levels in terms of land use units (such as the number of dwellings or retail floor space), for the main land use categories, based on standard generation rates.

Determining factors will include the type and size of development, its catchment and location, the surrounding road network and public transport and accessibility for pedestrians, cyclists and people with disabilities.

If the development is to be constructed in stages, the Guidelines suggest assessing each stage individually, to determine when various transport infrastructure may be required. Nonetheless, the level of assessment required will be determined by the overall development.

### **Transport Information Types**

The Guidelines differentiate between the following two (2) forms of transport information that may be requested from the applicant, when submitting a development application.

- Transport Statement; and
- Transport Assessment.

### Transport Statement

A 'Transport Statement' is a brief statement outlining the transport aspects of the proposed development, and is envisaged to comprise no more than two (2) or three (3) pages of information. The statement is intended to be an informal, non-technical statement of transport aspects of the development, and therefore has a certain level of flexibility in how it may be presented. Nonetheless, the Guidelines do provide a general outline for developers and approving authorities to refer to.

A more detailed outline of the information required to be submitted as part of a transport statement is provided in the attached Transport Assessment Guidelines Draft document, which forms as an appendix to this report.

### Transport Assessment

Alternatively, a 'Transport Assessment' encompasses all modes of transport, that is, public transport, walking and cycling as well as private motor vehicles and freight movements. The main purposes of a transport assessment are:

- To assess the adequacy of the transport system (all modes) to accommodate the proposed land use;
- To identify any adverse impacts that may arise from the resulting movements of people and vehicles; and
- To propose, as appropriate, remedial measures to address the adverse impacts.

Historically, transport assessments have been prepared primarily in conjunction with large scale developments, concentrating solely on the vehicular traffic impacts, and no due consideration being given to such matters as accessibility by, or impact on, non-car modes. In addition, in more recent times, there has also been a move towards more sustainable development and the need to consider and cater of modes other than the private car.

The Guidelines further explain the detail required to be submitted with a Transport Assessment, including such considerations as defining the study area (typically larger than the actual site area), determined by such factors as the calculated traffic flow increases, if more than 10 per cent. Other considerations highlighted in determining the study area include:

- Change of intersection control type (such as from priority to traffic signals);
- New or modified intersections or crossovers;
- New or widened roads, shared paths, etc; and
- New or modified bus routes or bus stop locations.

In summary, some of the key features of the Transport Assessment as detailed in the Guidelines are:

- It is applicable to all forms of development, from individual developments to subdivisions and even structure plans, (although the level of detail will be different);
- It is an assessment to consider all parts of the transport network where the development traffic would be likely to have a material impact, (that is, as a rough guide, where traffic flows would increase by more than 10 per cent);
- Impacts are to be assessed for year of (full) opening and 10 years after opening, (to identify whether the development would 'use up' any spare capacity in the surrounding transport network, bringing forward the need for improvements);

- assessment of the likely parking demand versus parking provision required under the town planning scheme;
- consideration of any nearby committed (but not yet built) developments and of any proposed or possible changes (by others) to the surrounding transport network;
- assessment of the potential for development traffic to intrude into the surrounding area, particularly residential areas, and its likely impact on amenity;
- thresholds for remedial measures at intersections based on acceptable delays and to include delay to pedestrians at intersections and crossing roads mid-block;
- assessment of impact of the development traffic on existing pedestrians, cyclists and public transport users; and
- assessment of the accessibility of the site by non-car modes including links to bus stops, train stations, any new or improved services and detailed description of any proposed pedestrian/cycle facilities.

#### **CONSULTATION/ADVERTISING:**

The *'Transport Assessment Guidelines for Developments'* has been forwarded from the Department for Planning and Infrastructure (DPI) on behalf of the WAPC to stakeholders, including the Town of Vincent for comment. The document has been forwarded to internal service areas for comment.

It is recommended that the DPI be advised that further development and refinement of the Guidelines is required and that this be done as part of an active dialogue with local government, and relevant stakeholders, including the Town of Vincent.

#### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

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

*"1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment . . ."*

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

#### **COMMENTS:**

The *'Transport Assessment Guidelines for Developments'* (the Guidelines) have been prepared as an initial step towards developing a set of guidelines that will provide developers with improved guidance as to what types of supporting traffic information needs to be submitted with larger scale development applications and subdivisions. The intent of the document is to stimulate discussion amongst stakeholders, to enable the Guidelines to be further developed and refined prior to the final release.

The Guidelines have evidently been prepared with the larger scale 'greenfield' (vacant) sites in mind, located in the outer metropolitan locations, such as Wanneroo and Quinns Rock. For this reason, in the current context, the relevance and implications of the Guidelines on the Town of Vincent will be negligible, as the majority of land within the Town is already developed to its maximum potential. Nonetheless, there may be instances sometime in the future, when a larger scale redevelopment of an existing site may be submitted for assessment and consideration, requiring reference to the Guidelines, to ensure the correct level of information is provided, to enable a proper assessment to take place.

The Department for Planning and Infrastructure (DPI) has requested comments on the following:

- The four tiered approach based on the likely transport impact, that is no assessment, brief transport statement, case-by-case assessment or full transport assessment;
- The levels of development at which each would apply;
- The scope and content of the transport statement; and
- The scope and content of the transport assessment.

#### *General Comments*

Overall, the Guidelines provide a comprehensive overview and detail of the required information to be submitted to approval authorities in relation to traffic impact studies. As stated in the document, the Guidelines have been written for reference by *all* practitioners – not just the approval authorities. However, the Guidelines seem to place a significant amount of onus on the approval authorities to guide the proponents with informing what level of assessment is required, and providing additional information, such as details on proposed developments within the immediate study area and the associated traffic studies during a pre-application consultation. The approval authority may be able to provide some existing traffic data on existing roads if that information is available (and current), for example traffic volumes, however, it should not be incumbent on the authority to gather new data. This should be the responsibility of the applicant.

Comment should be made to the DPI that a greater onus should be placed on the proponent rather than the approval authority in determining the likely traffic volumes to be generated from the development and therefore the level of assessment required.

#### *Four Tiered Approach*

In reference to the Four Tiered Approach, depicted in Figure 1 of the guidelines, comment is made that it is diagrammatically easy to understand, and can be applied by both the technical and non-technical reader, to assist in determining what applicable level of traffic assessment will be required. No changes should be made to the suggested format.

#### *Table 1*

Table 1 lists a number of land uses and further categorises each into different scales of intensity for each land use. It provides the basis on which the vehicle trips movements are defined in the Four Tiered Approach depicted in Figure 1. Interrelated to each level of land use intensity, are the three different types of assessment that might be required, dependent on the low, moderate and high level of traffic impact defined on the number of vehicle trips in the peak hour.

Both the Four Tiered Approach and Table 1 are essential reference tools for any proponent or approving authority to refer to when determining what level and type of transport assessment will be required. It is recommended however, that so to assist in a better understanding of the basis of the Four Tiered Approach, that Table 1 and the associated explanatory text precede the Four Tiered Approach (Figure 1).

In addition, it is recommended that a footnote at the bottom of Table should state that it is the recommendation that consultation with the relevant approval authority be undertaken prior to preparing a final transport assessment report.

*Scope and Content of Sections on Transport Statement and Transport Assessment Requirements*

Comment was also requested on the scope and content of both sections outlining the basis, difference and requirements for a transport statement and transport assessment. The following comments are provided in response:

In general, it is recommended that in addition to the associated Checklists in the Appendix relating to both types of assessment, a summarised and more succinct description of the requirements and basis for each type of assessment be provided. This would then enable approval authorities, and proponents alike, to better disseminate the necessary requirements for the appropriate assessment type and better understand the primary basis of the information being requested.

In addition, it should be made to be a requirement that the checklist, appropriate to the transport assessment provided, be completed, signed and submitted by the proponent at time of application. This will ensure that the proponent has taken into account all necessary considerations and provide all necessary information as outlined in checklist prior to submitting the transport assessment to the approving authority.

*Scope and Content of Transport Statement (Section 2.0)*

Generally, Section 2.0 which relates to the basis of and requirements for a Transport Statement, is comprehensive yet easily digestible by the reader. However, the use of words such as 'informal' and 'relatively flexible' might give users the impression that there is a lower expectation on the level of information needing to be provided. Consequently, this may give rise to the opportunity for a proponent to argue against providing further information than is deemed essential. Such words should be removed and/or replaced with more suitable wording, applicable to the requirements being outlined.

The concept of defining a Study Area, as explained in detail in Section 3.0, which relates to Transport Assessments, should also be a requirement for Transport Statements. This will enable approving authorities to gain a better understanding of the basis of the traffic assessment that has been undertaken, and alter it, if deemed to be inadequate, or otherwise.

*Scope and Content of Transport Assessment (Section 3.0)*

The level of guidance provided for preparing a Transport Assessment in Section 3.0 is significant, and somewhat expectedly, more detailed. The introductory text to the requirements of a Transport Assessment however, seems to unnecessarily focus on explaining the theoretical basis on why transport assessments are required, rather than specifically outlining the exact requirements for a Transport Assessment. The theoretical basis for the types of assessments should be in the introductory portion of the *Transport Assessment Guidelines for Developments* document.

Concern is raised over the insistence in the Guidelines of determining the 'Scope of Assessment' based on the approval authorities opinion. The Scope of the Assessment could change at any time, particularly when it is a controversial development. Enabling approval authorities to alter the Scope of Assessment subsequent to the application and assessment being submitted could result in inconsistent guidance and a much longer processing time, if the proponent were to oblige with the altered 'scope' and re-do the assessment in some significant manner.

In relation to '*Section 3.4.10 – Committed developments with other transport proposals*', it is understood that this would relate to significant developments where there would be a significant impact on traffic.

The traffic proposals would need to be developed in partnership with the approving authority with the developer being required to assess the impact the new development would have on the existing road network. The approving authority would provide information to the developer on any impending developments in close proximity to ensure that the overall impact can be determined. These studies would need to be resourced by the developer and submitted to the approving authority to enable appropriate conditions to be applied. The developer would also be required to consult with the community regarding any proposal, which may potentially result in significant traffic impacts.

Section 3.4.13 refers to remedial measures, which may be required to be undertaken at intersections if the traffic generated by a development results in a reduction in the level of service of the intersection. The guiding table, *Table 3 - Guideline intersection thresholds for remedial measures* is based on the United States (US) Highways capacity Manual's - Level of Service approach.

The Table sets out a criteria, that is signalised intersection, priority intersections such as roundabouts, giveway and stop controlled, mid block with a corresponding average delay in seconds per vehicle which equate to the upper limit delay of level of service.

Section 3.1.13 would relate more to large scale developments generating a significant amount of additional traffic, such as a new multi lot new subdivision with its associated hierarchical road network infrastructure which would then connect to the existing road network.

Table 3 is based on US data and it is considered that this data needs to reflect Australian conditions and some of the average delays outlined appear to be excessive.

#### *Summary*

In conclusion, the *Transport Assessment Guidelines for Developments*, while being primarily based and structured for larger scale 'greenfield' developments in the outer metropolitan areas of Perth, opportunity still exists for the Town and other alike local authorities to adopt some of the principles and guidance provided in the document, for use in assessing larger scale re-development of existing sites.

It is recommended that the Council advises the DPI of the comments raised in the report above.

Cr Ker returned to the Chamber at 7.12pm.

At 7.12pm Moved Cr Farrell, Seconded Cr Chester

*That the meeting proceed "behind closed doors" to discuss Item 7.13 – Notice of Motion and the Confidential Report.*

**CARRIED (5-2)**

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

Journalists Mark Fletcher and Dan Hatch left the meeting at 7.12pm and did not return to the meeting.

<b>7.13 Notice of Motion submitted by Cr Dudley Maier – Request for Policy – Distribution of Tickets to Events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium</b>
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*That;*

(a) *the Council requests that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:*

- *who may receive the tickets (eg any resident of the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
- *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
- *efficient, timely, accountable and transparent ways of allocating the tickets;*  
*and*
- *any other matters considered relevant by the Chief Executive Officer; and*

(b) *until such a policy is developed and approved, all tickets that are available to the Town shall be:*

- *distributed to residents who live in the Town;*
- *selected at random from people who apply;*
- *selected in an open way at least two weeks before each event;*
- *given, subject to a written agreement that the tickets can only be used by the recipient and a guest.*

---

Moved Cr Maier, Seconded Cr Messina

*That the notice of motion be adopted.*

At 7.15pm Moved Cr Farrell, Seconded Cr Chester

*That Standing Orders be suspended to allow Elected Members to discuss the proposed Notice of Motion.*

**CARRIED (8-0)**

**Debate ensued.**

***Cr Maier WITHDREW his Notice of Motion with the consent of the seconder.***

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 August 2005, the Council considered the following matter and resolved as follows;

*"That the Council NOTES that;*

(i) *the following Notice of Motion has been received from Cr Maier:*

*"That;*

(a) *the Council requests that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:*

- *who may receive the tickets (eg any resident of the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
- *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
- *efficient, timely, accountable and transparent ways of allocating the tickets; and*
- *any other matters considered relevant by the Chief Executive Officer; and*

(b) *until such a policy is developed and approved, all tickets that are available to the Town shall be:*

- *distributed to residents who live in the Town;*
- *selected at random from people who apply;*
- *selected in an open way at least two weeks before each event;*
- *given, subject to a written agreement that the tickets can only be used by the recipient and a guest."*

(ii) *consideration and determination of the matter may result in a "financial gain, loss, benefit or detriment" for a person and as such they will be required to disclose a financial interest in the matter;*

(iii) *as a result of the possible "financial interest" (as defined by Section 5.60A of the Local Government Act 1995), the Council may not have a quorum (as required by the Town of Vincent Local Law Relating to Standing Orders) to consider the matter;*

(iv) *in the event that it does not have a quorum, as a result of any disclosure from Elected Members;*

(a) *the Chief Executive Officer will write to the Minister for Local Government, in accordance with Section 5.69 of the Local Government Act 1995, to seek approval for the Elected Members to participate in that part of the meeting and any subsequent meetings, to consider the matter; and*

- (b) *the Notice of Motion will "LIE ON THE TABLE" until the approval of the Minister for Local Government has been received.*

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**COUNCIL DECISION ITEM 11.1**

*Moved Cr Doran-Wu, Seconded Cr Ker*

*That the matter "LIE ON THE TABLE" until advice has been received.*

**CARRIED (5-2)**

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Lake</i>
<i>Cr Chester</i>	<i>Cr Maier</i>
<i>Cr Doran-Wu</i>	
<i>Cr Ker</i>	
<i>Cr Messina</i>	

*(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)"*

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**CHIEF EXECUTIVE OFFICER'S REPORT:**

**OFFICER RECOMMENDATION:**

*That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members relating to the Notice of Motion from Councillor Dudley Maier - Request for Policy - Distribution of Tickets to Events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium.*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal advice and also may compromise and/or be prejudicial to the Council position in the event that negotiations are carried out with the Stadium Managers, Allia Venue Management Pty Ltd.

**LEGAL/POLICY:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) to be treated as strictly confidential; and*
  - (ii) not, without the authority of Council, to be disclosed to any person other than–*
    - (a) the Members; and*
    - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

- (i) *then to be treated as strictly confidential; and*
- (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

**COMMENTS:**

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At 7.43pm Moved Cr Chester, Seconded Cr Ker

*That Standing Orders be resumed.*

**CARRIED (8-0)**

<b>7.13 Confidential Report Relating to the Notice of Motion Submitted by Cr Dudley Maier – Request for Policy – Distribution of Tickets to Events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium</b>
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**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Heads of Agreement (HOA) and the standard Deed of Licence (Deed) specifying the condition for the use of a suite and tickets at the Multi-Purpose Rectangular Sports (Members Equity) Stadium;*
- (ii) *NOTES that;*
  - (a) *the legal advice dated 1 September 2005 relating to the Heads of Agreement and standard Deed of Licence does not allow the use of the suite and tickets to be used in the manner proposed in the Notice of Motion dated 9 August 2005 submitted by Cr Dudley Maier as this would be contrary to the Heads of Agreement;*
  - (b) *pursuant to the Heads of Agreement, only the Stadium Committee (together with its invitees) may use the suite and tickets, and the suite and tickets may only be used for the purpose of promoting the Stadium;*
  - (c) *the words, "shall only be used for promotion of the Stadium", are defined to mean "for the future growth, development or progress of the Stadium or otherwise contribute to the Stadium's success as a venue for events", and that the concept of "promotion" is quite broad;*
  - (d) *if the Council proposes to use the suite or tickets at the Stadium in the manner proposed in the Notice of Motion referred to in (ii)(a), it will require the Heads of Agreement of be amended; and*
- (iii) *REQUESTS that the Chief Executive Officer develop "Guidelines and Procedures" for use by the Stadium Committee concerning the use of the Manager/Licensor's suite and distribution of tickets available to the Stadium Committee, for events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium and that the Guidelines/Procedures address;*
  - (a) *Guidelines for prospective invitees;*
  - (b) *Method for the allocating of tickets;*
  - (c) *Dress standard/code;*
  - (d) *Standard of behaviour/conduct;*
  - (e) *Type and extent of hospitality (if any) to be provided;*
  - (f) *Register of events; and*
  - (g) *Any other matters considered relevant by the Chief Executive Officer.*

(Note: Cr Maier withdrew his Notice of Motion with the consent of the seconder.)

Moved Cr Maier, Seconded Cr Lake

*That the recommendation be adopted.*

Moved Cr Maier, Seconded Cr Messina

*That new clauses (iv) and (v) be added as follows:*

“(iv) *REQUESTS the Chief Executive Officer to negotiate with Perth Glory Football Club for tickets to be used for distribution to the community; and*

(v) *REQUESTS the Chief Executive Officer to negotiate, in the long term, with Stadium Manager, Allia Venue Management Pty Ltd other opportunities for tickets to be provided for distribution to the Town of Vincent community.”*

The Presiding Member ruled that he would consider each new clause separately.

Clause (iv) was put.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology.)

Clause (v) was put.

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology.)

Moved Cr Farrell, Seconded Cr Doran-Wu

*That a new clause (vi) be added as follows:*

“(vi) *REQUESTS that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:*

- *who may receive the tickets (eg any resident of the Town, Community Groups in the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
- *selection procedures/method;*
- *selection of persons in an open way at least two weeks before each event;*
- *a written agreement that the tickets can only be used by the recipient and a guest;*
- *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
- *efficient, timely, accountable and transparent ways of allocating the tickets; and*
- *any other matters considered relevant by the Chief Executive Officer.”*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology.)

**COUNCIL DECISION ITEM 7.13**

*That the Council;*

- (i) ***RECEIVES the report relating to the Heads of Agreement (HOA) and the standard Deed of Licence (Deed) specifying the condition for the use of a suite and tickets at the Multi-Purpose Rectangular Sports (Members Equity) Stadium;***
- (ii) ***NOTES that;***
  - (a) ***the legal advice dated 1 September 2005 relating to the Heads of Agreement and standard Deed of Licence does not allow the use of the suite and tickets to be used in the manner proposed in the Notice of Motion dated 9 August 2005 submitted by Cr Dudley Maier as this would be contrary to the Heads of Agreement;***
  - (b) ***pursuant to the Heads of Agreement, only the Stadium Committee (together with its invitees) may use the suite and tickets, and the suite and tickets may only be used for the purpose of promoting the Stadium;***
  - (c) ***the words, "shall only be used for promotion of the Stadium", are defined to mean "for the future growth, development or progress of the Stadium or otherwise contribute to the Stadium's success as a venue for events", and that the concept of "promotion" is quite broad;***
  - (d) ***if the Council proposes to use the suite or tickets at the Stadium in the manner proposed in the Notice of Motion referred to in (ii)(a), it will require the Heads of Agreement of be amended; and***
- (iii) ***REQUESTS that the Chief Executive Officer develop "Guidelines and Procedures" for use by the Stadium Committee concerning the use of the Manager/Licensor's suite and distribution of tickets available to the Stadium Committee, for events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium and that the Guidelines/Procedures address;***
  - (a) ***Guidelines for prospective invitees;***
  - (b) ***Method for the allocating of tickets;***
  - (c) ***Dress standard/code;***
  - (d) ***Standard of behaviour/conduct;***
  - (e) ***Type and extent of hospitality (if any) to be provided;***
  - (f) ***Register of events; and***
  - (g) ***Any other matters considered relevant by the Chief Executive Officer;***
- (iv) ***REQUESTS the Chief Executive Officer to negotiate with Perth Glory Football Club for tickets to be used for distribution to the community;***
- (v) ***REQUESTS the Chief Executive Officer to negotiate, in the long term, with Stadium Manager, Allia Venue Management Pty Ltd other opportunities for tickets to be provided for distribution to the Town of Vincent community; and***

(vi) **REQUESTS that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:**

- *who may receive the tickets (eg any resident of the Town, Community Groups in the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
  - *selection procedures/method;*
  - *selection of persons in an open way at least two weeks before each event;*
  - *a written agreement that the tickets can only be used by the recipient and a guest;*
  - *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
  - *efficient, timely, accountable and transparent ways of allocating the tickets; and*
  - *any other matters considered relevant by the Chief Executive Officer.*
- 

#### **PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider the Notice of Motion taking cognisance of the legal advice which has been received.

#### **BACKGROUND:**

At the Ordinary Meeting of Council held on 9 August 2005, the Council considered the following matter and resolved as follows;

*"That the Council NOTES that;*

(i) *the following Notice of Motion has been received from Cr Maier:*

*"That;*

(a) *the Council requests that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:*

- *who may receive the tickets (eg any resident of the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
- *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
- *efficient, timely, accountable and transparent ways of allocating the tickets; and*
- *any other matters considered relevant by the Chief Executive Officer; and*

(b) *until such a policy is developed and approved, all tickets that are available to the Town shall be:*

- *distributed to residents who live in the Town;*
- *selected at random from people who apply;*
- *selected in an open way at least two weeks before each event;*
- *given, subject to a written agreement that the tickets can only be used by the recipient and a guest."*

- (ii) *consideration and determination of the matter may result in a "financial gain, loss, benefit or detriment" for a person and as such they will be required to disclose a financial interest in the matter;*
- (iii) *as a result of the possible "financial interest" (as defined by Section 5.60A of the Local Government Act 1995), the Council may not have a quorum (as required by the Town of Vincent Local Law Relating to Standing Orders) to consider the matter;*
- (iv) *in the event that it does not have a quorum, as a result of any disclosure from Elected Members;*
  - (a) *the Chief Executive Officer will write to the Minister for Local Government, in accordance with Section 5.69 of the Local Government Act 1995, to seek approval for the Elected Members to participate in that part of the meeting and any subsequent meetings, to consider the matter; and*
  - (b) *the Notice of Motion will "LIE ON THE TABLE" until the approval of the Minister for Local Government has been received.*

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**COUNCIL DECISION ITEM 11.1**

*Moved Cr Doran-Wu, Seconded Cr Ker*

*That the matter "LIE ON THE TABLE" until advice has been received.*

**CARRIED (5-2)**

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

*(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)"*

**DETAILS:**

As part of the redevelopment of Perth Oval into a Multi-Purpose Rectangular Sports Stadium, a number of corporate suites and open boxes were constructed for use by the Stadium hirers.

One small suite was retained for joint use by the Stadium Managers (Allia Venue Management) and the Stadium Committee.

**Minister for Local Government and Regional Development Approval**

Following the Council Meeting, Elected Members submitted their financial disclosures and on 12 August 2005 and 2 September 2005, the Chief Executive Officer wrote to the Minister for Local Government and Regional Development seeking the Minister's approval for the Elected Members to participate in debate and vote on the matter.

On 12 September 2005, the Department for Local Government and Regional Development wrote to the Town as follows;

*"I refer to your letters of 12 August and 2 September 2005 and advise that in accordance with authority delegated by the Minister, the Director General has approved your application under section 5.69(3)(a) of the Local Government Act 1995 to allow disclosing members:*

- *Mayor Nick Catania, Councillors Simon Chester, Helen Doran-Wu, Steed Farrell, Ian Ker, Sally Lake, Dudley Maier, Izzi Messina and Maddalena Torre to participate in the discussion and decision making procedure on the development of a policy on the distribution of tickets that may be available to the Town for events at the Multi-Purpose Rectangular Sports Stadium; and*
- *Mayor Nick Catania to preside at the meeting during Council's consideration of the above policy,*

*Subject to the following condition:*

- (a) *The approval is only valid for the Ordinary Meeting of Council to be held on 13 September 2005.*

*Please note that despite the above approval, the provisions of the Act require the members to disclose the nature and extent of their interest, together with the approval provided. The disclosures along with the approval then need to be recorded in the minutes of the meeting."*

Unfortunately, the letter was received too late for the matter to be included in the Agenda for the Ordinary Meeting of Council held on 13 September 2005 and as the approval was only for the Ordinary Meeting of Council of 13 September 2005, the Department of Local Government and Regional development was requested to give approval for the next available meeting, i.e. Special Meeting of Council to be held on 20 September 2005. This subsequent approval was received on 15 September 2005.

### **Legal Advice**

On 29 August 2005, the Chief Executive Officer discussed this matter with the Town's solicitors, Minter Ellison, and subsequently on 1 September 2005 received the advice which is summarised as follows;

### **\*\* Legal Advice is confidential**

#### ***Conclusion***

*In conclusion, the answers to the questions posed by you are:*

1. *Only the Stadium Committee (together with its invitees) may use the tickets, and the tickets may only be used for the purpose of promoting the Stadium.*
2. *The meaning of the words 'shall only be used for promotion of the Stadium' is discussed in paragraphs 13 to 15, above.*
3. *The Mayor and the CEO would not have a 'financial interest' for the purposes of the Local Government Act unless either of them receives a quantifiable financial benefit from the use of the suite.*
4. *Even if a financial interest of that type can be established, there would be very limited circumstances in which the relevant financial interest provisions of the Local Government Act would operate."*

**CONSULTATION/ADVERTISING:**

Nil. Any proposed policy would be advertised in accordance with the Town's Community Consultation policy.

**LEGAL/POLICY:**

The Heads of Agreement between the Town and Allia Venue Management prescribes that:

- “(a) a 12 seat suite in the Stadium (Members Equity) shall be reserved (at no cost) in respect of each Event for use by Naming Rights Holders (currently Members Equity);
- (b) 20 grandstand seats shall be reserved (at no cost) in respect of each Event for use by Allia for general promotional purposes;
- (c) a 12 seat suite in the Stadium shall be reserved (at no cost) in respect of each Event for Allia and the Committee. That suite shall only be used for the promotion of the Stadium.”

The Deed of Licences between the Town and Allia Venue Management and Perth Glory Football Club prescribes that:

- “(i) 8 tickets for the Licensor [Town of Vincent] (the Committee) (to enable the Licensor to have use of 8 of the seats in the Manager’s [Allia Venue Management]/Licensor’s Suite); and
- (ii) 28 tickets for the Manager (so that the Manager of the Manager’s guests may use the 20 Manager’s Seats [in the grandstand] and 8 of the seats in the Manager’s/Licensor’s Suite).”

**STRATEGIC IMPLICATONS:**

This matter is in keeping with the Town's Strategic Plan (Amended) 2005-1020, Key Result Area 4.3(e) - *"Develop and promote a positive and professional corporate image"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

To date there has been no expenditure associated with this suite.

There are no costs associated with this matter, however if and when the suite is used for promotional purposes, corporate hospitality costs may be incurred for any food and/or beverage which is provided.

**COMMENT:**

The Town's legal advice is quite specific about the current use and the purpose of the suite and tickets. The HOA currently restricts the way the suite and tickets can be used.

This is in contrast to the 20 grandstand seats reserved for use by Allia *"for general promotional purposes"*.

The current arrangement of sharing a suite with Allia Venue Management Pty Ltd has limitations in its practical use. The needs of the Town and Allia are quite different and it may be inappropriate on occasions to invite persons to promote the Stadium, whilst Allia representatives and their guests are present. This is also compounded by the current strained relationship between Allia and the Stadium Committee/Town.

However, any change to the current conditions will require a change to the HOA.

Should Council so request, it is recommended that proposed guidelines and procedures be prepared for use by the Stadium Committee to cover the following matters;

- (a) Guidelines for prospective invitees;
- (b) Method for the allocating of tickets;
- (c) Dress standard/code;
- (d) Standard of behaviour/conduct;
- (e) Type and extent of hospitality to be provided;
- (f) Register of events; and
- (g) Any other matters considered relevant by the Chief Executive Officer.

It is considered appropriate that guidelines be prepared, as this will provide guidance for the use of the suite and tickets by the Stadium Committee.

At 8.08pm Moved Cr Farrell, Seconded Cr Chester

*That an "open" meeting be resumed.*

**CARRIED (8-0)**

**8. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.10pm with the following persons present:**

Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 20 September 2005.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2005