

agenda

Elected Members Briefing
Session



To: His Worship the Mayor and Councillors

Please be advised that an Elected Members Briefing Session will be held at **6.30pm** on **Tuesday 7 October 2014** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "A Vuleta".

MR ANTHONY VULETA
A/CHIEF EXECUTIVE OFFICER

3 October 2014

ELECTED MEMBERS BRIEFING SESSION

Purpose of Elected Members Briefing Session (EMBS)

The EMBS is a constituted Committee of the Council in accordance with Section 5.8 of the *Local Government Act 1995*. The function of the EMBS is to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

The EMBS:

1. Has no delegated power to make decisions;
2. Does not make recommendations about the adoption of reports of employees or others to the forthcoming Ordinary Council meeting;
3. Will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public; and
4. Provides an opportunity for Elected Members to be equally informed and seek additional information on reports, items and matters prior to them being presented to the forthcoming Ordinary Council meeting for formal consideration and decision.

Procedures for EMBS

A meeting of the EMBS will be conducted in accordance with the *Town of Victoria Park Standing Orders Local Law 2011*. The following procedures will also apply:

1. The EMBS will be open to the public except for matters of a confidential nature. The guide for determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
2. There is no debate amongst Elected Members on any matters raised during the EMBS.
3. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda of the EMBS.
4. A record (brief minutes) shall be kept of all EMBS meetings. As no decisions are made at an EMBS, the record will only be a record of;
 - 4.1 items listed on the agenda by heading and number;
 - 4.2 questions asked and the response provided; and
 - 4.3 any disclosure of interest as declared by individuals.
5. Persons having an interest in or knowledge of matters to be decided by the Council may be invited by the Chief Executive Officer to address an EMBS. Such persons making an address will be limited to 15 minutes. An address must relate to matters listed on the Agenda.

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1 OPENING

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

There are guidelines that need to be adhered to in our Council meetings and while we are not as strict as we could be, it is important to remember that during question and statement time, I would like to request that the people speaking do not personalise any questions or statements about Elected Members or staff or use any possible defamatory remarks.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson (Deputy Mayor) Cr J (John) Bissett Cr K (Keith) Hayes Cr M (Mark) Windram
Jarraah Ward:	Cr V (Vince) Maxwell Cr D V (Vin) Nairn Cr B (Brian) Oliver Cr V (Vicki) Potter
A/Chief Executive Officer:	Mr A (Anthony) Vuleta
A/Director Future Life & Built Life	Mr R (Robert) Cruickshank
A/Director Renew Life	Mr W (Warren) Bow
Director Community Life	Ms T (Tina) Ackerman
A/Director Business Life	Mr G (Graham) Patrick
Secretary:	Mrs A (Alison) Podmore
Public:	

3.1 Apologies

Director Future Life & Built Life	Ms R (Rochelle) Lavery
Director Business Life	Mr N (Nathan) Cain

3.2 Approved Leave of Absence

4 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Declaration of Proximity Interest

Elected members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

Declaration of Interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

5 PUBLIC QUESTION TIME**6 PUBLIC STATEMENT TIME****7 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Elected Members Briefing Session meeting held on Tuesday, 2 September 2014 be confirmed.

8 PRESENTATIONS**8.1 Petitions****8.2 Presentations (Awards to be given to the Town)**

8.3 Deputations (Planning / External Organisations)

- 6:35pm Item 11.3 – Matt Evans from Celsius Property Group will be in attendance to discuss this application.
- 6:40pm Item 11.4 – Regina Browne will be in attendance to discuss this application.
- 6:45pm Item 11.5 – Steven Lozyk will be in attendance to discuss this application.
- 6:50pm Item 11.6 – Edward Capelli from Oats Street Storage will be in attendance to discuss this application.

9 METHOD OF DEALING WITH AGENDA BUSINESS

RECOMMENDATION:

That at Section 21 of the Agenda, Meeting Closed to the Public, Items 12.6 and 12.8 be discussed prior to Items 10.5 and 10.6.

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 2015 Schedule of Council Meetings & Elected Member Briefing Sessions

File Reference:	COR/10/0004
Appendices:	No

Date:	26 September 2014
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Council adopts the 2015 Monthly Meeting Schedule.

- No objections have been received from Elected Members; Residents/Ratepayers or applicants and developers about the monthly meeting cycle.
- There has been no significant impact on the duration of meetings and the volume items being presented
- The monthly council meeting cycle provides more time for the Administration to undertake research.

TABLED ITEMS:

Nil

BACKGROUND:

The Council at its meeting held on 10 April 2012 resolved to retain the monthly meeting cycle. This was determined following consideration of a review of the monthly meeting cycle of Elected Members Briefing Sessions (EMBS) and Ordinary Council Meetings (OCM).

DETAILS:

The proposed meeting schedule is based on the monthly timeframe that commenced in 2011. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The Town has not received any complaints or objections about the monthly meeting cycle from Elected Members or Residents/Ratepayers. Furthermore there has been no applicant or developer that has expressed concern about the timeframe in which their proposal has been considered by the Council.

The proposed monthly cycle of EMBS and OCM for 2015, is shown below:

2015 EMBS & OCM Meeting Schedule
EMBS 1st Tuesday & OCM 2nd Tuesday of each Month

Elected Members Briefing Session	Ordinary Council Meetings
Tuesday 3 February 2015	Tuesday 10 February 2015
Tuesday 3 March 2015	Tuesday 10 March 2015
Tuesday 7 April 2015	Tuesday 14 April 2015
Tuesday 5 May 2015	Tuesday 12 May 2015
Tuesday 2 June 2015	Tuesday 9 June 2015
Tuesday 7 July 2015	Tuesday 14 July 2015
Tuesday 4 August 2015	Tuesday 11 August 2015
Tuesday 1 September 2015	Tuesday 8 September 2015
Tuesday 6 October 2015	Tuesday 13 October 2015
Tuesday 3 November 2015	Tuesday 10 November 2015
Tuesday 1 December 2015	Tuesday 8 December 2015

Legal Compliance:

Section 5.3 of the Local Government Act 1995 states that:

“Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart; and*
- (3) *If a Council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.”*

Regulation 12 of the *Local Government (Administration) Regulations 1996* states that:

“12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,**are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

In relation to the above Regulation, if the Council adopts a meeting schedule for 2015 at its meeting to be held on 14 October 2013, the Administration can advertise the schedule in December 2013 which will comply with the legislation.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The continuation of a monthly meeting cycle will enable Elected Members and staff who attend Council Meetings and Briefing Sessions to have sufficient time to undertake research or spend it recreating with family, particularly for those with young children.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The turnaround for a Council decision by retaining a monthly meeting cycle has not significantly impacted on development applications and it provided staff and proponents with more time to engage and discuss with each other if there were any issues that can be resolved at an early stage, resulting in matters not being deferred at Council meetings or withdrawn from an agenda. In addition it provided an opportunity in some instances for staff to negotiate with proponents resulting in applications being approved under delegated authority obviating the need for the matter to be referred to Council for a determination.

An examination of public holidays reveals that there will be no issues, however, the Agenda for the EMBS to be held on 7 April 2015 will need to be disseminated on Thursday 2 April 2015 as Good Friday falls on the 3 April 2015.

Consequently the proposed monthly meeting schedule for 2015 has been provided for consideration. If adopted, the 2015 Meeting Schedule will be advertised during December 2014.

CONCLUSION:

The adoption of the monthly meeting cycle has assisted staff, Elected Members and Members of the Public in determining Council Meeting dates proposed in the future calendar years in terms of regularity being the second Tuesday of each month. It has also enabled Elected Members and the Administration to focus on strategic planning and provided additional time to research matters and undertake consultation.

It is recommended that the monthly meeting cycle for 2015 be approved.

RECOMMENDATION/S:

1. Council continues with the monthly meeting cycle with Elected Members Briefing Session being held on the first Tuesday of each month and the Ordinary Council Meeting being held on the second Tuesday of each month whilst still maintaining a Council recess during the month of January.
2. The monthly cycle of Elected Members Briefing Sessions and Ordinary Council Meetings for 2015, in accordance with the following schedule be approved:

2015 EMBS & OCM Meeting Schedule
EMBS 1st Tuesday & OCM 2nd Tuesday of each Month

Elected Members Briefing Session	Ordinary Council Meetings
Tuesday 3 February 2015	Tuesday 10 February 2015
Tuesday 3 March 2015	Tuesday 10 March 2015
Tuesday 7 April 2015	Tuesday 14 April 2015
Tuesday 5 May 2015	Tuesday 12 May 2015
Tuesday 2 June 2015	Tuesday 9 June 2015
Tuesday 7 July 2015	Tuesday 14 July 2015
Tuesday 4 August 2015	Tuesday 11 August 2015
Tuesday 1 September 2015	Tuesday 8 September 2015
Tuesday 6 October 2015	Tuesday 13 October 2015
Tuesday 3 November 2015	Tuesday 10 November 2015
Tuesday 1 December 2015	Tuesday 8 December 2015

10.2 Town Centre Redevelopment: Project Budget and Project Team

File Reference:	PLA/6/0003
Appendices:	Yes

Date:	30 September 2014
Reporting Officer:	B. Rose
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority and Absolute Majority

Executive Summary:

Recommendation – the Project Initiation Phase be costed from the Future Projects Reserve and a Council Project Team be established to guide the Project Initiation Phase.

- The Future Fund Reserve was established to assist in funding projects and property purchases that diversify Council's revenue streams. The Town Centre Redevelopment project meets this criteria and the Project Initiation Phase should be funded from this Reserve account.
- Establishment of a Council Project Team will aid development of the Project Initiation Phase and ensure a smooth transition (if viable) into the Planning and Implementation Phases.

TABLED ITEMS:

Nil

BACKGROUND:

The Town, in partnership with LandCorp, is commencing preparation of a Business Case for the Town Centre Redevelopment Project. The purpose of the Business Case is to establish the viability, or otherwise, of the redevelopment project from a sustainability perspective (i.e. balanced financial, social, environmental and governance outcomes).

Project Budget

Presently, there is \$20,000 allocated in the Town Centre Redevelopment project budget (2014-2015). Further funds will be required this financial year in order to progress the project.

Project Team

Project Teams are established and utilised by the Council and Executive to aid the progress of complex, large and / or important projects.

DETAILS AND COMMENTS:

Project Budget

It is anticipated that the following budget will be required by the Town for the remainder of the 2014-15 financial year to progress this project:

- Legal – \$50,000 (LandCorp will budget an additional supplementary amount);
- Communications - \$10,000 (LandCorp will budget an additional supplementary amount);
- Architecture / Design - \$15,000 (LandCorp will budget an additional supplementary amount);
- Civil engineering - \$15,000 (LandCorp will budget an additional supplementary amount);
- Land valuations - \$10,000 (LandCorp will budget an additional supplementary amount); and
- Asset options assessment - \$40,000 (LandCorp will budget an additional supplementary amount).
- **TOTAL - \$140,000**

Presently, there is \$20,000 allocated in the Town Centre Redevelopment project budget (STP1103). Consequently, a further \$120,000 is required to be re-allocated from other Municipal Funds or appropriate Reserve Accounts. Allocation from the Future Fund Reserve Account is considered the most appropriate by the Executive. The Future Fund Reserve was established for the following explicit purpose:

“To assist in funding projects and property purchases that diversify Council's revenue streams.”

Project Team

Full details of the proposed Terms of Reference for the Town Centre Redevelopment Project Team are included in the Appendices. In summary, the Project Team is proposed to be established for the term of the Project Initiation Phase (until June 2015), with the chief objective of guiding preparation of the project Business Case with LandCorp. Nomination and approval of Councillor membership on the Project Team is required as part of the resolution from this item. It is proposed that Council membership comprises the Mayor and three Elected Members.

Legal Compliance:

Project Budget

In accordance with the *Local Government Act 1995* (clause 6.8), an Absolute Majority decision is required to supplement a Municipal Fund item from a Reserve Account.

Project Team

A Council Project Team is not empowered to make decisions on behalf of the Council.

Policy Implications:

Nil

Strategic Plan Implications:

The Town Centre Redevelopment project is identified in the Strategic Community Plan as a priority project for Council.

Financial Implications:

The status of the Future Fund Reserve is as follows:

Future Fund: to assist in funding projects and property purchases that diversify Council's revenue streams.			
	2013-14 Budget	2013-14 Actual	2014-15 Budget
Opening Balance	556,700	540,000	1,644,050
Transfer to Reserve - Municipal Funds	1,100,000	1,100,000 ¹	1,350,000
Transfer to Reserve - Interest Earnings	16,700	4,049	45,000
Transfer from Reserve	0	0	0
	1,673,400	1,644,050	3,039,050

Sustainability Assessment:

A sustainability assessment will be completed as part of the Business Case.

CONCLUSION:

Given the priority of the Town Centre Redevelopment project and its alignment with the purpose of the Future Fund Reserve Account, the Executive recommends allocation of \$120,000 from the Reserve Account into the Municipal Fund item STP1103 (Town Centre Redevelopment). Additionally, given the large size and complexity of the project, establishment of a Council Project Team is recommended, in accordance with the Terms of Reference as contained within the Appendices.

RECOMMENDATIONS:

That Council:

1. Approve allocation of \$120,000 from the Future Fund Reserve Account to the Municipal Fund item 'STP1103 – Town Centre Redevelopment' project, for the purpose of preparation of a detailed Project Business Case.

(Absolute Majority Required)

2. Approve establishment of the Town Centre Redevelopment Project Team in accordance with the Terms of Reference as contained within the Appendices, including the following membership:
 - Presiding Member - Mayor Trevor Vaughan;
 - Deputy Presiding Member – Councillor _____;
 - Member – Councillor _____; and
 - Member – Councillor _____.

10.3 Metropolitan Local Government Reform: Stage 1 Closure

File Reference:	GOV/1/26
Appendices:	Yes

Date:	18 September 2014
Reporting Officer:	B. Rose
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – that Council endorses the completed activities for Stage 1 of the Metropolitan Local Government Reform Program and endorse continuation to Stage 2, conditional on the Minister for Local Government’s decision to proceed with reform.

- The Town and the City of South Perth have collaboratively undertaken much work on the reform program to date.
- Minimal activities under Stage 1 are redundant; with outcomes able to be used individually by the Town and the City if the reform program is halted.
- Council endorsement of the completed Stage 1 activities is important given the prominence and implications of the reform program.

TABLED ITEMS:

Nil

BACKGROUND:

In July 2013, the State Government announced its policy for Metropolitan Local Government Reform. This policy outlined the State’s intention to reduce the number of local governments in the metropolitan area from 30 to 15 by 1 July 2015.

In November 2013 the Minister for Local Government and Communities submitted his proposals to the Local Government Advisory Board (LGAB) for consideration. Since then the LGAB has been progressing its review and assessment of these proposals. This process has included seeking proposals and submissions from affected local governments and electors. The Town submitted a proposal jointly with the City of South Perth to the LGAB in March 2014, for consideration by the LGAB.

While the above process has been occurring, the Minister and the Department of Local Government and Communities (the Department) has been very clear that the State’s Reform Program ‘will happen’, and that local governments should prepare for this to occur by 1 July 2015.

In February 2014, the Department, in conjunction with WALGA and the LGMA, prepared a step-by-step practical guide called the Local Government Reform Toolkit. This toolkit identifies core activities grouped by function to be addressed over four stages:

- Stage 1:** Review (until August 2014);
Stage 2: Plan (August 2014 to March 2015);
Stage 3: Mobilise (April 2015 to June 2015); and
Stage 4: Implement (July 2015 onwards).

In the absence of a final decision from the Minister, the Town has completed the vast majority of Stage 1 and has been progressing with Stage 2 of the Toolkit on initiatives where no external funding is required. The Administration consider this to be a prudent course of action, given the volume of work necessary for completion prior to the 1 July 2015 deadline, which remains in place, despite repeated delays in process from the State Government.

DETAILS AND COMMENTS:

Stage 1 of the Reform Toolkit has involved the review of the Town's current state and documentation of its processes. The Town has also used this time to prepare for the next stages in the Reform process - should it go ahead. The Town has worked in conjunction with the City of South Perth in the completion of this work, a summary of which is provided below.

Change Management Plan

A Change Management Plan has also been developed to map out how the Town of Victoria Park and the City of South Perth intend to manage the amalgamation process, in particular the impact on the organisations involved, and on staff as individuals, to maximise positive outcomes for the new local government entity and its stakeholders.

The ultimate outcome of the amalgamation process is for the Town of Victoria Park, the City of South Perth and part of the City of Canning to form a new local government that has increased capacity and is better placed to provide efficient and effective, value for money services, to its stakeholders.

The Change Management Plan sets out:

- the background to the change process;
- the principles being followed;
- the objectives, outcomes and outputs of the Change Management Plan;
- the Vision for Change;
- the benefits of managing change;
- the actions being undertaken;
- the governance and reporting structure being followed;
- the way in which the change process will be monitored;
- the relationship between the Change Management Plan with other Reform projects; and
- the way in which risks associated with the change process will be managed.

A summary of the Change Management Plan has been prepared for Council endorsement. This is attached at **Attachment 1**, as contained within the Appendices. The detailed Changed Management Plan is still being finalised and subject to change as a result of delays in the State's Reform process.

Governance Framework and Terms of Reference

The Town and City have taken a project management approach to the delivery of the Reform Program. Using the Reform Toolkit for guidance, the Town and City have organised the key reform functions into five Program Management Streams. These Program Management Streams have then been broken-down into 30 individual projects, with over 2,300 tasks. The governance structure established for the Reform Program is provided in **Attachment 2**, also contained within the Appendices.

Terms of Reference have been prepared setting out the key role and function of each of the groups and forums established to oversee and implement the Reform Program.

Reform Program Office

The Town and City have established a Reform Program Office to drive the reform process. A Reform Program Director has been appointed internally at both the Town and City, to lead the Reform Program Office.

The Reform Program Office is responsible for:

- Facilitating the project management processes, procedures and outcomes throughout the Reform Program (i.e. implementation of the Reform Program Management Plan).
- Supporting the governance and administration of the Local Implementation Committee, the Joint Leadership Team (Reform Steering Group) and the Reform Implementation Group.
- Standardising project management across the Reform Program.
- Establishing and driving performance monitoring and reporting across the Reform Program.

Reform Program Management Plan

With the assistance of NS Projects Ltd, the Town and City have also developed a Program Management Plan, **Attachment 3** as contained within the Appendices, for the structured delivery of initiatives required to deliver the necessary business changes. The attachments supporting the Program Management Plan can be provided to Elected Members under separate cover as they are several hundred pages in length. This Plan sets out:

- a timeline with the key milestones and tasks for each stage of the Reform process;
- a reporting framework;
- an assessment of risks and opportunities; and
- project costs and resources required

The Program Management Plan will be a 'live' document that will be reviewed and updated as the reform process progresses.

Joint Project Teams

For each of the 30 individual projects necessary to deliver the Reform Program, joint project teams with members from both Victoria Park and South Perth have been established. These teams will be responsible for the coordination and delivery of individual project tasks as per the Reform Toolkit. The different project teams are listed in the governance structure established provided in **Attachment 2** as contained within the Appendices.

Project Implementation Plans

Each project team has prepared a project implementation plan, to help guide the project through stages one to four of the reform toolkit. These plans set out what needs to be done, by when, and by who. Progress reports against the tasks in these plans will be provided to Program Managers on a weekly basis. Monthly reports will be provided by Program Managers to the Reform Program Office, and the Joint Leadership Team. A sample project implementation plan is shown in **Attachment 4**, contained within the Appendices

Due Diligence

The Town has undertaken a review of its 'current state'. This process has involved the updating and collation of all key documentation, including all over-arching strategies, management policies and practices. The Town has created several hundred process maps of its core functions and operations.

When the Town and the City move into Stage 2, this documentation and process mapping will allow both parties to compare core functions and operations as a starting point in determining what process and policies the new local government entity will implement. A copy of the Due Diligence checklist is provided at **Attachment 5**, contained within the Appendices.

Internal and External Communications Plan

A joint internal and external communications plan has been developed with the City of South Perth. The purpose of this plan is to:

- ensure that both internal and external communications and messages are consistent and targeted to reflect the different stages of the transition; and
- ensure media and social media channels are managed proactively.

Legal Compliance:

There is no provision within the *Local Government Act 1995* which specifically requires a resolution of Council to 'conclude Stage One of the Metropolitan Reform Program'. However, given the importance of the reform process to the Community, it is appropriate that Council formally considers closing-out this milestone and endorsing forward progress on the program.

Policy Implications:

There are no policy or legislative implications as a result of the Stage One of the Reform Program. Stage One has involved the review and collation of current-state material, and planning for future stages of the Reform Program.

Strategic Plan Implications:

This report and recommendations are consistent with the Town's Strategic Community Plan, principally the Corporate Life Program objective of "building and maintaining organisational capacity".

Financial Implications:

The Town budgeted \$750,000 for the reform program during the 2014-15 financial year.

A \$50,000 contribution was received from the State Government in June 2014. This grant was used to fund the development of the Reform Project Management Plan.

Summary of Consultants costs for Stage 1 (2014-2015 Financial year)

Consultant	Work completed	Cost
NS Projects	Program Management Plan	3,140.00
Consult WG	Consultant PM 5 Stream	3,960.00
Datacom Systems	Information Systems	35,651.00
Responsis	Project management, reporting and monitoring software	1,099.73
Jackson McDonald	Legal Advice	12,309.86
Temp. Staff	Various	6,106.07
Total		\$62,266.66

Staff time

From April 2014, staff have been recording the number of hours spent each week on the reform program. On average, about 1,000 hours in total are spent across the whole organisation each month on the reform program.

Sustainability Assessment:

A key catalyst of the Metropolitan Local Government Reform Program was the local government sector's Systemic Sustainability Study (2006) and subsequent investigation into metropolitan reform lead by Alan Robson on behalf of the Department of Local Government's 'Metropolitan Local Government Review Panel'. A key underpinning principle of the reform program is increased sustainability of the metropolitan local government sector.

CONCLUSION:

Much work on the Metropolitan Reform Program has been undertaken by staff across the Town and the City of South Perth. To date, very minimal 'redundant' actions have been completed, with the focus of activity being on review and documentation of current-state processes, including identification of risks and opportunities. If the reform program proceeds (under decision of the Minister for Local Government), the work from Stage 1 will be carried into Stage 2 of the merger. If the reform program is halted, the work undertaken from Stage 1 will be internally re-directed into improving and updating the Town's own processes.

Given the prominence and importance of the reform program, it is appropriate for the Council to review the higher-order work undertaken through Stage 1 and remain cognizant of the work required for continuation into Stage 2, conditional to the Minister's decision to proceed.

RECOMMENDATIONS:**That Council:**

- 1. Acknowledges the collaborative, partnership approach to Metropolitan Local Government Reform adopted by the Town of Victoria Park and the City of South Perth.**
- 2. Endorses the work completed by the Town of Victoria Park and City of South Perth for Stage 1 of the Metropolitan Local Government Reform Program, included in Attachments 1-5, contained within the Appendices.**
- 3. Requests the Acting Chief Executive Officer to provide copies of the completed Stage 1 actions to the Department of Local Government and Communities and the Minister for Local Government and Communities.**

10.4 WA Local Government Association Feedback – Dadour Poll Provisions

File Reference:	GOV/1/41
Appendices:	Yes

Date:	1 October 2014
Reporting Officer:	B. Rose
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – that Council consider and resolve the most appropriate form of Poll provision in relation to boundary changes.

- WALGA is seeking industry feedback on changes to poll provisions to enable it to best advocate with key decision-makers.
- A variety of scenarios to change the poll provisions have been presented by WALGA.
- Council can resolve to select one of the WALGA scenarios, or to recommend an alternative scenario.

TABLED ITEMS

Nil

BACKGROUND

The Town (along with all other WA Councils) has received a request for feedback from the WA Local Government Association (WALGA) in relation to the ‘Dadour Poll’ provisions (i.e. the Poll provisions contained in Schedule 2.1 of the Local Government Act 1995 (the Act)).

Specifically, input is sought to help define WALGA’s position regarding advocacy for amendments to the Poll provisions contained in Schedule 2.1 of the Act to enable electors of a Local Government that will be abolished or significantly affected by a boundary change (not an amalgamation) proposal to demand a Poll. Presently, there are no Poll provisions for a boundary change scenario.

Feedback has been requested by WALGA before 31 October 2014.

DETAILS

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult and there are divergent views in the Local Government sector. There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential Poll of electors. There is also a general view that, where one or more Local Governments will be abolished or a Local Government’s viability could be affected by a boundary change proposal, electors should have the right to demand a Poll.

Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Act. This was WALGA State Council's original approach where it was resolved that a 50% variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a Poll. In addressing this matter WALGA needs to determine whether these are the appropriate criteria or whether there should be an alternative method to determine whether a Local Government would be 'significantly affected' by a boundary change proposal.

Options to address this issue have been presented by WALGA, as follows:

1. All boundary change proposals could be the subject of a Poll. While there is a general view that minor boundary changes should not be subject to a Poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a Poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define 'significantly affected'.
2. Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community's right to call a Poll. Three percentages have been presented as options to define these criteria in the Act:
 - a. 10%.
 - b. 25%
 - c. 50%

Legal Compliance

If changes to the present 'Dadour Poll' provisions are broadly recommended by the local government sector, WALGA will advocate with the Department of Local Government and Communities (and Minister for Local Government and Communities) to seek to have the changes to the Act undertaken. This, of course, is not a simple process with guaranteed outcomes, requiring amendments to a live Act through parliamentary and legislative processes.

Policy Implications

Nil

Strategic Plan Implications

Nil

Financial Implications

If amendments to the Act are achieved through this process, the threshold for a Poll to be conducted could be greatly reduced, thereby giving rise to a Poll/s scenario more often. Advice from the WA Electoral Commission suggests the costs to the Town to conduct a Poll would be in the order of ~\$50,000. In the context of the overall reform program, this is a nominal amount only.

Sustainability Assessment

A key catalyst of the Metropolitan Local Government Reform Program was the local government sector's Systemic Sustainability Study (2006) and subsequent investigation into metropolitan reform lead by Alan Robson on behalf of the Department of Local Government's 'Metropolitan Local Government Review Panel'. A key underpinning principle of the reform program is increased sustainability of the metropolitan local government sector.

COMMENTS AND CONCLUSION

In the sole context of metropolitan local government reform, providing a response to WALGA along the lines of the options suggested is not problematic. However, in the broader context, if modifications to the Act are going to be proposed, including Parliamentary deliberation and legislative processes, the Executive recommends that a broader review of the Act be undertaken and 'omnibus' modifications be presented, rather than ad-hoc and topical modifications in a 'band-aid' manner. The Act is almost 20 years old and well in need of contemporising and 'de-bugging'.

Additionally, if changes to the 'Dadour Poll' provisions are recommended by WALGA to the Minister, they are highly unlikely to take effect before the present round of metropolitan local government reform is concluded (including potential Polls later this year).

Lastly, the Executive is hesitant to provide a specific recommendation to Council on the listed scenarios for Poll provision changes, as the key impacts relate to ratepayer representation across existing and potential communities. In this regard, the suite of options presented by WALGA have been provided for the Council to select from; or to propose and approve an alternative scenario. The scenarios presented by WALGA do not have any empirical or measured evidence to support them; they appear to be a nominal selection (e.g. 10%, 25%, 50% of population, or rateable properties, or revenue). If the Council is to select one of these options (or an alternative), there should be some level of multiple-criteria analysis to support the decision.

RECOMMENDATION/S:

That Council requests the Acting Chief Executive Officer to:

- 1. Advise the Western Australian Local Government Association that it's preferred scenario for poll provisions in relation to boundary changes is**

- 2. Advise the Western Australian Local Government Association that a more comprehensive review of the *Local Government Act 1995* should be progressed as part of the broader local government reform program, rather than ad-hoc and topical changes.**

10.5 HR Matter – *Confidential Item*

This Report is issued under a separate cover.

10.6 HR Matter – *Confidential Item*

This Report is issued under a separate cover.

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 996 (Lot 5) Albany Highway, East Victoria Park – Demolition and Construction of 8 Multiple Dwellings and Office

File Reference:	PR11641
Appendices:	No
Landowner:	CX Transport Pty Ltd
Applicant:	Anderson Toh Architect
Application Date:	30 July 2014
DA/BA or WAPC Ref:	5.2014.460.1
MRS Zoning:	Urban
TPS Zoning:	Residential / Commercial
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	Multiple Dwellings & Office
Use Permissibility:	'P' use

Date:	26 September 2014
Reporting Officer:	T. Barry
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – Approval subject to conditions:

- Application for Demolition and Construction of Eight (8) Multiple Dwellings and an Office.
- Non-compliant with the relevant design standards in relation to Plot Ratio, Front Setback and Boundary Walls.
- Consultation with surrounding property owners and occupiers in accordance with Council Policy GEN3 'Community Consultation for 14 days, commencing 4 September 2014 and concluding 19 September 2014. Two (2) Objections were received.
- Considered that the form, quality and appearance of the proposed development is consistent with the desired character of development along this section of Albany Highway and that the variations being sought are acceptable.

TABLED ITEMS:

- Development application form dated received 30 July 2014;
- Original plans and elevations dated received 30 July 2014;
- Superseded plans and elevations dated received 21 August 2014;
- Amended plans and elevations dated received 3 September 2014;
- Consultation letter sent to adjoining owners and occupiers dated 4 September 2014;
- Submissions from adjoining land owner and family dated 19 September 2014;
- Minutes of the Design Review Committee Meeting dated 26 August 2014; and
- Aerial photograph of the locality.

BACKGROUND:

The subject application was submitted on 30 July 2014 following initial discussions between the applicant and Council Officers, including initial comments provided from the Design Review Committee. The site is currently occupied by a dwelling in very poor condition.

DETAILS:

An application has been received for a mixed use development comprising of a three (3) storey building with an Office on the ground floor and eight (8) two (2) bedroom Multiple Dwellings on the first and second floors. There is currently a 5.0 metre wide right-of-way at the rear of the property that will be utilised for vehicular access to the development. The proposal includes the demolition of the existing single residential dwelling on the site.

The application proposes an Office tenancy on the ground floor, along with parking for the entire development, store rooms for residents and bin storage areas. The parking area is split into two (2) sections, with a secure gate being provided to the section of resident parking, and the Office and visitor parking is provided external to this.

Access to the site is via the right-of-way for vehicles and from Albany Highway for pedestrians. The Office tenancy has been provided with its own individual pedestrian entrance, with a separate resident entry being provided to the side of the building. This entry leads to a lobby that is also accessed from the car park and provides the entry point to the stairwell that services the building.

Parking is provided in accordance with the Town's requirements, with eight (8) secure bays being provided for the residents and two (2) bays being provided for the Office tenancy. There are also two (2) visitors bays located alongside the Office bays. The Office bays provide the opportunity for additional visitor parking outside of office hours. Five (5) bicycle racks have also been provided to the secure resident parking area, which is in excess of the two (2) required. All parking is contained on site and accessed from the rear right-of-way.

Legal Compliance:Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 36 of the Scheme Text;
- Clause 38 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct'

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan:
 - 3.7 Mixed Residential / Commercial Development;
 - 4.8 Albany Highway Residential / Commercial Design Guidelines; and
 - 5.1 Parking Policy.
- Residential Design Codes (R Codes);
- Local Planning Policy – Streetscape (LPP-S); and
- Local Planning Policy – Boundary Walls (LPP-BW).

The following is a summary of compliance with key development requirements:

Item	Relevant Provision	Requirement	Proposed	Compliance
Plot Ratio	Precinct Plan P11	Maximum 1.0 = 685m ²	1.095 = 750m ²	Non-compliant (see Comment below)
Primary Street Setback	Precinct Plan P11	Minimum 3.0 metres	2.2 metres – 3.3 metres	Non-compliant (see Comment below)
Setback to Right-of-Way	LPP-S Clause 1	Parking minimum 4.0 metres to Centreline; Upper floors minimum 7.0 metres to Centreline	8.0 metres to Centreline	Complies
Boundary Setbacks	R-Codes, Clause 6.1.4	Minimum 3.0 metres	Nil to Boundary Walls; 5.0 metres to remainder.	Complies
Boundary Walls	LPP-BW	North Boundary: 7m Maximum Height 6m Average Height 32.1m Length (2/3)	11.3m Maximum Height 8.9m Average Height 40.4m Length	Non-compliant (see Comment below)
		South Boundary: 7m Maximum Height 6m Average Height 32.1m Length (2/3)	10.9m Maximum Height 9.4m Average Height 41.6m Length	Non-compliant (see Comment below)
Access and Parking	5.1 'Parking Policy' & Precinct Plan P11	All access from ROW; 12 Parking bays; 2 Bicycle racks.	Access from ROW; 12 Parking bays; 5 Bicycle racks.	Complies
Building Height (measured from the natural ground level)	Precinct Plan P11	3 Storeys (11.5 metres)	3 storeys (11.3 metres)	Complies

Visual Privacy	R-Codes, Clause 6.4.1	Bedrooms / Studies = 3m setback Living areas = 4.5m setback Balconies = 6m setback	Balconies = nil – 0.6m	Non-compliant (see Comment below)
Demolition of existing dwelling	LPP-S – Clause 8	Original Dwellings in Residential Character Study Area to be retained.	Not an original dwelling in Residential Character Study Area.	Complies

Submissions:**Community Consultation:**

In accordance with Council's GEN3 'Community Consultation' Policy and the Residential Design Codes, the proposal was the subject of consultation for a 14 day period, with letters being sent to the owners and occupiers of surrounding affected properties. The consultation commenced on 4 September 2014 and concluded on 19 September 2014. Two (2) submissions were received objecting to the proposed development. Details of these submissions are as follows:

CONSULTATION SUBMISSIONS

Two Submissions from owner & family of owner of No. 998 Albany Highway, East Victoria Park

Comments Received	Officer's Comments
<ul style="list-style-type: none"> Neighbour's lifestyle, garden and house would be severely affected, particularly by boundary wall. The building would restrict the sunshine needed for comfortable living and create privacy issues. 	<ul style="list-style-type: none"> Not-supported. The boundary wall, whilst being above the deemed-to-comply height of the R-Codes, is typical of the style of development that is being encouraged in this area of East Victoria Park. The proposal will cast a shadow on the adjoining property but the R-Codes do not have any deemed-to-comply provisions for this density of residential development. It is considered that this section of Albany Highway will continue to be developed in this manner and the casting of shadows will become irrelevant as developments will eventually abut similar developments with boundary walls also.

<ul style="list-style-type: none"> • Applications to exceed permitted plot ratio and not provide minimum street setback should be disallowed. 	<ul style="list-style-type: none"> • Not-supported. The Town has consistently allowed variations to plot ratio where superior design has warranted it, and has been supportive of reduced front setbacks to provide for more activation of the streetscape. Both variations to plot ratio and the front setback are within the allowable limits of what has previously been deemed acceptable and are supported.
<ul style="list-style-type: none"> • Strongly object to a high boundary wall as it would cast shadows and make neighbours feel like a prisoner in their own home. 	<ul style="list-style-type: none"> • Not-supported. The boundary wall is above the generally acceptable height under the R-Codes but is typical of new development in this area. The site is zoned to allow for a three (3) storey development and whilst the boundary wall exceeds the permitted height, having the wall setback as required or having a wall of the height allowed would likely have the same impact on the neighbouring property.
<ul style="list-style-type: none"> • Feel that putting a building of such stature between two private residences would be out of character and cause inconvenience with noise, lights and activity. 	<ul style="list-style-type: none"> • Not-supported. Whilst the proposal may appear out of character initially, the intent is for development of this scale and style to occur along this section of Albany Highway and will ultimately form the basis for the streetscape and character in this area.

Policy Implications:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposal is broadly consistent with the development that has already occurred and along Albany Highway in the general vicinity of the subject property. Whilst there is non-compliance in relation to the plot ratio, primary street setback and boundary walls, these aspects have been assessed giving consideration in the broader sense of the intended form of development along this section of Albany Highway.

Plot Ratio

It is proposed to have a plot ratio of 1.095 in lieu of a maximum of 1.0. This equates to an additional 65m² of net floor area than that provided for in the Precinct Plan. It has been a consistent approach of the Town to allow an increase to plot ratio, up to 10%, provided the design is of a high quality and provides for a higher level of amenity for residents and users of the area. The proposal has been considered by the Design Review Committee and they are of the opinion that the plot ratio increase is warranted. Given the high quality of the development, and the increase being within the 10%, the increase in plot ratio is considered acceptable in this instance.

Primary Street Setback

The Precinct Plan provides for a 3.0 metre minimum setback from Albany Highway. While in other instances a nil setback to Albany Highway has been supported, in this case given the interface with Edward Millen Park the proposed street setback of 2.2 – 3.3 metres is considered acceptable.

Boundary Walls

The proposed boundary walls are both higher and longer than the standards set out in the Council's Local Planning Policy – Boundary Walls. Boundary walls with an increased height and length are a common feature in this area and have become a consistent part of new multiple storey developments in this section of Albany Highway. It is considered that the adjoining lots will be developed in a like manner in the future and thus the walls are considered appropriate in this instance.

Visual Privacy

The proposal will result in some overlooking from the rear balconies of the units into the adjoining rear yards of the adjoining dwellings. Given the intended development of this portion of Albany Highway will see the rear portion of buildings largely be used for access and balconies in this same manner, it is not felt that the proposal will have any adverse impacts on the adjoining properties. The majority of overlooking is within the right-of-way setback area and as such any future development is likely to be in a similar manner to that currently proposed.

The submitted plans were referred to the Design Review Committee members for comment upon lodgement of the application, and were also discussed at the meeting held on 26 August 2014. The comments from the Design Review Committee members resulted in the floor plans of the units changing to minimise the use of light wells and create a more inviting and attractive streetscape. The application was not formally considered by the Design Review Committee give that it is not more than three (3) storeys and is generally consistent with other proposals that have been granted approval along Albany Highway in the same general area, however the Committee are supportive of the development.

In accordance with Clause 38 of the Scheme Text, non-complying applications can be approved where they are consistent with the orderly and proper planning of the area, the conservation of amenities in the locality and the Statement of Intent in the relevant Precinct Plan. The proposed development is consistent with the intent for the area and will conserve and improve the existing amenities in the area. There will be no undue adverse impacts on the occupiers and users of the development and the inhabitants of the locality, with the proposal being in line with existing and future developments expected in the area. The future development in the area is expected to be of a nature similar to that proposed and the subject development, whilst not complying with all of the development standards of the Precinct Plan, will enhance the area and continue the high standard of development in this Precinct.

CONCLUSION:

Whilst the proposal does have a number of non-compliant elements, they are consistent with development already approved in the area and are considered acceptable in the context of the intended built form of this section of Albany Highway. The proposal has been considered by the Design Review Committee and they are supportive of the design as it is now presented, and are supportive of the variations proposed as they are providing an improved built form outcome for the area. The proposal is consistent with other development in the area and is in line with the desired development form in this area.

RECOMMENDATION/S:

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Anderson Toh Architect (DA Ref: 5.2014.460.1) for Demolition and Construction of 8 Multiple Dwellings and Office at 996 (Lot 5) Albany Highway, East Victoria Park as indicated on the amended plans dated received 3 September 2014 be Approved by an Absolute Majority subject to the following conditions:**
 - 1.1 In order to confirm compliance with this planning approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:**
 - **Urban Planning; and**
 - **Street Life.****Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).**
 - 1.2 A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Manager Urban Planning prior to submission of an application for building permit.**
 - 1.3 Before the subject development is first occupied or commences operation all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Manager Urban Planning.**

- 1.4 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated prior to occupation of the new development or strata-titling of the properties, whichever occurs first, to the satisfaction of the Manager Urban Planning.**
- 1.5 All development is to be setback 0.5 metre from the right-of-way for the length of the common boundary with the right-of-way to allow for the future widening of the right-of-way.**
- 1.6 The 0.5 metre wide portion of land adjacent to the right-of-way which is subject to future right-of-way widening shall be constructed, sealed and drained to the Council's specifications by the owner(s) at their expense, prior to commencement of the development.**
- 1.7 External colours, finishes and materials to be used in the construction of the building are to be in accordance with the colour schedule date stamped approved 14 October 2014, attached with the approved plans, unless otherwise approved in writing by the Manager Urban Planning.**
- 1.8 External fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street, secondary street or right-of-way.**
- 1.9 Lighting to illuminate that portion of the right-of-way adjacent to the subject land is to be provided at vehicle and pedestrian entry points.**
- 1.10 Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the Manager Urban Planning. Any exposed portions of boundary wall which will be visible from adjoining properties or public places shall be decoratively treated and articulated to the satisfaction of the Manager Urban Planning.**
- 1.11 External clothes drying facilities shall be provided for each dwelling and shall be screened from view from the street or any other public place.**
- 1.12 All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot.**

- 1.13 Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details as required by the Town. Construction works shall take place in accordance with the approved details at all times.**
- 1.14 A minimum of two (2) car parking bays to be provided on site for the exclusive use of visitors. These bays shall be marked for the exclusive use of visitors prior to the first occupation or commencement of the development.**

Advice to Applicant

- 1.15 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.**
- 1.16 All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.**
- 1.17 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.**
- 1.18 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this Planning Approval.**
- 1.19 Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Life Sub Program (tel 9311 8115) for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town's Manager Street Life Sub Program.**

1.20 Unauthorised verge tree pruning or removal is subject to a penalty under the *Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.*

1.21 The Town's street tree(s) is to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the applicant's cost.

(Absolute Majority Required)

2. Those persons who lodged a submission regarding the application be advised of Council's decision.



11.2 11 (Lot 1) Hampton Street, Burswood – Demolition of Existing Dwelling

File Reference:	PR4004
Appendices:	No
Landowner:	Brillig Pty Ltd
Applicant:	HP Rick Indrisie Brillig Pty Ltd
Application Date:	29 July 2014
DA/BA or WAPC Ref:	5.2014.454.1
MRS Zoning:	Urban
TPS Zoning:	Residential R40
TPS Precinct:	Precinct P6 'Victoria Park Precinct'
Use Class:	N/A
Use Permissibility:	N/A

Date:	26 September 2014
Reporting Officer:	T. Barry
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Proposed to demolish the existing 'original dwelling'.
- Applicant has not provided a structural report declaring that the building is structurally unsound or any form of justification for demolition.
- Applicant has not submitted any details of proposed replacement dwellings to be built on the site following the demolition.
- Failure to provide proof of the dwelling being structurally unsound or details of a suitable replacement development on the site means the application for demolition should not be supported.

TABLED ITEMS:

- Application Form dated received 29 July 2014; and
- Site photographs.

DETAILS:

An application has been received for the demolition of the existing dwelling at 11 Hampton Street, Burswood. The subject dwelling has been identified as an 'original place' in the Residential Character Study Area. Records indicate that the dwelling was approved for construction in 1936, with some further additions being approved in 1978.

The applicant has not submitted any form of justification for the demolition or a structural report to support their application. There has also been no submission of plans for a replacement dwelling or dwelling(s) on the site.

Legal Compliance:Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clauses 36 & 39 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P6 'Victoria Park Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan; and
- Local Planning Policy – Streetscape (LPPS).

The following is a summary of compliance with key development requirements:

Item	Requirement	Proposed	Compliance
Demolition of existing dwelling (LPPS – Clause 8 A2)	To be retained where dwelling is an 'original dwelling' in the Residential Character Study Area except where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding.	Demolition of 'original dwelling' in Residential Character Study Area. Dwelling is not structurally unsound and is not wholly clad in fibro or asbestos wall cladding.	Non-compliant (refer comments section below)
Replacement Dwelling(s) (LPPS – Clause 8 A3)	Where dwelling is proposed to be demolished the subsequent replacement dwelling(s) on site must be submitted for Council's consideration prior to any decision on demolition.	Details of any replacement dwellings have not been provided.	Non-compliant (refer comments section below)

Submissions:Community Consultation:

Nil

Policy Implications:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Demolition of the existing dwelling on the site will result in the Burswood area losing a dwelling that is an example of the kind of housing that was predominant in the time of that area being developed. The subject dwelling is one of a number of dwellings on Hampton Street that contribute to the overall aesthetic of the area and preservation of these dwellings is required unless there is some compelling reasons to support demolition.

Environmental Issues:

Nil

COMMENT:

The proposed demolition of the existing 'original dwelling' on the subject site has not been justified either through showing it as being structurally unsound or providing details of a replacement dwelling that will make a positive contribution to the streetscape.

A site inspection of the property revealed that whilst the house requires some repairs and maintenance work to be carried out, it does not appear to be in a state of disrepair or in need of demolition.

Demolition of the dwelling would allow for the site to be developed with three (3) Grouped Dwellings. Currently the position of the dwelling does not allow for development to occur to the rear portion of the lot; however there is potentially an opportunity for the dwelling to be modified to provide for a 3.0 metre wide access leg down one side and facilitate the development of the rear portion of the site.

Local Planning Policy - Streetscape

Clause 8 of the Town's Local Planning Policy Streetscape deals with the retention of dwellings, and requires the retention of dwellings where they are identified as an 'original dwelling' and within the Residential Character Study Area. The subject dwelling falls within this category. The only exceptions to this are where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding.

The applicant has been requested to provide a structural report for the dwelling to establish whether or not it is structurally unsound. This has not been provided and from the external appearance of the dwelling it does not appear to meet this criterion. The dwelling is of a brick and tile construction and does not appear to have any fibro or asbestos cladding. Additionally, the subject dwelling forms one of four original dwellings that adjoining each other.

The relevant policy provisions provide for applications which do not meet the required criteria to be lodged with details of a replacement dwelling that complies with the planning scheme, contributes to the character of the streetscape, is an appropriate replacement for the traditional dwelling and is of a higher standard than otherwise compliant with the policy.

The applicant was advised of both of the above options in relation to providing additional information to accompany the application but has failed to lodge any form of justification or details of a replacement dwelling.

CONCLUSION:

The application for demolition of the 'original dwelling' on the abovementioned site should not be supported given that the applicant has failed to provide a structural report demonstrating that the dwelling is structurally unsound, and has failed to lodge any details of proposed replacement dwelling(s). In the absence of any justification to support demolition, there is no basis for demolition of an 'original dwelling' to be supported.

Should the demolition of the 'original dwelling' be approved the result would be the loss of a dwelling that is an example of the style of development that occurred in the original development of the area. The dwelling should be retained unless it can be established that there is a justifiable basis to support demolition.

FURTHER COMMENT:

At the time of this report being finalised the applicant submitted a Building Report outlining the existing dwellings structural integrity. This report is currently being reviewed and a site inspection is to be carried out by the Town's Building Surveyors to determine if the dwelling is 'structurally unsound'.

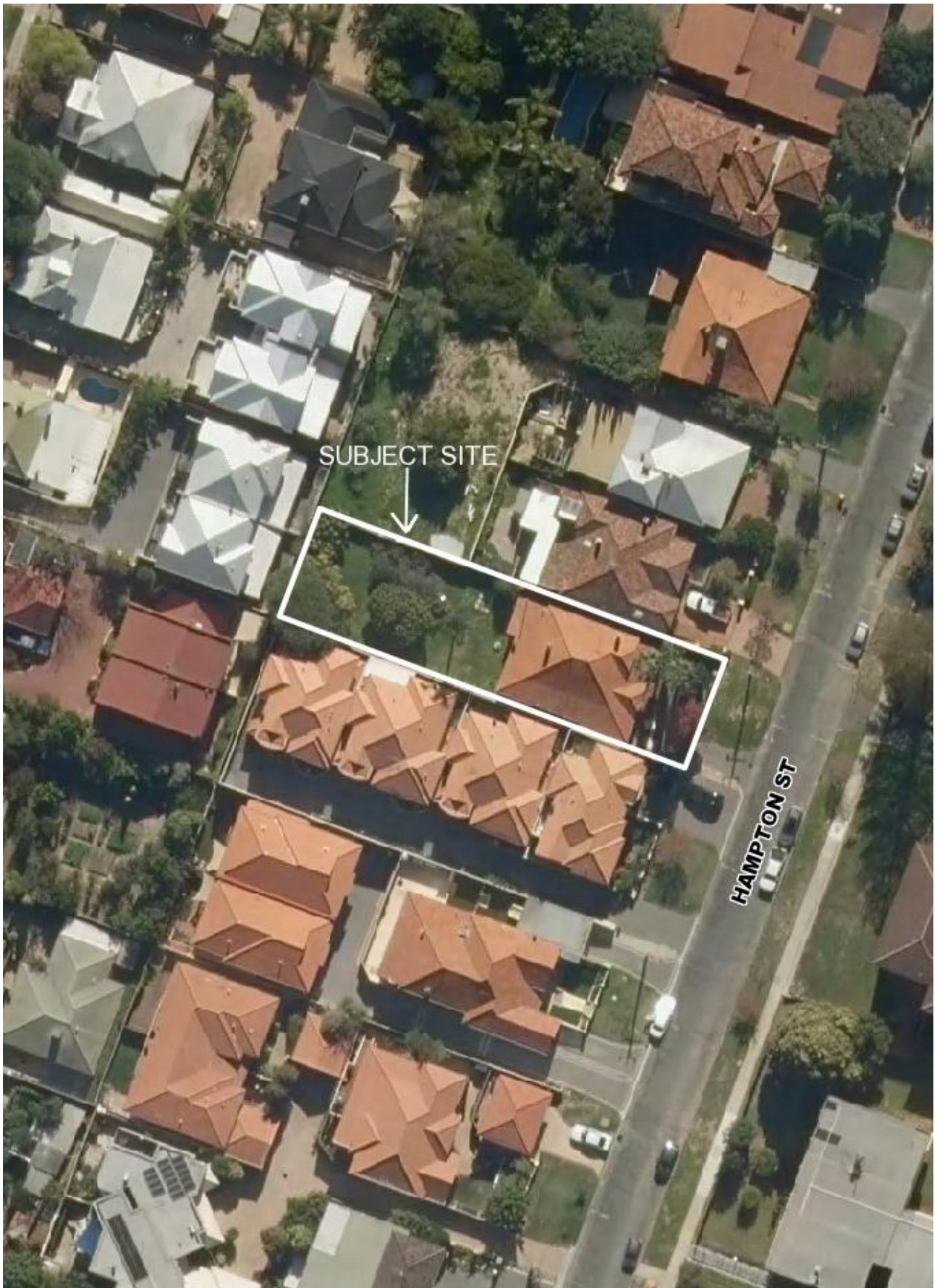
RECOMMENDATION/S:

In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by HP Rick Indrisie Brillig Pty Ltd (DA5.2014.454.1) for the Demolition of Existing Dwelling at 11 (Lot 1) Hampton Street, Burswood be Refused for the following reasons:

1. **Non-compliance with Council's Local Planning Policy – Streetscape, Clause 8 – Retention of Dwelling in relation to the demolition of an 'original dwelling' in the Residential Character Study Area with there being no reason to support demolition.**
2. **Approval of the demolition being in non-compliance with the Town Planning Scheme No. 1 Clause 36(5) – 'Determination of Application – General Provisions', with particular reference to the following:**
 - Any relevant planning policy;
 - Any relevant Precinct Plan;
 - The orderly and proper planning of the locality; and
 - The conservation of the amenities of the locality.
3. **Approval of the demolition will set an undesirable precedent for the demolition of 'original dwellings' without justification. The cumulative effect will erode the existing character of the streetscape in this area.**

Advice to Applicant

4. **Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**



11.3 696-700 (Lot 1) Albany Highway, East Victoria Park – Signs

File Reference:	PR23997
Appendices:	No
Landowner:	Mart Investment Pty Ltd
Applicant:	Celsius Property Group
Application Date:	18 October 2013
DA/BA or WAPC Ref:	5.2013.537.1
MRS Zoning:	Urban
TPS Zoning:	Commercial
TPS Precinct:	Precinct P11 'Albany Highway Precinct'
Use Class:	Multiple Dwellings, Offices and Restaurant
Use Permissibility:	'P' use

Date:	26 September 2014
Reporting Officer:	I. Ahmad
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – Refusal	
<ul style="list-style-type: none"> Approval is sought for a wall sign facing Albany Highway and signs on the boundary walls of an existing building on the abovementioned property. The signs on the boundary walls are non-compliant with the Town of Victoria Park 'Signs Local Law 2006' and are therefore recommended for Refusal. 	

TABLED ITEMS:

- Application form dated 18 October 2013;
- Plans of signage dated 18 October 2013;
- Correspondence from applicant dated 30 September 2014; and
- Photos of existing signage on the subject lot.

BACKGROUND:

- 27 April 2011 Council approved a four storey mixed use development comprising 24 Multiple Dwellings, five (5) Offices and one (1) Restaurant on the abovementioned property.
- 18 October 2013 Council received a planning application for wall signs to an existing building on the abovementioned property, which is the subject of this report.

DETAILS:

The application seeks planning approval from Council for signage to an existing four storey building on the subject property. The residential component of the mixed use building is currently occupied whilst a portion of the ground floor Offices are tenanted by a property

development and management company which is also the strata management company for the building. The subject Offices have window signs facing Albany Highway which display the name and contact details of the company and advertisement of properties currently for sale and lease.

The signs subject to this application display the strata management company 'Celsius Property Group' and comprise of the following:

- A wall sign of 20mm high raised lettering with overall approximate dimensions of 2.4 metres wide and 0.78 metre high to be affixed directly onto the 1st floor front facade of the building facing Albany Highway; and
- A sign of 20mm high raised lettering with overall approximate dimensions of 4.0 metres wide and 1.3 metres high affixed directly onto the top corner (nearest to Albany Highway frontage) of the north-western and south-eastern boundary walls. At the time of writing this report, the sign on the north-western boundary wall has been installed on the site without any planning approval or sign licence. In addition, the applicant advised that there is at least 50mm clearance from the existing boundary walls to the cadastral property boundaries and therefore the signage on the boundary walls will be contained wholly within the lot boundaries.

On 30 September 2014 and 2 October 2014, the applicant submitted supporting documentation to justify the signs, including the following:

- The building on the subject lot is the applicant's flagship development in Victoria Park and have spent considerable amount of money on the design, including a public art which cost \$70,000;
- The current signage at the north-western boundary wall does not compromise the appearance of the building;
- The current design of signage is an improvement to the original design which had lettering printed on flat panel sheeting. The current signage is less obtrusive and is in keeping with the design and appearance of the building;
- Since completion of the building earlier this year, the applicant has received numerous compliments with respect to the appearance of the building including the signage and have yet to receive any negative feedback from the community; and
- The signage does not have an adverse impact on the streetscape which has many examples of signs located on the sides of buildings.
- There is a clause in the strata management contract which prevents other tenants from having signs on the building.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 36 of the Scheme Text – Determination of Application – General Provisions;
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct';
- Clause 39A of the Scheme Text – Determination of Applications for Advertising; and
- Policy 4.9 'Street Frontage Design Guidelines – District Centres and Commercial Areas along Albany Highway' of the Policy Manual.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan; and
- Town of Victoria Park 'Signs Local Law 2006'.

Sustainability Assessment:External Economic Implications:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

The application for planning approval for signs seeks variations to the acceptable standards for signage stipulated in the Town Planning Scheme No. 1 and *Signs Local Law 2006*. As such, the application has been assessed for compliance against the relevant provisions of Council's Town Planning Scheme No. 1.

Clause 39A (2) of the Town Planning Scheme states that the Town may refuse approval of an application for signs where:

- “(a) the sign may obstruct the sight lines of a person driving or riding a vehicle or a pedestrian;*
- (b) the sign may unreasonably distract persons driving or riding vehicles;*
- (c) the sign may detract from the quality of the streetscape or area where it is to be displayed;*
- (d) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;*
- (e) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;*
- (f) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and*
- (g) the sign will be additional to other signs on the land where it will be displayed.”*

With the building being located within close proximity to the intersection of Albany Highway and Kent Street and being taller than other existing buildings within the immediate locality, any signage that is applied to the building will be highly visible from the streets and adjoining properties. In this regard, Council's Urban Planning Business Unit recognises the need to ensure that any signage shall be unobtrusive and in keeping with the character of the building and the surrounding locality.

Whilst the proposed above awning wall sign facing Albany Highway is considered acceptable given that it is relatively modest in scale, the signs located on the boundary walls are deemed to be unnecessary for the purpose of advertising. The proposed wall sign on the front facade coupled with existing window signs on the ground floor of Albany Highway frontage which display the business name and contact details, are considered to be sufficient for the purpose of advertisement and therefore there is no compelling need for the signs on the boundary walls.

Notwithstanding that the signs on the boundary walls are of high architectural merit which include raised lettering in lieu of flat panel sheeting and that the size of the signs appropriately relates to the architectural style and size of the building, the number of signs and in combination of their visual dominance may negatively impact on the overall appearance of the building and streetscape.

In addition, Policy 4.9 'Street Frontage Design Guidelines – District Centres and Commercial Areas Along Albany Highway' encourages signs to be restricted to ground level, under awnings and the fascia of an awning, albeit signs above this level could be considered provided that they are in keeping with the character of the building and the surrounding locality. In this instance, although it is acknowledged that the placement of signs on the building is quite restricted due to the absence of an awning fascia, the signs on the boundary walls are essentially duplicates of the signs already displayed on the site for identification of the business.

CONCLUSION:

In regard to the matters raised above, it is considered that the signs on the boundary walls do not satisfy the relevant provision of the Town Planning Scheme No. 1 specifically given there is existing advertising signage on-site for identification of the business. Whilst the proposed wall sign facing Albany Highway is considered to be acceptable, the proliferation of the signage is unnecessary and detracts from the streetscape. On this basis, it is recommended that the application be Refused.

RECOMMENDATION:

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Celsius Property Group on behalf of Mart Investments Pty Ltd (DA Ref: 5.2013.537.1) for Signs at 696-700 (Lot 1) Albany Highway, East Victoria Park as indicated on the plans dated received 18 October 2013 be Refused for the following reasons:

1.1 Non-compliance with the matters listed within the Town of Victoria Park Town Planning Scheme No.1, Clause 39A 'Determination of Application for Advertising', with particular reference to the following subclauses:

- (c) the sign may detract from the quality of the streetscape or area where it is to be displayed; and**
- (g) the sign will be additional to other signs on the land where it will be displayed.**

1.2 Non-compliance with Town Planning Scheme No.1 Clause 36(5) – ‘Determination of Application – General Provisions’, with particular reference to the following matters:

- a) any relevant planning policy;
 - b) any relevant precinct plan;
 - d) the orderly and proper planning of the locality; and
 - e) the conservation of the amenities of the locality.
2. The applicant/owner removing the unauthorised signage on the north-western boundary wall within 30 days of the date of this refusal.
3. Council would favourably consider a revised application for only the proposed wall sign fronting Albany Highway.



11.4 441 (Lot 793) Berwick Street, St James – Application for Retrospective Approval of Outbuilding (Sea Container)

File Reference:	PR12177
Appendices:	No
Landowner:	Ms R M Browne
Applicant:	Ms R M Browne
Application Date:	17/07/2014
DA Ref:	5.2014.430.1
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	Single House
Use Permissibility:	'P' use

Date:	30 September 2014
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Application seeks retrospective approval for an Outbuilding - Sea Container.
- The Sea Container is located at the rear of the property approximately 4.0 metres from the rear boundary and along the common boundary with 439 Berwick Street.
- The Sea Container is highly visible from the street.
- The Sea Container is not in keeping with the character of the residential area.

TABLED ITEMS:

- Application form dated 17 July 2014;
- Plans dated 17 July 2014;
- Photos of the Sea Container; and
- Aerial photos of the subject property.

BACKGROUND:

This application for retrospective planning approval was submitted to the Council as a result of a complaint received on 23 June 2014. The complaint was related mainly to a sea container located in front of the existing dwelling which has now been removed. However a second sea container is located at the rear of the existing dwelling, which is the subject of this application.

DETAILS:

The Outbuilding (Sea Container) is located at the rear of the property, along the common boundary with the property at 439 Berwick Street, which is under the same ownership, and shares the access driveway with the subject property.

The Outbuilding (Sea container) is 6.0 metres long, 2.4 metres wide and 2.45 metres high and is located approximately 4.0 metres from the rear boundary. It is painted a light blue colour and is visible from Berwick Street. It appears that the Sea Container has been located on the property since approximately November 2006, according to the Council's Geographic Information System (Intramaps).

Legal Compliance

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 36 of the Scheme Text - Determination of Application – General Provisions; and
- Statement of Intent contained in Precinct Plan P12 - 'Victoria Park Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Residential Design Codes (R Codes); and
- Local Planning Policy – Streetscape (LPPS).

The following is a summary of compliance with key development requirements:

Item	Requirement	Proposed	Compliance
Outbuildings Clause 3 of LPPS (A1) (c)	Where an outbuilding is located at the rear of the dwelling (whether or not visible from the street) the outbuilding may vary in materials, colours and roof pitch and roof form to the existing dwelling.	Sea container	Refer to Comment section below
Outbuildings Clause 5.4.3 of R-Codes	i. are not attached to a dwelling;	Not attached to the dwelling	Compliant
	ii. are non-habitable	Non-habitable	Compliant
	iii. collectively do not exceed 60m ² in area or 10 per cent in aggregate of the site area whichever is the lesser; i.e 60m ²	Aggregate floor area of 14.4m ²	Compliant
	iv. do not exceed wall height of 2.4 metres;	Maximum wall height of 2.45 metres	Non-Compliant (Refer to Comment section below)
	v. do not exceed ridge height of 4.2 metres;	Maximum ridge height of 2.45 metres	Compliant

	vi. are not within primary street setback area;	Located at the rear of the property	Compliant
	vii. do not reduce the open space required in Table 1 of R-Codes; i.e 50% minimum (409.5m ²)	654.44m ² (79.9%)	Compliant
	viii. comply with the setback requirements of Table 1 of R-Codes. i.e Nil to north-western property boundary 1.0 metre to south-western property boundary	Nil to north-western property boundary 4.0 metres to south-western property boundary	Compliant

Sustainability Assessment:External Economic Implications:

No impact.

Social Issues:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

In determining this application, Council must be satisfied that the proposal meets the requirements listed under Clause 36(5) of the Scheme if approval were to be granted.

The stated objective for the 'Residential Zone' in Precinct Plan P12 'East Victoria Park Precinct' is to ensure that development "*will be enhanced and consolidated as a residential neighbourhood in which a range of housing types of low scale is predominant.*" Council's Urban Planning Business Unit recognises the need to ensure that any development within the Precinct shall be unobtrusive and compatible with surrounding properties and streetscape. This application however is contrary to the intent of Precinct Plan owing to the scale and appearance of the sea container.

Sea containers are storage facilities which are meant for shipping goods. However, in most cases, they are seen as a cheap, convenient and secure method of storing goods. In general, sea containers have an inferior appearance, are prone to rust and neglect and are not associated with residential use. As a result, they have a detrimental impact on the visual amenity of the area, in that they are more in character of an industrial area than a residential area.

The intended use for general storage could be easily achieved by a more appropriate, permanent shed structure. Sheds could be made up of light-weight and durable materials such as colorbond metal sheeting which is a superior alternative and more commonly used in the construction of rear outbuildings in residential areas.

It is considered that if a solid fence was proposed behind the building line of the dwelling, the sea container will not be visible from the street. Notwithstanding that it could be visually screened from the street, the placement of the sea container on the subject lot have a negative impact upon the general amenity and character of the locality, and sets a poor standard for development in residential areas.

CONCLUSION:

The primary objective of the 'Residential' zone that is relevant to this proposal is to maintain a predominantly residential character and high standard of amenity. It is considered that a sea container on a residential lot does not meet this due to its built form and appearance which is not compatible with the residential character or streetscape. Approval of this application would set an undesirable precedent for similar development on other residential land. On this basis, the application for retrospective approval for outbuilding (sea container) on the subject lot is recommended for Refusal.

RECOMMENDATION:

1. Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Regina Browne (DA Ref: 5.2014.430.1) for Retrospective Approval for Outbuilding (Sea Container) at 441 (Lot 793) Berwick Street, St James as indicated on the plans dated received 17 July 2014 be Refused for the following reasons:

1.1 Non-compliance with Town Planning Scheme No. 1 Clause 36(5) – 'Determination of Application – General Provisions' with particular reference to the following:

- **The Statement of Intent set out in the relevant Precinct Plan;**
- **The orderly and proper planning of the locality;**
- **The conservation of the amenities of the locality; and**
- **The design, scale and relationship to existing buildings and surroundings of any proposed building or structure.**

1.2. The proposed Sea Container, if approved, will set an undesirable precedent for similar applications for Sea Containers within the residential areas of the Town.

Advice to Applicant

- 1.3 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. The sea container is to be removed from the subject site within 30 days of the date of this refusal.



11.5 47 (Lot 174) Cookham Road, Lathlain – Application for Retrospective Approval of Outbuilding (Sea Container)

File Reference:	PR5928
Appendices:	No
Landowner:	S Lozyk
Applicant:	S Lozyk
Application Date:	07/07/2014
DA/BA or WAPC Ref:	5.2014.401.1
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct Plan P7 'Lathlain Precinct'
Use Class:	Single House
Use Permissibility:	'P' use

Date:	26 September 2014
Reporting Officer:	I. Ahmad
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – Refusal	
<ul style="list-style-type: none"> • Application for retrospective approval of outbuildings being two (2) sea containers. • The application is contrary to the intent of the relevant Precinct Plan and is considered to have a negative visual impact upon the streetscape and general amenity of the locality, and is therefore recommended for refusal. 	

TABLED ITEMS:

- Development application form dated received 7 July 2014;
- Plans and elevations dated 7 July 2014;
- Correspondence from applicant dated 7 July 2014; and
- Photographs of existing sea containers.

BACKGROUND:

February 2013 Following a site inspection on the above property to investigate the alleged unauthorised use of the dwelling as a 'Residential Building', it was identified that there were sea containers installed on the site without any approval from Council.

13 May 2013 The applicant was requested by the Council to submit an application for retrospective approval of the sea containers.

- 23 June 2014 Council approved an application for demolition and construction of a two storey dwelling on the abovementioned property, subject to conditions. Relevantly the approval did not include the approval of two (2) sea containers present on the site and included an Advice Note requiring the applicant to submit a separate application for retrospective planning approval for the subject sea containers.
- 7 July 2014 Council received an application for retrospective approval of the sea containers on the abovementioned property which is the subject of this report.

DETAILS:

Council has received a planning application for retrospective approval for two (2) existing sea containers on the subject lot. The subject lot which has a land size of 1012m² currently contains a single storey fibro dwelling with vehicular access which runs along the south-eastern property boundary.

The sea containers are located at the southern rear portion of the lot, approximately 43 metres from the Cookham Street property boundary and setback at least 1.0 metre from the south-eastern (side) and south-western (rear) common property boundaries respectively. The sea containers are highly visible from Cookham Street via the side vehicular access as well as adjoining residential properties. Each sea container measures 6.0 metres long, 2.4 metres wide and 2.4 metres high. Based on aerial photo records, it appears that the sea containers have been on the site since February 2013.

As per the applicant's correspondence and verbal advice, it is the applicant's intention to demolish the existing dwelling and construct the approved two storey dwelling on the north-western half of the subject lot, leaving the containers in their current location. The siting of the new dwelling will facilitate possible future subdivision of the block into two, side-by-side narrow lots. The sea containers, which are used to store vintage goods, are intended to be on the site for the long term and will only be removed upon any future subdivision of the lot.

In accordance with 'Appendix 1 - Definitions' of the Residential Design Codes, a sea container would be classified as an 'Outbuilding'. An 'Outbuilding' is defined as "*An enclosed non-habitable structure that is detached from any dwelling, but not a garage.*"

Legal Compliance:Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regards to the following general provisions of the Scheme:

- Clause 36 'Determination of Application – General Provisions'; and
- Statement of Intent contained in Precinct Plan P7 'Lathlain Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Residential Design Codes (R-Codes); and
- Local Planning Policy – Streetscape (LPPS).

The following is a summary of compliance with key development requirements:

Item	Requirement	Proposed	Compliance
Outbuildings- Clause 3 of LPPS (A1) (c)	Where an outbuilding is located at the rear of the dwelling (whether or not visible from the street) the outbuilding may vary in materials, colours and roof pitch and roof form to the existing dwelling.	Sea container	Refer Comment section below
Outbuildings- Clause 5.4.3 of R-Codes	ix. are not attached to a dwelling;	Not attached to the dwelling	Compliant
	x. are non-habitable	Non-habitable	Compliant
	xi. collectively do not exceed 60m ² in area or 10 per cent in aggregate of the site area whichever is the lesser; i.e 60m ²	Aggregate floor area of 28.8m ²	Compliant
	xii. do not exceed wall height of 2.4 metres;	Maximum wall height of 2.4 metres	Compliant
	xiii. do not exceed ridge height of 4.2 metres;	Maximum ridge height of 4.2 metres	Compliant
	xiv. are not within primary street setback area;	Located at the rear of the property	Compliant
	xv. do not reduce the open space required in Table 1 of R-Codes; i.e 50% minimum (506m ²)	857.20m ² (84.7%)	Compliant
	xvi. comply with the setback requirements of Table 1 of R-Codes. i.e 1.0 metre to south-eastern property boundary 1.0 metre to south-western property boundary	1.0 metre to south-eastern property boundary 1.0 metre to south-western property boundary	Compliant

Sustainability Assessment:External Economic Implications:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

In determining this application, Council must be satisfied that the proposal meets the requirements listed under Clause 36(5) of the Scheme if approval were to be granted.

The stated objective for the 'Residential Zone' in Precinct Plan P7 'Lathlain Precinct' is to ensure that development shall be '*in line with the existing style, scale and character of the area.*' Council's Urban Planning Business Unit recognises the need to ensure that any development within the Precinct shall be unobtrusive and compatible with surrounding properties and streetscape. This application however is contrary to the intent of Precinct Plan owing to the scale and appearance of the sea containers.

Sea containers are storage facilities which are meant for shipping goods. However, in most cases, they are seen as a cheap, convenient and secure method of storing goods. In general, sea containers have an inferior appearance, are prone to rust and neglect and are not associated with residential use. As a result, they have a detrimental impact on the visual amenity of the area, in that they are more in character of an industrial area than a residential area.

The intended use for general storage could be easily achieved by a more appropriate, permanent shed structure. Sheds could be made up of light-weight and durable materials such as colorbond metal sheeting which is a superior alternative and more commonly used in the construction of rear outbuildings in residential areas.

The applicant contends that by proposing a solid fence behind the building line of the dwelling, the sea containers will not be visible from the street. Notwithstanding that they may be visually screened from the street, the placement of the sea containers on the subject lot have a negative impact upon the general amenity and character of the locality, and sets a poor standard for development in residential areas.

CONCLUSION:

The primary objective of the 'Residential' zone that is relevant to this proposal is to maintain a predominantly residential character and high standard of amenity. It is considered that a sea container on a residential lot does not meet this due to its built form and appearance which is not compatible with the residential character or streetscape. Approval of this application would set an undesirable precedent for similar development on other residential land. On this basis, the application for retrospective approval for outbuildings (sea containers) on the subject lot is recommended for Refusal.

RECOMMENDATION/S:

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by S Lozyk (DA Ref: 5.2014.401.1) for Retrospective Approval Of Outbuildings (Sea Container) at 47 (Lot 174) Cookham Road, Lathlain as indicated on the plans dated received 7 July 2014 be Refused for the following reasons:
 - 1.1 Non-compliance with Town Planning Scheme No.1 Clause 36(5) – ‘Determination of Application – General Provisions’, with particular reference to the following:
 - Any relevant precinct plan;
 - The orderly and proper planning of the locality and the conservation of the amenities of the locality; and
 - The design, scale and relationship to existing buildings and surroundings of any proposed building or structure
 - 1.2 The sea containers, if approved, will set an undesirable precedent for similar applications for Sea Containers within the residential areas of the Town.

Advice to Applicant

- 1.3 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. The sea containers are to be removed from the subject site within 30 days of the date of this refusal.



11.6 No. 152-154 (Lot 603) Planet Street, Carlisle – Additions and Alterations to Non-Conforming Use (Warehouse)

File Reference:	PR22855
Appendices:	No
Landowner:	E P & D J Capelli
Applicant:	Edward Capelli
Application Date:	11/06/2014
DA/BA or WAPC Ref:	5.2014.351.1
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P8 'Carlisle'
Use Class:	Warehouse
Use Permissibility:	'X' use

Date:	19 September 2014
Reporting Officer:	C. Coghlan
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

- Approval is sought for an upper storey addition to existing self-storage units at 152-154 Planet Street.
- As the application involves alterations to an existing non-conforming use, the Council must determine the application in accordance with Clause 18 of Town Planning Scheme No. 1 having regard to the preservation of the amenity of the locality.
- Community consultation carried out for 14 days, consisting of letters to surrounding owners and occupiers and a sign installed on the site. One submission was received during the consultation period, objecting to the proposal.
- The proposed addition is compliant with all relevant development provisions with the exception of the amount of landscaping provided. The addition is considered to have no adverse impacts on the surrounding residential areas or is not out of character with the size and scale of the existing development on the site or other adjoining non-residential uses in the locality.

TABLED ITEMS:

- Application form dated received 11 June 2014;
- Correspondence and supporting documentation from applicant dated 11 June 2014;
- Community consultation letters dated 15 August 2014; and
- Photographs of the subject property.

BACKGROUND:

152-154 Planet Street

20 Jan 1978 The subject lot was rezoned from Zone 6 (Shops) to Zone 1 (Single Tenement Dwellings).

- 29 Oct 1979 Following the receipt of an application for a driving school proposed on the subject property a rezoning to Zone 7 (offices, shops, showrooms and warehouse) was refused.
- 16 Dec 1985 An application for a motor trimming workshop was subsequently approved on the site with the Council exercising discretion to depart from the classified zoning in certain circumstances. In this instance, the view was formed that the land was not suitable for residential purposes given the existing non-residential uses along Oats Street and it was resolved to rezone the land back to an appropriate commercial zone.
- 2 Dec 1988 Council approved a change of use from factory to wholesale warehouse for the wholesaling and warehousing of automotive electrical parts with a condition restricting hours to 7.30am to 5.30pm Monday to Friday.
- 30 March 1999 Requests were made by the then operator, to amend the planning approval to permit Saturday trading. No application was lodged and no determination was made regarding the enquiries.
- 22 May 2008 The Town recommended approval to the Western Australian Planning Commission for the amalgamation for lots at No. 152-154 Planet Street and 110 Oats Street, closure of the right-of-way to the rear of the subject property and subdivision into two (2) green title lots.

110 Oats Street

- 20 Nov 1996 The Town granted approval for self storage/warehouse units and associated office, operating from 8.00am – 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturdays.
- 14 Feb 1997 The Town granted a request to extend operating hours on Saturdays to 8.00am – 4.00pm.
- 11 Dec 2001 As part of an approval for alterations and additions the permitted hours of operation were modified to 8.30am – 5.00pm Monday to Friday and 9.00am – 3.00pm on Saturdays.

DETAILS:

152-154 Planet Street is located at the corner of Planet Street and Oats Street and comprises of one lot zoned 'Residential – R30' in the Carlisle Precinct. The site currently includes two single storey buildings comprising of a number of self-storage units used. All office and administration functions associated with the business activity are located at the adjoining building at 110 Oats Street.

The self-storage use originally existed on the site to the north-east at 110 Oats Street which was approved by the Town in 1996 after previously being used for warehouse purposes. The current operator purchased 152-154 Planet Street in 2004 and utilised the property for general warehouse purposes before conversion to self-storage in 2006. In 2008, application was made for closure of the right of way abutting the three properties and amalgamation and resubdivision of the land into two land tiles. This was driven primarily by anti-social behaviour that was occurring at the time in the right-of-way after hours when business activities had ceased. At the time, whilst the landowner of 152-154 Planet Street held a lease at 110 Oats Street, this property was in separate ownership and therefore there was a requirement for reciprocal right of access to be established to maintain access to both properties given the closure of the right of way. In 2010, 110 Oats Street was purchased by the leasee.

The subject site is an established non-conforming use in the Residential zone and in addition to the self-storage use on the land to the north east there are two non-residential uses to the south-west and west. Directly abutting the site to the south east is a residential property as well as to the north and north-west on the opposite side of Oats Street.

Approval is sought for the extension of the existing building on the southern side of the site in the form of an upper storey to be used as additional self-storage units. The proposal also includes the following works:

- Construction of six (6) on-site car parking bays at the rear of the site abutting 110 Oats Street for the use of staff and visitors;
- Installation of a 2.1m high metal 'picket style' fence to the perimeter of the property abutting Planet and Oats Street frontages; and
- Introduction of soft landscaping adjacent to the boundaries of the site, including a 1.7 metre wide landscaping strip abutting the residential property boundary to the south east and a 1.2 metre strip adjacent to the Oats Street frontage.

Under the Town of Victoria Park Town Planning Scheme No. 1, Lot 603 is zoned 'Residential' with 'Warehouse (Self-Storage)' being an 'X' (prohibited) use.

Notwithstanding that 'Warehouse (Self-Storage)' is classified as an 'X' (prohibited) use under the Use Class Table of Town Planning Scheme No. 1, the subject property retains a legal right for the continued use of the property (i.e. non-conforming use right) for 'Warehouse (Self-Storage)' given the property has previously been granted approval for a Warehouse prior to the gazettal of the Town of Victoria Park Town Planning Scheme No. 1 in 1998.

On 11 June 2014, the applicant submitted supporting documentation to support the proposed works, which is summarised as follows:

- Oats Street Self-Storage was established in 1998 and has remained a boutique family owned and operated small business specialising in smaller self-storage units contained within the original warehouse structures that appeal to a large portion of the residential/business self-storage market;

- The proposal is intended to improve the overall appearance of the facility particularly through the construction of the 2.1m high open steel picket fence which will exclude afterhours access to the public areas which currently tend to attract antisocial behaviour ie graffiti, vandalism, drug use and defecation in certain areas;
- The proposed landscaping will be used to soften and improve existing street elevations and presentation to the adjoining residential land;
- The proposed extension has been designed to have a positive impact on the residential streetscape fronting 152-154 Planet Street including material selections to enhance the overall aesthetic appearance of the facility; and
- In the 16 years of operation the Oats Street Storage facility has never received a complaint either written or verbal regarding the operations conducted at the site which confirms the low impact self-storage has on surrounding residents.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 18 'Non-Conforming Uses';
- Clause 36 'Determination of Application – General Provisions';
- Policy 3.5 'Non Residential Uses in or Adjacent to Residential Areas' and
- Statement of Intent contained in Precinct Plan P8 'Carlisle Precinct'

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;

The following is a summary of compliance with key development requirements required by Policy 3.5 'Non Residential Uses in or Adjacent to Residential Areas':

Item	Requirement	Proposed	Compliance
Plot Ratio	Maximum 0.5:1	0.43:1	Compliant
Primary Street Setback (Planet Street) <i>(as per the R-Codes)</i>	4m	6m & 9m (existing)	Compliant
Boundary Setbacks <i>(as per the R-Codes)</i>	2.3m	2.961m - 3.04m	Compliant
Access and Parking <i>Warehouse – 3 bay/first 150m² and therefore 1/75 m² of net floor area</i>	Proposed net floor area of addition is approximately 399m ² Existing Floor area is 481m ² = 12 bays	12 existing + 6 proposed = 18 bays	Compliant

Building Height (as per R-Codes measured from natural ground level)	Wall height: 6m Ridge height: 9m	Wall height: 5.75m Ridge height: 7.15m	Compliant
Landscaping	Minimum 25% of site	6.14% of site	Non-compliant

Submissions:Community Consultation:

In accordance with Clause 18 and 35 of Town Planning Scheme No.1 and Council Policy GEN3 'Community Consultation' the application was advertised for a period of 14 days, including letters to surrounding owners and occupiers and the installation of one sign visible from the Planet Street and Oats Street frontages.

One objection has been received as follows:

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of No. 158 Planet Street, Carlisle</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> The previous alteration and extension have created a situation where the building does visually intrude on the backyards of adjoining residences with an industrial style roof running along most of the border with 156 Planet Street 	<ul style="list-style-type: none"> The existing development is no higher than what could be expected from a single storey dwelling. The visual impact would be limited from 156 Planet Street who have not objected.
<ul style="list-style-type: none"> The eastern side of the proposal would function similarly to an over height rendered border wall, with an industrial roof. 	<ul style="list-style-type: none"> The extension will result in an increased wall height which complies with the height restrictions of the Residential Design Codes as discussed. Furthermore, there are no windows on this side that would impede on privacy to the adjoining land owners. Given the fact that the objections have been made by an occupier of the dwelling not directly abutting the proposal, the extension will have even less visual impact. Any visual impact is further reduced given the relatively significant increase in the level of the land in a south-eastern direction along Planet Street.
<ul style="list-style-type: none"> Parts of homes and yards will come under the shadow of the large building 	<ul style="list-style-type: none"> Whilst there are no restrictions regarding solar access, the shadow area cast on the adjoining land is 5.9% which is compliant with the R-Codes.

<ul style="list-style-type: none"> The proposal would make the building one of the biggest on Planet Street, Carlisle and it would dwarf the neighbouring houses 	<ul style="list-style-type: none"> The additional height proposed as part of the upper floor addition is less than the height limit permitted under the R-Codes for a two storey house.
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Policy Implications:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

As the application involves alterations to an existing non-conforming use, the Council must determine the application in accordance with Clause 18 and 36 of Town Planning Scheme No. 1 having regard to the preservation of the amenity and orderly and proper planning of the locality. Whilst the proposal complies with all development provisions apart from landscaping there are several matters which require further discussion in considering the application.

Landscaping

Despite the fact that there is no landscaping currently on the site, there is significant variation in the provision of landscaping proposed (6% proposed in lieu of 25%). In addition there is limited ability to provide any further landscaping in the front setback area of the site given the existing vehicle manoeuvring areas. It is therefore recommended that Council impose a condition requiring a revised landscaping plan be provided that includes the provision of landscaping on the verge to assist in the increase in visual amenity and softening of the building façade.

Fencing

The proposed fencing is 2.1m high metal 'picket style' fencing, similar to the existing boundary fencing at 106 Oats Street. The applicant has advised that the fencing is required to ensure security and safety citing numerous accounts of anti-social behaviour. The fencing is supported and accords with the non-residential nature of the development, however, is required to have a truncation at the corner of Oats and Planet Street in accordance with the requirements of the Town's Local Laws Relating to Fencing. The necessary 6m x 6m street corner truncation is likely to impede on up to two existing car parking bays in the western corner of the site however, as discussed there is a surplus of car parking bays and the number of bays provided will still comply with the requirements.

Hours of Operation

Given that the business activity functions over two separate sites at 110 Oats Street and 152-154 Planet Street, there is an existing discrepancy between the hours of operation that have previously been permitted by Council. 110 Oats Street is the administrative component of the business and currently has the ability to operate during the week and on Saturdays as outlined. Since 2006 and the occupation of the subject site for use as self-storage units, the hours of operation utilised have been informally been transferred and amended to accord with those permitted at 110 Oats Street including Saturday trading (ie 8.30am – 5.00pm Monday to Friday and 9.00am – 3.00pm on Saturday). Therefore, it is recommended that this be formally recognised and approved as part of this application process.

Context & Residential Amenity

The subject site has two additional non-residential uses in close proximity in the form of a warehouse and a showroom with open air vehicle display at 106 Oats Street and 149 Planet Street respectively. As discussed, the subject land has historically had several non-residential uses approved for use on the site and the intent of the Precinct Plan recognises a limited number of non-residential uses that serve the day-to-day needs of residents that are appropriate for the area. Furthermore, the nature of these self-storage units use is on a relatively small scale that does not involve high levels of noise or traffic generated which could disrupt adjoining land owner's residential amenity.

CONCLUSION:

Based on the current site context, it is considered appropriate to support the additions and alterations to the non-conforming use for warehouse (self-storage units). Given the compliance with the majority of the development provisions and minimal impact the business activity has on residential amenity in terms of noise, traffic and hours of activity it is recommended the Council support the application subject to recommended conditions.

RECOMMENDATION/S:

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Edward Capelli (DA Ref: 5.2014.341.1) for Additions and Alterations to Non-Conforming Use of Warehouse (Self Storage Units) at 152-154 (Lot 603) Planet Street, Carlisle as indicated on the plans dated received 11 June 2014 be Approved by an subject to the following conditions:

- 1.1 This approval is valid for a period of twenty four months only. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development.**
- 1.2 The proposed fence is to be truncated at the street corner of Planet and Oats Street (6m x 6m) as indicated on the approved plans to the satisfaction of the Manager Urban Planning.**

- 1.3 A revised landscaping plan is to be submitted including the provision of verge landscaping to both Planet Street and Oats Street and detailing size, location and type of planting to be provided to the satisfaction of the Manager Urban Planning, prior to submission of an application for building permit.
- 1.4 All landscaping is to be completed prior to occupancy and thereafter maintained to the satisfaction of the Manager Urban Planning.
- 1.5 External colours, finishes and materials to be used in the construction of the building are to be in accordance with the colour schedule date stamped approved 11 June 2014 attached with the approved plans, unless otherwise approved in writing by the Manager Urban Planning.
- 1.6 The premises only operating within the hours of 8:30am-5:00pm Monday to Friday and 9.00am-3.00pm on Saturdays and not at all on Sundays or Public Holidays.

Advice to Applicant

- 1.7 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.
 - 1.8 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
 - 1.9 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
 - 1.10 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this Planning Approval.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.



11.7 59 (Lot 88) Albany Highway, Victoria Park – Change of Use to Unlisted Use (Health Studio)

File Reference:	PR20365
Appendices:	No
Landowner:	59 Albany Highway Joint Venture Pty Ltd
Applicant:	Ms Z Smetka & Mr E Hassell
Application Date:	04/08/2014
DA/BA or WAPC Ref:	5.2014.465.1
MRS Zoning:	Urban
TPS Zoning:	Commercial
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	'Unlisted Use'
Use Permissibility:	Discretionary

Date:	18 September 2014
Reporting Officer:	C. Coghlan
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:

- Application seeks to change the use of an existing premises currently approved for 'Office' to 'Health Studio'.
- The proposed use on the site is classified as an 'Unlisted Use'.
- Community consultation carried out for 21 days, consisting of letters to surrounding owners and occupiers and a sign installed on the site. No submissions were received during the consultation period.
- The proposed use of the existing tenancy for a Health Studio is not considered to have any adverse impacts to the surrounding areas and is an appropriate use given the existing land uses and context of the development.

TABLED ITEMS:

- Development application form dated 4 August 2014;
- Plans dated received 4 August 2014;
- Applicant's 'Details of Business' letter received dated 04 August 2014;
- Correspondence to applicant (advertising process letter) dated 28 August 2014; and
- Consultation correspondence to adjoining owners and occupiers dated 1 September 2014.

BACKGROUND:

The 'Gateway' Mixed Use development was originally granted approval by the Town in February 2008 for 75 multiple dwellings with a commercial component comprising offices, shops, restaurants and showrooms. Since the original approval of the development, a number of change of use applications have been determined by the Town for individual tenancies. The subject tenancy 'G4' was originally approved as a 'Shop' but received development for use as an 'Office' in December 2010.

DETAILS:

An application has been received seeking approval to change the use of tenancy 'G4' from 'Office' to a 'Health Studio' which is an Unlisted Use.

Site Context

The subject site consists of a number of existing office and shop tenancies located within the 'Gateway' development. Vehicular access is provided off of Albany Highway Service Road with car bays located within a basement parking area as well as at ground level abutting the commercial tenancies.

Proposed Development

The business activities proposed include exclusively one on one personal training appointments and health, fitness and wellbeing consultations detailing healthy eating, goal setting and advice regarding time management and work life balance. There is also a small component of retail sales of health and fitness supplements.

The tenancy arrangement will comprise a consultation area at the front of the unit and a training area at the rear. Given that the health consultation element of the proposed use accords with the existing 'Office' use, only the rear portion of the tenancy will be subject to the change of use to 'Health Studio'.

The tenancy to be occupied by is 81m² in total with a approximately 41m² to remain an 'Office' use and 40m² to be used for 'Health Studio' purposes. The trading hours proposed are Monday to Friday 9:00am to 5:30pm.

Legal Compliance:Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 16 of the Scheme Text;
- Clause 36 of the Scheme Text;
- Clause 37 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P11 'Albany Highway'

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan:
 - 5.1 'Parking and Access Policy'

Under the provisions of Policy 5.1 'Parking Policy', the parking requirement for a 'Health Studio' is considered to be similar and has been applied in this case.

Activity / Use	Parking Requirement
Health Studio	1 for every 30 square metres of net floor area
Office	1 for every 40 square metres of net floor area

The following car parking requirement is based on the proposed use of the tenancies on the site in accordance with '5.1 Parking Policy':

Activity / Use	Parking Requirement	Bays Required
Office (41m ²)	1 per 40m ² NFA	1
Health Studio (40m ²)	1 per 30m ² NFA	1.3
	Total Required	2.3 (2)
	Total Provided	2

The previous use as an Office required 2 bays and the proposed use as a Health Studio requires 2 bays. Therefore, there is no change to the existing overall allocation of parking bays required by this tenancy as part of this change of use proposal. This also means no other tenancy within the development will have its parking provision affected by the Health Studio use being introduced.

Submissions:

Community Consultation:

In accordance with Clauses 16 and 35 of Town Planning Scheme No. 1 and Council Policy GEN3 'Community Consultation', the proposed change of use to Unlisted Use (Health Studio) has been advertised for a period of 21 days, including letters to the surrounding owners and occupiers and a sign on site. The consultation period commenced on 1 September 2014 and concluded on 22 September 2014. No submissions were received during the consultation period.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The intent of the Albany Highway Gateway within the Commercial Zone of the Albany Highway Precinct is to provide for high quality medium scale general commercial uses at the ground level serving as the 'gateway' to the Precinct. The Precinct Plan makes reference to appropriate uses being banks, restaurants, local shops, cafes and lunch bars.

In this instance the Health Studio is proposed to occupy one portion of an existing Office building. Whilst the activities described comprising the 'Health Studio' is an 'Unlisted Use', it is considered an appropriate given that business functions as a consultative service which is similar to those desired in the Precinct.

The proposed use will contribute a level of vibrancy within the complex and encourage healthy and active lifestyles not only for members of the public but also potentially a number of employees of nearby office workers with the development. The small scale nature including independent client appointments of the 'Health Studio' component will also not have a negative impact on the amenity of surrounding commercial tenancies or residential uses. Realistically, given the client based appointments this will result in a lesser demand for parking than other 'Shop' uses that may have multiple customers accessing the business at any given time.

Given the above, and in accordance with Clauses 36 and 37 of the Town's Planning Scheme No. 1, it is considered that the proposed change of use from an Office to a Health Studio is consistent with the intent of the relevant Precinct Plan and is consistent with the orderly and proper planning of the area.

CONCLUSION:

The change of use of a tenancy in the existing building located at 59 Albany Highway, Victoria Park from an Office to a Health Studio is acceptable given the use is compatible with the commercial zoning within the gateway complex and will not cause any significant amenity impacts in the area. The parking provision for other uses will not be influenced by the proposal which demands the same parking requirement already provided for under the 'Office' approval. The Health Studio is considered appropriate given the surrounding commercial context and the low impact nature of the proposal.

RECOMMENDATION/S:

In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Zia Smetka and Elliot Hassell (DA Ref: 5.2014.428.1) for Change of Use to Unlisted Use (Health Studio) at 59 (Lot 88) Albany Highway, Victoria Park as indicated on the plans dated received 4 August 2014 be Approved by an Absolute Majority subject to the following conditions:

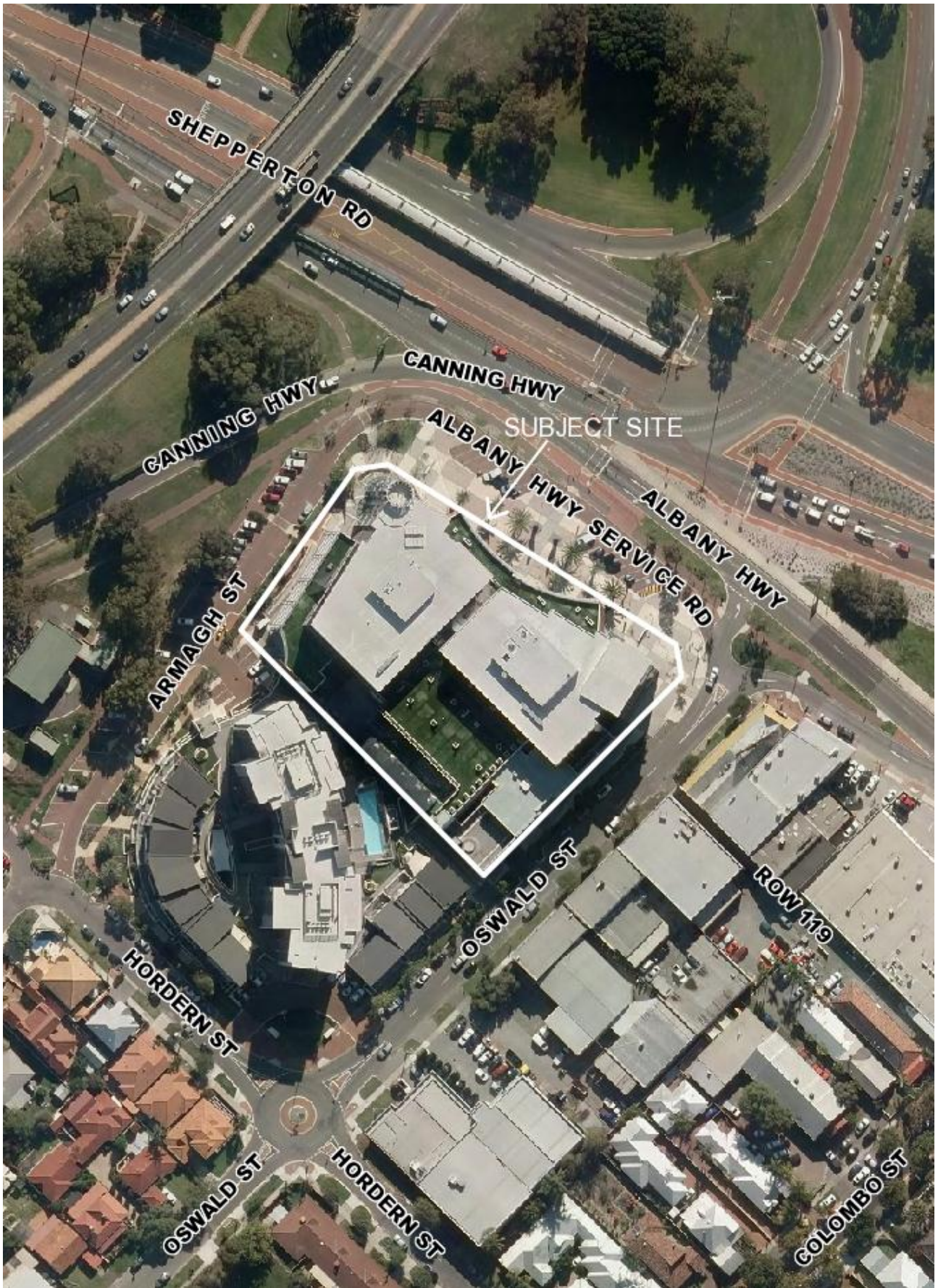
- 1. Operation of the approved Unlisted Use (Health Studio) to be in accordance with submitted plans and details provided in correspondence from the applicant dated 4 August 2014. Any changes to the operations will require lodgement of a new application for planning approval for consideration by Council.**

Advice to Applicant

- 2. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.**

3. **This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
4. **Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.**
5. **Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
6. **A building permit is required to be obtained from the Town prior to commencement of any building work in relation to this Planning Approval.**
7. **In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the *Disability Discrimination Act 1992*. Further information may be obtained from the Disability Services Commission.**
8. **Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.**

(Absolute Majority Required)



11.8 Proposed Policy PLNG7 ‘Guide to Concessions on Planning Requirements for Mixed Use, Multiple Dwelling and Non-Residential Developments’

File Reference:	N/A
Appendices:	Yes

Date:	1 October 2014
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Adopt proposed Policy PLNG7

- Due to various development pressures, there has been a review of the way in which Council assesses applications proposing development concessions.
- It has been determined that development concessions should be considered based upon design quality.
- A draft document has been prepared by members of Council’s Design Review Committee and Council Officers which outlines superior design standards that are expected to be demonstrated where development concessions are being sought.
- It is proposed that the draft document be adopted as a Council Policy.

TABLED ITEMS:

- Copy of proposed Policy PLNG7 ‘Guide to Concessions on Planning Requirements for Mixed Use, Multiple Dwelling and Non-Residential Developments’

BACKGROUND:

Nil

DETAILS:

Within the last 12 months there has been a noticeable increase in the number of medium-large scale development proposals received within the Town, the majority which seek variations to the development standards prescribed by the Town Planning Scheme and Residential Design Codes. This is particularly the case in relation to the maximum plot ratio standard. Almost without fail, every development proposal presented to Council within recent times seeks support for the granting of a plot ratio variation.

In view of this pressure from the development industry, it has been considered necessary to review the manner in which Council deals with concessions to plot ratio and other development standards.

The following factors have also prompted a review:

- the modification to the Residential Design Codes in November 2012, which removed density controls and reduced car parking requirements for Mixed Use and Multiple Dwelling developments. Many proponents seek to take advantage of these changes by accommodating increased density within the building envelope defined by building height and setbacks, which invariably requires additional plot ratio floor area to do so.

- a general shift towards the construction of smaller units.
- a trend towards controlling building form and bulk through building envelopes rather than prescriptive controls.
- the advent of Development Assessment Panel, which has replaced Council as the decision-maker for the most significant development proposals, and which has shown that it is supportive of plot ratio variations of an infinite amount where good urban design outcomes are achieved regardless of the extent of the variation sought.
- most other Council's supporting applications for plot ratio bonuses having regard to design outcomes and not being constrained by a mathematical equation.

The Town's longstanding practice has been to consider the granting of a maximum 10% variation to the maximum prescribed plot ratio, where it is considered that the granting of the additional plot ratio has achieved better urban design outcomes. The granting of additional plot ratio has therefore been performance based. Notwithstanding this, it would be fair to say that most applicants see the 10% plot ratio bonus as an entitlement.

Furthermore, in the absence of any set criteria outlining what elements need to be incorporated into a development to achieve design excellence and therefore obtain support for variations to development standards, there has been a degree of inconsistency in decision-making.

Accordingly, Council Officers and members of Council's Design Review Committee have initiated a review of the way in which Council deals with variations to plot ratio and other development standards and have developed criteria that define the circumstances in which development standards will be varied, with such criteria being widely known and consistently applied.

While the review was initially focussed on plot ratio variations, it has been decided that the criteria can be equally applied to variations to other development standards.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

Plot ratio is defined as follows under the Scheme:

- (a) *Residential Development: the ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries. For this purpose, such areas shall include the area of any walls but excludes the area of any lift shafts, the stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, space that is wholly below natural ground level, areas used exclusively for the parking of vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs;*
- (b) *Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding –*
- *Toilets and bathrooms;*
 - *Lift shafts, stairs and stair landings;*
 - *Machinery, air conditioning, storage, equipment and plant rooms;*
 - *Lobbies and circulation spaces common to two or more tenancies;*
 - *Staff tea preparation, lunch areas or amenities;*

- *Staff changeroom/locker facilities;*
- *Areas used for the parking of vehicles at or below ground level;*
- *Balconies, verandahs, terraces and courtyards, and*
- *Space that is wholly below natural ground level;*

Clause 38 of the Scheme provides Council with the enabling power to vary development requirements prescribed by the Scheme, inclusive of development requirements such as plot ratio and building height. The Scheme does not limit the extent to which variations can be approved, and instead requires Council to have regard to the impact of the variations upon the amenity of the locality and the occupiers of the development.

In the case of developments within a Residential zone, the Residential Design Codes contain Design Principles which guide the exercise of discretion by Council.

Sustainability Assessment:

External Economic Implications:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

In response to development pressures, it has been necessary to review the manner in which development concessions are considered by Council. It has been determined that a performance based approach is an acceptable methodology to guide decision-making and would provide an incentive for high quality development to occur within the Town.

The Town's longstanding practice of considering plot ratio variations of up to 10% has worked well, however it is considered that due to external influences this practice can no longer be sustained, and that abandoning a 10% cap on plot ratio variations and instead defining design criteria to be demonstrated, will achieve better design outcomes.

The Design Review Committee and Council Officers are of the view that Council should support concessions to development standards where the development achieves superior design outcomes and that this is what should determine the extent to which concessions are granted.

All development in the Town is expected to achieve a good standard of architectural merit and to contribute to good urban design. However where development concessions are sought, then superior standards of development need to be demonstrated, and the greater the extent of concessions sought then the greater the quality of the development to be delivered.

Accordingly a draft document has been prepared by the Design Review Committee and Council Officers (refer to Appendices) which details the criteria that will be considered where development concessions are sought. Relevantly:

“Its purpose is to outline only the additional requirements which a development proposal must satisfy in order to be considered favourably in terms of concessions on prescribed plot ratio, height, recession plane, and setback requirements. “

“The benchmark for achieving a concession for planning requirements is deliberately set high, well beyond compliance levels.”

“In order to be considered for a concession on planning requirements, a proponent must be able to demonstrate how a development proposal meets superior standards across all of the following areas:

- a) Response to local character and townscape;*
- b) Contribution to the existing streetscape;*
- c) Impact on the adjacent public realm;*
- d) Site planning and building block layouts;*
- e) Internal apartment design;*
- f) Long-term building performance and services; and*
- g) Development overall”.*

“Achieving a superior standard means better practice in design is clearly evident in terms of the development’s function, appearance, and its contribution to its locality. “

“The degree to which a development satisfies the criteria will be assessed by the Town’s Design Review Committee and Planning Officers and determine the degree of concession granted to the planning standards i.e. the greater the degree of design excellence, the greater the extent of concessions supported. “

The criteria contained in the draft document generally reflect the range of design matters that the Design Review Committee have previously had regard to when reviewing development proposals, but now propose to document these matters for clarity and information.

It is recommended that the draft document be adopted as Council Policy PLNG7, with immediate effect. It is intended that the effectiveness of the Policy be reviewed at a future time, with the possibility of the Policy then being incorporated as part of the Scheme.

CONCLUSION:

The adoption of the proposed Policy will provide clarity to applicants, Council staff and decision-makers as to the matters to be addressed where development concessions are sought, and is expected to result in improved consistency in decision-making. Importantly the proposed Policy will outline Council’s expectation that superior design standards are to be demonstrated where development concessions are proposed, and will result in a higher standard of development within the Town.

RECOMMENDATION/S:

The document 'Guide to Concessions on Planning Requirements for Mixed Use, Multiple Dwelling and Non-Residential Developments' as contained in the Appendices, be adopted as Council Policy PLNG7.

12 RENEW LIFE PROGRAM REPORTS

12.1 Accessible Ramp/River Wall Emergency Works at McCallum Park

File Reference:	PAR10/0001
Appendices:	No

Date:	25 September 2014
Reporting Officer:	D. Johnson
Responsible Officer:	W. Bow
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – That Council agrees to the reallocation of \$36,000 from the Swan River Foreshore Light Improvement capital works project to the Renew Drainage infrastructure – Riverwall project.

- Retaining wall has recently deteriorated due to weathering and tidal flow.
- Emergency works to rebuild the wall required to reinstate disabled access.
- Urgent repair of retaining wall required before infrastructure can be used.
- Failure to repair may cause undermining of nearby pedestrian path.

TABLED ITEMS:

- Repair quote from panel tender CTVP/14/15.
- Current images of accessible ramp and riverwall.

BACKGROUND:

The WA Disabled Water Ski Club (Inc) utilises the concrete ramp located within the river wall at McCallum Park and enables members of the community, of all abilities to be able to water ski. Due to age, wear and tear, tidal changes and termite damage the existing timber sleeper retaining wall has partially collapsed. Weathering and tidal flow has also eroded underneath the path and behind the sleeper wall resulting in a structurally unsound ramp and river wall.

The Town's staff have fenced the area off to prevent its use.

DETAILS:

The WA Disabled Water Ski Club (Inc) utilises access annually from October to April and has become a valued member of the Town of Victoria Park community. The Club owns and maintains the floating jetty attached to the access ramp, and has installed a small storage space on McCallum Park for its equipment.

Legal Compliance:

Authorisation from the Swan River Trust is required and an application is currently being assessed for the works within the river area.

Planning approval is not required, as the proposed repair work is maintenance to an existing facility.

Policy Implications:

Nil

Strategic Plan Implications:

Within the Town's *Strategic Community Plan 2013-2028* this project is aligned with the Town's Vision of a Vibrant Lifestyle most specifically:

- Provision of health-related community based programs, facilities and activities to improve community well-being;
- Strategies to support club growth and sustainability; and
- Renewal of the Town's assets in accordance with asset management plans.

Financial Implications:Internal Budget:

Work Order 1041 (General Ledger 33645.3048), Renew Drainage Infrastructure – Riverwall has a \$45,000 budget for 2014/2015.

The panel tender CTVP/14/15 quote for the required reinstatement work is \$75,980. A further \$4,600 is required for the Engineering design work as required by the Swan River trust.

Elected Members will recall that the Town was unsuccessful in its funding application to the Department of Transport for contributory funding to the bicycle pathway renewal project in McCallum Park. Thus, surplus funds can be utilised by the transfer of \$36,000 from Work Order 1306 (General Ledger 33648.3131) Swan River Foreshore Light Improvement, to the Renew Drainage Infrastructure – Riverwall project.

MP Rogers & Associates PL are currently undertaking a visual inspection and condition assessment of the river wall between Ellam Street and the Causeway and will prepare a brief report summarising key items of concern and including cost estimates of engineering treatments required.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

There are numerous social benefits from completing this project as the WA Disabled Ski Club (Inc) caters for the few who would not otherwise have river access anywhere else in Perth.

Cultural Issues:

Nil

Environmental Issues:

The Swan River Trust require evidence of the following before approval:

- Details of construction methods for the retaining wall, ramp and pathway;
- Material specifications to be used, specifically the rock armouring and geofabric;
- Marine engineer Design drawings and cross section of retaining wall and access ramp site drawing with high water mark;
- Environmental Management of the works, such as protection of the river from debris, stockpiling and waste management, source of fill, laydown area;
- Program schedule; and
- Any other components, such as landscaping, dewatering.

COMMENT:

This facility is unique within the metropolitan area, and provides access that some members of the community would not otherwise have.

If the reallocation of funds is approved by Council, it is anticipated the wall repair work will be carried out as a matter of priority.

CONCLUSION:

Without the requested funds the WA Disabled Water Ski Club (Inc) will not be able to access its facilities and there is the potential for further undermining of the McCallum Park foreshore, including the nearby pedestrian footpath. It is therefore requested that Council approve the reallocation of funds for this project.

RECOMMENDATION/S:

That Council approves the reallocation of \$36,000 from Work Order 1306 - Swan River Foreshore Light Improvement (General Ledger 33648.3131) to Work Order 1041 - Renew Drainage Infrastructure – Riverwall (General Ledger 33645.3048).

(Absolute Majority Required)

12.2 Review of Policy and Procedure - ENG14 - Asset Management

File Reference:	COR/14/30
Appendices:	Yes

Date:	20 August 2015
Reporting Officer:	W. Bow
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council adopts the revised Asset Management Policy and Procedure “ENG 14 – Asset Management” as contained in the Appendices.

- A revised Asset Management Policy has been prepared, including the assignment of key staff to the Asset Management Working Group.
- Revised policy has been endorsed by the Town’s Executive Management Team and Strategic Management Team.
- Recommended for adoption and inclusion into the Policy Manual.

TABLED ITEMS:

Nil

BACKGROUND:

At its Ordinary meeting on 24 November 2009, the Council endorsed Policy ENG14 – Asset Management – Infrastructure.

Asset Management is a key project within the “PM2 – Infrastructure” program of the Town of Victoria Park (Town) and the City of South Perth (City) Local Government Reform Amalgamation Project (the project). Some of the key deliverables of Stage I of the project for Asset Management included the review of strategic asset management plans, asset management policy and procedure and the establishment of an Asset Management Working Group.

This report seeks endorsement of the Asset Management Policy and Procedure and the re-formation of the Asset Management Working Group through adoption of the revised policy, which is to be re-named “ENG 14 – Asset Management”, as the terms of the policy relate to all asset classes.

DETAILS:

ENG14 – Asset Management sets out the policy, procedure, and contains the role and scope of the Asset Management Working Group (AMWG).

The AMWG is appointed to review and monitor the corporate Asset Management Strategy and improvement programme and ensure the development of integrated asset management process and plans consistent with organisational goals and objectives. Furthermore, the AMWG is responsible for the provision of cross Program advice on business matters relating to assets and services.

A key objective of Policy ENG14 – Asset Management is to progress the development of the Town’s Asset Management Strategy.

Legal Compliance:

Nil

Policy Implications:

ENG 14 – Asset Management – Infrastructure (former)

GEN7 – Strategic Management of Land and Property Assets

FIN4 – Purchase of Goods and Services

Strategic Plan Implications:

As per the Town’s Integrated Planning and Reporting Framework, the Strategic Community Plan has regard for the Long-Term Financial Plan which is informed, to a large extent by the Asset Management Plans.

The revised policy ENG14 undertakes to sustainably provide and manage infrastructure assets that support the delivery of agreed services in line with the Strategic Community Plan, for current and future stakeholders.

Financial Implications:Internal Budget:

Policy ENG14 – Asset Management defines an asset as a physical item that has a replacement cost of over \$1,000.

Total Asset Management:

Policy ENG14 – Asset Management promotes the systematic approach to management of Council assets over their entire life from creation to disposal that results in the provision of an asset at a specified standard for the lowest possible cost.

Sustainability Assessment:External Economic Implications:

The Town’s Asset Management Plans forecast expenditure of \$9.1m in 2014/2015 rising to over \$10m, on average, over the next five years. This is a significant investment into the local economy.

Social Issues:

Strategic Asset Management aims deliver and renew assets for the community at defined levels of service to enable community participation and engagement, safety in public places and community health and well-being.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Policy ENG14- Asset Management was developed in conjunction with Ben Symmons, Director of Asset Infrastructure Management. Mr Symmons has been engaged as a consultant through his company Asset Infrastructure Management as part of the Local Government Reform Amalgamation Project. Mr Symmons is an industry leader in the field of asset management and has aligned Policy ENG14 to the new National Asset Management guidelines, associated Council Policies, IPWEA's International Infrastructure Management Manual's (IIMM) and recommends that the Town considers assets be physical items that support the delivery of local government services such as -

- Property;
- Recreation;
- Transport;
- Plant & Equipment;
- Information Technology; and
- Waste Management.

Policy ENG14 – Asset Management has been endorsed by the Town's joint Executive Management and Strategic Management Teams.

CONCLUSION:

Whilst initiated to address to deliver a specific outcome associated with the Local Government Reform Amalgamation Project, the review of the Town's guiding asset management documents and the revised documents will serve the organisation well irrespective of the outcome of the reform process. It is recommended that Council adopt the revised policy and procedure ENG14 – Asset Management, inclusive of the role and scope of the Asset Management Working Group.

RECOMMENDATION/S:

That Council adopts the revised Asset Management Policy and Procedure “ENG 14 – Asset Management” as contained in the Appendices.

12.3 Community Environmental Working Group – Endorsement of the ‘Adopt-a-Verge’ Program

File Reference:	ENV/6/0002 - 04
Appendices:	Yes

Date:	24 September 2014
Reporting Officer:	G. Wilson
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council endorses the developed ‘Adopt-a-Verge’ program for the Town of Victoria Park, a review after six months, or following expenditure of the funds, with the outcome to be referred to the Community Environmental Working Group (CEWG).

- The development of an ‘Adopt-a-Verge’ program was endorsed by Council at the 10 June 2014 Ordinary Council Meeting.
- Officer recommendation that Council endorses the developed ‘Adopt-a-Verge’ program.
- Program will operate as a rebate to residents who meet the criteria, with a review period and outcome referred to CEWG.

TABLED ITEMS:

Nil

BACKGROUND:

Since 2010 the Town has published its verge landscaping guidelines ‘Your Street Verge – Sustainable Landscaping Guide’ which aim to guide residents in the sustainable landscaping and on-going management and maintenance of street verges.

The City of Vincent has developed their own ‘Adopt-a-Verge’ program, and the concept was referred to the Community Environmental Working Group (CEWG) for consideration at the 24 April 2014 meeting of CEWG.

CEWG endorsed the concept and recommended to Council that a program be developed for the Town.

At the 10 June 2014 Ordinary Council Meeting, Council resolved to:

1. *Request the Chief Executive Officer develop an ‘Adopt-a-Verge’ program for the Town, to be incorporated into the existing “Your Street Verge” landscaping guidelines, and refer such to the Community Environmental Working Group for endorsement.*
2. *Set aside \$20,000 in the draft budget for the financial year 2014/15 to fund the “Adopt-a-Verge” program, with such funds to be drawn from the Lt Col Christian Garden Competition Reserve.*

DETAILS:

A trial 'Adopt-a-Verge' program has been developed, has been endorsed by the CEWG and is presented to Council for endorsement. Details of the program are presented in the Appendices.

It is proposed that residents make application to the Town for undertaking works on their verge as part of the 'Adopt-a-Verge' program. The administration of the program within the Town of Victoria Park is to be based on the provision of a subsidy or rebate for residents who meet the 'Adopt-a-Verge' program criteria. In doing so the Town is not allocating additional staff time and resources to undertake the physical work on the verge itself. It was felt that by having residents renovate their own verge, it garners a greater sense of ownership.

The program criteria are as follows:

Earthworks –

Soil levels may need to be lowered around the edges, or over the whole verge, to ensure mulch is contained within the verge area.

Weed control –

Existing turf and weeds should be removed or sprayed out well before planting.

Planting –

The ideal time for planting a Waterwise verge is between April and October.

The use of Waterwise plants, selected from the Town's 'Your Street Verge - Sustainable Landscaping Guide' or the Water Corporation's website at <http://www.watercorporation.com.au/> is required. The use of Western Australian native plants is encouraged.

Turf grass is not a Waterwise verge treatment.

Watering –

No irrigation should be used except Waterwise irrigation which includes trickle or drip systems, sub-surface irrigation, or the use of MP rotator nozzles in place of regular pop-up sprinkler nozzles.

Mulching –

The use of coarse particle bark chip or shredded tree prunings to a depth of 50-100mm, which is to be suitably retained on the verge.

Based upon a subsidy of \$500/property provided by the Town of Victoria Park, the budget of \$20,000 would allow for 40 verges to be subsidised during this trial. It is anticipated the program will run until the \$20,000 is expended. After the first six months, the uptake of the program by residents will be reviewed and reported to CEWG.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town's *Strategic Community Plan* sets the strategic direction for the Town. The proposed 'Adopt-a-Verge' program aligns with the objective:

"Ensure residents have safe, clean and attractive streetscapes".

The proposal also aligns with the development of an overarching Town Greening Plan, and is complimentary to the criteria and recommendations set out in the Town's 'Your Street Verge - Sustainable Landscaping Guide'.

Financial Implications:Internal Budget:

As part of the 2014/2015 budget process, \$20,000 was allocated from the Lt Col Christian Garden Competition reserve account to the verge maintenance operating account.

In the event that Council endorses the recommendation in this report, a new work order will be created for the "Adopt-a-Verge" program and funded from this allocation.

Based upon a subsidy of \$500/property provided by the Town of Victoria Park, the budget of \$20,000 to subsidise the program would allow for 40 verges to be subsidised during this trial. It is anticipated the program will run until the \$20,000 is expended, subject to a review after six months.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The trial 'Adopt-a-Verge' program will demonstrate to the community the Town's commitment to providing safe, clean and attractive streetscapes which benefit both the community and the environment.

Cultural Issues:

Nil

Environmental Issues:

There are many benefits in developing the new 'Adopt-a-Verge' program, including the greening of our local streets, increasing and fostering local biodiversity and establishing biodiversity corridors throughout the municipality.

COMMENT:

The 'Adopt-a-Verge' program, administered as a subsidy, provides an incentive to residents to beautify the streetscape and enhance their suburbs, whilst also achieving reduced water use through Waterwise planting, and habitat for local biodiversity. The adopt a verge program takes the guidelines in the "Your Street Verge" publication one step further, by offering a rebate to residents who comply with the requirements, meet the criteria and maintain their verge.

Should neighbours join forces to develop a verge corridor, this fosters a sense of networking and community spirit.

Various staff have been involved in the development of the program. This includes:

- Gregor Wilson, A/Executive Officer, Park Life;
- Penny Fletcher, Park Life Technical Officer;
- Dion Johnson, A/Business Unit Manager, Parks; and
- Brendan Nock, Environmental Officer.

A Working Group, comprising members of CEWG and abovementioned staff, provided significant input into the development of the program, including review of the draft program. The City of Vincent – which has experienced a great uptake of its ‘Adopt-a-Verge’ program – was invited to a meeting of this Working Group to provide insight as to the development and administration and of the program.

Administration of the program, namely the receipt and assessment of submitted application forms, site visits and approval for the rebate, will be primarily undertaken by the Park Life Technical Officer and the Environmental Officer. After the first six months, the uptake of the program by residents will be reviewed and reported to Council. This review will be based on:

- Number of submission received;
- Number of submissions approved for landscaping;
- Number of rebate payments made;
- Staff time to administer the program; and
- Review of before/after images of rebated verges.

The below table identifies the number of applications received as part of the Your Street Verge – Sustainable Landscaping guidelines process.

Year	2007	2008	2009	2010	2011	2012	2013	2014
Number received	11	5	7	16	23	13	21	13

CONCLUSION:

The ‘Adopt-a-Verge’ program promotes more residential involvement in providing attractive waterwise verges throughout the Town, and is therefore recommended for endorsement.

RECOMMENDATION/S:

1. That Council endorses the developed ‘Adopt-a-Verge’ program for the Town, as contained within the Appendices.
2. That the program be reviewed after six months, or following expenditure of the funds, with a further report to the Community Environmental Working Group.

12.4 Proposed Disposal by Sale of Portions of 268 (Lot 500) and 284 (Lot 501) Orrong Road, Lathlain

File Reference:	PR17687 PR9201
Appendices:	No.

Date:	23 September 2014
Reporting Officer:	T. McCarthy
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council endorses the advertisement of the disposal of a portions of Lots 500 and 501 Orrong Road, Lathlain, for sale by private treaty to owners of properties adjoining lots 500 and 501, in accordance with *the Local Government Act 1995* and if no submissions are received by closure of the submission period, the dispositions are to proceed as detailed in this report.

- 268 (Lot 500) and 284 (Lot 501) Orrong Road, Lathlain, have been identified as properties that can be disposed of.
- Valuation of portions of Lots 500 and 501 for sale purposes has been carried out.
- Owners of some adjoining properties have expressed interest in purchasing portions of lots 500 and 501.

TABLED ITEMS:

- Valuation of portions of lots 500 and 501 Orrong Road, Lathlain.

BACKGROUND:

Between 1990 and 1995 the City of Belmont, in conjunction with the City of Perth, acquired several properties along Orrong Road in order to facilitate a project to create a dual carriageway road along Orrong Road. As far as can be determined, all properties acquired were as a result of negotiation with the owners of the properties.

On completion of the project to create a dual carriageway road along Orrong Road, some surplus parcels of land were amalgamated to create Lots 500 and 501. These two parcels of land were in the ownership of the City of Belmont, the City of Belmont having carried out all land acquisitions on behalf of the project principals.

During its term of ownership of Lots 500 and 501, the City of Belmont installed a water reticulation and sprinkler system on the two parcels and carried out regular lawnmowing and shrub maintenance.

In October 2000, the Town purchased Lots 500 and 501 from the City of Belmont for the total consideration of \$100,000 (excluding GST). The Town then entered into an agreement with the City of Belmont that the City would carry out maintenance of the two lots for an agreed annual maintenance charge.

In July 2005 Main Roads WA took control of Orrong Road and it was no longer the joint responsibility of the Town and the City of Belmont. At that time the City of Belmont advised that it would no longer maintain Lots 500 and 501.

In 2013 Lots 500 and 501 were identified in the Land Asset Optimisation Strategy, adopted by Council, as properties that are owned by Council but were not specifically identified as potentially being available for disposal.

DETAILS:

Lots 500 and 501 are owned in fee simple by the Town of Victoria Park on Certificates of Title Volume 2196 Folio 482 and Volume 2196 Folio 483 and are Lots 500 and 501 on Plan 18617. Lot 500 is 3240m² in area and lot 501 is 1242m² in area.

Lots 500, 501 and all abutting parcels of land are currently zoned "Residential R30" under the Town of Victoria Park Town Planning Scheme No. 1. Lot 500 is subject to a six metre by six metre truncation of the northern corner of the Lot for widening of the "Other Regional Road" in the Metropolitan Region Scheme.

Legal Compliance:

Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

"3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition."

The requirements for Local Public Notice are contained in Section 1.7 of the *Local Government Act 1995* as follows:

"1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district;*
- (b) exhibited to the public on a notice board at the local government's offices; and*
- (c) exhibited to the public on a notice board at every local government library in the district.*

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and*
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.”*

In this instance it is recommended that portions of Lots 500 and 501 be sold by private treaty to owners of various abutting properties. Section 3.58 of the *Local Government Act 1995* requires that a proposal to sell property by private treaty must be advertised for no less than 2 weeks before a local government agrees to sell the property. The local public notice of the proposed disposition must contain a description of the property, the details (consideration) of the proposed disposition and an invitation for submissions to be made to the local government before a date specified in the notice.

Policy Implications:

At its Ordinary Meeting held 8 October 2013, Council resolved:

- 1. The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
- 2. Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan*

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Sale of portions of Lots 500 and 501 will provide revenue of \$600,000 to the Town. It is recommended that income derived from the sale of the subject land be placed in the Future Projects Reserve.

Total Asset Management:

The subject sites will no longer require maintenance by the Town if sold.

Sustainability Assessment:

External Economic Implications:

The acquisition by adjacent property owners of portion of Lots 500 and 501 may afford greater development opportunity for those property owners.

Social Issues:

Lots 500 and 501 are unutilised assets of the Town. They contain no playground or other equipment and are not used for recreation or any other worthwhile purpose by the surrounding community.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Lots 500 and 501 have been assessed in the Land Asset Optimisation Strategy (LAOS) considered by Council at its meeting held 8 October 2013. The assessment provided in LAOS considered that the two Lots did not have any obvious opportunities for development or transfer of freehold titles and as such were recommended to be retained on an as-is basis.

Approaches have been made to the Town by owners of some abutting lots requesting that the Town sell portions of Lots 500 and 501 to the owners of adjoining properties. The requests have been considered and subsequently valuations have been obtained for each individual portion considered appropriate to be sold to the adjoining property owners. The licensed valuer engaged to carry out the valuations has determined the value of each portion of land (approximately 413m² each, subject to survey) to be \$150,000.00 exclusive of GST.

All affected owners of adjoining properties were contacted and asked to confirm whether they would be interested in purchasing portion of either Lot 500 or 501, and amalgamating the purchased portion with their adjoining parcel of land. There are 11 affected adjoining parcels of land, some of which are strata titled. Those adjoining lots which are strata titled require the agreement of all strata lot owners to purchase and amalgamate the subject portions of land. Owners of four affected adjoining lots indicated willingness to proceed with purchase of relevant portions of land subject to conditions indicated to them, which were:

- The subject portion will be sold only on the condition that it is amalgamated with the adjoining lot.
- The purchaser will be responsible for all costs involved in subdivision of Lot 501 and allocation of the subject portion to be amalgamated with the adjoining lot.
- No vehicle access will be permitted on to Orrong Road.
- A sewer line is present within Lots 500 and 501 along the rear boundary of existing lots.
- Any proposed redevelopment of the new lot to its maximum potential will be subject to normal planning conditions, including setback requirements.
- The exact area to be purchased is subject to survey.
- The purchase price of each subject portion will be \$150,000 exclusive of GST.
- Agreement of all owners of any lot which is strata titled is required in order for amalgamation of the subject portion of land with the adjoining strata titled lot.

It is proposed that portions of Lots 500 and 501 be sold to the owners of the adjoining lots as per the following table:

Adjoining Lot	Portion to be Sold	Price (exclusive of GST)
14-16 Galaxy Way (Lot 16)	Approx. 413m ² (subject to survey) ex Lot 501	\$150,000.00
22-24 Galaxy Way (Lot 2) Strata Plan 1408	Approx. 413m ² (subject to survey) ex Lot 501	\$150,000.00
30-32 Galaxy Way (Lot 4) Strata Plan 9753	Approx. 413m ² (subject to survey) ex Lot 500	\$150,000.00
58 Galaxy Way (Lot 6)	Approx. 413m ² (subject to survey) ex Lot 500	\$150,000.00

CONCLUSION:

As the Town has no further use for Lots 500 and 501, it is recommended that the subject portions be sold to owners of adjoining properties, and that further portions be sold to owners of other adjoining properties if and when those owners indicate willingness to purchase subject portions at then market price.

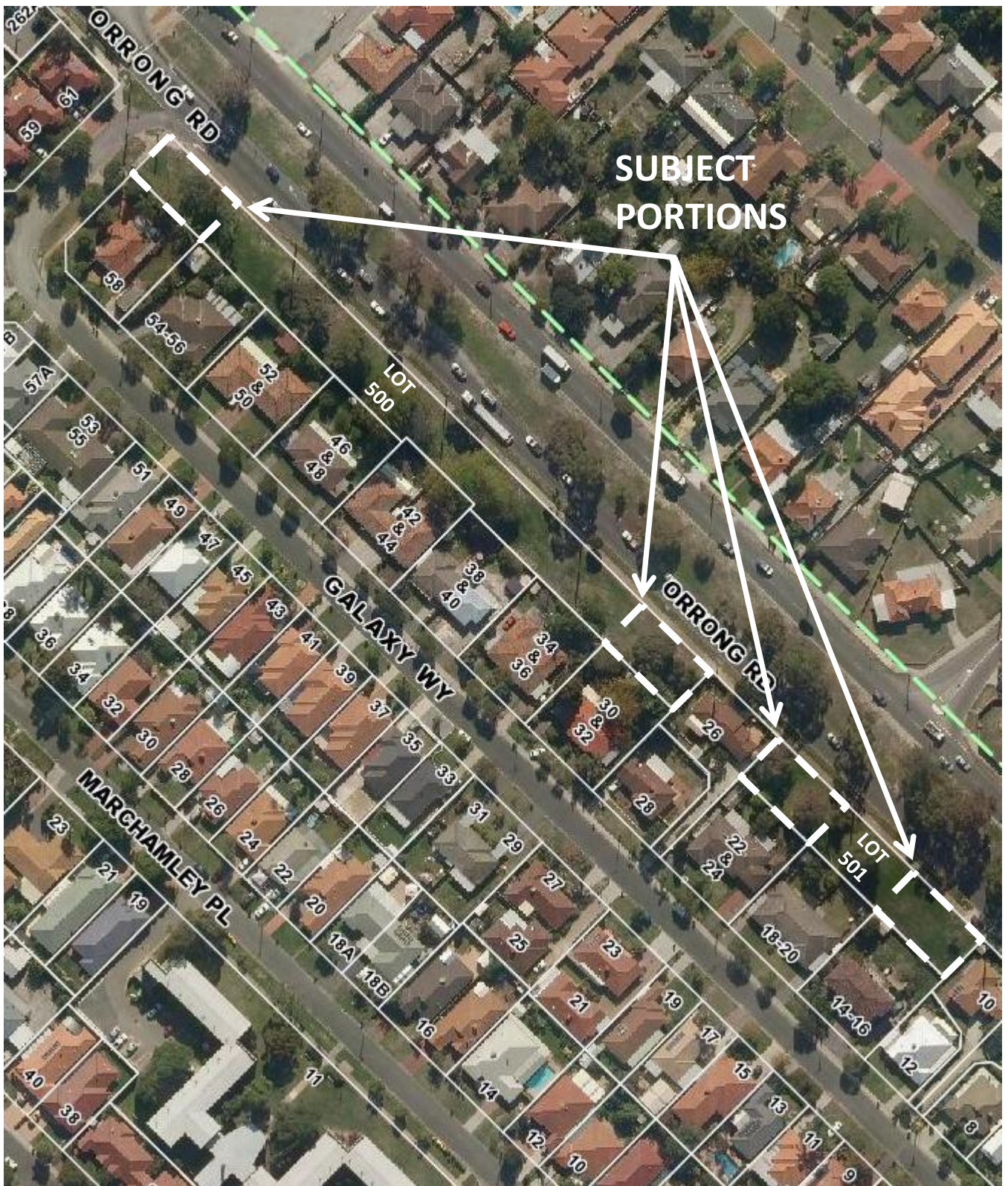
RECOMMENDATION/S:

1. **Local Public Notice** be given advertising Council's intention to dispose of portions of lots 500 and 501 Orrong Road, Lathlain, for sale by private treaty to owners of properties adjoining Lots 500 and 501 in accordance with s.3.58 of the *Local Government Act 1995* subject to the proposed purchasers entering into a contract of sale and deed of agreement to amalgamate at their own cost the subject portions with existing adjoining lots.
2. **The disposition of the property detailed in Clause 1 above to:**
 - 2.1. Proceed if no submissions are received by the specified date in the Local Public Notice being not less than two (2) weeks after the notice was first given;
 - 2.2. Be presented back to Council if any submissions are received by the specified date in the Local Public Notice for consideration and that the reason behind any decision the Council makes after considering the submission/s be recorded.
3. **The proposed dispositions are:**

Adjoining Lot	Purchaser	Portion to be Sold	Price (exclusive of GST)
14-16 Galaxy Way (Lot 16)	J Munforti & M Colletti	Approx. 413m ² (subject to survey) ex Lot 501	\$150,000.00

22-24 Galaxy Way (Lot 2) Strata Plan 1408	L Jackson, D Russell & R Bacon	Approx. 413m² (subject to survey) ex Lot 501	\$150,000.00
30-32 Galaxy Way (Lot 4) Strata Plan 9753	J Sanford, K Sanford & T Sanford	Approx. 413m² (subject to survey) ex Lot 500	\$150,000.00
58 Galaxy Way (Lot 6)	S Ross & L McCafferty	Approx. 413m² (subject to survey) ex Lot 500	\$150,000.00

4. The Mayor and the Acting Chief Executive Officer be authorised to execute any documentation necessary to effect the sale of the subject portions of Lots 500 and 501.
5. Any income derived from the sale of the subject portions of Lots 500 and 501 be placed in the Future Projects Reserve.



12.5 Tender TVP/14/09 – Construction of a Memorial Wall at the Victoria Park Returned and Services League of Australia (RSL) Property, 1 Fred Bell Parade, East Victoria Park

File Reference:	TVP/14//09
Appendices:	No

Date:	24 September 2014
Reporting Officer:	G. Wilson
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Tender TVP/14/09 for the Construction of a Memorial Wall at the Victoria Park Returned and Services League of Australia (RSL) property, 1 Fred Bell Parade, East Victoria Park be awarded to BOS Civil at a cost of \$121,599.15 excluding GST.

- A Memorial Wall is proposed to be constructed at 1 Fred Bell Parade with a plaque dedicated to each soldier from the Town of Victoria Park who served in the First World War. Wall to be completed in conjunction with the 100th anniversary of ANZAC Day in 2015.
- Tender has been called for construction of the Memorial Wall evaluation of tender submissions against prescribed criteria has been completed.
- Recommended to accept the tender from BOS Civil.
- Construction of the wall to be funded subject to a legal agreement with the RSL with a \$50,000 contribution by the Town.

TABLED ITEMS:

- Tender Submissions.
- Tender Evaluation Documentation.
- Concept plans.
- Elected Members Memo 12 June 2014.

BACKGROUND:

The Town has been working with the Victoria Park RSL Sub-branch (RSL) in relation to the ANZAC Centenary commemorations for 2015. A key project of the 100 year commemorations, is the construction of a Memorial Wall, the purpose of which proposed by the RSL is –

“undertaking the memorable task of remembering and honouring those citizens from the Town of Victoria Park who volunteered/enlisted to “Save The Empire”. To this end after enlistment members were moved to Albany, Western Australia where we know they departed for the Middle East and subsequently on to Turkey and the Dardanelles.

The Sub Branch Commitment is to erect a memorial wall at the Sub Branch and list all of those who served (from the Victoria Park locality only) by placing a bronze plaque on the wall citing their name, some service details, etc.”

The RSL has previously engaged an architect and builder to undertake preliminary works relating to the construction of a Memorial Wall at 1 Fred Bell Parade with a plaque dedicated to each soldier from Town of Victoria Park who served in the First World War. In the future, individual name plaques will be added to honour those local individuals who served in the Second World War, Vietnam and Korea.

Whilst this project was initially proposed to be administered by the RSL, the Town's statutory obligations render it ultimately responsible for the project.

After extensive discussions with the RSL, the Town had received plans for the wall, and agreed in principle to the project, including support from Renew Life to build the wall on the Town's land. The RSL is aware of the requirement for building and planning approvals as part of the project and that a formal tender process is required. The Town organised to purchase the architects drawings and plans, and to ensure they were certified compliant and ready for construction.

The Memorial Wall is proposed to be constructed on Playfield Reserve outside the leased area of the RSL at a cost of approximately \$150,000.

DETAILS:

The Tender was advertised on Saturday 16 August 2014 in The West Australian newspaper, with tenders closing on 2pm on Tuesday 2 September 2014.

Three (3) submissions were received for TVP/14/09 from the following companies -

- Boss Civil;
- Connolly Building Company; and
- Glencrest Holdings Pty Ltd.

After an initial assessment by all members of the panel, it was considered that there was not enough information regarding aspects of experience of the contractors to carry out a project of this nature. After consultation with WALGA, additional information regarding the tenderers experience with off-the-form concrete works, installation of artworks or memorials, and projects involving construction, paving and lighting, was requested from the three tenderers. Each tenderer provided some additional information to the Town.

The assessment of the three compliant submissions, including the additional information, was then formally undertaken by an Assessment Panel of three, the A/Executive Manager Park Life, Business Unit Manager – Assets, and Victoria Park RSL Sub-Branch President Mr Kelvin Liddiard.

All tenders were assessed against the below selection criteria as contained in the tender documentation.

<p>Experience of Tenderer in supplying similar goods or completing similar projects:</p> <ul style="list-style-type: none"> • Relevant industry experience (including public sector), including details of similar work undertaken; • The Tenderer's involvement in these projects, including details of outcomes produced; • Past record of performance and achievement; • References from past and present clients; and • Occupational safety and health track record. <p>Tenderers must address the following information in an attachment and label it: (Experience of Tenderer)</p>	<p>Weighting 30 %</p>
<p>Capability/competence of Tenderer to perform the work required:</p> <ul style="list-style-type: none"> • Qualifications, skills and experience of key personnel; • Plant, equipment and staff resources available; • Percentage of operational capacity represented by this work; and • Quality systems. <p>Tenderers must address the following information in an attachment and label it: (Capability/competence of Tenderer)</p>	<p>Weighting 30 %</p>
<p>Understanding of Requirement:</p> <ul style="list-style-type: none"> • Level of understanding of Tender documents; • Level of understanding of work required; • Ability to meet delivery dates in regard to overall work commitments; • Warranties offered; and • Added value items offered. <p>Tenderers must address the following information in an attachment and label it: (Understanding of Requirement)</p>	<p>Weighting 20 %</p>
<p>Tendered Price/s</p> <ul style="list-style-type: none"> • The price to supply the goods or services in accordance with the Request; and • Rates or prices for variations. 	<p>Weighting 20 %</p>
<p>TOTAL</p>	<p>100%</p>

The following compliance criteria were also used to assess TVP/14/09 –

- Compliance with the Specification contained in the Request;
- Compliance with conditions of responding;
- Compliance with the Quality Assurance requirement for this Request; and
- Compliance with and completion of the Price Schedule.

Attributes or assessment criteria (P) were determined and given a point score within the range 0-100.

Price was assessed by dividing the prices into the cheapest tender, and multiplying by 100.

Assessment Criteria (P)	BOS Civil	Connolly Building Company	Glencrest Holdings Pty Ltd
Relevant Experience	55	23.33	25
Capability/Competence	58.33	28.33	40
Understanding of requirement	65	23.33	31.67
Tendered Price	58.18	100	51.26

This P score was then multiplied by the previously determined weighting factor (W% or Evaluation Criteria) to obtain a Value Score (V) for each tender. The tenderer having the highest score would be the preferred tenderer.

Tender Evaluation Criteria	Weight (W) %	BOS Civil	Connolly Building Company	Glencrest Holdings Pty Ltd
Relevant Experience	30	16.5	7	7.5
Capability /Competence	30	17.5	8.5	12
Understanding of requirement	20	13	4.67	6.33
Tendered Price	20	11.64	20	10.25
TOTAL (V)	100%	58.64	40.17	36.09

Legal Compliance:

Given the location, nature and value of the infrastructure item being constructed, it is a requirement for the Town to administer the project under the provisions of the *Local Government Act 1995*. This advice was confirmed by WALGA's procurement section.

The Town has complied with Section 3.57 of the *Local Government Act 1995* relating to tenders.

Policy Implications:

Nil

Strategic Plan Implications:

The Memorial Wall is consistent with the following action in the Town's Strategic Community Plan –

"Including interactive strategies that encourage participation, promotion and preservation of local history."

Financial Implications:Internal Budget:

The total budget of \$150,000 for the construction of the Memorial Wall has been included in the 2014/2015 Assets Capital Works budget, and will be allocated to Work Order 1334 (General Ledger 37771.3085).

Overall the cost of the contract will be in the order of \$121,600 excluding GST which will be allocated to the capital work order for this project. Approximately \$10,000 in design and other consultant's fees will also be incurred over the project. Staff time will be in-kind cost to the project.

It is recommended that the Town enters into a legally binding agreement with the RSL that requires the RSL to repay Council the cost of the "RSL Memorial Wall" less Council's \$50,000 contribution, prior to commencement of the contract with the successful tenderer.

Ultimately Council's maximum net financial contribution will be \$50,000. Ongoing funding will be added to subsequent Assets Business Unit's annual maintenance budgets to maintain the structure, which will be added to the Town's asset register.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Recognition of citizens from the Town of Victoria Park who volunteered or enlisted in various conflicts, highlights the contributions and sacrifices they made, promoting respect and understanding.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The construction of this project is within a reasonably tight timeframe. The Memorial Wall must be completed in January 2015, allowing enough time for the RSL to have the plaques fitted before the 2015 ANZAC commemorations, and to allow the Town to have the surrounding area prepared in time for ANZAC Day 2015.

The submission from BOS Civil is the most detailed, has a suggested scheduling of work and an eight week construction period. It scored considerably higher than the other submissions, and offers the best value for money outcome.

CONCLUSION:

It is concluded that the tender submitted by BOS Civil be accepted as the most advantageous to the Town.

RECOMMENDATION/S:

1. That Tender TVP/14/09 for the Construction of a Memorial Wall, at the Victoria Park RSL property, 1 Fred Bell Parade, East Victoria Park be awarded to BOS Civil at a cost of \$121,599.15 excluding GST.
2. That Council, prior to the engagement of BOS Civil, enters into a legally binding agreement with the Victoria Park RSL confirming the funding requirements of both parties for the Memorial Wall design and construction, specifically that the Victoria Park RSL will repay the cost of design and construction of the Memorial Wall, less Councils' \$50,000 contribution.
3. The Mayor and the Acting Chief Executive Officer be authorised to execute any documentation necessary to effect the legal agreement mentioned in Clause 2 above.

**12.6 Electricity Supply contract – Town of Victoria Park Facilities -
*Confidential Item***

This Report is issued under a separate cover.

12.7 Tender TVP/14/15 – Provision of Bespoke Street Furniture at Lathlain Place – Zone 4 – Lathlain Precinct Redevelopment Project

File Reference:	TVP/14/15
Appendices:	No

Date:	30 September 2014
Reporting Officer:	M. Swanepoel
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council resolves to accept no tender submission in relation to Tender TVP/14/15 for the Provision of Bespoke Street Furniture.

- Tender has been called for the provision of bespoke street furniture as part of the Lathlain Place upgrade.
- An evaluation of the only tender submission against the prescribed criteria has been completed.
- It is recommended that Council does not accept the tender submission and explores further options.

TABLED ITEMS:

- Tender submission.

BACKGROUND:

The Lathlain Precinct Redevelopment Project (LPRP) comprises seven development zones, including Zone 4 – Lathlain Place Streetscape. One of the features of the Lathlain Place Streetscape project includes new, specially designed street furniture. Tender TVP/14/15 was advertised in The West Australian newspaper on Saturday 30 August 2014, calling for submissions for the provision of bespoke street furniture as part of the streetscape project. Advertising for the tender closed on 16 September 2014. One submission was received. The submission was evaluated and assessed as being suitable.

The purpose of this report is for Council to consider the submission in relation to tender TVP/14/15 and, having considered the submission, Council is asked to not accept the tender submission and instead give its endorsement for the Administration to explore other options for achieving a similar outcome.

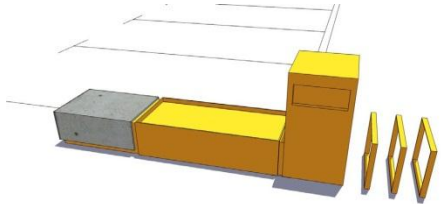
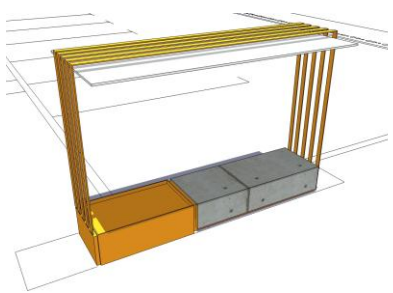
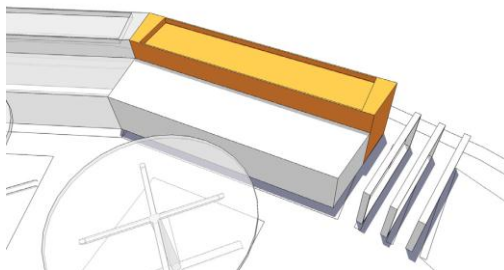
Given the high cost of the project and notwithstanding the quality of the submission, Administration feels that there are other more cost-effective options available to the Town that will deliver a similar outcome for the project.

DETAILS:

Tender TVP/14/15 was for the provision of twelve items of bespoke street furniture on Lathlain Place. The new, specially designed items of street furniture were intended to be installed as part of upgrading the street. The new seating will help with providing more seating options for people and enhance the aesthetic of the streetscape.

Street furniture details

The tender application asked for submissions for the provision of thirteen pieces of specially design street furniture. The thirteen pieces of furniture comprised of three distinct types as shown below:

Type	Design	Location	Total
001		The middle of Lathlain Place near each pedestrian crossing.	2
002		The middle of street near each pedestrian crossing. Note: <ul style="list-style-type: none"> This type is intended to accompany Type 1 above. 	2
003		Three locations: <ul style="list-style-type: none"> At either corner of the Howick Street/Lathlain Place intersection. At one corner of the McCartney Crescent/Lathlain Place intersection. (The corner where St Claire's School is located.) 	9

The submitted tender was assessed against the following selection criteria:

Description of Selection Criteria	Weighting
<p>Relevant Experience</p> <p>a) Provide a detailed work history explanation with an accompanying project reference sheet;</p> <p>b) Provide information from work on similar projects including level of involvement in design, fabrication and installation as well as the project cost; and</p> <p>c) List qualifications.</p>	25%

Description of Selection Criteria	Weighting
<p>Key Personnel Skills and Experience</p> <p>a) Explain the Tenderer’s role in the performance of the Contract; b) Provide a detailed work history and qualifications of any staff or consultants who will be involved in the project; and c) Provide details of the proportion of time that key personnel will work on this project.</p>	10%
<p>Tenderer’s Resources</p> <p>Tenderers must address the sub-criteria below in an attachment and label it “Tenderer’s Resources”:</p> <p>a) Document any contingency measures or backup of resources including personnel (where applicable); b) OHS Survey; c) Safety Record; and d) Resources Schedule.</p>	10%
<p>Demonstrated Understanding of Project Outcomes and Ability to Deliver</p> <p>a) Confirm understanding of the scope of work; b) Demonstrate an ability to achieve outcomes; c) Provide a project schedule/timeline; and d) Demonstrate the ability to meet the delivery timeframes.</p>	30%
<p>Price</p> <p>Tenderers must submit prices in accordance with the schedule of rates.</p>	25%
<p>TOTAL</p>	100%

Tender TVP/14/15 contained the following compliance criteria:

- Tenderers are to provide acknowledgment that their organisation has submitted in accordance with the Conditions of Tender including completion of the Offer Form and provision of pricing submitted in the format required by the Principal;
- Tenderers are to provide their Professional Indemnity Insurance;

- Compliance with the Specification contained in the Request;
- Compliance with attendance at any mandatory Tender briefing or site inspection;
- Compliance with the Quality Assurance requirement for this Request;
- Compliance with the Delivery Date; and
- Tenderers must provide “Risk Assessment” documentation.

One tender was received for Tender TVP/14/15, which was deemed compliant. Evaluation of the tender was undertaken by a panel of three staff members, the Acting Executive Manager Park Life, Senior Engineering Technical Officer, and Strategic Project Management Officer. The aforementioned qualitative selection criteria were applied to each Tender, with a value score assigned of between 1 and 100.

The score assigned for the submitted tender is shown in the table below.

Assessment Criteria (P)	Woodlands
Relevant Experience	80
Key Personnel Skills and Experience	83.3
Tenderer’s Resources	83.3
Demonstrated Understanding of Project Outcomes and Ability to Deliver	70
Price	70

The full assessment tables detailing the averaged score assigned by the evaluation panel to each submitted tender for both quantitative and qualitative criteria are tabled items accompanying this report.

Legal Compliance:

Local Government Act 1995 Section 3.57

Local Government (Functions and General) Regulations 1996 Division 2 Part 4

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 (“the Regulations”)*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$100,000.

An initial estimate of the costs of designing, fabricating and installing thirteen pieces of bespoke street furniture concluded that it was likely that the cost would exceed \$100,000.

Policy Implications:

Council Policy FIN4 Purchase of Goods and Services has been complied with.

Strategic Plan Implications:

The Town of Victoria Park Strategic Community Plan 2013-2028 identifies the redevelopment of the Lathlain Precinct as a key project.

Financial Implications:Internal Budget:

At its Ordinary meeting on 8 July 2014, Council resolved to allocate funds to the Zone 4 – Lathlain Place Streetscape project to provide a total budget of \$1.15M, of which approximately \$182,000 was identified for the procurement of bespoke furniture. The following table identifies the cost of providing bespoke street furniture based on the submission by Woodlands:

Service Description	Tender Unit	Price Tendered (ex GST)	GST	Price Tendered (inc. GST)
Detailed Fabrication Designs	Lump Sum	\$13,200	\$1,320	\$14,520
Construction	Lump Sum	\$122,500	\$12,250	\$134,750
Installation	Lump Sum	\$31,250	\$3,125	\$34,375
Total		\$166,950	\$16,695	\$183,645

Total Asset Management:

During the assessment of TVP/14/15 it became apparent that a more cost effective solution(s) to the provision of bespoke street furniture could be explored.

Whilst approaching the project from the perspective of ensuring that it is a high quality streetscape upgrade, the project team has been cognisant of ensuring that the upgrade will be maintained according to current practices.

Sustainability Assessment:External Economic Implications:

Delivering the streetscape upgrade to the highest possible quality will ensure that it is recognised by the wider community as a place to visit. This will positively impact on businesses currently operating at Lathlain Place.

Social Issues:

The Lathlain Place project creates a more pedestrian friendly link between Lathlain Park and Rayment Park; providing a new people friendly public space intended to be enjoyed and used by residents, businesses, visitors and user groups; and slowing down traffic along Lathlain Place. These outcomes represent a positive social benefit.

Cultural Issues:

Nil

Environmental Issues:

The Lathlain Place project does propose removing existing trees and landscaping that is currently located within the median and along the verges. These trees have been approved for removal by the Town's Park Life staff as a result of them being in poor health structurally and not conducive to the proposed median use. Notwithstanding the above, the project provides substantially more trees, with landscaping being planted according to water sensitive urban design principles along each verge and along the northern part of the widened median.

COMMENT:

Woodlands' tender was assessed as suitable for delivering bespoke street furniture items within the allocated cost estimate of \$180,000. However, one of the issues arising out of the assessment of the tender was a view by the assessing officers that Council could get a very similar outcome for a far better price. This matter was also raised at Council's Ordinary meeting of 8 July 2014.

The common goals for upgrading Lathlain Place include:

1. To implement a high quality street upgrade at Lathlain Place;
2. That this project should represent a point of difference to what has been usually implemented by the Town; and
3. To plan for people in order to get people to use the upgraded street.

Emanating from the common goals of the project is the need for seating, especially different types of seating, which helps with attracting people to an area and is an excellent way of representing a point of difference. The Lathlain Place Concept Plan identified specially designed street furniture as one way of providing seating.

From a Project Management perspective, the project needs to deliver the seating outcome for the best, most effective price. Delivering twelve pieces of bespoke street furniture for \$180,000 doesn't address the need for maximising Council's investment in this project.

The Project Team have identified three options by which to deliver the common goals of the project, and to provide for seating in lieu of bespoke furniture, these include:

Option 1

Install standard street furniture only.

Option 2

<p>Install bespoke street furniture in the middle of Lathlain Place</p> <p>+</p> <p>Invest in quality alfresco type seating to be used along the street.</p> <p>+</p> <p>Invest in planters for each intersection.</p> <p><i>Note: Only three corners will be available. A street tree will remain at the corner nearest the Scout building.</i></p>
--

Option 3

<p>Install bespoke street furniture items at each corner only.</p> <p><i>Note: Only three corners will be available. A street tree will remain at the corner nearest the Scout building.</i></p>
--

These options are assessed against the needs in the table below.

Option	High quality	Point of difference	Plan for people	Cost effective
Install standard street furniture only.	Mostly	Not really	Maybe	Yes
<p>Install bespoke street furniture in the middle of Lathlain Place</p> <p>+</p> <p>Invest in quality alfresco type seating to be used along the street.</p> <p>+</p> <p>Invest in planters for each intersection.</p> <p><i>Note: Only three corners will be available. A street tree will remain at the corner nearest the Scout building.</i></p>	Yes	Mostly	Definitely	Definitely
<p>Install bespoke street furniture items at each corner only.</p> <p><i>Note: Only three corners will be available. A street tree will remain at the corner nearest the Scout building.</i></p>	Yes	Not really	Not really	No

Option 1 addresses most needs with the exception of providing a point of difference. The benefit of this option is that it will be cost effective and provide a highly functional solution.

Option 2 addresses each need the most thoroughly. The installation of bespoke street furniture items at the crossing points in the middle of Lathlain Place address high quality, point of difference and plan for people needs. Investing in quality alfresco type seating allows Council to maximise seating at the most effective cost. Good quality alfresco type seating also has the benefit of supporting local businesses. Investing in planters to be used at each intersection retains a component of the original concept.

Option 3 only addresses the high quality need. This option does not truly represent a point of difference in the sense that planters and seating are common around Perth. They don't maximise seating around Lathlain Place to the degree that options 1 and 2 will. The cost of installing them with the minimal number of seating being provided does not make them cost effective.

Based on the above, the option that most addresses the project needs above is Option 2.

CONCLUSION:

The Town has received one tender submission for the provision of bespoke street furniture at Lathlain Place. The tender is compliant and received a favourable assessment. However, one of the issues arising out of the assessment of the tender was a view by the assessing officers that Council could get a very similar outcome for a far better price.

Three other options have been identified that address the following needs:

- Will the option be high quality?
- Will the option help provide a point of difference?
- Does the option satisfy the 'plan for the people and you will get people' rule?
- Is the option cost effective? (Is Council maximising the number of seating for its investment?)

After assessing each option against these needs, the most appropriate option is Option 2:

Install bespoke street furniture in the middle of Lathlain Place
+
Invest in quality alfresco type seating to be used along the street.
+
Invest in planters for each intersection.

It is recommended that Council does not accept the tender from Woodlands and instead approves Administration implementing the option above and for the matter to be referred to the Lathlain Precinct Redevelopment Project Team.

RECOMMENDATION/S:

That Council:

- 1. Resolves to accept no the tender in relation to TVP/14/15 for the Provision of Bespoke Furniture; and**

- 2. Endorses the Administration exploring other options for implementing additional seating along Lathlain Place as part of streetscape upgrade and to report these options to the Lathlain Precinct Redevelopment Project Team.**

**12.8 Native Title Compensation Claim Bodney (Ballaruks People):
Federal Court WAD 6289/1998; National Native Title Proceeding
WP 1998/001: Burswood Peninsula – Involvement in Proceedings
(Confidential Item)**

This Report is issued under a separate cover.

13 COMMUNITY LIFE PROGRAM REPORTS

Nil Reports

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 31 August 2014

File Reference:	FIN/11/0001~09
Appendices:	Yes
Date:	26 September 2014
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation - That Council confirms the schedule of accounts paid for the month ended 31 August 2014.	
<ul style="list-style-type: none"> • The Accounts Paid for 31 August 2014 are contained within the Appendices. • Direct lodgement of payroll payments to the personal bank accounts of employees are also included. 	

TABLED ITEMS:

Nil

BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.

Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

DETAILS:

The list of accounts paid in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* is contained within the Appendices, and is summarised as thus -

Fund	Reference	Amounts
Municipal Account		
Recoup Advance Account		
Automatic Cheques Drawn	605972-6082	212,587.02
Creditors – EFT Payments		3,520,488.74
Payroll		930,473.83
Bank Fees		6,203.76
Corporate MasterCard		13,654.21
		4,683,407.56
Trust Account		
Automatic Cheques Drawn	2878-2900	180,144.12
		180,144.12

Legal Compliance:

Section 6.10 (d) of the Local Government Act 1995 refers, ie. -

6.10. Financial management regulations

Regulations may provide for —

- (d) the general management of, and the authorisation of payments out of -
- (i) the municipal fund; and
 - (ii) the trust fund,
- of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie. -

13. Lists of Accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (3) A list prepared under subregulation (1) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

RECOMMENDATION/S:

That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm:

1. The Accounts Paid for 31 August 2014 as contained within the Appendices.
2. Direct lodgement of payroll payments to the personal bank accounts of employees.

14.2 Financial Statements for the Month ending 31 August 2014

File Reference:	FIN/11/0001~09
Appendices:	Yes

Date:	26 September 2014
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation - The Council, by an absolute majority, approves the budget amendments and accepts the Financial Activity Statement Report – 31 August 2014, as contained within the Appendices.

- The Financial Activity Statement Report is presented for the Month ending 31 August 2014. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The following additional initiatives / amendments have been included in the recommendation for approval by absolute majority:
 - Acquisition of Major stadium basketball backboards.
 - Acquisition of two visual arts

TABLED ITEMS:

Nil

BACKGROUND:

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

DETAILS:

Presented is the Financial Activity Statement Report – 31 August 2014.

The financial information as shown in this report (August 2014) does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the year ended 31 August 2014.

For the purposes of reporting material variances from the Statement of Financial Activity (as contained in the Report), the following indicators, as resolved by Council, have been applied –

Revenue

Operating Revenue and Non-Operating Revenue – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating Expense, Capital Expense and Non-Operating Expense – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

For the purposes of explaining each material variance, a three-part approach has been applied. The parts are –

1. **Period Variation**
Relates specifically to the value of the variance between the Budget and Actual figures for the period of the Report.
2. **Primary Reason(s)**
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. **End-of-Year Budget Impact**
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are ‘indicative only’ at the time of reporting, for circumstances may subsequently change prior to the end of the financial year.

Legal Compliance:

Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996* states –

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*

- (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Section 6.8 of the *Local Government Act 1995* (Expenditure from municipal fund not included in annual budget) states –

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the Mayor or president in an emergency.*

* *Absolute majority required.*

- (1a) *In subsection (1) —*
 - additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

The Statement of Financial Activity, as contained in the body of the Financial Activity Statement Report, refers and explains.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – 31 August 2014 be accepted, noting the following inclusions in the Report:

Acquisition – Major stadium basketball backboards

The Executive Manager Healthy Life has submitted the following;

The existing basketball backboards on the major stadium at the Leisurelife Centre have been identified for replacement due to the appearance of cracks and also manual handling involved with the set up and pack down procedures for the facility staff. Currently these are being used 4 times per week for social, domestic and state basketball competitions 50 weeks per year. The age of these have not been clearly identified and the have been over the years been fused into place and subsequently cannot be lowered to accommodate for the junior competitions. We continue to monitor the condition of these regularly, however, deem it necessary to consider replacement of these sooner rather than latter to avoid any potential injuries.

The estimated total cost of the acquisition is \$30,000. \$15,000 of which is funded by the budget allocated for New Equipment for Leisurelife Centre. The remainder will be funded by the amount received from LGIS Members experience bonus pool.

It is requested that \$30,000 from the following areas be allocated for the acquisition of the above:

- New Equipment Allocation Leisurelife Centre \$15,000*
- LGIS Members experience bonus pool \$15,000*

Acquisition – Visual Art from the 2014 Art Exhibition

The Executive Manager Neighbourhood Life has submitted the following;

Consistent with the Town's commitment to diversify its art collection and purchase new work, two significant artworks are 'on hold' for purchasing from the 2014 Art Exhibition. The combined total cost of purchasing the two artworks is \$7,000.

The Town did not purchase any visual art last financial year and it is considered paramount that these artworks are secured, as valuable cultural, social and financial investments for the Town.

The 2014/2015 capital budget currently has an allocation of \$850 for Visual Art Acquisitions.

It is requested that \$7,000 from the following areas be allocated for the acquisition of the above two artworks

- | | |
|---|---------|
| • New Other Assets – Visual Art Acquisition | \$850 |
| • Public Art Maintenance and Repairs | \$6,150 |

Administration will review its intentions for public art maintenance to allow for a lesser budget for maintenance, with minimal impact.

RECOMMENDATION/S:

That Council;

- 1. Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 31 August 2014 as contained within the Appendices.**
- 2. By an Absolute Majority, pursuant to Section 6.8 of the *Local Government Act 1995* authorises the expenditure of \$30,000 (GST exclusive) for the acquisition of the major stadium basketball backboards to replace the existing.**
 - a. Increases Expenses**

Renew – Basketball backboards	\$30,000
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 - b. Decrease Expenses**

Renew – Equipment Allocation (Leisurelife)	\$15,000
LGIS Members experience bonus pool fund	\$15,000
- 3. By an Absolute Majority, pursuant to Section 6.8 of the *Local Government Act 1995* authorises the expenditure of \$7,000 (GST exclusive) for the acquisition of two artworks from the 2014 Art Exhibition.**
 - a. Increases Expenses**

New – Visual Art Acquisitions	\$6,150
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 - b. Decrease Expenses**

Public Art Maintenance and Repairs	\$6,150
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(Absolute Majority Required)

14.3 Application to Register Five Cats – 35 State Street, Victoria Park

File Reference:	LAW/16/0009
Appendices:	No

Date:	28 August 2014
Reporting Officer:	G. Patrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That the applicant be granted a conditional exemption to keep the five (5) cats that she currently has.

- Applicant owned five (5) cats prior to the implementation of the *Cat Act 2011*.
- All five (5) cats owned by the applicant are sterilised, vaccinated, micro-chipped and have regular vet-checks.
- The cats now residing with the applicant have either been deserted or have been injured strays, and the applicant has had them treated by the vet and has taken charge of their care.
- The cats are mature and range in age from 10 – 15 years old.
- Neighbours have written to Council in support of this application.
- The applicant has been a volunteer with the Swan Animal Haven for 20 years.

TABLED ITEMS:

- Photographs of the five (5) cats.
- Photographs of the applicant's property.

BACKGROUND:

Currently there are no Cat Local Laws prescribing the amount of cats permitted per property and the Town of Victoria Park has to defer to the *Health Local Law 2003*. The *Health Local Law 2003* prescribes that three (3) cats over the age of three (3) months are permitted, per property. An application for more than three (3) cats requires the consent of Council.

DETAILS:

On 30 June 2014 a request for a multiple cat approval was received by Council from the applicant who resides at 35 State Street, Victoria Park. The applicant has five (5) cats aged between 10 years and 15 years of age. They are:

- 'Zoe' (12 years old) Female, Short-haired, black and white;
- 'Mynka' (14 years old) Female, Short-haired, tabby and white;
- 'Serena' (13 years old approximately) Female, Short-Haired, white;
- 'Nelson' (15 years old) Male, Short-haired black; and
- 'Priscilla' (10 years old approximately) Male, Long-haired, black and white.

The applicant states that all five (5) cats are sterilised, micro-chipped and fully vaccinated. Some of the cats acquired by the applicant had been deserted, left at the Swan Animal Haven and had been injured or ill. The applicant has ensured that they have been vet treated.

The applicant has spoken to the neighbours surrounding the property to inform them that a multiple cat application was being made to Council and requested that they write in support of this. Council also posted letters and reply-paid surveys to the following properties, which surround 35 State Street, Victoria Park:

- 28A, B & C Rathay Street, Victoria Park;
- 30 Rathay Street, Victoria Park;
- 32 Rathay Street, Victoria Park;
- 33A, B & C State Street, Victoria Park;
- 34A, B & C State Street, Victoria Park;
- 36A, B & C State Street, Victoria Park;
- 37A, B & C State Street, Victoria Park; and
- 38A, B & C State Street, Victoria Park.

Statements in support of this application were received from both 37A & B State Street, Victoria Park and were attached to the application.

Of the reply-paid surveys posted, there were four (4) responses. One was an objection, with a general statement that there were “...*enough cats hanging around, without anymore.*”

Two of the other three responses were from the people who had written statements that were attached to the application and the other did not have an objection.

On 28 July 2014 an interview of the applicant and inspection of the property in question was conducted by a Town of Victoria Park Ranger. The Ranger was satisfied with the condition and health of the cats and could foresee no problems that would adversely impact on the neighbourhood.

Legal Compliance:

Health Local Law 2003 Division 2 which states inter-alia:

Cats

64. (1) *Subject to the sub-clause (5), a person shall not, without an exemption in writing from the Local Government, keep more than 3 cats over the ages of 3 months on premises on any land –*

(a) *within the residential zone of the Town of Victoria Park Planning Scheme; or*

(b) *used for residential purposes.*

- (2) *an owner or occupier of premises may apply in writing to the Local Government for exemption from the requirements of sub-clause (1).*
- (3) *The Local Government shall not grant an exemption under this clause unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.*
- (4) *An exemption granted under this clause shall specify -*
- (a) *the owner or occupier to whom the exemption applies;*
 - (b) *the premises to which the exemption applies; and*
 - (c) *The maximum number of cats which may be kept on the premises.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The *Health Local Law 2003* states that a person shall not keep more than three (3) cats over the age of three (3) months per property, unless with the consent of the local authority. The owner may however, make application for an exemption. An exemption shall not be granted unless the local government is satisfied that *"the number of cats to be kept will not be a nuisance or injurious or dangerous to health"*. Based upon the information, as contained within the applicant's application, the Cats are sterilised, micro-chipped, regularly vet-checked and maintain current vaccination status. The cats do not stray from the property.

CONCLUSION:

Based on the contents of the application, it is recommended that the applicant be granted an exemption for the period that the identified cats reside at the applicant's address.

RECOMMENDATION/S:

That Council, pursuant to section 64 of the *Health Local Law 2003*, grant the applicant an exemption in relation to the application for the keeping of five (5) cats currently residing at 35 State Street, Victoria Park, on the following conditions:

1. All cats will be registered with the Town of Victoria Park and this registration will be maintained throughout the life of each cat, in accordance with the *Cat Act 2011*;
2. The applicant will not be permitted to register more than the prescribed amount of cats upon these cats no longer being in the applicant's care, control and/or possession;
3. The cats must not be a nuisance or injurious or dangerous to health; and
4. The status of this approval can change if any of the above is breached.

14.4 Dog Control Measures

File Reference:	LAW/8/0005
Appendices:	No

Date:	25 September 2014
Reporting Officer:	R. Fishwick
Responsible Officer:	N. Cain
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – Council to specify dog exercise and prohibited areas in accordance with section 31 of *the Dog Act 1976*.

- On 1 November 2013, amendments to the Dog Act 1976 (the Act) came into effect.
- These amendments changed the way in which local governments can create dog exercise or dog prohibited areas.
- They are now required to be specified by an *absolute majority* decision of Council in accordance with section 31 of the Act.

TABLED ITEMS:

Nil

BACKGROUND:

On 1 November 2013, amendments to the *Dog Act 1976* (the Act) came into effect. These amendments changed the way in which local governments can create dog exercise or dog prohibited areas. Previously these areas were required to be specified in a local law. They are now required to be specified by an *absolute majority* decision of Council in accordance with section 31 of the Act.

Further, on 20 May 2014, the *Dog Regulations 2013* were amended, providing that any local laws which established dog exercises areas or prohibited dog areas will become inoperative on 31 July 2014. This applies to the *Town of Victoria Park Dog Local Law* which prescribes prohibited dog areas and dog exercise areas.

Further, under section 31 of the Act the default position is that dogs are permitted in all public places and when in a public place must be on a chain, leash or harness (a leash) at all times unless in a specified dog exercise area. As a result, dog exercise areas and prohibited dog areas need to be specified by Council in accordance with section 31 of the Act to enable the current areas prescribed in the *Town of Victoria Park Dog Local Law* to continue or for any additional areas to be added.

On 26 August 2014, a notice was placed in the Southern Gazette asking for submissions from the public on the proposed changes to the *Town of Victoria Park Dog Local Law*. The Town did not receive any submissions.

DETAILS:

The *Dog Act 1976* was amended effective 1 November 2013 with sections 51(b), (ba) and (bb) which gave the power to specify prohibited, restricted and dog exercise areas through a local law being deleted and section 31 being amended to provide the ability for Council to specify prohibited, restricted and dog exercise areas by way of an *absolute majority* decision of Council.

Sections 31 (2B) and (3A) now provide:

31 Control of dogs in certain public places

(2B) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited:*

- (a) *at all times;*
- or*
- (b) *at specified times.*

(3A) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

On 20 May 2014 the *Dog Regulations 2013* were amended with the addition of regulation 37 that has the effect of making areas that have been specified as prohibited or restricted for dogs or specified as dog exercise areas in the *Local Law* inoperative after 31 July 2014.

Regulation 37(1) provides:

37 Transitional regulation: provisions of certain local laws have no effect after 31 July 2014

(1) *In this regulation — place control provision means a provision of a local law that was made under the Dog Act 1976 section 51(b), (ba) or (bb) before 1 November 2013 (the day on which section 51(b), (ba) and (bb) were deleted by the section 56(a)). Areas to be specified under the provision of section 31 now need only to be advertised in the local newspaper 28 days prior to the intention to specify a place.*

In addition to specifying areas that are dog exercise areas or areas where dogs are prohibited absolutely, the local government must give public notice of its intention to specify these areas.

Section 31(3C) provides:

31 Control of dogs in certain public places

(3C) *At least 28 days before specifying a place to be:*

- (a) *a place where dogs are prohibited at all times or at a time specified under subsection (2B);*
or
- (b) *a dog exercise area under subsection (3A);*
or
- (c) *a rural leashing area under subsection (3B),*

a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

In order for the current specified restrictions under the current *Local Law* to continue it will be necessary to specify under the new dog regulations dog prohibited areas and dog exercise areas.

It is suggested that the most practical approach is for Council to specify the dog exercise areas and dog prohibited areas which were prescribed in the *Local Law* as a means of maintaining the status quo regarding dog control in the Town's reserves and parks.

The places where dogs are prohibited absolutely are listed in clause 5.1(1) of the *Town of Victoria Park Dog Local Law* (the *Local Law*) as shown hereunder:

5.1 Places where Dogs are Prohibited Absolutely

- (1) *Dogs are prohibited absolutely from entering or being in any of the following places-*
 - (a) *where so indicated by a sign, a public building;*
 - (b) *a theatre or picture gardens;*
 - (c) *all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993; and*
 - (d) *a public swimming pool.*
- (2) *If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.*

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

The places where a dog is permitted to exercise are contained in clause 5.2 of the *Local Law* as shown hereunder:

5.2 Places which are Dog Exercise Areas

- (1) *Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—*

Victoria Park

1. *Taylor Street Reserve—Taylor St, Victoria Park;*
2. *Raphael Park—Bounded by Gloucester, Geddes, Washington and Armagh St, Victoria Park;*
3. *Paterson Park (South)—Cnr Great Eastern Hwy and Craig St, Victoria Park;and*
4. *Read Park—Albany Highway, Victoria Park.*

East Victoria Park

5. *Harold Rossiter Park—Kent St, East Victoria Park;*
6. *Fraser Park—Cnr Fraser and Balmoral St's, East Victoria Park;*
7. *Kent Street Reserve (John MacMillan Park)—Between Kent and Sussex St's, East Victoria Park;*
8. *Higgins Park—Bounded by Hill View Tce, Creaton, Playfield and Devenish St's, East Victoria Park;*
9. *Swansea Street Reserve—Cnr Swansea and Brigg St's, East Victoria Park;*
10. *John Bissett Park—Beatty Avenue, East Victoria Park; and*
11. *Kate Street Reserve—Kate Street, East Victoria Park.*

St James

12. *Leyland Street/Hitchcock Street Park—Bounded by Hitchcock, Leyland St's and Boundary Road, St James.*

Burswood

13. *Stiles Avenue Griffith Street Park—Cnr Stiles Avenue and Griffith's St Burswood.*

Lathlain

14. *Lee Reserve—Bounded by Streatley, Goddard, Midgley and Gallipoli St's, Lathlain; and*
15. *Lathlain Oval Surrounds—Cnr McCartney Cres and Roberts Road, Lathlain.*

Carlisle

16. *Fletcher Park—Cnr Weston and Holden St's, Carlisle;*
 17. *Parnham Park—Cnr Star and Oats St, Carlisle; and*
 18. *Carlisle Reserve—Cnr Orrong Road and Cohn St, Carlisle.*
- (2) *Subclause (1) does not apply to—*
- (a) *land which has been set apart as a children's playground;*
 - (b) *an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or*
 - (c) *a car park.*

Legal Compliance:

- *Dog Act 1976; and*
- *Town of Victoria Park Dog Local Law.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The most practical approach is for Council to specify the dog exercise areas and dog prohibited areas which were prescribed in the Local Law as a means of maintaining the status quo regarding dog control in the Town's reserves and parks. All other areas then become by default, an area requiring a dog to be on a leash at all times.

CONCLUSION:

Dog exercise areas and prohibited dog areas need to be specified by Council in accordance with section 31 of the Act to enable the current areas prescribed in the *Town of Victoria Park Dog Local Law* to continue.

The Town is required to advertise Council's intention to specify these areas by local public notice for a period of 28 days. On 26 August 2014, a notice was placed in the Southern Gazette asking for submissions from the public on the proposed changes to the Town of Victoria Park Dog Local Law. The Town did not receive any submissions. This report is submitted to Council following the conclusion of the advertising period enabling it to proceed to specify areas as described in this Report, in accordance with the Act.

RECOMMENDATION/S:**That Council:**

1. **BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*:**

- 1.1 where so indicated by a sign, a public building;
- 1.2 a theatre or picture gardens;
- 1.3 all premises or vehicles classified as food premises or food vehicles under the 1.4 Health (Food Hygiene) Regulations 1993; and
- 1.5 a public swimming pool.

(Absolute Majority Required)

2. **BY AN ABSOLUTE MAJORITY** determines its intention to **SPECIFY** that the public places detailed hereunder as dog exercise areas pursuant to section 31(3A) of the *Dog Act 1976*;

Victoria Park

- 2.1. Taylor Street Reserve—Taylor Street, Victoria Park;
- 2.2. Raphael Park—Bounded by Gloucester, Geddes, Washington and Armagh Sreett, Victoria Park;
- 2.3. Paterson Park (South)—Corner Great Eastern Hwy and Craig St, Victoria Park; and
- 2.4. Read Park—Albany Highway, Victoria Park.

East Victoria Park

- 2.5. Harold Rossiter Park—Kent Street, East Victoria Park;
- 2.6. Fraser Park—Corner Fraser and Balmoral St's, East Victoria Park;
- 2.7. Kent Street Reserve (John MacMillan Park)—Between Kent and Sussex Streets, East Victoria Park;
- 2.8. Higgins Park—Bounded by Hill View Terrace, Creaton, Playfield and Devenish Streets, East Victoria Park;
- 2.9. Swansea Street Reserve—Corner Swansea and Brigg Streets, East Victoria Park;
- 2.10. John Bissett Park—Beatty Avenue, East Victoria Park; and
- 2.11. Kate Street Reserve—Kate Street, East Victoria Park.

St James

- 2.12. Leyland Street/Hitchcock Street Park—Bounded by Hitchcock, Leyland Streets and Boundary Road, St James.

Burswood

- 2.13. Stiles Avenue Griffith Street Park—Corner Stiles Avenue and Griffith's Street Burswood.

Lathlain

- 2.14. Lee Reserve—Bounded by Streatley, Goddard, Midgley and Gallipoli Streets, Lathlain; and
- 2.15. Lathlain Oval Surrounds—Corner McCartney Cres and Roberts Road, Lathlain.

Carlisle

- 2.16. Fletcher Park—Corner Weston and Holden Streets, Carlisle;**
- 2.17. Parnham Park—Corner Star and Oats Street, Carlisle; and**
- 2.18. Carlisle Reserve—Corner Orrong Road and Cohn Street, Carlisle.**

(Absolute Majority Required)

14.5 Parking Management Committee Minutes

File Reference:	TAT/15/0003
Appendices:	Yes

Date:	26 September 2014
Reporting Officer:	L. Manser
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council receives the Minutes of the Parking Management Committee meeting held on 26 August 2014.	

TABLED ITEMS:

Nil

BACKGROUND:

On 26 August 2014, the Parking Management Committee held a meeting with the following business on the Agenda;

1. Albany Highway Business Feedback (presentation);
2. Parking Unit Report (presentation);
3. Residential Permits (presentation);
4. Licence Plate Recognition (presentation); and
5. Changes to King George Street Carpark pursuant to Council resolution 6 May 2014.

DETAILS:

The aforementioned items of business are detailed below.

Item 1 – Albany Highway Business Feedback.

The Project Officer gave the Committee an overview of feedback received during her recent face to face consultation with business owners on Albany Highway.

Item 2 – Parking Unit Report

The Acting Executive Manager Business Development presented the first edition of the parking unit report.

Item 3 – Residential Permits

The Acting Executive Manager Business Development gave an overview of options available and work done to date on residential parking permits.

Item 4 – Licence Plate Recognition

The Parking Management Consultant presented details on how licence plate recognition will assist parking management in the Town.

Item 5 - Changes to King George Street Carpark pursuant to Council resolution 6 May 2014

The Director of Project Management presented a report outlining the changes that will be made to King George Street Carpark, using the Acting Chief Executive Officer's delegation to administer the *Parking and Parking Facilities Local Law*.

Legal Compliance:

Section 5.8 of the *Local Government Act 1995* (Establishment of committees) permits a Council to establish committees to assist the Council undertake its duties.

Parking and Parking Facilities Local Law.

Policy Implications:

Nil

Strategic Plan Implications:

Council's current *Strategic Community Plan* highlights, as a key project, the provision of equitable access to limited public space as a key part of the Town's Integrated Movement Network.

Financial Implications:

Internal Budget:

Sufficient funds in the budget exist to cover the outcomes of the Parking Management Committee.

Total Asset Management:

Infrastructure included as part of the Parking Management Plan is sufficiently funded through a sustainable renewal program.

Sustainability Assessment:

External Economic Implications:

The changes that will be made to parking management as a result of Council's decision are likely to affect the economic status throughout the Town, as does the Parking Management Plan.

Social Issues:

The changes that will be made to parking management as a result of Council's decision are likely to reduce the ability of the Town to equitably finance (the social) required and desired Transport maintenance and improvements for the betterment of the Town (the environment).

Cultural Issues:

The changes that will be made to parking management as a result of Council's decision are likely to have a minimal impact on cultural issues.

Environmental Issues:

The changes that will be made to parking management as a result of Council's decision are likely to reduce the ability of the Town to equitably finance (the social) required and desired Transport maintenance and improvements for the betterment of the Town (the environment).

CONCLUSION:

It is recommended that the Minutes of the Parking Management Committee meeting held on 26 August 2014 be received by Council.

RECOMMENDATION/S:

That Council receives the Minutes of the Parking Management Committee held on 26 August 2014, as contained within the Appendices.

15 APPLICATIONS FOR LEAVE OF ABSENCE

Cr John Bissett – 5 November 2014 to 8 December 2014 inclusive.

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

18 NEW BUSINESS OF AN URGENT NATURE

19 PUBLIC QUESTION TIME

20 PUBLIC STATEMENT TIME

21 MEETING CLOSED TO PUBLIC

21.1 Matters for Which the Meeting May be Closed

- 21.1.1 Electricity Supply Contract – Town of Victoria Park Facilities – *Confidential Item*
- 21.1.2 Native Title Compensation Claim Bodney (Ballaruks People) – *Confidential Item*
- 21.2.3 HR Matter – *Confidential Item*
- 21.1.4 HR Matter – *Confidential Item*

21.2 Public Reading of Resolutions That May be Made Public

22 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT
IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where</i> Proximity Interest* <i>not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.