

agenda

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at **6.30pm** on **Tuesday 11 November 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
ACHIEF EXECUTIVE OFFICER

7 November 2014

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1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

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 K (Keith) Hayes Cr M (Mark) Windram
Jarrah 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
Director Future Life & Built Life	Ms R (Rochelle) Lavery
A/Director Renew Life	Mr W (Warren) Bow
Director Community Life	Ms T (Tina) Ackerman
Director Business Life	Mr N (Nathan) Cain
Executive Manager Built Life:	Mr R (Robert) Cruickshank
Secretary:	Ms J (Janelle) D'Antoine
Public:	

3.1 Apologies

3.2 Approved Leave of Absence

Banksia Ward: Cr J (John) Bissett - 5 November to 8 December 2014 inclusive

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	Cr Vin Nairn
Item No/Subject	Item 12.1 – Proposed lease of premises to Victoria Park Carlisle Bowling Club In.
Nature of Interest	Life Member
Extent of Interest	Impartiality

5 PUBLIC QUESTION TIME

6 PUBLIC STATEMENT TIME

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 14 October 2014 be confirmed.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Annual General Meeting of Electors 2014

File Reference:	FIN0001
Appendices:	Yes

Date:	24 October 2014
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That Council, subject to it accepting the Annual Report 2013-2014 at its Ordinary Meeting to be held on 9 December 2014, determines that the meeting date for the 2014 Annual General Meeting of Electors be held on 16 December 2014

- The Administration has prepared the Annual Report but is awaiting the final Auditors Report for incorporation into the document.
- The Council needs to consider and accept the Annual Report at its meeting to be held on 9 December 2014.
- After accepting the Annual Report the Council needs to determine the meeting date for the Annual General Meeting of Electors.
- Due to the tight timeframe prior to the Christmas recess it is recommended that the Council determines the date for the Annual General Meeting of Electors as being 16 December 2014 subject to the acceptance of the Annual Report at the 9 December 2014 Ordinary Meeting.

TABLED ITEMS:

Nil

BACKGROUND:

The *Local Government Act 1995* requires every local government to prepare an annual report and to hold an Annual General Meeting of Electors. The Annual Report reflects the Town’s achievements during the 2013-14 financial year and is the focus of many highlights.

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting (AGM) of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its Ordinary Meeting to be held on 9 December 2014.

DETAILS:

The receipt of the Town’s annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*.

It is a statutory requirement that Council accepts an annual report and for the report to be presented to the AGM of Electors.

If the Council does not accept the 2013-14 Annual Report it will result in non-compliance with the requirements of the *Local Government Act 1995*.

The AGM of Electors is to be held not more than 56 days after the Council accepts the Annual Report for the previous financial year. The Chief Executive Officer is to convene the AGM of Electors by providing at least 14 days' local public notice and providing each Elected Member at least 14 days' notice of the date, time, place and purpose of the meeting.

In order for the Council to hold the AGM of Electors prior to the Christmas recess of the Council and comply with the statutory requirement to provide 14 days local public notice of the AGM, it will be necessary for the Council to set the date for the AGM of Electors as the 16 December 2014 subject to acceptance of the Annual Report by the Council on the 9 December 2014.

Legal Compliance:

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) deleted]*
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require;**and*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. The agenda format for the AGM of Electors be:

- Attendances and Apologies;
- Contents of the 2013-14 Annual Report; and
- General Business.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Sufficient funds have been allocated in Council's Budget to cover all costs associated with the preparation of the Annual Report 2013-2014 and the holding of the AGM of Electors.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Annual Report has been prepared in accordance with all required legislative matters having been considered, however the Auditors Report is not yet finalised for incorporation into the final document. It is envisaged that the Auditors will finalise their report on 21 November 2014 with the final version of the Annual Report being presented to Council at its meeting to be held on 9 December 2014.

As 14 days local public notice is required to be given for the AGM of Electors after the Council has accepted the Annual Report, the date proposed for conducting the AGM of Electors will provide sufficient time for the final bound copy of the Annual Report to be produced as well as enabling the meeting to occur prior to the Christmas recess of the Council.

CONCLUSION:

In order to comply with its statutory obligations it is recommended that the Council sets the date for the AGM of Electors to be on Tuesday 16 December 2014 subject to it accepting the Annual Report 2013-2014 at its Ordinary Meeting to be held on 9 December 2014. This will then enable the statutory notice (advertising) of the AGM of Electors to occur 14 days prior to the meeting.

RECOMMENDATION/S:

That the Council subject to it accepting the Annual Report 2013-2014 at its Ordinary Meeting to be held on 9 December 2014 confirms the details for the 2014 Annual General Meeting of Electors as being held on Tuesday 16 December 2014 at 6:00pm, in the Council Chambers (99 Shepperton Road, Victoria Park WA 6100) for the purpose of consideration of the Annual Report 2013-2014 and then any other general business.

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 167 (Lots 2 & 3) Bank Street, East Victoria Park – Demolition and Construction of Two Storey Office Building

File Reference:	PR6527
Appendices:	No
Landowner: Applicant:	VDA Holdings Pty Ltd Rowe Group
Application Date: DA/BA or WAPC Ref: MRS Zoning: TPS Zoning: TPS Precinct: Use Class: Use Permissibility:	04/06/2014 5.2014.334.1 Urban Industrial (1) Precinct P9 'Welshpool Precinct' 'Office' 'P' use

Date:	28 October 2014
Reporting Officer:	D. Rowley
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Application is for the demolition of the existing Warehouse building and the construction of two storey Offices.
- Office use is a 'P' (permitted) use in the Industrial (1) zone.
- Generally complies with Town Planning Scheme No. 1 in relation to car parking, plot ratio and development standards but does not comply with the intent of the Scheme for the Industrial (1) zone and building height requirements.

TABLED ITEMS:

- Development application form dated 4 June 2014;
- Revised plans dated 3 October 2014;
- Applicants letter dated 23 September 2014;
- Consultation letters to adjoining properties regarding building height variation dated 3 October 2014; and
- Site inspection photographs dated 22 October 2014.

BACKGROUND:

No. 167 Bank Street consists of two (2) lots with a total land area of 1226m². The subject property is zoned Industrial (1) under the Town of Victoria Park Town Planning Scheme No.1. A building permit was issued by the City of Perth in 1955 for factory units on both lots, formerly known as 167 and 169 Bank Street.

A demolition permit was granted in 2008 for the demolition of the brick and iron factory unit on the former 169 (Lot 3) Bank Street, which is currently vacant with a bitumen hardstand located across the entire site. A commercial building is situated on the northern portion of the property (Lot 2), for which Council granted approval for alterations and additions to the building in 2009.

DETAILS:

A development application has been received dated 4 June 2014 for demolition of the existing building on Lot 2 and the construction of a new two-storey building across Lots 2 & 3 for the use of 'Office'.

The proposed commercial building consists of a gross floor area of 1022m² with a net floor area for the 'Office' use of 878m². A total of 24 car parking bays are provided on-site (two (2) car bays are in tandem) with the car parking being located at the front of the site. The building is two storeys, with the building having a varied rear setback to minimise building bulk adjacent to the adjoining residential properties.

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 Scheme Text; and
- Statement of Intent contained in Precinct Plan P9 'Welshpool Precinct'.

The compliance or otherwise of the development is outlined below.

Town Planning Scheme No. 1 - Welshpool Precinct (P9) "Industrial (1)"

The Statement of Intent for the Precinct states the following:

"The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre.

A mixture of industrial uses will occupy the majority of this precinct. Generally only light industrial uses will be permitted west of Briggs Street in order to protect residential uses from the effects of heavier industrial activities, while the area to the east of Briggs Street will be available for more general industrial uses. Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use. Importantly, particular attention will be given to ensuring that the land uses respect the amenity of adjacent residential areas.

The precinct is less suited to residential use by virtue of its industrial nature.

Development shall be of a good standard which particular attention being given to the setting and finish of the buildings. Emphasis should also be placed upon improving the visual appearance of properties from the street. Buildings will be set back from the street to accommodate landscaping and car parking.

New developments fronting Orrong Road or Welshpool Road, or a street which abuts residential land, shall generally take vehicular access from an alternative street or laneway where available.

A healthy attractive working environment is sought in this precinct and will be taken into consideration with regard to uses, movement and the environment. Traffic generated within the precinct shall be directed away from nearby residential streets. Development and redevelopment shall take into consideration pedestrian and cyclists access, safety and convenience.”

The Precinct Plan states the following specific requirements for the Industrial 1 zone:

“This section of the precinct shall be developed primarily for small scale industrial uses. Buildings shall be attractively designed so they contribute to a high quality industrial streetscape. The preferred uses shall be light industry. Research and development, showrooms and warehouses will be allowed where they are to be complementary to the industrial area.

Other non-industrial uses will generally be discouraged from locating in the precinct except where they are to be incidental uses, or where they directly serve the area, and the nearby residential precincts.

Development shall be of a low to medium scale and sites shall be well landscaped and maintained. Buildings are to be set back from the street, and landscaping of the setback area is to be provided and maintained. Where sites are adjacent to or abut residential uses, setbacks to new industrial buildings must be provided to ensure that development respects those residential uses.”

Development Requirements:

Standard	Required	Proposed	Compliance
Front Setback	4.5m minimum	13.8m minimum	Compliant
Plot Ratio	Maximum 1.0 (1226m ²)	0.83 (1022m ²)	Compliant
Landscaping	<ul style="list-style-type: none"> - Where parking bays are provided within the front setback area, 1.5m wide landscape strip required; - 25% of front setback landscaped (i.e. 19m²); - 1 shade tree / 4 bays (i.e. 6 trees); 	<ul style="list-style-type: none"> - 1.5m wide landscaping strip fronting Bank Street; - > 70% (59.7m²) of the front setback area landscaped; - 2 shade trees can be incorporated/4 bays within the front parking area with the adjoining landscape strips at 1.5 metres wide. 	Compliant

	- Perimeter of all parking areas to be landscaped by a planting strip of at least 1.5 metres.		
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Car Parking Requirements:

Activity / Use	Scheme Provision	Area	Required	Proposed
Office/administration	1 for every 40m ² of net floor area.	878m ²	22 bays	22 bays inclusive of 1 disabled bay, but excluding 2 additional bays in tandem.

Council Policy PLNG1 ‘Building Height Controls’

The Policy states that development in certain locations is to be assessed against the requirements of Council’s Urban Design Study. One of these locations is Precinct P9 ‘Welshpool Precinct’. Relevantly:

“Height controls outside the Key Areas should be limited to a height equivalent to a residential development comprising of two storeys with provision of a loft. These height controls will apply to all forms of development regardless of the zoning or land use proposed.”

In accordance with the Residential Design Codes (Table 3) a 7m maximum wall height is permitted where the development is incorporating a concealed roof.

The proposed development has a concealed roof with a maximum height of 7.72m measured from natural ground level.

Submissions:

Community Consultation:

In accordance with Council Policy GEN3 “Community Consultation” the proposal was the subject of community consultation for a period of two weeks. The 14 day consultation period commenced on 6 October 2014 and concluded on 20 October 2014. No submissions have been received.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

While the proposed development generally complies with the development standards of the Scheme and Precinct Plan, the proposal does not comply with the intent for uses within the Industrial 1 zone to be primarily of a light industrial nature, with non-industrial uses being discouraged other than where they directly serve the area and the nearby residential precincts.

The applicant contends the following:

- The proposed development is to incorporate four tenancies which are designed and constructed to accommodate activities defined as an 'Office' such as an accountant, real estate agent, home builder/construction company, engineering consultant or other similar activity. In this regard, the tenancies would provide the ability for such professionals to cater for demand sought by the surrounding industrial activities and the neighbouring residential precincts. This is consistent with the intent of the Welshpool Precinct P9 and also with the use class of 'Office' as defined within the Town's TPS 1.
- In addition to the above, we consider that the proposed Office development represents a desirable transitional use between industrial and residential land uses, which will assist in significantly minimising any adverse impacts from adjacent industrial activities to the residential precinct to the north and west. The office activities will not create adverse impacts through noise, vibration or fumes which may be associated with operation of an industrial or light industrial nature and will provide separation from such uses to residential properties.

While the information provided by the applicant outlines a range of potential Office professions which could serve the industrial area and nearby residential precincts, these uses would in fact serve a much wider area and would not necessarily directly serve these areas.

It is acknowledge that the proposed use 'Office' development provides a transitional use between the industrial zone and the adjoining residential zoned land uses, and is located adjacent to the Oats Street rail station.

However, the proposed development does not promote or assist in the consolidation of the industrial area and results in the intrusion of 'Office' uses into an Industrial zone, displacing industrial uses and opportunities for general industrial development. The intent of the Scheme is to encourage and consolidate the location of Office uses in the well serviced commercial areas of the Town adjacent to public transport options. There are ample opportunities for the provision of Office uses in these areas.

It acknowledged that in two previous instances, Council approved applications for Offices in the Industrial zones, contrary to the Officer's recommendation, as follows:

- 220 Star Street, Carlisle – Ordinary Council Meeting of 6 February 2007; and
- 34 Welshpool Road, East Victoria Park – Ordinary Council Meeting of 10 June 2008.

With respect to the non-compliant building height, it is considered that the additional building height will have no negative impact upon surrounding properties.

CONCLUSION:

It is acknowledged that the development is a high standard of design but it is considered that the application for a significant Office development within an Industrial 1 zone is contrary to the intent of the Scheme.

It is therefore recommended that the application for demolition and construction of a new two storey Office building at No. 167 (Lots 2 & 3) Bank Street, East Victoria Park be Refused.

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 Rowe Group (DA Ref: 5.2014.334.1) for Demolition and Construction of a Two Storey Office Building at 167 (Lots 2 & 3) Bank Street, East Victoria Park, as indicated on the amended plans dated received 3 October 2014 be Refused for the following reasons:

- 1. Contrary to Clause 36(5)(c) of Town Planning Scheme No. 1 in regard to the non-compliance with Council's general Statement of Intent for the Industrial 1 zone as outlined under Precinct Plan P9 for the reasons indicated in the report of the Executive Manager Built Life dated 28 October 2014.**
- 2. Contrary to Clause 36(5)(g) of Town Planning Scheme No. 1 in regard to the orderly and proper planning of the locality as there is sufficient land zoned, suitably serviced for the provision of 'Office' uses within the Town in close proximity to the Industrial area.**
- 3. Contrary to Clause 36(5)(h) of Town Planning Scheme No. 1 in regard to the conservation of the amenities of the industrial area by potentially providing for incompatible land uses to traditional industrial uses.**
- 4. Contrary to Clause 36(5)(g) of Town Planning Scheme No. 1 as the proposed development is likely to result in undue adverse affect on the likely future development of the locality as it would set a precedent for the location of additional similar office developments in the Industrial zones contrary to the provisions and intent of the Scheme.**



11.2 13 (Lot 282) Egham Road, Burswood – Demolition and Construction of Four (4) Grouped Dwellings

File Reference:	PR2310
Appendices:	No
Landowner:	David Brennan
Applicant:	Danmar Homes Pty Ltd
Application Date:	18 September 2014
DA/BA or WAPC Ref:	5.2014.553.1
MRS Zoning:	Urban
TPS Zoning:	Residential R40
TPS Precinct:	Precinct P6 'Victoria Park Precinct'
Use Class:	Grouped Dwellings
Use Permissibility:	'P' use

Date:	24 October 2014
Reporting Officer:	T. Barry
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Refusal

- Application for four (4) Grouped Dwellings involving the demolition of an 'Original Dwelling' located within the Residential Character Study Area.
- Proposed replacement dwellings non-compliant with the Residential Design Codes with regard to wall height, fill, retaining and visual privacy.
- Proposed replacement dwellings non-compliant with the Council's Local Planning Policy – Streetscape with regard to minimum average front setback and building design.
- Consultation currently being undertaken with affected property owners and occupiers in accordance with Council Policy GEN3 'Community Consultation for 14 days. One (1) submission was received.
- The application is non-compliant with the Council's Local Planning Policy – Streetscape in relation to the intended demolition of the 'Original Dwelling', with inadequate justification provided to support demolition.

TABLED ITEMS:

- Development application form dated received 18 September 2014;
- Original application plans dated received 18 September 2014;
- Applicant's demolition justification letter dated received 18 September 2014;
- Amended plans dated received 15 October 2014;
- Consultation with adjoining owners and occupiers dated 16 October 2014;
- Submissions from adjoining owners and occupiers; and
- Photographs of existing dwelling and adjoining properties.

BACKGROUND:

June 2013	Sale of subject property to current owner.
February 2014	Initial queries as to the possibility of demolition and development of the site were made by Dale Alcock Homes. They were advised that demolition of the dwelling would not be supported but should they wish to pursue an application a replacement dwelling would be required to meet the criteria outlined in Clause 8 of Council's Local Planning Policy – Streetscape.
March 2014	Meeting held between Dale Alcock Homes, the property owner and Council Officers where the advice given was that demolition would not be supported.
May 2014	Further correspondence received from Dale Alcock Homes requesting advice on streetscape elevations for the replacement dwellings and an indication of support. Advice provided that demolition of the dwelling is the principle issue and would not be supported by Council Officers.
September 2014	Application for planning approval for demolition and construction of four (4) Grouped Dwellings received from Danmar Homes.

DETAILS:

Council has received a development application for four (4) Grouped Dwellings which involves the demolition of an existing single storey brick 'Original Dwelling' that is within the Residential Character Study Area. The subject property has a lot size of approximately 1012m². The lot has the potential for four (4) dwellings should demolition be permitted, or three (3) dwellings inclusive of retention of the 'Original Dwelling'.

The existing dwelling was constructed in circa 1932 and is on the end of a line of seven (7) identified 'Original Dwellings' with another three (3) 'Original Dwellings' being located on the opposite side of the road. The rest of the streetscape consists of a combination of newer and older dwellings as well as a school.

The existing dwelling which is intended to be demolished is representative of the era within which it was constructed given its architectural and design qualities which includes the following features:

- Hipped roof with skillion verandah;
- Gable ends to roof;
- Awnings over timber windows;
- Zinalume roof; and
- Open eaves with exposed rafters.

The replacement dwelling proposal comprises of four (4) two-storey dwellings. The design of these dwellings incorporates hipped roofs with gable ends, vertical windows and zinalume roof material.

As part of the application lodged on 18 September 2014 the applicant submitted correspondence from the property owner to justify the proposed demolition of the 'Original Dwelling' (see Tabled Items), including the following reasons:

- A strong desire to live in the Burswood area;
- Feel they are proposing a development that will enhance the entire street; and
- Existing dwellings on the street do not represent the desired streetscape adequately.

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 of the Scheme Text;
- Clause 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;
- Residential Design Codes (R Codes);
- Local Planning Policy – Streetscape (LPPS); and
- Local Planning Policy – Boundary Walls.

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

Item	Relevant Provision	Requirement	Proposed	Compliance
Primary Street Setback	Clause 1 - LPPS	3.0 metre minimum	3.1 metres to verandah 4.55 metres to garage / dwelling	Non-compliant (see comments below)
		6.0 metre average	5.3 metre average	
Open Space	Clause 5.1.4 – R-Codes	45%	Unit 1 = 46% Unit 2 = 47% Unit 3 = 47% Unit 4 = 52%	Compliant
Building Height (measured from the natural ground level)	Clause 5.1.6 – R-Codes	6.0 metre maximum wall height	7.1 metre maximum wall height	Non-compliant (see comments below)
		9.0 metre maximum ridge height	8.9 metre maximum ridge height	

Outdoor Living Areas	Clause 5.3.1 – R-Codes	20m ² Behind street setback 4m minimum dimensions 50% without roof cover	Unit 1 = In front setback area Unit 2 = Complies Unit 3 = Complies Unit 4 = Complies	Non-compliant (see comments below)
Access and Parking	Clause 5.3.3 – R-Codes	1 bay per dwelling = 4 bays	2 bays per dwelling = 8 bays	Compliant
Site Works & Retaining	Clauses 5.3.7 & 5.3.8 – R-Codes	Not exceeding 0.5m or setback accordingly.	0.6 metres of fill in front setback. 0.6 – 1.8 metre retaining on boundary	Non-compliant (see comments below)
Visual Privacy	Clause 5.4.1 – R-Codes	Bedrooms / Studies = 4.5 metre setback Other Habitable Rooms = 6.0 metre setback Balconies = 7.5 metre setback	Unit 1 – Dining / Living = 5.0 metre setback	Non-compliant (see comments below)
Building Design	Clause 12 – LPPS	To be consistent with dwellings in Residential Character Study Area	25 degree hipped roof Boxed eaves Blank wall to access way Vertical windows Zincalume roof Red brick walls	Non-compliant (see comments below)
Demolition of existing dwelling	Clause 8 – LPPS	‘Original Dwellings’ to be retained unless structurally unsound.	‘Original Dwelling’ to be demolished and not shown to be structurally unsound.	Non-compliant (see comments below)

Submissions:

Community Consultation:

The proposal is the subject of consultation for a 14 day period in accordance with Council Policy GEN3 ‘Community Consultation’. The required notices were mailed to the owners and occupiers of the affected adjoining properties. The consultation period commenced on 16 October 2014 and concluded on 31 October 2014. One (1) submission was received.

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of No. 20A Howick Street, Burswood</i>	
Comments Received	Officer’s Comments
<ul style="list-style-type: none"> Contractor to provide details of working hours and dust suppression measures. 	<ul style="list-style-type: none"> Noted. These requirements are dealt with at building permit stage.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application proposes the demolition of an ‘Original Dwelling’ located within the Residential Character Study Area and its replacement with four (4) two storey Grouped Dwellings. Council’s Town Planning Scheme No. 1 and Local Planning Policy – Streetscape has a presumption against the demolition of ‘Original Dwellings’ located within the Residential Character Study Area, unless there are compelling reasons to justify demolition. This and other relevant issues are considered further below:

Retention of ‘Original Dwelling’

The subject ‘Original Dwelling’ is in good condition and has been renovated prior to the current owner’s purchase of the property. It is one of a number of ‘Original Dwellings’ on this section of Egham Road and is representative of the era in which it was constructed. The justification by the current owners for the demolition of the ‘Original Dwelling’ is based largely on their desire to build their dream home in Burswood. There is no information provided suggesting that the existing dwelling is structurally unsound.

The demolition of the dwelling is largely to allow for the development of the site for four (4) Grouped Dwellings, however even with retention of the ‘Original Dwelling’ the site is still capable of accommodating the development of two (2) Grouped Dwellings to the rear of the dwelling.

Summary of Assessment for Demolition

In similar applications for the demolition of ‘Original Dwellings’, the following criteria have been applied to the application to assess the implications of demolishing the existing dwelling:

Criteria	Officer’s Comments
(a) The architecture of the existing building; and	The architecture of the dwelling is of an acceptable standard that is typical of the era in which it was constructed.
(b) The degree of intactness of the original building fabric of the dwelling; and	The building is externally in good condition and has been internally renovated. Much of the original fabric is in place and any alterations have not reduced the integrity of the dwelling.

(c) The condition of the existing dwelling; and	The existing dwelling appears in good condition and there has been no information provided by the applicant to suggest that the dwelling is structurally unsound.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling; and	This section of Egham Road is occupied by a number of 'Original Dwellings' and the subject dwelling is one of seven (7) adjoining dwellings that offer a large amount of traditional character to the streetscape.
(e) The location of the existing dwelling on the site; and	The 'Original Dwelling' is located to the front of the site and still allows for development of the rear portion of the site for two (2) Grouped Dwellings.
(f) The effect of retention of the existing dwelling upon the development potential of the site; and	Retention of the 'Original Dwelling' will result in the development potential of the site being reduced from being capable of housing four (4) dwellings, to three (3) dwellings inclusive of the existing dwelling.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements; and	Retention of the dwelling could readily be achieved and concessions could be supported where necessary to retain the existing dwelling and provide a suitable setting to the property.
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished.	The proposed replacement dwellings, whilst making use of some traditional characteristics, are not to the standard required for replacement of an 'Original Dwelling' of such high quality.

Having regard to the above matters, there are no compelling reasons to support demolition of the existing 'Original Dwelling'. The existing dwelling is in good condition and makes an important contribution to a significant streetscape of 'Original Dwellings' in the Residential Character Study Area. In the absence of justification or reasons to support demolition of the dwelling, demolition is not supported in this instance.

Replacement of the 'Original Dwelling'

Where demolition is proposed, the subsequent development must comply with the relevant provisions of Town Planning Scheme No. 1, must contribute positively to the streetscape, must represent an appropriate replacement for the character dwelling being demolished and must be of a higher standard than otherwise compliant with Council's Local Planning Policy – Streetscape.

The proposed replacement dwellings have used some traditional features but are not to the higher standard expected for demolition of an original dwelling in the Residential Character Study Area. Examples of the failure to meet the brief of providing a higher standard than compliant development include the use of eaves but failing to provide open eaves with exposed rafters as are characteristic of 'Original Dwellings' and are provided to the existing dwelling.

The proposed replacement dwellings also provide a very poor streetscape outlook to the internal access-way and a blank wall can be seen facing the access way at the front of the development in a location that will also be visible from the street. It is these elements that are basic requirements of the Council's Local Planning Policy – Streetscape. Little attempt has been made to exceed the minimum requirements of the policy, and elements such as the bulk of the upper storey and the non-traditional window forms further emphasise the inadequacy of the design as a replacement for the 'Original Dwelling'.

Non-Compliance with Development Standards

The proposed replacement dwellings are non-compliant with a number of development standards contained both within Council's Local Planning Policy – Streetscape and the Residential Design Codes. The proposed variations are considered as follows:

Front setback

Council's Local Planning Policy – Streetscape requires a minimum average setback of 6.0 metres for all residential development in the Town. Provision is also made for development to be consistent with the prevailing street setback. It is generally accepted that when demolition of an 'Original Dwelling' is proposed, the replacement dwelling should be consistent with other dwellings in the streetscape and also consistent with the setback of the 'Original Dwelling'. In this case the proposed average setback is 5.3 metres which is below the minimum provided for in the policy, as well as being far forward of the existing dwelling's setback of approximately 7.0 metres which is similar to other dwellings on the street.

The reduced front setback average of 5.3 metres further acts to emphasise the bulk of the proposed development and its inadequacy as a replacement for the 'Original Dwelling'.

Building Heights

The proposed replacement dwellings have increased building heights. The proposed wall heights are as much as 7.1 metres above natural ground level with the maximum ridge height being up to 9.2 metres. This is far exceeding the standards for two storey development and in this location will result in an imposing bulky development that is not consistent with the character of an 'Original Dwelling'.

Outdoor Living Areas

The outdoor living area proposed for Unit 1 is located within the front setback area. Whilst some consideration can be given to locating outdoor living areas within front setback areas it is generally to facilitate the retention of existing dwellings. It is noted that the outdoor living area within the front setback area has been designed to work in conjunction with the theatre / lounge and does take advantage of the northern aspect of the site.

Site Works and Retaining

The proposed replacement dwellings involve a significant amount of retaining and filling on the boundary that is not in keeping with the character of 'Original Dwellings' in the area. With retaining up to 1.8 metres proposed it is clear that the proposed replacement dwellings have been designed for a flat site and have not been designed to respond to the subject site.

Visual Privacy

The proposed development proposes a non-compliant setback to the upper floor Dining / Living room of Unit 1 being 5.0 metres in lieu of the required 6.0 metres. This setback is designed to provide for privacy and currently it appears that the area being overlooked is the rear yard of the adjoining property which is unacceptable.

Town Planning Scheme No. 1 – Clause 36

Prior to determining an application the Council is required to consider the matters listed in Clause 36(5) of the Town Planning Scheme No. 1.

The Statement of Intent for Precinct Plan P6 – Victoria Park Precinct stipulates that *“The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitively designed ‘infill’ housing is the most favoured form of development and will be encouraged.”* Demolition of the existing 'Original Dwelling' is not consistent with this and is therefore contrary to Town Planning Scheme No. 1.

The subject 'Original Dwelling' is one of ten (10) in the immediate vicinity and makes an important contribution to the streetscape. Further to the lack of justification for demolition of the dwelling, the proposed replacement dwellings are not of a high enough standard to provide for sensitive infill housing as desired in the Precinct.

CONCLUSION:

Having regard to the condition of the 'Original Dwelling', and in the absence of sufficient justification for the demolition of the dwelling, the applicant has not met the requirements and intent of Clause 8 – Retention of Dwelling in Council's Local Planning Policy – Streetscape. Further to this the replacement dwellings are not of a sufficient standard to provide for a suitable replacement for the dwelling and make a positive contribution to the streetscape. The subject site is still capable of development of two (2) Grouped Dwellings whilst still facilitating the retention of the 'Original Dwelling' which makes an important contribution to the traditional character of the streetscape. On this basis the application for demolition and construction of four (4) Grouped Dwellings on the subject property 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 Danmar Homes Pty Ltd (DA 5.2014.553.1) for the Demolition and Construction of Four (4) Grouped Dwellings at 13 (Lot 282) Egham Road, Burswood, be Refused for the following reasons:**

- 1.1. **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 insufficient justification to support demolition.**
- 1.2. **Non-compliance with Council's Local Planning Policy – Streetscape, Clause 1 – Setback of Buildings Generally and Clause 12 – Building Design in relation to the proposed replacement dwellings having:**
 - **Reduced front minimum average setback of 5.3 metres;**
 - **Failing to provide open eaves with exposed rafters to all elevations; and**
 - **Proposing a blank wall facing the access way resulting in a poor streetscape outcome.**
- 1.3. **Non-compliance with the Residential Design Codes in relation to the proposed replacement dwellings having:**
 - **Increased building wall and ridge heights;**
 - **Site works and retaining over 0.5 metres in the front setback area and within 1.0 metres of the boundary; and**
 - **Reduced visual privacy setback of 5.0 metres to Unit 1 upper floor Dining / Living Room.**
- 1.4. **Approval of the demolition being in non-compliant 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.**
- 1.5. **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

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



11.3 159 (Lot 1) Berwick Street, Victoria Park – Demolition of Existing Dwelling

File Reference:	PR18045
Appendices:	No
Landowner:	Geraldine Farrell & Carl Farrell
Applicant:	Mr C Farrell & Mrs G Farrell
Application Date:	19 September 2014
DA/BA or WAPC Ref:	5.2014.558.1
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	N/A
Use Permissibility:	N/A

Date:	9 October 2014
Reporting Officer:	H. Stenning
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – Refusal	
<ul style="list-style-type: none"> • Proposed to demolish an existing 'original dwelling' located in the Residential Character Study Area. • Structural report submitted with the application states that the building damage is slight to moderate, with no cause for structural concern. • Applicant has not submitted a comprehensive development application for a proposed replacement dwelling to be built on-site following demolition. • Failure to provide proof of the dwelling being structurally unsound or details of a suitable replacement development on-site means that the application for demolition should not be supported. 	

TABLED ITEMS:

- Application form and supporting documentation dated received 19 September 2014; and
- Photographs of the subject property and associated streetscape.

BACKGROUND:

8 September 2008	Application for Demolition received by the Town.
10 September 2008	Correspondence undertaken with the applicant requesting that further supporting documentation be provided with the application, in the form of a Structural Report prepared by a qualified Building Consultant.
10 December 2008	A second request was made for supporting documentation.

6 January 2009 Application deemed refused by the Town as the requested supporting documentation was not received within the statutory 60 day period.

DETAILS:

An application has been received for the demolition of an existing dwelling at 159 Berwick Street, Victoria Park. The site is at the western corner of Berwick Street and George Street. The subject dwelling is identified as an 'original place' situated within the Town's Residential Character Study Area. The structural report submitted as part of the application outlines that the house is approximately 110 years old, however, the Town's earliest records for the site indicate approval for works in 1946.

On 19 October 2014, the applicant submitted supporting documentation to justify the proposed demolition (refer to Tabled Items), which is summarised as follows:

- The existing dwelling is not a suitable environment to raise a family. The dwelling is structurally sound, but has plumbing and electrical issues, as well as problems with damp and material expansion, resulting in a financially unreasonable and unsustainable burden of maintenance.
- The demolition of the proposed dwelling would not adversely affect the streetscape environment. Whilst the dwelling is situated within a "Weatherboard Streetscape", the dominant streetscape is made up of modern dwellings.
- The proposed replacement dwelling will be built in the footprint of the original home. The proposed dwelling will incorporate original windows to maintain similarities to the original dwelling.
- Should the Council decide to retain the existing home and deny permission to demolish, maintenance on the dwelling will be ceased, utilities will be disconnected and the building will be sealed as it does not make financial sense to sell or refurbish the dwelling.

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 & 39 of the Scheme Text; and
- Statement of Intent contained in the Precinct Plan P12 'East Victoria Park'

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 a suitable replacement for the existing dwelling.	No details provided of the replacement dwelling.	Non-compliant (refer Comments section below)

Submissions:

Community Consultation:

Nil

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Demolition of the existing ‘original dwelling’ will result in the loss of a dwelling which exemplifies a housing style that was predominant in the era of the original development of Victoria Park. The subject dwelling is one of a number of original dwellings along Berwick Street, and contributes to the overall character and aesthetic of the area. The preservation of these dwellings is a requirement of the Town, unless a compelling reason exists to support demolition.

Environmental Issues:

Nil

COMMENT:

The proposed demolition of the existing ‘original dwelling’ on the subject site has not been sufficiently justified. The Structural Engineer’s report submitted by the applicant indicates that the dwelling is structurally sound albeit requiring some maintenance work. Furthermore whilst a basic floor plan of a replacement dwelling was provided, a comprehensive development application demonstrating a replacement dwelling which makes a positive contribution to the streetscape was not supplied.

A site inspection was not considered to be required by the Town's Building Unit Manager, as the Structural Engineer's report outlined that the existing dwelling is not structurally unsound.

Local Planning Policy - Streetscape

Clause 8 of the Town's Local Planning Policy – Streetscape pertains to the retention of dwellings, and requires the retention of dwellings where they are identified as an 'original dwelling' and situated within the Residential Character Study Area. The subject dwelling falls within these categories. The Policy states that exceptions are allowed where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding. The dwelling in question is constructed of weatherboard material, and does not appear to have fibro or asbestos wall cladding.

The applicant has provided a Structural Engineer's report which states that the engineer was not able to inspect all rooms within the dwelling. Further, the report does not state that the dwelling is structurally unsound. Rather, the report indicates that the current damage is "*deemed slight to moderate with no cause for structural concern*" with recommendations made as to remedial measures to reduce further cracks.

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 high standard and otherwise compliant with the Policy. The applicant has provided a basic floor plan of the proposed replacement dwelling, however, as a comprehensive Development Application was not submitted, the details of the proposed development are not considered sufficient to meet the above-mentioned criteria.

CONCLUSION:

Having regard for the contribution that the existing dwelling makes to the character of the streetscape and the immediate surrounding area, the applicant is not considered to have met the requirements and intent of Clause 8 "Retention of Dwelling" within Council's Local Planning Policy – Streetscape. There is no justifiable basis to support demolition, and as such the application for demolition of the existing original dwelling on the subject property is recommended for Refusal.

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 Carl & Geraldine Farrell (DA5.2014.558.1) for Demolition of Existing Dwelling at 159 (Lot 1) Berwick Street, Victoria Park, be Refused for the following reasons:

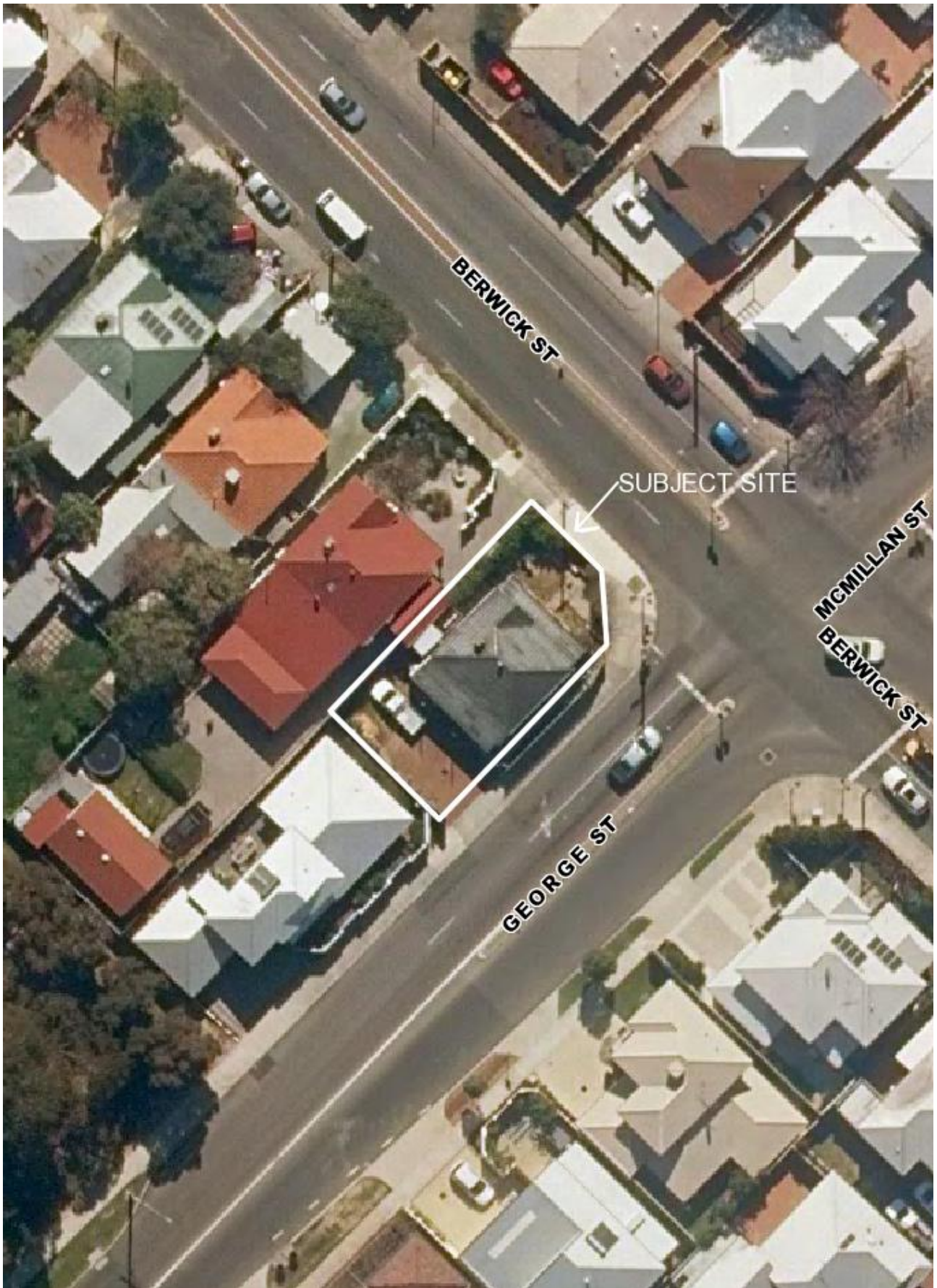
- 1. Non-compliance with Council's Local Planning Policy – Streetscape, Clause 8 – Retention of Dwelling in relation to the demolition of an 'original dwelling' in the Residential Character Study Area with there being insufficient justification to support demolition.**

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.**



11.4 Proposed Policy PLNG8 ‘Sea Containers’

File Reference:	N/A
Appendices:	Yes

Date:	28 October 2014
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council adopt proposed Policy PLNG8

- At the October 2014 Ordinary Council Meeting, Council resolved to defer consideration of two applications for retrospective approval of sea containers to enable Council staff to prepare a draft Policy dealing with sea containers.
- Council Officers have undertaken a review of the way in which other local governments deal with sea containers. In general most local government regulate that sea containers are not permitted within Residential areas (with specific exemptions) but may be permitted in other areas/zones subject to specific requirements.
- It is considered that sea containers are generally of an inferior standard to conventional sheds and outbuildings also used for storage purposes.
- It is recommended that (a) there be a general prohibition upon sea containers in Residential areas, other than where the sea container is being used in connection with building works or is being used for the purposes of relocating personal effects for a maximum period of 7 days; and (b) sea containers may be permitted in other zones/areas subject to specific requirements.
- It is proposed that Council adopt proposed Policy PLNG8.

TABLED ITEMS:

- Copy of proposed Policy PLNG8 ‘Sea Containers’.

BACKGROUND:

At the Ordinary Council Meeting in October 2014, Council considered two separate applications for retrospective planning approval of sea containers on Residential properties at the following addresses:

- 47 Cookham Road, Lathlain; and
- 441 Berwick Street, St James;

In both cases the sea containers are being used for storage purposes, with the sea containers being on the subject properties for periods of approximately 18 months and 8 years respectively. The existence of sea containers on both properties was brought to Council’s attention by way of complaint from nearby residents.

Council Officers recommended that both applications be refused, and that the sea containers be removed from both properties within 30 days. However Council resolved to defer consideration of both applications to enable Council Officers to prepare a draft Policy regarding sea containers.

DETAILS:

Sea containers have become available in increasing numbers on the second hand market from transport agencies and sea container repair companies in recent years.

Sea containers afford a cheap, secure method of storing items or goods and are becoming increasingly popular for this purpose. Sea containers are made in varying sizes, but are generally 2.4m x 2.4m square and range in length from 3 metres to 12 metres. The most common length is the 6m (20 feet version).

While sea containers can serve a useful role in some instances, there are concerns regarding aesthetics, as sea containers have an industrial appearance and are generally not considered appropriate structures particularly within residential areas.

While sea containers constitute development that requires the planning approval of Council, there is currently no adopted Council position regarding the acceptability of sea containers in the Town. Council Officers have had a longstanding view that sea containers are not of an acceptable standard for a Residential area, and therefore in previous instances where complaints have been received regarding sea containers in such circumstances, Council Officers have instructed the landowner to remove the sea container. This has proven to be fairly effective.

The two applications considered at the October Ordinary Council Meeting are the first known applications for approval of sea containers in Residential areas.

Council Officers have undertaken a review of the way in which other local governments deal with sea containers. The following table summarises those findings in relation to sea containers in Residential areas.

Local Government	General Position	Exceptions / Conditions
City of Canning	Permitted	If no longer than 6m; not located forward of the building and screened from view of streets; complies with side setbacks; and painted in a colour to match the building.
City of Melville	Not permitted	<ol style="list-style-type: none"> 1. In association with construction works for a period of no longer than 12 months; and 2. For temporary storage not in connection with construction works, for a period of no longer than 12 months, and where effectively screened from view from streets.

City of Cockburn	Not permitted	For up to 18 months in association with building construction work, with only one container being permitted.
City of Nedlands	Not permitted	For up to 12 months for the storage of building materials and equipment in connection with approved building works, subject to the container not exceeding length of 6m
Shire of Kalamunda	Not permitted	<ol style="list-style-type: none"> 1. A maximum of one container where for the purpose of moving domestic items to/from the property. 2. A maximum of one container during the construction of an approved building.
City of Armadale	Not permitted	<ol style="list-style-type: none"> 1. For temporary purposes associated with building or subdivision works; 2. For temporary purposes (7 days) associated with the delivery and collection of goods.
City of Gosnells	Not permitted	<ol style="list-style-type: none"> 1. For up to 7 days for the purposes of relocating personal effects; 2. For securing construction tools/materials for the period of the construction.
City of Greater Geraldton	Not permitted	Nil

Legal Compliance:

The Residential Design Codes define an outbuilding as follows:

“An enclosed, non-habitable structure that is detached from any dwelling, but not a garage.”

While a sea container would technically fall under the classification of an outbuilding, sea containers have a significantly different impact to conventional outbuildings and therefore for the purposes of this proposed Policy it is intended to treat sea containers different to other outbuildings.

Sustainability Assessment:External Economic Implications:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

The recent applications for planning approval considered by Council have highlighted the need for Council to determine a policy position on the use of sea containers throughout the Town.

Council Officers are of the view that sea containers are of an inferior standard, that have an industrial appearance. The intended purpose of sea containers is for storage, with sheds and other outbuildings achieving the same purpose but in a much more appropriate and accepted appearance.

Council Officers are of the opinion that the use of sea containers within Residential areas negatively impacts upon the quality of residential neighbourhoods and is not of the standard that the community would expect for residential areas. This view is generally shared by other local governments as outlined in their Policies.

In Council's deliberations on the two applications referred to above, there was a suggestion that the sea containers may be acceptable if screened from view from surrounding streets. While it is agreed that screening could minimise the visual impact of sea containers from streets, given their height and length it is likely that containers would still be visible from streets even with screening. Additionally, and importantly, the visual impact upon adjoining residential properties is another relevant consideration. Sea containers could potentially be built only 1m from a boundary with a neighbouring residential property, and given their height and length, have a potentially negative visual impact upon adjoining residential properties, more so than a conventional shed.

It is acknowledged that there may be some specific circumstances where sea containers can be accepted for temporary periods in Residential areas, being in connection with approved construction works or for a short-term in association with moving personal goods to/from a property.

Accordingly the proposed Policy outlines that sea containers are not permitted within Residential areas, with exceptions being:

- Where used for the storage of building materials and equipment in connection with a dwelling under construction, subject to:
 - there being only one sea container;
 - the container does not exceed a length of 6m;

- it is on-site for a maximum period of 12 months;
 - it is only placed on-site after the issue of a building permit for the dwelling on the site; and
 - it is removed within 14 days after the building works are completed.
- Where on-site for a maximum period of 7 days for the purpose of relocating personal goods to/from the property.

It is intended that where compliant with these exemptions, then planning approval is not required to be obtained from Council.

While there will be a general prohibition on the use of sea containers in Residential areas, if there was to be an exceptional circumstance where it was proposed to have a sea container that was externally treated to such a high standard that it would not be perceived as a sea container, then Council could exercise its discretion and issue approval. It is not intended to include such a provision in the proposed Policy as such a circumstance is unlikely, but if it were to occur then Council Officers would consider a variation to the Policy where applicable.

With respect to the use of sea containers in areas other than Residential areas i.e. Industrial and Commercial areas, it is noted that there is often a lesser standard of amenity in these areas than is the case for Residential areas. Additionally there may be legitimate circumstances where sea containers are necessary in such areas and more appropriate than a more permanent shed structure.

It is recommended that the Policy outline that subject to obtaining planning approval, sea containers may be permitted within non-Residential areas where the sea container will:

- Not result in a detrimental impact on the amenity of adjoining land or the area in general;
- Not be located in front of the building line or be visually prominent from any public road;
- Not compromise the approved development or use by:
 - Impinging on any car parking bays required to satisfy the minimum car parking requirement for the approved development or use; and
 - Obstructing access or visual truncation provided to an accessway, pedestrian or traffic.
- Be in good repair with no visible rust marks, a uniform colour to complement the building to which it is ancillary or surrounding natural landscape features; and
- Be appropriately screened (vegetation or otherwise) where considered necessary by Council.

Alternatively, sea containers may be permitted within non-Residential areas without planning approval where either:

- Used for the storage of building materials and equipment in connection with a building under construction, subject to:

- there being only one sea container;
 - the container does not exceed a length of 6m;
 - Not compromising the approved development or use by:
 - Impinging on any car parking bays required to satisfy the minimum car parking requirement for the approved development or use;
 - Obstructing access or visual truncation provided to an accessway, pedestrian or traffic.
 - it is on-site for a maximum period of 12 months;
 - it is only placed on-site after the issue of a building permit for the building on the site; and
 - it is removed within 14 days after the building works are completed.
- Where on-site for a maximum period of 7 days for the purpose of receiving or dispatching goods or equipment.

CONCLUSION:

The adoption of the proposed Policy will provide clarity to landowners, the general public and Council Officers as to Council's position on the use of sea containers throughout the Town. The proposed Policy acknowledges that sea containers are generally not appropriate within Residential areas, but may be appropriate within non-Residential areas subject to compliance with certain requirements.

RECOMMENDATION/S:

That proposed Council Policy PLNG8 'Sea Containers' as contained in the Appendices, be adopted.

11.5 Burswood Peninsula District Structure Plan – Draft for Public Comment

File Reference:	PLA/6/0008
Appendices:	No

Date:	22 October 2014
Reporting Officer:	J. Kober
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council lodges a submission on the Burswood Peninsula Draft District Structure Plan.

- The Draft District Structure Plan is generally supported as it builds on the work already undertaken on the Burswood Peninsula.
- It provides an overarching framework for servicing infrastructure, transport, parking, community facilities but could go further in guiding these matters across the Peninsula.
- Comments are made on some specific matters.
- This submission is made by the Town of Victoria Park as:
 1. the local government with jurisdiction over the majority of the land the subject of the Draft Burswood Peninsula District Structure Plan; and
 2. as the beneficial landowner of the land around the previous dome site, being Reserve No 39361 Lot 303 on Deposited Plan 42394.

TABLED ITEMS:

- Burswood Peninsula District Structure Plan – Draft, Western Australian Planning Commission, September 2014.

BACKGROUND:

The Town’s strategic direction promotes the Burswood Peninsula as a major area for new residential and mixed use development for the Town. This direction has been refined over the years to include more detailed planning work for the Burswood Peninsula. In particular the Structure Plan for Burswood Lakes (now named ‘The Peninsula’), Structure Plan for the Belmont Park Racecourse redevelopment, draft Masterplan for Burswood Station East, the draft Masterplan for Burswood Station West undertaken by the Department of Planning and the planning for the new Perth Stadium have since been completed.

The number of projects currently under way on the Burswood Peninsula has resulted in the overall planning for the Burswood Peninsula being advanced as the individual sites cannot be planned appropriately without their relationship to the wider peninsula being considered. Of particular importance are the transport and traffic movements, car parking arrangements and community facilities, including a primary school and district level public open space for the future population of the peninsula as well as the provision of servicing infrastructure.

The Western Australian Planning Commission (WAPC) in consultation with the Town has been working on an overarching planning framework for the Burswood Peninsula for some time. In 2010 the WAPC released the Burswood Peninsula Draft District Framework that set the broad land use and planning objectives for the peninsula. The Draft District Framework was never finalised however, and was overtaken by the more detailed work on the Perth Stadium and Belmont Park Racecourse Redevelopment projects. This resulted in the need for an overarching District Structure Plan which was to guide the planning for the entire Burswood Peninsula.

The work on the District Structure Plan was underpinned by peninsula wide traffic modelling to inform the planning outcomes.

DETAILS:

The Burswood Peninsula Draft District Structure Plan has been prepared by the Department of Planning and released for public comment until 25 November 2014. The Draft District Structure Plan is a high level strategic document that guides the overall development of the Burswood Peninsula and sets out an overarching land use and planning framework for the further detailed planning of individual precincts within the Burswood Peninsula. The Draft District Structure Plan is not a statutory document but provides guidance to future development and statutory provision.

The Draft District Structure Plan states as its purpose:

“Major projects that are either planned or underway will transform Burswood Peninsula, and establish a new context around which the area will continue to develop and evolve over the next 20 to 30 years. The purpose of the Burswood Peninsula District Structure Plan (Burswood DSP) is to provide a strategic framework to guide the development of these key projects in the short term, and support the planning, assessment, coordination and implementation of longer term development across the Peninsula. The principal objectives of the Burswood DSP are to:

- *place Burswood Peninsula in its regional context and identify any factors that might influence the future planning and development of the area;*
- *confirm the role and function of Burswood Peninsula in the context of the State Government’s metropolitan planning strategy, Directions 2031;*
- *develop a spatial plan that defines planning and development precincts, and informs the preparation of local structure plans, planning scheme amendments, and statutory planning and development proposals;*
- *identify existing environmental and geotechnical site conditions and confirm what additional studies and investigations are necessary to support planning and development decisions;*
- *identify any social and community infrastructure that will be necessary to support the proposed new development; and*

- *identify any services and infrastructure constraints, and options for the coordinated delivery of additional capacity to the area.*

The Burswood DSP will be used by both State and local government to inform planning and development decisions across the Burswood Peninsula.”

The Draft District Structure Plan proposes a total of nine separate precincts that require separate detailed planning. In some cases detailed planning has already been completed and construction is under way and in other cases possible future uses of the precinct have been flagged. The nine precincts are:

1. Belmont Park Racecourse Redevelopment
2. New Perth Stadium
3. Stadium South
4. Belmont Station South
5. The Peninsula
6. Crown Perth
7. Burswood Station West
8. Burswood Station East
9. The Springs

The Draft District Structure Plan provides guidance on a range of matters, including:

- Population, housing and employment;
- Built form;
- Open space;
- Metropolitan attractors;
- Movement and access;
- Community facilities;
- Services and infrastructure; and
- Urban water management.

The Draft District Structure Plan considers indicative development and staging with build out to be expected in 20-30 years. A total population of up to 20,000 people is expected to ultimately live on the Burswood Peninsula. A significant amount of commercial floor space as well as supporting retail uses and the metropolitan attractors of Crown Casino and the new Perth Stadium with supporting entertainment uses will transform the Burswood Peninsula into a significant Activity Centre.

An Implementation Table lists further work being required prior to implementation of the Draft District Structure Plan, such as planning and approvals, development costs, engagement and consultation, technical investigation and modelling and infrastructure provision.

A section on Governance examines the impact of existing legislation on the peninsula and a section entitled “Technical” looks at topography, geology, acid sulphate soils, contaminated sites, Swan River floodplain and hydrology.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Draft District Structure Plan is consistent with the Strategic Community Plan, which includes a number of projects under way on the Burswood Peninsula. This includes the redevelopment of Belmont Park Racecourse, The Peninsula, Burswood Station East and West and the new Perth Stadium.

The Draft District Structure Plan is also consistent with Council's strategic direction of locating significant new development on the Burswood Peninsula.

Financial Implications:Internal Budget:

The Draft District Structure Plan Implementation table lists a number of further investigative studies to be undertaken to enable the plan to be implemented. Some of these studies, such as "*Prepare a district wide integrated transport model to inform further planning and development*" and "*Prepare a comprehensive transport impact assessment for the Burswood Peninsula*" list the Town as having shared responsibility. In the longer term, the Town is also listed as having shared responsibility for the preparation of a Local Structure Plan for the Stadium South and Belmont Park Station South precincts. There is also a need to review the Draft Masterplan for Burswood Station East following some further traffic modelling and preparing a Local Structure Plan for this area.

The budget implications with regard to these tasks are unknown.

Total Asset Management:

The addition of an additional population of up to 20,000 to the Town as well as a substantial amount of office floorspace will have economic impacts on the Town. The additional rates income from the new development needs to be balanced against the need for additional services for this new population, including the need for community facilities.

Sustainability Assessment:External Economic Implications:

The Draft District Structure Plan is consistent with the Town's strategic direction and Directions 2031 as it proposes significant new development to occur on the Burswood Peninsula. This includes a significant amount of office development, supported by some retail and also entertainment uses. This is expected to contribute to the local economy by adding a substantial capacity for commercial and retail growth outside the Perth CBD.

Social Issues:

The Draft District Structure Plan proposes significant additional development resulting in a residential population of up to 20,000 people on the Burswood Peninsula. It is important that sufficient sites are set aside for community uses, such as a primary school, community facilities and a district level active open space. The need for these facilities has been flagged within the document and is highlighted further in this report.

Cultural Issues:

The Draft District Structure Plan makes provision for a significant amount of new development to occur on the Burswood Peninsula, thereby allowing existing residential areas within the Town to remain at a lower density. This allows for retention of existing residential character dwellings and protects the streetscape character of existing areas.

The Draft District Structure Plan provides for a range of community facilities to be provided for the new residents on the Burswood Peninsula to ensure that it becomes a self-sufficient community without being reliant on the existing facilities within the Town.

Environmental Issues:

The Draft District Structure Plan proposes high density mixed use development centred around two railway stations. A mix of land uses is proposed to create a diverse and vibrant activity centre. This minimises the need for vehicle use and encourages alternative modes of transport. Public Open Space and in particular a large amount of foreshore reserve will be a key feature of the area. Foreshore rehabilitation is required as part of the local Structure Plan for the Belmont Park Racecourse redevelopment.

COMMENT:

General:

The Burswood Peninsula Draft District Structure Plan is an overarching, high level strategic guide for the Burswood Peninsula. As such it incorporates the work already done as part of existing Local Structure Plans and Masterplans for individual precincts and develops a framework for overarching matters such as broad land uses, transport and traffic, servicing infrastructure and community facilities.

The Town of Victoria Park welcomes the document as providing a much needed overarching framework for development of the Burswood Peninsula. The document in general supports the work that has been undertaken on the Burswood Peninsula to date and is therefore supported in principle.

Specific comments are offered as follows:

Part 2: Context – 2.4 Relationship to Surrounding Centres

The Draft District Structure Plan states:

“Primary employment, retail and service functions are located in the Perth central business district, while secondary functions are situated in adjacent Victoria Park, East Victoria Park and Belmont. The planning intent for Burswood Peninsula is to reinforce and support the role and function of existing centres, while also providing a complementary range of attractions and land uses.”

While it is estimated that a significant new population of up to 20,000 residents will ultimately live at Burswood Peninsula, it is proposed that all but the necessary services and amenities for day to day local needs will continue to be provided within existing established centres.”

The notion that the residents of the Burswood Peninsula are serviced by surrounding existing centres is supported. However, it needs to be emphasised that community facilities need to be provided on the Burswood Peninsula to cater for the local population.

A statement should be included regarding the possibility of the Burswood District Centre being reclassified to a Specialised Activity Centre under State Planning Policy SPP 4.2. Discussions have been held with officers at the Department of Planning regarding this possible reclassification and it was recognised that the Burswood Peninsula performs a very different function to a standard District Centre as contemplated under SPP 4.2, in particular with the range and mix of land uses that are exclusive to the Burswood Peninsula, such as the casino, stadium, horse racing as well as residential, commercial, retail and entertainment uses.

The reference to the Town of Victoria Park Causeway Precinct Review Final Report May 2008 needs to be changed to March 2009.

Part 4: Structure Plan – 4.1 Burswood Peninsula District Structure Plan

The Structure Plan map shows broad land use categories for each of the precincts as follows:

- *Residential – high density*
- *Residential – medium density*
- *Mixed use*
- *Tourism and entertainment*
- *Sporting*
- *Future urban/public use*

The land use categories shown for Belmont Park and Burswood Station East areas are inconsistent with the approved Structure Plan for Belmont Park and the Draft Masterplan for Burswood Station East and need to be revised to ensure the land uses contemplated under these documents are not questioned as a result of the inconsistency with this overarching District Structure Plan.

It is considered that this could be resolved by changing the land use categories to be more generic. A single category could be used to capture high and medium residential as well as mixed use development. This would eliminate the risk of inconsistencies with individual plans and provide for flexibility over time.

Belmont Park Station South Precinct is shown as “Residential – high density” on the Structure Plan map. However, throughout this document this area is flagged for possible community uses, including a possible primary school site. While it is acknowledged that some residential uses may be appropriate in this location, showing the precinct as “Residential – high density” gives the impression that this precinct is generally available and suitable for high density residential development.

With regard to the Belmont Park Racecourse, the race track is shown as “public parklands” on the Structure Plan map. The approved Local Structure Plan for Belmont Park Racecourse does not envisage the race track, including infield to be available for public access and as a result this area should be marked as “sporting” use.

With regard to the Stadium South area, the District Structure Plan states “Future urban/public use” and later on page 62 states that the “highest and best use” needs to be determined. However, this is the only precinct that can possibly accommodate a district level active open space that provides vital playing fields for the future community of up to 20,000 residents. As a result this area is not suitable for highest and best use and needs to be planned concurrently with the adjacent Belmont Park Station South Precinct to ensure the community facilities needs for the future community can be accommodated in this location.

Part 4: Structure Plan – 4.2 Population, Housing and Employment

Neighbourhoods

The neighbourhood “Belmont Station South” should be renamed to “Belmont Park Station South” to reflect the name of the railway station.

Affordability

The document reiterates the Multi Unit Housing Code requirement for developments that contain 12 units or more to include a mix of dwelling sizes. While this provides for some smaller apartments that are relatively more affordable than larger apartments, it does not guarantee any truly affordable dwellings to be developed.

The Draft District Structure Plan recognises this and establishes a target of 20% of all dwellings to be affordable housing. Based on the numbers of dwellings contemplated for the Burswood Peninsula, this would mean between 1,880 and 2,440 affordable housing units. No detail is provided on how this is proposed to be implemented across the District Structure Plan area and in the absence of any further detail it is considered that this statement should be reconsidered for the following reasons:

- A number of Local Structure Plans have already been approved without any affordable housing target. As a result, all affordable housing units would need to be provided on land that is not subject to an already approved local structure plan;
- Based on experience with the Town’s Causeway Precinct, an incentives based voluntary provision for affordable housing is unlikely to be taken up by private developers;
- Any mandatory requirement to provide affordable housing requires detailed consideration and an easily implemented model for sale or management of affordable dwellings by a community housing provider; and
- If all affordable housing units were to be accommodated on State Government owned land, most of the dwellings located in Burswood Station West and Belmont Station South would have to be affordable housing to meet the 20% target. This is both unrealistic and undesirable from a social point of view.

Employment

The Draft District Structure Plan states that Belmont Park will accommodate 32,000m² of retail floor space. This should be changed to 31,000m² of retail floor space to be consistent with the approved Local Structure Plan.

The employment plan on page 39 shows employment for Belmont Park to be located only within Precinct D (the south eastern corner adjacent to the Belmont Park railway station). However, the approved Local Structure Plan also permits office and retail development within the southern portion of Precinct B (the south western portion of the site). The plan should be amended to reflect the Local Structure Plan to avoid any future confusion.

Employment should also be shown over the entire area of Burswood Station East as the Draft Masterplan contemplates mixed use development over the entire precinct.

Part 4: Structure Plan – 4.3 Built Form

The guiding principles should be amended by adding a principle for development to incorporate Crime Prevention Through Environmental Design (CPTED) principles.

Part 4: Structure Plan – 4.4 Open Space

The section on Open Space should include a reference to acknowledge and celebrate the Indigenous connection to the Swan River.

An additional guiding principle should be added requiring areas that support the rehabilitation of riverine vegetation and restore the ecological function of the river foreshore.

Part 4: Structure Plan – 4.6 Movement Network

Road – Future Situation

Another section should be added which provides some additional detail into the wider road network implications. For example it states some key interventions for a number of intersections such as Victoria Park Drive/Burswood Road/Great Eastern Hwy.

The outcomes from the modelling work undertaken for the Burswood Peninsula are now likely to shift predominate vehicle movements from Craig Street to Burswood Road to access Great Eastern Highway. The impacts are very significant on the local road network which includes bus re-routing, converting Burswood Road to two lanes in either direction, removal of kerbside parking, clearways being implemented on both Teddington Road and Burswood Road, changes to the intersection of Teddington Road/Burswood Road and ramp metering solutions to control traffic being released onto our freeway system. This needs to be considered in the future modelling work for the Burswood Peninsula.

Heavy Rail

The Draft District Structure Plan states the following:

“The Armadale Line of the metropolitan rail system runs through the Burswood Peninsula, providing good access to the wider public transport network. To accommodate increased demand for rail services the following interventions will be required:

- *review whether Belmont Park Railway Station will need to be upgraded from an event station to a full service station; and*
- *consider the upgrade of Burswood Station as part of the integrated redevelopment of the Station East and West precincts.”*

The District Structure Plan proposes development at a significant scale that would result in up to 20,000 new residents being located on the peninsula as well as substantial commercial development, supported by some retail development and the metropolitan attractors of Crown Casino and the new Perth Stadium. The scale of this development warrants the two existing train stations being retained and the District Structure Plan should include a commitment to:

- Belmont Park Station being upgraded to a full service station to service the future population of the Belmont Park Racecourse development as well as Belmont Station South; and
- Burswood Station being upgraded to service the Burswood Station East and West developments.

The long lifetime of the District Structure Plan warrants a commitment to these stations to support the Transit Oriented Developments being planned around these stations and to ease the pressure on the local and district road network by encouraging the use of alternative modes of transport.

Light Rail

The plan on page 47 should show an indicative service alignment for the proposed light rail route.

Parking

The possibility of introducing parking caps for the overall District Structure Plan area as well as for individual precinct should be mentioned, similar to those contemplated for the Bentley/Curtin Specialised Activity Centre.

While the Burswood Peninsula is currently classified as a District Centre under SPP 4.2, the function of the centre is more varied and, as noted above, it is considered more appropriate for this centre to be treated as a Specialised Activity Centre.

Parking provision and management as well as transport issues are becoming a major factor in the local structure planning processes for individual precincts on the Burswood Peninsula, this needs to be recognised and an overarching framework established by the District Structure Plan to enable these matters to be managed holistically. In particular parking in association with the new Perth Stadium needs to be managed carefully so that parking on nearby land, such as Belmont Park, is not available to stadium patrons. This should be included in the District Structure Plan.

Walking and Cycling

The plan on page 49 should show a pedestrian/cycle link across the future Summers Street Bridge.

Part 4: Structure Plan – 4.7 Community Facilities

The Draft District Structure Plan needs to clearly establish the requirement for provision of a primary school site, a district level open space (an area large enough to be suitable for active sports) and potentially for public community purpose sites to be set aside (probably

in the same general location as the primary school site and district level open space). The community purpose sites would ensure that Council has land to provide other facilities and services over time for a future population of up to 20,000 within the Burswood Peninsula. Ideally this should include a multi-purpose facility that can change and meet the need of the community over time.

The community purpose sites would not necessarily need to be under the care and control of Council and could be provided and managed by the Burswood Park Board or similar entity (e.g. such as that entity which manages the surrounds of the new Perth Stadium).

There is a very strong rationale for the structure planning for the Stadium South and Belmont Station South precincts to be undertaken together as these areas provide the logical location for all of the 'community' sites other than some that will be provided within the Belmont Park Racecourse redevelopment.

Aged Care

The Draft District Structure Plan refers to the Town being well-catered for, stating that the "*Town of Victoria Park exceeds the national benchmark*" for residential aged care places. There is anecdotal evidence indicating that the Town doesn't have enough affordable residential aged care.

It is unlikely that affordable Aged Care facilities will be located on the Burswood Peninsula without it being mandatory due to significant land values, if this is not provided for, the Town should consider other location options for aged care within the remainder of the Town.

Schools

It needs to be stressed that there is a need for a primary school site on the Burswood Peninsula as Victoria Park Primary School and Lathlain Primary School have reached capacity, putting pressures on families who now may have to take their primary school aged children to different schools.

Spaces for Children and Young People

This has been acknowledged as a gap in the Town. As stated in the Draft District Structure Plan "*public space is vital for young people*". While the provision of a district level open space is vital, there is also a need for small, local passive recreation areas, which would be used not only by children and young people, but the many people living in the multi storey developments in the area. Some should be designed as dog walking areas.

Part 4: Structure Plan – 4.8 Services and Infrastructure and 4.9 Urban Water Management

The Draft District Structure Plan should include further detail on how these services are being provided across the Peninsula. There is an opportunity to deal with servicing issues holistically across the peninsula and allow for innovative measures such as grey water reuse to be implemented through economies of scale and also to address urban water management holistically.

Development Contributions

The Draft District Structure Plan states:

“The DSP identifies that the proponent of each project will be responsible for provision of all services and infrastructure necessary to support their individual development.”

The Town agrees with this in principle. However, a comment needs to be included to state that this is different for the Burswood Station East precinct. An infrastructure costing study commissioned by the Town and the Department of Planning in 2010 concluded that given the current high land values in the Burswood Station East locality combined with high infrastructure costs, a developer contribution scheme may not engage the market and other funding models may need to be considered. This finding should be acknowledged in the Draft District Structure Plan.

An option other than a developer contribution scheme may be for State Government to pre-fund mains service lines along key corridors e.g. Victoria Park Drive, Camfield Street, Bolton Avenue rather than fall back on the responsibility of project proponents and developers with the intent of providing a payback scheme proportional to the servicing needs of the development. This would future proof the ultimate development of the Peninsula. Any connections to mains from the individual development itself will need to be fully funded as an additional cost incurred to the developer.

Part 5: Development**Belmont Park**

Under “Key Features” the amount of retail floor space should be changed to 31,000m² to be consistent with the approved Local Structure Plan.

Under “Status/Next Steps” a dot point should be added to say: “Local Structure Plan was approved in April 2013.”

Stadium South

This is the only precinct with an opportunity for the provision of district level active open space. This should be spelt out in this section under “Key Features”. It is therefore not considered appropriate for a local structure plan to determine the highest and best use as stated under “Status/Next Steps” and the wording should be changed to reflect the need for community uses to be located in this area.

It is considered that community uses should be co-located with a primary school and district open space/sporting fields.

Part 6: Implementation – 6.1 Implementation Table**Governance and Planning**

The Governance and Planning issues identify that the Town should be the responsible authority to finalise the precinct masterplan and local structure plan for Burswood Station East and it is inferred that a developer contribution model will be implemented.

The Town engaged a consultant team to prepare a draft masterplan for Burswood Station East, which was completed in January 2013 (Burswood Station East Draft Masterplan, January 2013). The document was not formally considered by Council or released for public comment, in view of the fact that transport and traffic modelling was required to be undertaken for the whole of the Burswood peninsula and the outcomes of that modelling could impact on the proposals outlined in the draft masterplan for Burswood Station East.

That peninsula-wide modelling has now been completed and the implications on local transport and traffic for Burswood Station East are currently being assessed by a transport consultant engaged by the Town. It is likely that the January 2013 draft will require some modifications and a final draft of the masterplan for Burswood Station East to be prepared for consultation.

There has been agreement for some time between officers of the Town and Department of Planning that the draft masterplans for Burswood Station East and Burswood Station West should be released concurrently for consultation to provide a complete picture for the future development of the whole precinct surrounding Burswood railway station.

It is important to understand that the brief for the Masterplan included the objective of a land assembly pattern based on achieving optimal land use and development form outcomes. The current small and fragmented land ownership pattern will not achieve this outcome.

In order to achieve a land assembly pattern for optimal development outcomes a high level of intervention is required. Council has for some time indicated that it would be receptive to an implementation mechanism such as a redevelopment authority, given the benefit of achieving optimal land assembly, the high infrastructure costs and complexity and risk associated with developer contribution schemes.

Another objective in the brief for the Masterplan was to ensure a plan that was implementable in the context of staged delivery of the necessary infrastructure improvements.

The Town and the Department of Planning engaged a consultant to prepare an infrastructure costing study for Burswood Station East and West in 2010 (Burswood Station East and West Infrastructure Costing Study Final Report, 2010) to gain an appreciation of the range of infrastructure and indicative costings required to support major redevelopment of both areas. That report has not been publicly released, but should logically be released as supporting information at the same time the draft masterplans for Burswood Station East and Burswood Station West are released for consultation.

The Burswood Station East Draft Masterplan, January 2013 included some preliminary consideration of implementation issues. It undertook some analysis of the Perth market and relevant analogies of other development sites including 'The Springs' in the City of Belmont. It concluded that given the current high land values in the Burswood Station East locality combined with high infrastructure costs, a developer contribution scheme may not engage the market and other funding models may need to be considered.

It is important to note that the infrastructure costings undertaken to date do not include the cost to redevelop the Burswood railway station and the Burswood Peninsula District Structure Plan – Draft makes no mention of this as part of infrastructure provision. It is arguable that a commitment to the redevelopment of the Burswood railway station is the single most significant catalyst for redevelopment of both Burswood Station East and Burswood Station West.

In view of the above, Council needs to be cautious about committing to the preparation of a structure plan and developer contribution model for Burswood Station East in the absence of more detailed consideration of the feasibility and implications of that action. It is recommended that it take the approach suggested in the Burswood Station East Draft Masterplan, January 2013 which is to pursue the preparation of a business case to determine the feasibility of redeveloping the Precinct and address a complex set of commercial, financial and governance issues. In particular, the business case is needed to assess the impact of infrastructure costs (upgrades and new elements) and who is responsible for paying and delivering infrastructure works.

Technical

There needs to be an appreciation of prioritised infrastructure upgrades as some projects have already commenced with funding committed as part of the Perth Stadium, Casino and Belmont Park Developments. The sequencing of these projects will allow better co-ordination of proposed works between the different stakeholders.

Schedule S1: Governance – S1.3 Town Planning Scheme No.1

The reference to a local planning strategy should be preceded by the word “draft” as the Draft Local Planning Strategy has not been finalised as the WAPC has not given consent to advertise and in light of the local government reform the draft Strategy will need to be reviewed with a new joint Local Planning Strategy developed for the new City of South Park following the amalgamation with the City of South Perth and boundary adjustment to include portion of the City of Canning. As such the Draft Local Planning Strategy is not yet a public document.

The text states that *“the Town of Victoria Park local government area has been divided into twelve distinct precincts...”*. This is incorrect, as there are thirteen (13) precincts under the Town Planning Scheme. This needs to be corrected.

The zoning map on page 76 shows the Town Planning Scheme as represented by the Department of Planning rather than the Town’s Scheme. As a result, the roads are shown unzoned and the colours depicting “Officer/Residential” and “Special Use” zones are shown in different colours than used on the Town’s Precinct Plans.

CONCLUSION:

The Burswood Peninsula Draft District Structure Plan is generally supported as it builds on the work that has been undertaken or is currently in progress on the Burswood Peninsula. It provides an overarching framework for the coordination of the movement network, parking, servicing infrastructure and community facilities. However, it could go further in

facilitating the coordination on these matters. In particular it needs to be highlighted that parking needs to be managed carefully across the peninsula and sites for a primary school, community uses and a district level active open space need to be set aside as part of this District Structure Plan to ensure that community facilities can be adequately provided for an anticipated population of up to 20,000 residents.

Furthermore, the infrastructure and land assembly issues relating to Burswood Station East need to be highlighted as these need to be resolved to enable development to occur within that precinct. The Draft District Structure Plan needs to acknowledge these issues.

RECOMMENDATION/S:

- 1. Council lodges a submission on the Western Australian Planning Commission's Burswood Peninsula Draft District Structure Plan – September 2014 based on the comments outlined in the report of the Director Future Life and Built Life Programs dated 22 October 2014.**
- 2. This submission is made by the Town of Victoria Park as:**
 - 2.1 the local government with jurisdiction over the majority of the land the subject of the Draft Burswood Peninsula District Structure Plan; and**
 - 2.2 the beneficial landowner of a key parcel of land around the previous dome site, being portion of Reserve No 39361 Lot 303 on Deposited Plan 42394.**

11.6 Albany Highway Activation Principles Document – Final Adoption

File Reference:	PLA/6/0010
Appendices:	Yes

Date:	17 October 2014
Reporting Officer:	J. Kober
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – The Albany Highway Activation – Principles document is adopted.

- The document establishes a set of guiding principles for the activation of Albany Highway main street.
- The intent is to reduce any unnecessary bureaucratic hurdles for proposals that meet the guiding principles to encourage businesses and the community at large to be creative in finding ways to activate the main street.
- Council will become less regulatory and more enabling where this is possible within the existing legislative framework.

TABLED ITEMS:

- Draft ‘Albany Highway Activation – Principles’ document, dated October 2014.

BACKGROUND:

Activation of the Albany Highway Corridor has been on the Town’s agenda for several years.

The effective performance of the Albany Highway Main Street sits at the very core of the Town’s Vision and Mission, a vibrant lifestyle enabled through creativity, attractiveness, friendliness and environmental sustainability.

The Albany Highway Main Street is thought of by its users and regulators as a hidden gem (although increasingly less hidden); a great local asset with so much more opportunity and potential that is increasingly recognised as one of the iconic main streets in Perth. It’s a welcoming and inclusive space, with great diversity and acceptance. It is unique, gritty, authentic and memorable.....not glossy with clean edges or big price tags. It has all the core elements needed for a vibrant and viable main street, good bones that just need a little ‘fleshing out’ to take it from a good space to a great place.

To achieve this, Council has recognised that it does not hold all the good ideas and that it needs to be open to new ideas and new ways of doing business. This includes the recognition that businesses along Albany Highway have many great ideas that will help activate the main street but in many instances are stifled by unnecessary red tape.

The Albany Highway Activation Guiding Principles are therefore intending to reduce red tape where this is possible to assist businesses and the community in general to be more creative when it comes to activating Albany Highway.

DETAILS:

The Principles document was developed as a high level document that guides Council decisions that have a potential to impact on the vibrancy of Albany Highway. This is to ensure that Council becomes less regulatory and more enabling where this is conducive to achieving the vision of “Victoria Park – Vibrant Lifestyle”.

The purpose of this document is to set the overarching vision for Albany Highway and to define guiding principles that will be used in two separate ways:

1. When reviewing Council Policies, local laws and other statutory documents the guiding principles will be used to ensure the document under review contributes to the vision for Albany Highway and does not unnecessarily put barriers in place for the vision to be achieved. The review of statutory documents will occur incrementally and is unlikely to be commenced prior to the completion of the Local Government Reform process.
2. The guiding principles can also be used in assessing proposals that do not strictly comply with Council’s statutory documents. A proposal should generally be supported by Council officers where it falls within the guiding principles and meets the overarching vision as defined in this document. Delegated authority to the CEO will ensure that proposals that meet the vision and guiding principles and therefore are considered to assist in the activation of Albany Highway are not bogged down in lengthy approval processes.

It should be noted that the vision and principles apply to development at the pedestrian scale (street level). Any development above street level is likely to be limited to offices and residential uses that have a lesser capacity to activate the main street. However, these uses provide the critical mass of people that use the ground floor businesses and assist with surveillance and activation of the street, both day and night. Development above the ground level should therefore be uncluttered and suitable to a mainly residential environment.

While the document applies only to the Albany Highway main street, it is envisaged that similar principles can be applied to other Activity Centres in the future to ensure all Activity Centres within the Town become vibrant local hubs. However, it is considered appropriate for the principles to be tested on Albany Highway to ensure the expected results are being achieved before rolling it out to other centres within the Town.

There is a need for constant monitoring of the results achieved through the implementation of the ‘Albany Highway Activation – Principles’ to ensure that no unfavourable outcomes are achieved and allow for prompt review of the document should this be considered necessary.

The four Guiding Principles listed within this document have been taken from the Placemaking Road Map prepared by Village Well in 2011 as part of the Town Centre project. The four guiding principles correspond loosely with the four pillars of sustainability as they focus on economic, social, environmental and cultural aspects. Under each of these four guiding principles is a set of points that provide more detailed guidance on the

matters to be considered when making a decision. These points were developed in a cross-functional workshop with staff members from the business units that are likely to participate in the implementation of the document and with the Elected Members at the Elected Members Workshop on 15 July 2014.

When making a decision in accordance with this document, the assessment will need to consider how the proposal contributes to achieving the vision for Albany Highway. It is therefore a subjective decision and requires that the decision maker is familiar with the intent of the document. As a result, an in-depth training program is required to be rolled out across business units that will be expected to implement the document. This will occur following adoption of the document by Council.

Legal Compliance:

It is intended that all statutory Council documents, such as local laws and policies that have some impact on Albany Highway be reviewed in accordance with these guiding principles as and when they are required to be reviewed. It is likely that this will occur in line with the Local Government Reform process.

Policy Implications:

As above.

Strategic Plan Implications:

The Principles document will implement the Town's Vision of "Victoria Park – Vibrant Lifestyle" by enabling Council to be more enabling and less regulatory along Albany Highway. This supports local businesses to be more creative and less hampered by unnecessary red tape when implementing ideas of how to make Albany Highway more vibrant and attract visitors.

This is directly in keeping with the Town's Mission of "Creative, Attractive, Friendly, Environmentally Sustainable" and values of "Positive, Inspirational, Caring" as it builds the groundwork for a true partnership approach in creating an attractive and vibrant main street that attracts visitors from beyond the local area.

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

It is expected that the implementation of this document will have a positive impact on businesses along Albany Highway as Council will become more enabling and less regulatory where possible. This will allow businesses to be more creative which in turn will attract more visitors to Albany Highway.

Social Issues:

It is likely that Albany Highway will become more attractive as an inclusive meeting place for all members of the community.

Cultural Issues:

The guiding principles are intended to enhance creativity of businesses along Albany Highway and attract art and cultural activities.

Environmental Issues:

The guiding principles are expected to have a positive impact on the cyclist and pedestrian amenity along Albany Highway and will therefore contribute to a mode shift from vehicular to alternative modes of transport.

COMMENT:

It is considered that the Principles document will substantially change the way Council does business when it comes to Albany Highway. It is intended that this document results in a cultural change as bureaucratic hurdles are being reduced and businesses and the community at large are encouraged to be creative when it comes to further activating Albany Highway.

This means that Council will consider each proposal on its merits and endeavour to find ways of making it possible provided it meets the vision and guiding principles established within this document. It does not mean, however, that all existing rules and regulations are being abandoned. Council officers are encouraged instead to query the established rules and creatively find ways of achieving the same result for health and safety for example (within legislative parameters) without simply relying on a rule to enforce.

This is expected to create win/win outcomes that benefit the business or community organisation as well as contributes to the vibrancy of Albany Highway. An additional benefit is the establishment of a partnership approach between Council and local businesses and community groups as the community is empowered to take ownership of the main street and Council assists in finding solutions to administrative hurdles where possible.

Decisions made within the scope of this document will need to be recorded and evaluated to ensure that desirable outcomes are being achieved and any undesirable outcomes are being identified as soon as possible to enable changes to be put in place that minimise any future undesirable outcomes through either staff education or amendment to the Principles document where necessary.

Additional delegations may be required to implement the document and enable decisions in accordance with the Principles to be made by staff under delegated authority.

It needs to be acknowledged however that decisions made in accordance with the Guiding Principles will rely on subjective officer judgement and therefore staff education and ownership of the new approach by staff and management is crucial for the approach to be successful. To some degree this approach has already been followed informally for the last six to twelve months and the results of this can be seen along the main street including a number of murals painted on blank walls and the Friday night hawkers market in the laneway between IGA and Ten Ten Kitchen.

Initially it was flagged that community consultation would be sought on the draft document prior to it being referred to Council for final adoption. However, upon further reflection it was considered that this document is more an internal process improvement for how Council does business and while it impacts on the local community, these impacts will be positive as administrative hurdles being reduced and Council commits to a partnership approach in doing business along Albany Highway.

Furthermore it was considered that it would be difficult seeking feedback on a Principles document that does not propose any tangible changes and it was considered more appropriate to promote the approach taken through real life examples if and when proposals come before Council. This has the benefit of being able to demonstrate how the Principles will be applied in a practical way based on real life examples.

CONCLUSION:

The 'Albany Highway Activation – Principles' document will change the way Council does business along Albany Highway. It will result in a reduction of any unnecessary bureaucratic hurdles where possible to promote development and activities that improve the vibrancy and activation of the Albany Highway main street. It furthermore encourages businesses and the community at large to take ownership of Albany Highway and be creative in activating the main street.

This is a paradigm shift for Council from a regulatory authority to one that is more enabling, while still retaining the need to ensure that any development and activities occurring along Albany Highway are of a high quality and comply with requirements of public health and safety.

RECOMMENDATIONS:

- 1. The document 'Albany Highway Activation – Guiding Principles' as contained in the Appendices, is adopted.**
- 2. Staff training is to be provided to ensure all relevant staff and management are familiar with this document.**

12 RENEW LIFE PROGRAM REPORTS

12.1 Proposed Lease of Premises at 18 Kent Street, East Victoria Park, to Victoria Park Carlisle Bowling Club Inc.

File Reference:	PR3318
Appendices:	No.

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

Executive Summary:

Recommendation – Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, currently occupied by Victoria Park Carlisle Bowling Club Inc. be leased to Victoria Park Carlisle Bowling Club Inc. for a term of 4.5 years.

- The Victoria Park Carlisle Bowling Club Inc has occupied the property at 18 Kent Street for many years and wishes to secure a new lease of the property.
- A new draft lease has been prepared and is tabled.

TABLED ITEMS:

- Draft lease document for the lease of Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, to Victoria Park Carlisle Bowling Club Inc. (the Club).
- Valuation dated 18 September 2014 of Bowling Club lease area premises at 18 Kent Street, East Victoria Park.
- Letter dated 29 September 2014 from the Club.

BACKGROUND:

The former Victoria Park Bowling Club was originally located in Rushton Street, at the site currently occupied by the Victoria Park Croquet Club. Between 1953 and 1960 the bowling club relocated to Kent Street facilities that were newly constructed at that time. In 2009-2010 the Victoria Park Bowling Club Inc merged with the Carlisle Lathlain Bowling Club Inc to form a new club, the Victoria Park Carlisle Bowling Club Inc. A new constitution for the Victoria Park Carlisle Bowling Club Inc. was drawn up and endorsed in 2011.

The Club’s lease of the premises expired on 30 June 2006 and it remains in occupation under the “holding over” clause of the expired lease. The Club has indicated that it desires to have a new lease over the premises.

DETAILS:

The Club occupies an area of approximately 11,500m² at Kent Street, East Victoria Park, as depicted in the tabled draft lease document.

Legal Compliance:

The proposed lease of the premises to the Club would be an exempt disposition under Section 3.58 of the *Local Government Act 1995* and advertisement of the proposed lease is therefore not required.

Policy Implications:

Nil

Strategic Plan Implications:

At its Ordinary Meeting held 9 September 2014, Council resolved to endorse the project directions of a report on the Town Centre Redevelopment Project to enable the Chief Executive Officer to progress preparation of a Town Centre Redevelopment Business Case for Council's consideration. The Club premises are located within the Town Centre Redevelopment Project area and the site occupied by the Club may be impacted by any future outcome of the Town Centre Redevelopment Project.

The draft lease document contains a redevelopment clause which would allow the Town to cancel the lease and issue 6 months' notice to the Club to vacate the premises should it be necessary for the Town to have possession of the premises in order to facilitate implementation of the Town Centre project.

At its Ordinary meeting held 10 December 2013, Council resolved:

1. *That Council receives the minutes of the Healthy Life Working Group:*
2. *Receive the Sport and Recreation Facilities Strategy as contained within the Appendices:*
3. *Request the Administration seek feedback from the Department of Sport and Recreation regarding the Strategy's recommendations: and*
4. *Request the Administration to assess and reprioritise the Strategy's recommendations and present to the Healthy Life Working Group in 2014 for consideration.*

Contained within the report to Council on 10 December 2013 were details of recommendations from the Sport and Recreation Facilities Strategy which included:

High Priority – Short Term (1-4 Years):

- *Victoria Park / Carlisle Bowls Club: Investigate amalgamation opportunities for the Club with bowls clubs located in surrounding catchment (in particular South Perth and Como Bowling and Recreation Clubs who potentially lay within the amalgamation boundary identified for the Town of Victoria Park and City of South Perth.*

In accordance with Council's resolution of 10 December 2013, feedback was sought from the Department of Sport and Recreation regarding the Strategy's recommendations. The Department of Sport and Recreation has advised by letter dated 15 September 2014 that, in respect to the above recommendation contained in the Sport and Recreation Facilities Strategy regarding amalgamation opportunities for the Club:

- *The department recommends that prior to considering sporting club amalgamations that the Town conducts a review into their usage to determine future club locations, needs and structures (as per recommendation 32).*
- *The department encourages the Town to continue providing club development support to local sporting clubs and reconsider applying for the Club Development Officer Funding Scheme in the future.*
- *The Town should work collaboratively with the City of South Perth to investigate the amalgamation of these sporting clubs.*

The Department of Sport and Recreation letter dated 15 September 2014 will be presented to the next scheduled meeting of the Healthy Life Working Group, due to be held 12 November 2014.

Financial Implications:

Internal Budget:

Revenue of \$6,000.00 plus GST (less expenses incurred) for a full financial year and increasing by 3% annually is anticipated to be generated by the proposed lease being implemented. It is recommended that the lease income be placed in the Future Projects Reserve.

Total Asset Management:

A valuation carried out in September 2014 of the premises by a licensed valuer determined that the current market rental, excluding outgoings and GST, for the premises as \$60,000 per annum.

The building valuation carried out in June 2013 for asset management purposes by APV Valuers determined the Gross Current Replacement Cost of the main building at the premises as \$2,410,000 with a Reinstatement With New Value (for insurance purposes) of \$2,700,000.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The Club is now the only bowling club within the Town and provides a valuable sporting and social function for the community to participate in.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed lease is for 4.5 years from 1 January 2015 to 30 June 2019. Under the provisions of the holding over clause of the expired lease, the Club has already been invoiced for rent payable for the period 1 September 2014 to 31 December 2014. The terms of the proposed lease have been determined after consideration of:

- The rent that the Club has been hitherto paying.
- The term of the lease.
- The financial position of the Club.
- The aging facilities of the premises.
- The uncertainty of the long-term future of the site given the potential implications of the Town Centre Redevelopment Project.
- The relevant recommendations made in the Sport and Recreation Facilities Strategy.
- The value of the premises as a facility for the community.
- The rental valuation of the premises as determined by a licensed valuer.

The recommended rent is \$1,500.00 (excluding GST) per quarter payable in advance. The rental is to be increased on 1 July each year by 3%, compounding.

The Club was sent a copy of the draft lease document on 8 August 2014, and was requested to provide confirmation that the draft document was acceptable. At the time of sending the draft lease to the Club, the rent valuation by a licensed valuer had not been determined. The Club, on 29 September 2014, provided a response to the draft lease and indicated that the draft lease is acceptable *“on the proviso that current rent value remaining status quo for the first year. Thereafter, the proposed annual increase of 3% noted in the said agreement will be accepted.”*

A valuation carried out in September 2014 of the premises by a licensed valuer determined that the current market rental, excluding outgoings and GST, for the premises as \$60,000 per annum. In arriving at the rental valuation, the licensed valuer stated in the valuation report that in concluding his assessment he recognised:

- *“The quality and standard of amenity provided by the premises.*
- *The use of the premises.*
- *The bowling greens adjacent which are exclusively used.”*

Whilst the factors listed above as having been taken into consideration in determining a recommendation on the amount of rent to be paid are valid, and the current financial position of the Club is especially recognised, it also needs to be recognised that the Club for a number of years has been paying rent significantly below the current market rental valuation as determined by a licensed valuer.

The Club currently pays rent of \$3,907.44 (excluding GST) per annum. It is considered appropriate to recommend to Council that the rent for a new lease be set at \$6,000.00 (excluding GST) with an annual increase of 3% to be applied on 1 July each year. The Club may consider the recommended rent to be an unreasonable increase in the amount that is currently paid, but all relevant factors need to be considered when arriving at a reasonable amount to be paid. Contained within the draft lease document is reference to

the rental valuation carried out by the licensed valuer, wherein it is to be acknowledged by the Club that by setting the rent at an amount less than the rental valuation carried out by the licensed valuer, the Club acknowledges that the Town is, in effect, making an in-kind donation to the Club. The relevant Clause (4.1) of the draft Lease, states:

“The Lessor has obtained a rental valuation of the Premises from a licensed valuer. The rental valuation has been assessed by the licensed valuer as \$60,000.00 (excluding GST) per annum as at 18 September 2014. In being a party to this agreement, the Lessee acknowledges that the Lessor is, at the commencement of the lease, foregoing a potential rental income of \$54,000.00 (excluding GST) per annum and is, in effect, making an in-kind donation to the Lessee of \$54,000.00 (excluding GST) per annum by way of foregone rent.”

Council, should it wish, can determine an amount of rent to be paid by the Club which may be at variance to the amount recommended. Whatever the amount of rent endorsed by Council, should it be lower than the rental valuation carried out by the licensed valuer, should not be considered as a precedent to be followed when leasing of other Council facilities comes under consideration. The current circumstances of the Club are unique and deserve consideration beyond usual parameters.

Council’s attention is drawn to the recommendations contained in the Sport and Recreation Facilities Strategy which it received at the Ordinary Meeting held 13 December 2013, as referred to in the Strategic Plan Implications section of this report. It is considered appropriate that Council recognise those recommendations in determining the terms of the proposed lease to the Club.

ADDITIONAL OFFICER’S COMMENT

At the Elected Members Briefing Session on Tuesday 4 November 2014 there was a question and discussion regarding the recommended lease term. Subsequent to the suggestion, the Officer’s Recommendation has been altered to reflect an initial term of two (2) years, with two x one year options as the duration of the lease.

Furthermore, the inclusion of the six month redevelopment clause into the lease document has also been included into the Officer’s Recommendation.

CONCLUSION:

It is recommended that Council enter into a new lease agreement with the Club.

RECOMMENDATION/S:

That:

- 1. The Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, currently occupied by Victoria Park Carlisle Bowling Club Inc. be leased to Victoria Park Carlisle Bowling Club Inc. for a term of two (2) years commencing 1 January 2015 and concluding 31 December 2017, with two x one year options in favour of the lessee. The rent is to be \$1,500.00 (excluding GST) per quarter payable in advance. The rent is to be increased on 1 July each year by an amount of 3%.**

- 2. The lease document is to contain a redevelopment clause which would allow the Town to cancel the lease and issue six (6) months' notice to the Club to vacate the premises should it be necessary for the Town to have possession of the premises.**
- 3. The Mayor and the Chief Executive Officer be authorised to execute the lease document for the lease of the Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, to the Victoria Park Carlisle Bowling Club Inc.**
- 4. The recommendations contained in the Sport and Recreation Facilities Strategy pertaining to the investigation of amalgamation of the Victoria Park Carlisle Bowling Club Inc with other bowling clubs be noted.**
- 5. Any income derived from the lease of of the Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, to the Victoria Park Carlisle Bowling Club Inc be placed in the Future Projects Reserve.**



12.2 Proposed Project – Lathlain Precinct Redevelopment Project – Zone 8 – Amenity Upgrade – Scouts Hall, Lot 61 Lathlain Place, Lathlain

File Reference:	PR5406; CUP/13/11
Appendices:	No

Date:	24 October 2014
Reporting Officer:	S. Smithers
Responsible Officer:	W. Bow
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – That Council endorse the inclusion of the upgrade to the facility on Lot 61 Lathlain Place, Lathlain, as Zone 8 in the Lathlain Precinct Redevelopment Project and allocate \$185,000 to the project from the Future Projects Reserve.

- The concept of an amenity upgrade to the premises at Lot 61 Lathlain Place has been developed in keeping with the overall Lathlain Precinct Redevelopment Project.
- Consultation with the current leaseholder, Scouts Association of WA, and local stakeholders have progressed in relation to the amenity upgrade.
- Recommended to progress the project to ensure that Lot 61 is in keeping with the amenity and delivers the objectives of the overall Lathlain Precinct Redevelopment Project.

TABLED ITEMS:

Nil

BACKGROUND:

The Town of Victoria Park had investigated and, for several years consulted with the community, regarding the Lathlain Park Master Plan; this included developing a Community Facility on Lathlain Park which was proposed to include accommodation for the Carlisle Lathlain Play Group, Carlisle Victoria Park Toy Library, an infant health centre and Carlisle Scouts Group.

At its Ordinary Meeting on 14 May 2013 Council made 17 resolutions with regards to the Lathlain Park Master Plan. These included a decision not to proceed with developing the Community Facility on Lathlain Park, at projected cost of \$3.3m. Instead Council chose to develop a scaled down version of a community facility to accommodate Play Group, Toy Library and Child Health (to be relocated from Oats St) on Lot 59 Lathlain Place. Further to this, Council determined that 1st Carlisle Scout Group (the Scouts) shall remain and continue to operate under lease in their existing facility on Lot 61 Lathlain Place, Lathlain.

As a result of these resolutions, consultation and planning commenced immediately for redevelopment of the Lathlain Precinct, with the Lathlain Precinct Redevelopment Project (LPRP) Project Team established on 25 February 2014.

This report emanates from the need to provide a ‘facelift’ for the existing building facility on Lot 61 Lathlain Place as it sits amidst a multimillion dollar redevelopment being the Zone 4 – Lathlain Place Streetscape project and the Zone 6 –Community Building projects of the LPRP.

Notwithstanding Council’s resolution at its Ordinary Council Meeting (OCM) of 14 May 2013, the LPRP Project Team’s meeting on 22 April 2014 considered five options for development of the community building on Lathlain Place, with Council ultimately deciding to proceed with the development on Lot 60 Lathlain Place, Lathlain. Originally it was intended for development of the community building on Lot 59 Lathlain Place.

On 8 June 2014, discussions commenced with Scouts branch leader, Clive Beattie and staff including A/Director Renew Life, LPRP Project Manager, and Land and Properties Project Officer. The purpose of the discussion was to brief the Scouts of the possibility of the Town developing the community building on Lot 60, subject to Council endorsement. Further discussions have been undertaken with Scouts Association WA and the local Girl Guides. Negotiations have continued and the following outputs delivered –

- A draft lease for Lot 61 has been developed and was passed on for comment to the user groups;
- Design of the community building on Lot 60 Lathlain Place has progressed to detailed design stage; and
- Potential improvements to the property Lot 61 have been progressed conceptually to facilitate a degree of reciprocal use for the community groups who will use Council’s facilities across both lots.

As some measure of “compensation” for the Scouts who will have to forego their (expired) lease over Lot 60 Lathlain Place and to ensure the Scouts were able to continue operations, the Town suggested there may be some possible upgrade opportunities to the existing level of amenity on Lot 61 subject to Council approval and funding allocation.

The following listed items have been discussed with the Scouts for possible inclusion in the amenity upgrade –

- New car parking (McCartney Crescent verge) in lieu of parking at the front of the building;
- Personnel gates required to enable access to front of building from both streets;
- New path and landscaping of area in front of building to be undertaken to create more usable space for user groups;
- New security fencing to be erected around site;
- Soft scaping/landscaping to be outside the fence and form part of the Town’s streetscape maintenance requirements;
- New vehicular crossover to be serviced by a sliding gate integral with the new fence; and
- Unisex accessible toilet facilities to be considered as part of the building refurbishment – subject to statutory requirements.

At its OCM on 8 July 2014 Council was presented with the Project Team's recommendation to develop the Zone 6 - Community Building on Lot 60 Lathlain Place and resolved to proceed with development on Lot 60. Lot 60 is currently a green field site and to date, has been utilised under lease by the Scouts for the purposes of camping and exercises throughout the year.

The purpose of this report is to advise Council of the following –

- Requirements in order to upgrade the level of amenity on Lot 61;
- Approval to formally recognise this project as Zone 8 in the LPRP;
- Identify the probable costs to carry out the works; and
- Commence consideration to the duration and other terms of a lease for the Scouts Association WA over Lot 61 Lathlain Place.

DETAILS:

A Project Plan has been developed for this proposal. The scope was developed taking into account the above mentioned items and the items raised in discussions held with the user groups. Through meeting with the Scouts it has been identified that the hall on Lot 61 requires additional storage. This requirement will also become magnified when the old gardeners store on Lathlain Park (McCartney Crescent) is demolished as one of the users of the hall (Guides) has items stored in the old store. Scouts currently have several old sheds on the property, one of which is asbestos and delivers a potential risk. The concept for additional storage is predicated on the removal of all small sheds to improve the appearance of the property.

A new crossover was required due to the development of Lathlain Place, which saw vehicular access from Lathlain Place onto Lot 61 removed along the frontage of the property. The proposed repositioning of the crossover along the back of the lot allows for efficient use of land space across the block and proposed right of carriageway access into Lot 60.

Landscaping, primarily the installation of turf across the front portion of Lot 61 will allow the Scouts green space to conduct activities and the turf replacing the asphalt will assist with cooling the hall in summer temperatures. This area is currently hard stand bitumen and was used for car parking by the user groups. Alternative car parking along the McCartney Crescent verge is proposed however will occur irrespective of the Lot 61 upgrade proposal and is funded by through the LPRP – Zone 7 – Equitable Access project.

A new entry façade to the building on Lot 61 will be developed and installed in keeping with the proposed new community building on Lot 60, to encourage the feeling of a seamless flow between old and new.

The pedestrian access from Lathlain Place and McCartney Crescent will be facilitated by the installation of two new pedestrian gates, one on either street frontage, and pathways laid on the external edges of the new turf; a pathway will pass by the rear doors of the sheds on the McCartney Street Side and allow access from the hall to the shed during activity times.

The water tank that currently services the flushing of the toilets within the hall on Lot 61 will need to be relocated as it currently sits on Lot 60; ideally, this will need to be done prior to the development of Lot 60 for the community building.

A site plan and elevations of the proposed Lot 61 project are attached, as Attachment 1.

Additional considerations for the project include -

Kitchen

The existing kitchen in the hall building is tired and run down, with deteriorating drawers and doors. Carlisle Scouts have sourced, and have on site, a second hand kitchen which is in relatively good condition. The Carlisle Scouts have agreed to have the kitchen installed if the Town provides the cost of the labour component to do so. This provides the Town an opportunity to upgrade the kitchen facility at a reduced cost to the Town when compared with purchasing and installing a new kitchen. This option is likely to reduce any risk (injury, infection etc) that may be presented in future from the old kitchen.

Universally Accessible Toilet

Initial discussions with the Carlisle Scouts Leader Clive Beattie on 8 June 8 identified the potential requirement for the installation of a Universally Accessible (UA) toilet; this item has been included in the budget estimate below.

Internal advice from the Built Life Program is that given the minor scale of proposed works, current town planning zoning facilitating likely long term redevelopment, and there being no actual construction or amendment to the existing facility, there is no requirement for the inclusion of a UA toilet. Further discussion with Carlisle Scouts has identified the need for a UA toilet facility to be very low and external advice from Accredited Building Surveyors has been sought which determines there is no need for the installation of the UA toilet in this instance.

However there are good reasons for the Town to consider including the installation of a UA toilet to the facility during these works.

- The facility may remain on site for at least 10-15 years; the lease term is yet to be determined by Council;
- The facility is utilised as a community hall currently with utilisation possibly set to increase over the coming years as housing density increases throughout Lathlain and surrounding suburbs; and
- As a responsible local government, the Town needs to lead the community in the provision of UA facilities, whether it is legally required to do so or not.

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.

Policy Implications:

The Town has a host of policies, strategies and schemes which relate (directly or indirectly) to the Lathlain Precinct, including, as a sample:

- Town Planning Scheme No. 1;
- Draft Local Planning Strategy;
- Integrated Movement Network Strategy 2013;
- Lathlain Park Precinct Master Plan 2011; and
- Lathlain Precinct Structure Plan 2000.

Each one of these documents maintains a common theme; cost effective revitalisation (both capital and recurrent costs) of the Lathlain Precinct for active and passive recreation uses and broad community accessibility.

Council Policy FIN4 Purchase of Goods and Services will apply.

Strategic Plan Implications:

The Strategic Community Plan 2013-2028 identifies the revitalisation of Lathlain Park as a core objective for the Town, specifically including “the design, redevelopment and management of Lathlain Park and revitalisation of Lathlain Place”. The Four Year Corporate Business Plan (2013-2017) and Long Term Financial Plan (2013-2017) support this objective.

The Town’s Land Asset Optimisation Strategy (LAOS) identifies Lot 61 Lathlain Place, Lathlain as a “High Priority Strategic Property”, as it was considered to have great potential in –

- *realising the long term strategic aspirations of the Council,*
- *achieving visionary land use outcomes;*
- *delivering the highest forms of social and community dividend; whilst*
- *acting as a catalyst for rejuvenation of areas.*

The LAOS further recommends a deliberative approach to structure planning, visioning and project management in relation to this property.

Financial Implications:Internal Budget:

Cost estimates have been obtained for the proposed components of the project and are shown below. It’s important to note that a quantity surveyor is likely required to be engaged to determine a more realistic estimate of costs

ITEM	COSTS (\$)
Development of the Concept Design	7,200
Development of the Detailed Design	15,000
Construction of storage sheds	35,000
Garrison Fencing and Gates	20,000
Landscaping (incl pathways)	20,000
Levelling and roadway access	20,000
ESTIMATED COST	117,200
Optional	
Universally accessible toilet	55,000
Kitchen installation	10,000
TOTAL COST	182,200

Currently the Future Projects Reserve has a balance of \$640,000. These funds have been identified to fund Stage 1 of the implementation of GO Edwards Park redevelopment project.

Recent resolutions of Council have identified the sale of various properties, and for the proceeds of such sales to be allocated to this reserve. These include the sale of four portions of Lots 500 and 501 Orrong Road, Carlisle at value of \$150,000 each. Furthermore, the sale of the Carlisle (Tuckett Street) Child Health Centre at 71 Oats Street, Carlisle is earmarked upon the completion of the Zone 6 project, with proceeds also to be allocated to the Future Projects Reserve.

Total Asset Management:

In 2013, AVP Valuers undertook a valuation of the Town’s entire building stock. The hall building and sheds were assigned a “fair value” valuation of \$160,000. The land component was also assigned a “fair value” of \$1.2 million.

The replacement costs of the building and sheds at Lot 61 Lathlain Place was estimated by AVP Valuers at \$309,000.

The rental valuation for this facility was undertaken in early 2014, and was recorded as \$26,000 per annum.

Upgrading the facility on Lot 61 is believed to be in the Town’s best interest. The appearance of the facility will be more in keeping with its immediate surrounds being the \$1.4 million Lathlain Community Building on Lot 60 Lathlain Place and the \$1.15 million upgraded streetscape of Lathlain Place. The Town’s significant investment in the community assets within this area will not risk apparent devaluation by association.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The upgrade of amenity to the hall building will result in the continued ability of Scouts to run programs and store equipment which engage and activate the young children and youth within the Lathlain Carlisle community. Scouts mission within the community is to *'To contribute to the education of young people, through a value system based on the Promise and Law, to help build a better world, where people are self-fulfilled as individuals and play a constructive role in society'*

Cultural Issues:

Nil

Environmental Issues:

The building on Lot 61 Lathlain Place is surrounded with bituminised hardstand and paving. These surfaces absorb and retain heat. The removal of the hardstand from the front of the building and its replacement with reticulated turf should provide a cooling effect to the front of the building.

The relocation of the water tank will continue to see the toilets operate in a water wise way.

The provision of the rear access way to service Lot 61 and Lot 60 provides increased land use efficiency.

COMMENT:

A Lathlain Precinct Redevelopment Project Team meeting was held on 21 October 2014 to consider this project, its inclusion in the Lathlain Precinct Redevelopment Project and the funding which is required should the project proceed.

The Project Team agreed that the recommendations included herein be referred to Council for endorsement.

Council is asked to endorse this project to be become Zone 8 in the Lathlain Precinct Redevelopment Project. Alternatively, the project can proceed as a stand-alone project not specifically linked to the LPRP, however to achieve optimal efficiencies during development, this project should occur concurrently with the development of the community building on Lot 60 Lathlain Place, Lathlain.

There is no budget allocation in the 2014/2015 budget for this project. In the event that the project proceeds, allocation of capital funds to carry out works, including the kitchen is sought from Council. In the event that Council support the project it is felt that the Future Projects Reserve could fund the project.

CONCLUSION:

The hall building on Lot 61 Lathlain Place sits immediately amidst an area undergoing significant capital upgrade; the scope of these amenity upgrade works are recommended to include the hall building and property, generally, in keeping with the upgraded surrounding Lathlain Place area.

The upgraded level of amenity on Lot 61 along with the development of the new community building (Zone 6) on Lot 60 provides Council with a more efficient use of the land it owns within Lathlain Place.

The upgraded level of amenity this project proposes will provide the Scouts with effective storage solutions and improved usability of the external space surrounding the hall on Lot 61 whilst presenting a welcoming venue.

Notwithstanding the above, the strategic value of Lot 61 Lathlain Place, Lathlain, should be acknowledged by Council and its suitability for the continuing use currently over the land warrants consideration.

LATHLAIN PRECINCT REDEVELOPMENT PROJECT TEAM RECOMMENDATION/S:

At its meeting on 21 October 2014, the Lathlain Precinct Redevelopment Project Team made the following recommendations –

- The Project Team endorse the development of Zone 8 – Amenity Upgrade - Lot 61 Lathlain Place, Lathlain, as part of the LPRP.
- The Project Team recommend to Council the allocation of ~\$180,000 from the Future Projects Reserve to fund the Zone 8 – Amenity Upgrade - Lot 61 Lathlain Place project.

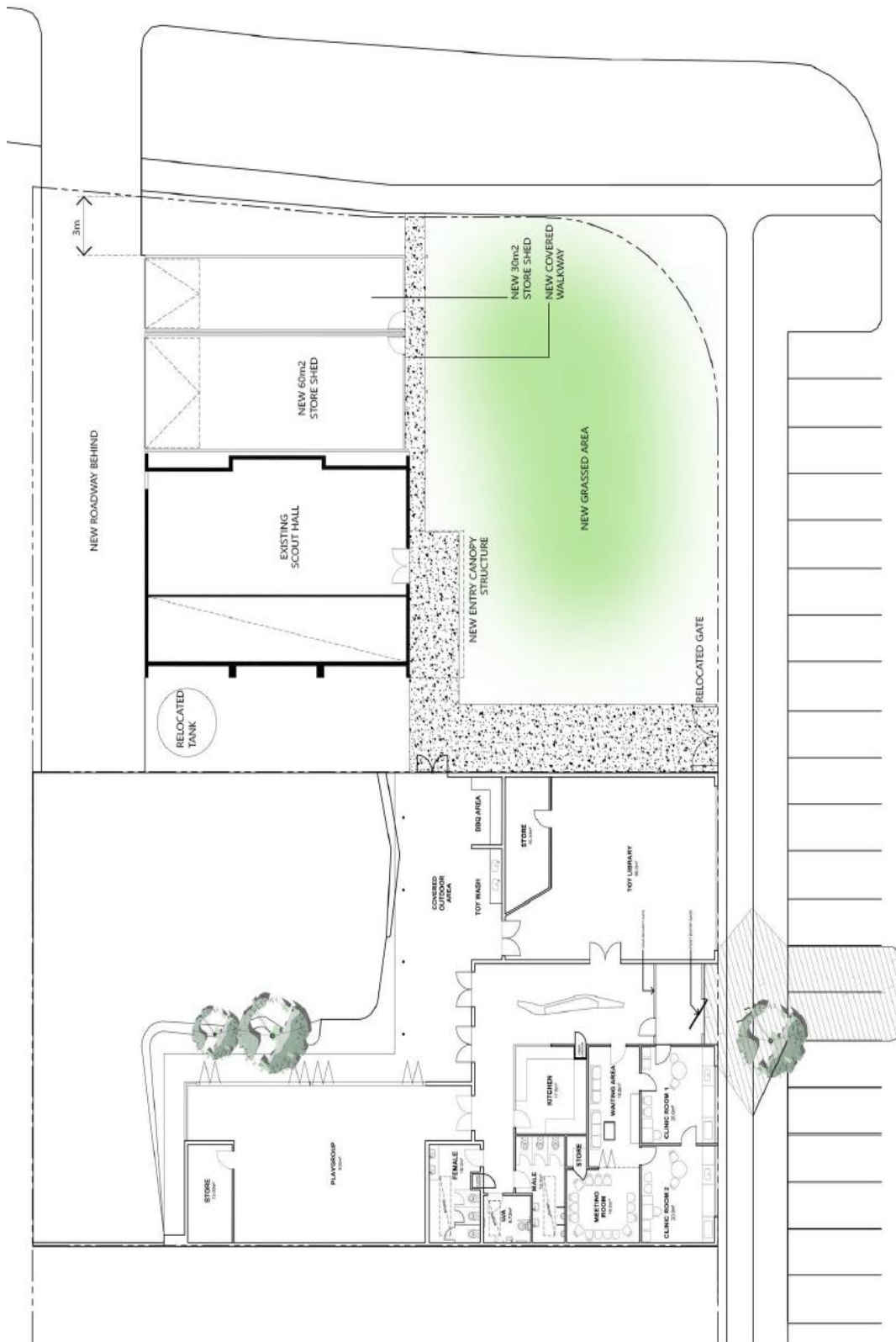
RECOMMENDATION/S:

That Council:

1. **Notes the recommendation of the Town's Land Asset Optimisation Strategy in relation to Lot 61 Lathlain Place, Lathlain.**
2. **Allocate \$185,000 from the Future Projects Reserve fund to carry out amenity upgrades to Lot 61 Lathlain Place as represented in the concept plans seen as Attachment 1; and**
3. **Recognise the amenity upgrade to the premises at Lot 61 Lathlain Place, Lathlain, as Zone 8 in the Lathlain Precinct Redevelopment Project.**

(Absolute Majority Required)

Attachment 1



HAMES SHARLEY

Project Number: 43111
 Drawing Number: SK005
 Revision: 01
 Date: 26.06.2014

Scale: 1:250 @ A3
 North:

Status: PRELIMINARY
 Part: 81-10111-1000-000-Community Facilities
 Professional Design/DCG

LOT 61 SCOUT HALL ALTERATIONS
 LATHLAIN COMMUNITY CENTRE



13 COMMUNITY LIFE PROGRAM REPORTS

13.1 Recommendation from the Community Safety Working Group - Proposed Change to the Security Incentive Scheme

File Reference:	CMR/25/0005
Appendices:	No

Date:	24 October 2014
Reporting Officer:	S. Fraser
Responsible Officer:	T. Ackerman
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That Council discontinues the Smoke Detector Rebate element of the Town’s Security Incentive Scheme and uses the funds for the purpose of improving home security only.

- The intention of the Security Incentive Scheme is to assist residents improve security in their homes by installing new or additional security.
- The Scheme does not cover repairs or maintenance to existing security or items that are required by legislation such as a trip switch
- Due to new legislative requirements relating to the installation of smoke detectors in new, sold or rental properties the smoke detector rebate is at variance with the intent of the Security Incentive Scheme.

TABLED ITEMS:

- OCM Report 18 December 2001;
- OCM Report -13 June 2006; and
- Meeting Notes: Community Safety Working Group 15 October 2015.

BACKGROUND:

The Town’s ‘Security Incentive Scheme when introduced as a trial in 2002 was an innovative first in Local Government security programs. The Scheme was developed as an incentive for residents to improve home security by installing intruder alarms, door deadlocks, keyed window locks, front security sensor lights, security screen doors and security window screens.

After a successful trial the Scheme was launched as an initiative of the Victoria Park Community Police, Victoria Park Community Safety Committee (formerly Safer WA) and the Town.

Following a review of the Security Incentive Scheme in June 2006 the subsidy was increased and car immobilisers and hard wired smoke detectors were included into the Scheme.

DETAILS:

The intention of the Security Incentive Scheme is to provide assistance to residents who want to install new security and safety devices in their home that provide an extra level of security than what is required. Rebates are not given for repairs or maintenance on existing devices or for items that are a legislative requirement, such as a trip switch, instead focusing on new devices installed in the home.

Since October 2009 it has been a legislative requirement for all new homes that are built, homes that are sold or rental properties to have a mains wired smoke detector installed. There is a clear legislative incentive for property owners to ensure their property has a working smoke detector installed.

Recently there has been an increase in the number of applications for Smoke Detector Rebates which are available under the Scheme to property owners who are installing smoke detectors due to this legislative requirement. This is at variance with the intention and objective of the Security Incentive Scheme, which is to provide assistance for new and extra safety devices in their home, not those required by legislation.

To ensure the Town is continuing to support residents, property owners and community members with rebates that target new and additional security devices, the Smoke Detector Rebate should be terminated enabling the current funds to be directed to the installation of additional security devices.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

There is \$18,000 budgeted for the Security Incentive Scheme which includes the 'Smoke Detector Rebate' in the 2014/2015 budget. To date \$5,158.67 has been spent. With the proposed termination of the Smoke Detector Rebate component of the Scheme, the remaining funds within the allocated budget may be used to assist residents install new security devices. As the funds are allocated within the Security Incentive Scheme there is no requirement for Council to approve a budget reallocation.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Since October 2009 it has been a legislative requirement for all new homes that are built, homes that are sold or rental properties to have a mains wired smoke detector installed. There is a clear legislative incentive for property owners to ensure their property has a working smoke detector installed. The proposed termination of the Smoke Detector Rebate component of the Security Incentive Scheme will allow better allocation of funds for residents wishing to install other security devices and better reflects the original intent of the Scheme.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Recently there has been an increase in the number of applications for Smoke Detector Rebates to property owners who are installing smoke detectors due to this legislative requirement. Rebates are not provided for repairs or maintenance on existing devices or for other items that are a legislative requirement, such as a trip switch, instead focusing on new devices installed in the home

The continuation of the Smoke Detector Rebate is at variance with the intention and objective of the Security Incentive Scheme, which is to provide assistance for new and extra safety devices in their home, not those required by legislation.

CONCLUSION:

The Security Incentive Scheme was launched to encourage residents to enhance security of their home by installing security devices such as intruder alarms, door deadlocks, keyed window locks, front security sensor lights, security screen doors and security window screens. The addition of the Smoke Detector Rebate to the Scheme in 2006 was to encourage residents to take some ownership of their home safety and assist with installation costs.

Since the introduction of legislation in 2009 all new homes that are built, homes that are sold or rental properties are required to have mains wired smoke detector installed. There is a clear legislative incentive for property owners to ensure their property has a smoke detector installed and as such the Smoke Detector Rebate is now at variance with the intention of the Security Incentive Scheme.

RECOMMENDATION/S:

That Council discontinues the Smoke Detector Rebate element of the Town's Security Incentive Scheme and uses the funds for the purpose of improving home security only.

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 30 September 2014

File Reference:	FIN/11/0001~09
Appendices:	Yes
Date:	26 October 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 30 September 2014.	
<ul style="list-style-type: none"> • The Accounts Paid for 30 September 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	606083-606186	196,707.09
Creditors – EFT Payments		3,107,150.28
Payroll		917,440.24
Bank Fees		17,342.86
Corporate MasterCard		2,942.30
		4,238,640.47
Trust Account		
Automatic Cheques Drawn	2901-2923	21,840.00
		21,840.00

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 30 September 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 30 September 2014

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

Date:	24 October 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 – 30 September 2014, as contained within the Appendices.

- The Financial Activity Statement Report is presented for the Month ending 30 September 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:
 - Budget transfer from the Economic Development area to the Cultural Engagement area – Chinese New Year 2015 event.
 - Reallocation of surplus budget funds from the Westminster Sump car park widening capital project to cover the shortfall of six other capital projects.

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 – 30 September 2014.

The financial information as shown in this report (September 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 30 September 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 – 30 September 2014 be accepted, noting the following inclusions in the Report:

Budget transfer from Economic Development area to the Cultural Engagement area for the Chinese New Year 2015 event.

The Revenue Development Officer has submitted the following;

Due to the success of the Chinese New Year 2014 project and the formation of an ongoing Planning Group with community and business representation, the Chinese New Year will be celebrated in 2015 with additional activities. The project is jointly delivered by the Cultural Engagement area and the Project Management Area.

It is requested that \$4,000 from the Albany Highway Activation project in the Revenue Development area be allocated to the Cultural Engagement events area for the additional activities relating to the proposed Chinese New Year 2015 event.

Reallocation of surplus budget funds from the Westminster Sump car park widening capital project to cover the shortfall of six other projects.

The Manager of Street Improvement has submitted the following:

It has come to the attention of the Street Improvement Manager that expenditure has been allocated to capital projects from the 2013/14 financial year which did not have a carry forward budget in the 2014/2015 year. Generally projects which cannot be fully completed by the end of June are earmarked for carry forward into the following financial year's budget process, however in these instances late invoices by suppliers have caused expenditure to be allocated in the current financial year.

Projects with an overall expenditure from the 2013/2014 financial year are detailed below;

- *Renew Albany Highway from Kent to Mint Street - \$11,817*
- *Renew Gloucester Street - Major Road Asphalt Overlay - \$3,410*
- *Renew Kent Street from Etwell to Turner Avenue - \$840*
- *Renew Mercury Street - Major Road Asphalt Overlay - \$1,835*
- *New footpath Oswald Street -\$6,055*

- *Road Improvements - Milford St and Swansea St - \$6,095*

An assessment of these accounts indicates that the late invoices were mainly associated with pavement marking and signage and were received after the deadline set by Finance.

In order to cover the shortfall it is estimated that a total of \$30,052 will need to be re-allocated from the current 2014/2015 financial year's budget. The shortfall can be covered using the surplus budget from the Westminster Sump Car Park widening which is a project that was practically completed in late June 2014. This project has some surplus funds which were carried forward into the current financial year. The account currently has \$130,622 of unspent funds and therefore Street Improvement Staff recommend the shortfall amount of \$30,052 be fully allocated from this account

It is requested that \$30,052 be reallocated from the from the Westminster Sump Car Park widening capital project to cover the shortfall in the aforementioned 2013/2014 capital projects.

RECOMMENDATION/S:

That Council;

- 1. Pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 September 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 \$4,000 (GST exclusive) to be transferred from the Economic Development area to the Cultural Engagement area for the Chinese New Year 2015 event.**
 - 2.1 Increases Expenses**
 - Programs – Cultural Development plan** **\$4,000**
 - 2.2 Decrease Expenses**
 - Programs - Economic Development** **\$4,000**
 - (Consultancy – Albany Highway)**

3 By an Absolute Majority, pursuant to Section 6.8 of the *Local Government Act 1995* authorises the reallocation of \$30,052 (GST exclusive) to cover the shortfall of 6 capital projects from 2013/2014

3.1 Increases Expenses

- **Renew - Albany Highway from Kent to Mint Street** **\$11,817**
- **Renew - Gloucester Street - Major Road Asphalt Overlay** **\$ 3,410**
- **Renew - Kent Street from Etwell to Turner Avenue** **\$ 840**
- **Renew - Mercury Street - Major Road Asphalt Overlay** **\$ 1,835**
- **New - Footpath Oswald Street** **\$ 6,055**
- **Renew - Milford St and Swansea St** **\$ 6,095**

3.2 Decrease Expenses

- **New – Westminster Sump car park** **\$30,052**

(Absolute Majority Required)

14.3 Parking Management Committee Minutes

File Reference:	TAT/15/0003
Appendices:	Yes

Date:	16 October 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 7 October 2014.	

TABLED ITEMS:

Nil

BACKGROUND:

On 7 October 2014, the Parking Management Committee held a meeting with the following business on the Agenda;

1. Uniforms for Parking and Information Officers (presentation);
2. Oat Street Hotspot Review (presentation);
3. Parking Report (presentation); and
4. Parking Permits.

DETAILS:

The aforementioned items of business are detailed below.

Item 1 – Uniforms for Parking and Information Officers

The Director of Project Management presented various styles and colours available for the officers to wear. The outcome is to have more friendlier and colourful looking officers out on the beat.

Item 2 – Oat Street Hotspot Review

The Director of Project Management outlined the possible approach to reviewing the impact of parking related changes to the area.

Item 3 – Parking Report

The Executive Manager Business Development presented the monthly parking report.

Item 4 – Parking Permits

The Executive Manager Business Development presented a report outlining possible changes to the current permit system.

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 7 October 2014 be received by Council.

RECOMMENDATION/S:

That Council receives the Minutes of the Parking Management Committee held on 7 October 2014, as contained within the Appendices.

14.4 Capital works for the Parking Management Plan in 2014/2015

File Reference:	TAT/15/0003
Appendices:	No

Date:	16 October 2014
Reporting Officer:	L. Manser
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – that Council approves the expenditure of \$952,000 as detailed in the Capital Works Budget for the Parking Management Plan for 2014/2015.

This report requests Council approves expenditure to undertaken projects such as:

- Additional ACROD Bays (Integrated Movement and Transport Working Group priority);
- Improving Street and Car Park lightning;
- Parking bay improvements;
- Minor footpath improvements; and
- Install footpath links to ticket machines.

TABLED ITEMS:

Nil

BACKGROUND:

The Council, at its meeting held on 11 June 2013, authorised expenditure of \$5 million (from the Municipal Fund) toward a range of expenses for the purposes of implementing the Parking Management Plan (the Plan) and the 2014/2015 Budget has been amended accordingly to include Parking Management Capital Works Projects. These projects were identified within the Plan.

The Plan identified seven areas where parking is required to be managed through a change to restrictions and/or installation of parking meters. The Plan also identifies various capital works programs to ensure that the Town meets compliance requirements such as implementing additional ACROD bays (Integrated Movement and Transport Working Group priority list), Street/Car Park lighting, and safe pedestrian access to ticket machines.

DETAILS:

The Council at its meeting held on 8 July 2014 adopted the 2014/2015 Budget. Within the Budget, \$952,000 has been allocated for Parking Capital Work Projects to be implemented and completed within the 2014/2015 Financial Year.

The table below has been compiled to identify hotspot areas, type of projects and where that expenditure will occur. The intention of the table is also to assist Elected Members to identify any potential interests prior to resolution.

Project	Location	Amount
Additional ACROD bays (IMNTWG priority list)	Basinghall Street (near Albany Highway)	\$ 20,000
	Lichfield Street (behind Post Office)	
Lighting improvements/upgrades	Car Park Number 21 (Westminster Street)	\$ 16,000
	Car Park Number 13A (near Aqualife)	\$ 25,000
	Somerset, Bank and Withnell Streets	\$ 120,000
	Car Park Number 4 & 9 (King George & Hubert Streets)	\$ 120,000
	Hawthorne Place and GO Edwards C/Park	\$ 60,000
Minor footpath improvements	Various locations	\$ 30,000
Footpath links to ticket machines	Withnell Street, Bank Street, Rutland Avenue and Somerset Street	\$ 65,000
	Asquith Street, Kitchener Avenue, Hawthorne Place, Benporath Street and Armagh Street	\$ 55,000
Car Park upgrades	Car Park Number 4 (King George Street)	\$ 16,000
	Car Park Number 9 (Hubert Street)	\$ 140,000
	Car Park Number 13A (near Aqualife)	\$ 110,000
Infrastructure for bicycle bays	Various locations along Albany Highway	\$ 15,000
New embayed parking bays	Bank Street or Rutland Avenue	\$ 110,000
Parking bay improvements	Various locations along Albany Highway	\$ 50,000
TOTAL		\$ 952,000

The aforementioned capital work projects were identified within the Plan and didn't proceed within the 2013/2014 Financial Year as scoping, placement and discussions with third parties hadn't been finalised.

These projects also link with the Town's Integrated Movement Network Strategy.

These costs are associated with the management of the project and compliance with requirements to ensure that The Plan is implemented successfully.

Legal Compliance:

Nil

Policy Implications:

Policy FIN5 Budget Expenditure Authorisation states that subject to conditions imposed under delegated authority, management discretion may be used to incur expenditure for all approved budget items except those identified in the budget as requiring a report, or a further report, to Council.

Strategic Plan Implications:

Objective:

Ensure regulatory responsibilities of the Town of Victoria Park are implemented.

Key Project or Service:

Provision of equitable access to limited public space as a key part of the Town's Integrated Movement Network.

Actions:

Parking Management Initiative.

Financial Implications:**Internal Budget:**

These funds were obtained by way of a loan to implement the Parking Management Plan and were carried forward into this Financial Year. There is therefore no change to the internal budget.

Total Asset Management:

The works completed as a result of the Capital Works Projects will be maintained by the Town.

Sustainability Assessment:**External Economic Implications:**

Nil

Social Issues:

Impacts - improved lighting and footpaths as well as more ACROD, motorcycle and bicycle bays. These changes will also improve overall public safety and general access to services.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

A \$5 million loan was obtained for the purposes of implementing the Parking Management Plan. A part of the Plan is to also include necessary works projects to ensure the Town is compliant with the Plan and objectives as outlined in the Integrated Movement Network Strategy.

Further investigations and scoping of works have now resulted in a compiled 2014/2015 Capital Work Projects/Program for each hotspot area

This recommendation has been prepared for Council's consideration and authorisation to spend the monies in accordance with the aforementioned table.

CONCLUSION:

The capital expenditure is required in order to implement the 2014/2015 Capital Works Projects for the Parking Management Plan. A breakdown of expenses has been undertaken by hotspot areas, enabling Elected Members to identify and declare any potential interests, prior to resolution.

RECOMMENDATION/S:

In accordance with the Parking Management Plan that the Council approves and authorises the following 2014/2015 Capital Works Projects:

These projects are:

Item Number	Project	Location	Amount
1.1	Additional ACROD bays (IMNTWG priority list)	Basinghall Street (near Albany Highway)	\$ 20,000
		Lichfield Street (behind Post Office)	
1.2	Lighting improvements/upgrades	Car Park Number 21 (Westminster Street)	\$ 16,000
		Car Park Number 13A (near Aqualife)	\$ 25,000
		Somerset, Bank and Withnell Streets	\$ 120,000
		Car Park Number 4 & 9 (King George & Hubert Streets)	\$ 120,000
		Hawthorne Place and GO Edwards C/Park	\$ 60,000
1.3	Minor footpath improvements	Various locations	\$ 30,000
1.4	Footpath links to ticket machines	Withnell Street, Bank Street, Rutland Avenue and Somerset Street	\$ 65,000
		Asquith Street, Kitchener Avenue, Hawthorne Place, Benporath Street and Armagh Street	\$ 55,000
1.5	Car Park upgrades	Car Park Number 4 (King George Street)	\$ 16,000
		Car Park Number 9 (Hubert Street)	\$ 140,000
		Car Park Number 13A (near Aqualife)	\$ 110,000
1.6	Infrastructure for bicycle bays	Various locations along Albany Highway	\$ 15,000

1.7	New embayed parking bays	Bank Street or Rutland Avenue	\$ 110,000
1.8	Parking bay improvements	Various locations along Albany Highway	\$ 50,000
		TOTAL	\$ 952,000

15 APPLICATIONS FOR LEAVE OF ABSENCE

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

21.2 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”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.