

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 13 October 2015** 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
CHIEF EXECUTIVE OFFICER

9 October 2015

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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

2.1 Recording of Proceedings

In accordance with clause 5.14 of the Town of Victoria Park Standing Orders Local Law 2011, as the Presiding Member, I hereby give my permission for the Administration to record proceedings of this meeting.

2.2 Public Question & Public Statement Time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

2.3 No Adverse Reflection

Both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees

3 ATTENDANCE

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

3.1 Apologies

| | |
|-------------------------------|--------------------|
| Director Business Life | Mr N (Nathan) Cain |
| Director Renew Life | Mr W (Warren) Bow |

3.2 Approved Leave of Absence

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

| | |
|--------------------|---|
| Name/Position | Cr Brian Oliver |
| Item No/Subject | 16.3 |
| Nature of Interest | Financial Interest |
| Extent of Interest | Candidate for the position of Mayor in the upcoming Town of Victoria Park Local Government Elections. |

| | |
|--------------------|---|
| Name/Position | Mayor Trevor Vaughan |
| Item No/Subject | 16.3 |
| Nature of Interest | Financial Interest |
| Extent of Interest | Candidate for the position of Mayor in the upcoming Town of Victoria Park Local Government Elections. |

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.

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| 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.

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

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Council Meeting 8 September 2015

Sam Zammit

- Q. Does Council encourage or allow residents to blow their lawn clippings onto the road? Is there something in the Town’s By-laws as contractors do it too?

- R. The Town does not have a legal opinion on whether this practice constitutes littering. The *Litter Act 1979* defines litter as – (a) all kinds of rubbish, refuse, junk, garbage or scrap; and(b) any articles or material abandoned or unwanted by the owner or the person in possession thereof, but does not include dust, smoke or other like products emitted or produced during the normal operations of any mining, extractive, primary or manufacturing industry; Management will direct operational staff and contractors engaged in this practice to cease and desist forthwith and disseminate information to the general public.

5.2 Public Questions / Responses, Raised at the Council Meeting on 13 October 2015

6 PUBLIC STATEMENT TIME

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 8 September 2015 be confirmed.

8 PRESENTATIONS

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| 8.1 Petitions |
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| 8.2 Presentations (Awards to be given to the Town) |
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| 8.3 Deputations (Planning / External Organisations) |
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9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Proposed Policy - Abusive, Persistent or Vexatious Complaints and Complainants

| | |
|------------------------|----------------|
| File Reference: | COR/13/0001~03 |
| Appendices: | Yes |

| | |
|-----------------------------|-------------------|
| Date: | 21 September 2015 |
| Reporting Officer: | R. Fishwick |
| Responsible Officer: | A. Vuleta |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation – Council adopts Policy “ADM7 – Abusive, Persistent or Vexatious Complaints and Complainants” as contained within the Appendices

- Unreasonable complainant conduct from several members of the public has been an on-going problem.
- The problem of the chronic or overly persistent complainant and the disruptive effects of their conduct on the Town’s resources continue to be a problematic issue.
- The Council is requested to adopt a policy to assist staff in dealing with vexatious complainants.

TABLED ITEMS:

Nil

BACKGROUND:

Unreasonable complainant conduct has been an on-going problem for Australian public sector agencies which include local governments for many years. Public organisations, such as the Town of Victoria Park have been dealing with this issue in some form since they were established.

The issue was highlighted more than 25 years ago in a speech by the former High Court Justice Kirby, who in relation to the Ombudsman observed that:

“One of the universal problems of the Ombudsman is the chronic complainer; people who feel passionately about their own cause and are uncompromising in their reaction to a negative conclusion on the part of the Ombudsman. Such people can sometimes cause a great deal of disproportionate disruption to the work of the Ombudsman and his staff.”

Similarly, in relation to the above quotation vexatious complainants can cause a great deal of time loss to the CEO, Directors, Managers and general staff at the Town. The problem of the chronic or overly persistent complainant and the disruptive effects of their conduct on the Town’s resources continue to be a problematic issue.

To help address this problem and with the support and endorsement of the Council it is proposed to formulate a policy to assist the staff in dealing with abusive, persistent or vexatious complaints.

The matter was presented to the Executive Manager Governance to prepare a draft policy that can be the reference tool used by staff to assist them to deal with these situations in the knowledge that their actions will be supported by the Elected Members.

DETAILS:

Dealing with a complaint is expected to be and should be a straightforward process. In most cases where a complaint is raised, the Town will go to great lengths to resolve the issue. In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource implications for the Town. This can happen either while their complaint is being investigated, or once the Town has finished dealing with the complaint.

An example is where a particular member of community has transmitted over 60 emails in 30 minutes and was constantly making telephone calls with the only intent to waste as much staff time as possible and to make provoking statements. The sheer volume of contact with this chronic and overly persistent complainant is overwhelming to staff. The staff feel very frustrated as they answer all of their questions, however they seem to be constantly dissatisfied.

The Town should not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include but not limited to:

- Using abusive, sexist, racist, homophobic or other offensive language on the telephone;
- Using abusive sexist, racist, homophobic or other offensive language face to face;
- Sending unreasonably numerous emails; and
- Leaving unreasonably numerous voicemails.

Taking cognisance of the above, the Town has a duty of care to take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, then the Town needs a policy that the staff can refer to and take comfort in the knowledge that their actions in following the policy will be supported by not only senior staff but also the Council.

The draft Policy (contained within the Appendices) has therefore been formulated to contribute to the Town's overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable. The draft policy was also presented to an Elected Members Workshop.

The draft policy sets out how the Town will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Town will do in those circumstances. The policy is for the information of staff and Elected Members, as well as customers.

Legal Compliance:

The Council is required to comply with Section 19 of the *Occupational Safety and Health Act 1984* which deals with the duties of employers to provide and maintain a safe working environment for employees.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed draft policy has been reviewed by the both the Senior Management and the Executive Management Teams. Both Teams are satisfied that the draft Policy is judicious and reasonable in meeting the needs of the Town and its customers.

The approach and the strategies proposed in this draft policy are based on the clear understanding that:

- They are equally relevant and applicable to all staff within the Town including frontline staff, supervisors and senior managers;
- All complainants are treated with fairness and respect;
- In the absence of very good reasons to the contrary, all complainants have a right to access the public services provided by the Town;
- All complaints are considered on their merits;
- Unreasonable complainant conduct does not preclude there being a valid issue;
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour;

- Anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants as long as it is not expressed through aggression or violence;
- Staff safety and well-being are paramount when dealing with unreasonable complainant conduct;
- The decision to change or restrict a complainant's access to services as a result of their behaviour, will only be made at a senior management level and in accordance with the proposed policy;

CONCLUSION:

It is considered that the Town should have an adopted policy for dealing with the problem of the chronic or overly persistent complainant and the disruptive effects of their conduct on the Town's resources which continue to be a problem if not addressed.

Additional Information;

At the Elected Members Briefing Session held on the 6 October the question was asked about whether a person deemed as a vexatious complainant can appeal against that determination.

The person deemed as a vexatious complainant may appeal to the State Ombudsman for a review of the determination. The Ombudsman is completely independent in the investigation and resolution of complaints about public authorities (State Government agencies, statutory authorities and boards, local governments and universities).

RECOMMENDATION/S:

That the Council adopts Policy "ADM7 – Abusive, Persistent or Vexatious Complaints and Complainants" as contained within the Appendices.

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 No. 1017 (Lot 4) Albany Highway, St James – Retrospective Approval for Extension of Temporary Approval for Change of Use to Non-Conforming Use (Light Industry) and Unlisted Use (Open Air Storage Yard)

| | |
|----------------------------|--------------------------------------|
| File Reference: | 6423 |
| Appendices: | No |
| Landowner: | Mr S, Ms CS, Mr JG & Mr D Di Marco |
| Applicant: | Mr D Di Marco |
| Application Date: | 30 June 2015 |
| DA/BA or WAPC Ref: | 5.2015.302.1 |
| MRS Zoning: | Urban |
| TPS Zoning: | District Centre |
| TPS Precinct: | Precinct P11 'Albany Highway' |
| Use Class: | Unlisted Use (Open Air Storage Yard) |
| Use Permissibility: | At Council's Discretion |

| | |
|-----------------------------|---|
| Date: | 22 September 2015 |
| Reporting Officer: | T. Barry |
| Responsible Officer: | R. Lavery |
| Voting Requirement: | Approval – Absolute Majority; Refusal – Simple Majority |

Executive Summary:

Recommendation – Refusal

- Application has been received for the retrospective approval for the use of 1017 Albany Highway to continue to be used for 'Open Air Storage Yard'.
- The 'Open Air Storage Yard' was originally granted approval by Council on 14 August 2012 with a time limit of two (2) years. The use has continued beyond the original approval for a further 12 months without any further approval for the Unlisted Use.
- Community consultation was undertaken as part of the application for a period of 14 days. Three submissions were received, one indicating no objection and two objecting to the extension of the approval.
- Proposed use of 'Open Air Storage Yard' is inconsistent with the objectives for the East Victoria Park Gateway Shopping Area in the District Centre Zone in Precinct Plan P11 – Albany Highway and may potentially prevent the intended future development of that site and the surrounding area as a major retail and shopping node.
- Recommended that the application be Refused.

TABLED ITEMS:

- Development Application form dated received 30 June 2015;
- Development Site Plan dated received 30 June 2015;
- Site Photographs taken 2 September 2015;

- Minutes of the Ordinary Council Meeting dated 14 August 2012;
- Community Consultation letter to adjoining landowners and occupiers dated 4 August 2015; and
- Public submissions received during consultation period.

BACKGROUND:

The City of Perth approved the development of a tyre service centre with ancillary office and amenities at 1017 Albany Highway in 1964. Since this date, the site has continuously been occupied by a Beaufort Tyre Service Centre.

The Council at its Ordinary Meeting held on 10 July 2001 approved an application for minor internal and external additions to the Beaufort Tyre Service Centre. The approval required the provision of seven car parking bays on the site.

In April 2012 the property owner was advised that the Town had become aware that a storage yard for temporary fencing had commenced operating at the rear of the site. As there was no record of Council approval to do so the owner lodged an application for approval of an 'Unlisted Use – Open Air Storage Yard'.

The Council at its Ordinary Meeting on 14 August 2012 approved the 'Unlisted Use – Open Air Storage Yard' for a time limited period of two years, against the Officer's recommendation. The approval was conditioned that at the culmination of the temporary approval period, being 14 August 2014, the applicant/owner/operator must cease use of the site for 'Open Air Storage Yard' or submit a fresh application for approval.

DETAILS:

An application has been received to retrospectively obtain approval to continue operating an 'Open Air Storage Yard' for temporary fencing materials at the rear of the Beaufort Tyre Service Centre located at 1017 Albany Highway, St James. This application is the result of correspondence sent to the landowner in June 2015 advising that the Town had become aware that the use of the site for 'Open Air Storage Yard' had not ceased as per the conditions of their planning approval. The application is for the use of the rear hardstand area consistent with that previously approved for a two year period in August 2012, and which has been used as such without a valid approval since 14 August 2014.

The subject site is located within the 'East Victoria Park Gateway Shopping Area' which is intended to serve as the southern "gateway" to Albany Highway and the Town as a whole. Over time, the area is envisaged to transition from a general commercial area to a major retail and shopping node servicing the needs of the local and regional population in accordance with its 'District Centre' zoning. The site currently benefits from non-conforming use rights associated with the original approval of the Beaufort Tyre Services Centre, as 'Light Industry' is an 'X' (prohibited) use within the 'District Centre' zone under Town Planning Scheme No. 1.

The application seeks retrospective approval for the extension of the original temporary approval for the use of the rear hardstand area on the site as a storage yard for temporary fencing materials used by a fencing contractor. The area proposed to be used as 'Open Air Storage Yard' is consistent with that approved under the original approval, being a total of 888m² with a maximum height of stored fencing materials being approximately 2.0 metres.

The operating hours of the 'Open Air Storage Yard' have been amended since the original approval, now being from 8.30am to 4.30pm instead of 7.30am to 6.00pm. There is no proposed change from the operating days of Monday to Friday with occasional weekend work when required. It is anticipated that there will be two deliveries or pickups on the site per day.

Vehicular access to the site is continuing to be via the right-of-way located to the rear of the property with the fencing materials being collected and returned on site using a 5 tonne or 2.5 tonne flatbed truck with drop down sides, within the on-site vehicle loading and unloading area as originally approved. As was the case with the original application it is not intended to undertake any sales or hire of fencing from the site itself.

The car parking on the site will be as per the original approval, retaining the existing shortfall of 12 bays. Due to the nature of the use of 'Open Air Storage Yard' and the way that the business operates on this site it is still considered acceptable that no parking be required on site other than the loading and unloading area depicted on the plans.

The site is screened from view of the surrounding properties through the use of shade cloth on the chain link fence surrounding the subject site. This was a condition of the original approval.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clauses 16, 32, 35, 36 & 37 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P11 'Albany Highway'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Policy 3.5 'Non-Residential Uses in or Adjacent to Residential Areas';
- Policy 4.7 'East Victoria Park Gateway Shopping Area Design Guidelines';
- Policy 5.1 'Parking Policy';
- Policy 5.2 'Loading and Unloading'

Submissions:

Community Consultation:

In accordance with Clauses 16, 35 and 37 of Town Planning Scheme No. 1 and Council Policy GEN3 'Community Consultation' the proposed further approval of the change of use was advertised for a period of 21 days, including letters to surrounding owner and occupiers, newspaper advertisements for 3 consecutive weeks, and signs on site on both the Albany Highway and the Right-of-Way frontage. The consultation period commenced on 4 August 2015 and concluded on 25 August 2015.

Three submissions were received during the consultation period. One submission indicated no objection, whilst the other two submissions were objecting to the proposed extension of temporary approval.

| CONSULTATION SUBMISSIONS | | |
|---|--|---|
| Submitter | Comments Received | Officer's Comments |
| Owner of 8/2 Alday Street, St James | <ul style="list-style-type: none"> No objections to extension of temporary approval. | <ul style="list-style-type: none"> Noted. |
| Owner of No. 1009, 1013 & 1015 Albany Highway, St James | <ul style="list-style-type: none"> Use is out of keeping with the current amenity of showrooms. Likely development in the area will result in mixed-use developments and use as open air storage is a disincentive for anyone to live in the area. | <ul style="list-style-type: none"> Supported. The 'District Centre' Zone in the Albany Highway Precinct is intended to be developed for retail and commercial uses. Open Air Storage is not consistent with the future direction of this area. |
| On behalf of Owner of No 1021-1025 Albany Highway, St James | <ul style="list-style-type: none"> The proposal is inconsistent with objectives and purposes for the District Centre Zone and the East Victoria Park Gateway Shopping Area. The proposal is inconsistent with the provisions of Policy 4.7 'East Victoria Park Gateway Shopping Area Design Guidelines'. The proposal is inconsistent with the Statement of Intent and objectives of Precinct Plan P11 'Albany Highway Precinct'. The use falls within the same general category of uses that are prohibited within the District Centre Zone. The proposal is inconsistent with the orderly and proper planning of the locality and the intended future development of the locality. | <ul style="list-style-type: none"> Supported. The 'District Centre' Zone in the Albany Highway Precinct is intended to be developed for retail and commercial uses. Open Air Storage is not consistent with the future direction of this area. |

Policy Implications:
Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:Clauses 36 & 37 of Town Planning Scheme No. 1

Under Clause 37 'Determination of Application for an Unlisted Use', if Council is not satisfied by an absolute majority that the proposal is consistent with the matters listed in Clause 36(5), the Council cannot grant planning approval for the development. Clause 36(5) requires that Council have regard to a number of factors when considering an application for planning approval. The relevant considerations are outlined below.

The proposed continued use of the site for 'Open Air Storage Yard' is inconsistent with Policy 4.7 'East Victoria Park Gateway Shopping Area Design Guidelines' as contained within Town Planning Scheme No.1 Policy Manual. The policy objectives are to improve the visual amenity of the area and to consolidate activities into a node of retail oriented commercial and shopping uses. This area is the southern "Gateway" to the Town of Victoria Park and Albany Highway and is intended to be a retail area. 'Open Air Storage Yard' is a use of an industrial nature and is not retail oriented, nor does it provide for improved visual amenity in the area.

Further to the abovementioned policy, Precinct Plan P11 – 'Albany Highway Precinct' also seeks to revitalise the surrounding area and consolidate the Albany Highway Precinct as a major urban / shopping commercial axis in the Town. The "Gateway" area that is the subject of this application is intended to provide for retail and commercial areas which cater to the needs of the local and regional population. The objectives outlined in Precinct Plan P11 specifically seek the relocation of large scale, open-air and other commercial uses considered inappropriate to a retail-based node to the general commercial sectors of the Precinct. Whilst the subject application is seeking approval for a use that is not listed in the Scheme, it is considered to fall within the same category of inappropriate uses in the area which are envisaged to be relocated and/or cease operations in the area.

The application's consultation period did result in two (2) public submissions objecting to the proposal being received from adjoining landowners. The objections were based on the use of the site being inconsistent with the overall intent for the area and the potential adverse impacts on future development potential. Concerns were expressed that should adjoining landowners propose mixed-use developments in the future, the current use of this site will be a disincentive for anyone looking to relocate to the area.

As discussed above, the intended future development and use of the site and wider area is to be of a retail and/or commercial nature. The use of the site for 'Open Air Storage Yard' is inconsistent with this future vision for the locality and further approval of the use may set an undesirable precedent for the entrenchment and expansion of such uses along this portion of Albany Highway. Accordingly, any further approval of the use is considered to be contrary to the orderly and proper planning of the locality.

As the use has been operating for some time on a site occupied by an existing approved non-conforming 'Light Industry' use, and the objecting submissions received were from adjoining commercial properties (no residential objections) within the immediate vicinity of the site, it is not apparent that the use has resulted in any significant adverse impacts on the occupiers or owners of adjoining residential properties with respect to noise or any other form of pollution. The residential properties located immediately adjacent to the site do not front the right-of-way and have a solid brick wall as their boundary fencing which prevents the subject unauthorised use from having any significant adverse visual impact on these properties.

The location of the storage yard at the rear of the Beaurepaires Tyre Service Centre on land surrounded by bituminised car parking area looking onto the rear of the buildings fronting Albany Highway (and their associated bin storage areas, etc.) between Hill View Terrace and Alday Street is not considered to significantly reduce or impact upon the existing (relatively low) visual amenity of the locality. The site has been provided with shade cloth screening to the fencing to limit the impacts of the 'Open Air Storage Yard' on the visual amenity of the area.

It is acknowledged that there is already an existing 'Light Industry' use being carried out on the property, and that Council have previously approved the use of the site for a temporary period, however the intent of Council's Town Planning Scheme for the locality is for such uses to be relocated or phased out of the area over time, rather than allowing the introduction of additional inappropriate uses even on the same sites where such uses are already occurring.

CONCLUSION:

Having regard to the above it is considered that the Unlisted Use (Open Air Storage Yard) is inconsistent with the objectives and purposes of the 'District Centre Zone' within Precinct Plan P11 – Albany Highway Precinct and is therefore not permitted in accordance with Clause 16 of Town Planning Scheme No. 1. Whilst the application has previously been granted temporary approval by Council for a period of two years, the inconsistency of the use with the Scheme and Council Policies has not changed. Further approval of the use on the site is considered inappropriate given the development that has occurred along Albany Highway in recent years, and is expected to continue.

Given the above it is recommended that the application for retrospective approval for an extension to the original temporary approval of the Unlisted Use (Open Air Storage Yard) be Refused.

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 Mr D Di Marco on behalf of S, CS, JG & D Di Marco for Retrospective Approval for Extension of Temporary Approval for Change of Use to Non-Conforming Use (Light Industry) and Unlisted Use (Open Air Storage Yard) at 1017 (Lot 4) Albany Highway, St James as indicated on the plan dated received 30 June 2015 be Refused for the following reasons:**
 - 1.1 In accordance with Town Planning Scheme No. 1 Clause 16(3) 'Unlisted Uses' the use is not consistent with the objectives and purposes of the District Centre Zone and is therefore not permitted.**
 - 1.2 Non-compliance with Town Planning Scheme No. 1 Clause 36(5) – 'Determination of Application – General Provisions', with particular reference to the following subclauses:**
 - (a) the provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;**
 - (b) any relevant planning policy;**
 - (c) any relevant precinct plan; and**
 - (g) the orderly and proper planning of the locality.**
 - 1.3 Non-compliance with Town Planning Scheme No. 1 Clause 37 'Determination of Application for an Unlisted Use', having regard to the matters listed in Clause 36(5) of the Scheme.**
 - 1.4 The use of the land as an open air storage yard for temporary fencing materials is inconsistent with the Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct' which seeks to:**
 - (a) revitalise and consolidate the Albany Highway Precinct as a major urban/shopping commercial axis incorporating the "Strip" imagery of its past development along the length of Albany Highway;**
 - (b) maintain the shopping areas as district centres offering a wide range of retail as well as community attractions including leisure and recreation uses, public/civic uses, community and social services;**
 - (c) encourage the relocation of large scale, open-air and other commercial uses considered inappropriate to a retail-based node to the commercial sectors of the precinct; and**
 - (d) seeks to ensure the compatibility of all commercial and retail uses with residential uses within or adjacent to the precinct.**
 - 1.5 The use of the land as an open air storage yard for temporary fencing materials is inconsistent with the objectives specifically outlined in Precinct Plan P11 'Albany Highway Precinct' for the 'East Victoria Park Gateway Shopping Area', which seek to:**
 - (a) consolidate the area as a node of retail and commercial uses providing for the needs of the local and regional population and serve as the "gateway" to the Albany Highway retail/commercial strip and the Town;**

- (b) maintain and enhance the existing traditional “strip” form of development; and
- (c) ensure development style, character and scale is consistent with the existing built form to emphasise the retail function of the area.

- 1.6 The use of the land as an open air storage yard for temporary fencing materials is inconsistent with the intended future development of the locality and may set an undesirable precedent for the entrenchment and expansion of such uses along this portion of Albany Highway, contrary to the orderly and proper planning of the locality; and
- 1.7 Non-compliance with the provisions of Policy 4.7 ‘East Victoria Park Gateway Shopping Area Design Guidelines’ of the Town of Victoria Park Town Planning Scheme No. 1 Policy Manual, which seek to improve the visual amenity of the area, and consolidate its activities into a node of retail oriented commercial and shopping uses that serve as the southern “gateway” to the Town of Victoria Park and Albany Highway;

Advice to Applicant:

- 1.8 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. Within 60 days of the date of this Planning Refusal Notice, the applicant/owner shall cease the use of the land at No. 1017 (Lot 4) Albany Highway, St James for open air storage and shall remove all on-site materials and fencing.
3. Those persons who made a submission in respect to the application being advised of the Council’s decision.



11.2 No. 2 (Lot 1) Clydesdale Street, Burswood – Change of Use from Single House to Residential Building (Lodging House)

| | |
|----------------------------|-----------------------------|
| File Reference: | PR3789 |
| Appendices: | No |
| Landowner: | Lara Jones |
| Applicant: | Altus Planning and Appeals |
| Application Date: | 30/07/2015 |
| DA/BA or WAPC Ref: | 5.2015.372.1 |
| MRS Zoning: | Urban |
| TPS Zoning: | Residential (R60) |
| TPS Precinct: | Precinct P6 'Victoria Park' |
| Use Class: | Residential Building |
| Use Permissibility: | 'AA' (Discretionary) use |

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|-----------------------------|---|
| Date: | 22 September 2015 |
| Reporting Officer: | C. McClure |
| Responsible Officer: | R. Lavery |
| Voting Requirement: | Absolute Majority – Approval Simple Majority – Refusal |

Executive Summary:

Recommendation – Approval

- Approval is sought for a change of use of an existing Single House to Residential Building (Lodging House).
- Community consultation was carried out for fourteen (14) days, consisting of letters to surrounding owners and occupiers and a sign installed on the site. Ten (10) submissions were received during the consultation period with one further submission received after close of the consultation period.
- The use proposes a departure from the requirements of Council Policy 5.1 'Parking and Access Policy' with a four (4) bay parking shortfall proposed.
- The proposed Residential Building satisfies the majority of the requirements of Policy PLNG 5 'Specialised Forms of Accommodation Other than Dwellings' as is recommended for approval for a period of 12 months.

TABLED ITEMS:

- Application form dated received 30 July 2015;
- Development plans dated received 4 September 2015;
- Applicants development application submission dated 30 July 2015;
- Lodging House Management Plan dated 4 September 2015;
- Additional Information dated 4 September 2015;
- Community consultation letter dated 10 September 2015; and
- Submissions received from adjoining owners/occupiers.

BACKGROUND:

In May 2015, the Town received a complaint regarding the subject property from a lodger living at the premises concerning the recent introduction of a component of short-term accommodation.

The Town's Compliance Officer investigated the complaint and confirmed that the three (3) bedrooms within the premises were being advertised on the "Airbnb" and "Facebook" website for short term rental. This conflicted with the approved 'Single House' use of the property which permits occupation on a permanent basis (6 month minimum period) by a single person, a single family, or no more than six (6) persons who do not comprise a single family. As such, the owners were notified via letter of the planning breach and invited to submit an application for planning approval.

In July 2015, an application for a change of use was submitted by Altus Planning and Appeals on behalf of the landowner. The background information included in the application states that for the past nine (9) years, the land owner has provided long-term accommodation at the subject land for a maximum of six (6) persons which does not require planning approval given it accords with the definition of a Single House included in the Residential Design Codes. Given the operators desire to now operate offering accommodation on a short term basis and in addition have the number of people exceeding six (6) or more persons who do not comprise a single family, the application seeks to obtain the relevant approvals to lawfully advertise and operate as a Residential Building (Lodging House).

DETAILS:

An application for planning approval has been received seeking approval for a change of use from a Single House to Residential Building (Lodging House). The site measures 746m² with the dwellings main frontage to Clydesdale Street to the north-west as well as two addition street frontages to Harper Street to the south-east, Sunbury Road to the south-west.

The existing premises comprises a seven bedroom single storey dwelling with vehicle access provided off Clydesdale Street and Harper Street and three (3) recognised on-site car parking bays. The dwelling incorporates three covered outdoor living areas comprising of a front porch as well as a 'wrap around' verandah, shade sail area and open outdoor living area all provided at the rear of the property adjacent to the Harper Street frontage. There is also a small outbuilding (shed) at the rear of the property for storage.

The application as presented to Council seeks approval for the use as a Residential Building (Lodging House) as follows:

- Seven (7) bedrooms with areas ranging from 9.1m² to 13m² in area with three (3) toilets and two (2) bathrooms;
- Six (6) of the bedrooms are available for use with one bedroom being occupied by the on-site Manager in accordance with the requirement of a Lodging House;
- One (1) kitchen is provided with a floor area of approximately 12.5m² containing four (4) gas burners, two (2) ovens, two (2) microwaves, two (2) fridge/freezers, one (1) store cupboard, plus cooking utensils, cutlery and crockery;
- One (1) laundry room is provided containing a washing machine, clothes dryer, trough, a washing line and two (2) undercover drying racks;
- A combined sitting/dining room is provided with a floor area of approximately 22m².
- Three(3) separate outdoor undercover sitting areas are provided; and
- One (1) double bed is provided in each room only and it is anticipated that occupancy will be 1-2 people per room consisting of 6-12 persons in total at any given time in addition to the on-site manager.

The business plan for the proposal is to host short-term travelling guests particularly from the website known as ‘Airbnb’ where guests will stay at the home anywhere from three (3) days up to six (6) months. It is anticipated that the average length of stay will be between three (3) days and three (3) weeks and the average number of guests will be 6-8 people in total any given time. While the applicant has confirmed that the majority of the accommodation will be on a short term basis, the Lodging House definition also provides for accommodation on a long term basis in the event a guest wished to stay at the premises for a period of time greater than six (6) months.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 ‘Determination of Application – General Provisions’;
- Clause 38 ‘Non-Complying Applications’; 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;
 - 5.1 ‘Parking and Access Policy’.
- Residential Design Codes (R Codes); and
- PLNG 5 - ‘Specialised Forms of Accommodation Other than Dwellings’.

The following car parking requirement is based on the proposed use of the premises on the site in accordance with the requirements of Policy 5.1 ‘Parking Policy’:

| Activity / Use | Parking Requirement | Bays Required |
|--------------------------|--|----------------------|
| Commercial Accommodation | 1 for every bedroom or 1 for every 3 beds provided whichever is the greater. | 7 required |
| | Total Provided | 3 bays |
| | Parking Shortfall | 4 bays |

It is acknowledged that four (4) on-site bays are provided on the plans however, Policy 5.1 ‘Parking Policy’ recognises only one (1) of the two (2) tandem parking bays as contributing to the approved car parking requirement for the development and as such, only three (3) on-site bays are able to be included in the car parking calculation.

The application is generally compliant with the requirements of Policy PLNG 5 ‘Specialised Forms of Accommodation Other than Dwellings’ for Lodging Houses including the following provisions discussed below.

Location

The subject land is zoned ‘Residential’ with a density coding of ‘R60’ which satisfies the requirements of the policy for land to be zoned ‘R60’ or higher. Whilst Clydesdale Street is designated as an access road and the policy provides a preferred location for Lodging Houses on Primary, District or Local Distributor roads Kitchener Avenue which is approximately 200 metres to the north of the subject site is a Local Distributor road. Furthermore, given the scale and nature of the proposed Residential Building the sites location on an Access Road is deemed appropriate. The property is also within 400

metres of the Victoria Park train station and Albany Highway which also satisfies the preferred proximity requirements to a District Centre Zone or Commercial Zone providing convenience shopping and access to everyday goods and services. Finally, whilst not within 400 metres the subject land is in close proximity to entertainment centre Crown Perth and Lathlain Park which are located approximately 1km and 800 metres respectively from the site.

Management Plan

A Management Plan has been also been prepared and provided as part of the application in accordance with the requirements of PLNG 5 'Specialised Forms of Accommodation Other than Dwellings' detailing the following:

- provision of an on-site Manager (landowner) who will reside at the premises;
- manager and operation hours;
- noise mitigation and parking management plans;
- safety, hygiene and security;
- complaint management procedure; and
- code of conduct and house rules.

A copy of the Management Plan with full details of the proposed management and operations is included as a tabled item.

Policy PLNG 5 'Specialised Forms of Accommodation Other than Dwellings' for Lodging Houses also provides for several requirements pertaining to other approvals required under the Town's Health and Building department as detailed below.

Environmental Health Requirements

Policy PLNG 5 'Specialised Forms of Accommodation Other than Dwellings' makes reference to the requirements specified for Lodging Houses in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003. Whilst these requirements are generally satisfied as part of an application to the Town's Environmental Health Department for a Lodging House, several of the provisions to relate to building design requirements and can be considered part of the planning application assessment as follows:

- A minimum kitchen size of 16m² is required to be provided. The existing kitchen size is 12.5m²; and
- A minimum 10m² dining room is to be provided as well as a 13m² lounge room. A combined sitting room and dining room of 22m² is provided.

Whilst the proposed kitchen and combined sitting and dining room do not meet minimum the minimum size requirements prescribed by the Council's Health Local Law 2003, feedback from the Town's Environmental Health department is that the reduced area can be supported in this instance and will not compromise food safety.

Building Requirements

Under the Building Code of Australia, when a building changes its classification the proposal has to comply with the disabled access requirements. In addition to this, hardwired interconnected smoke alarms will need to be located in every bedroom and every corridor or hallway associated with a bedroom. The applicant has indicated that the property is fitted with RCDs and hard wired smoke alarms. A disability access consultant

will be required to be engaged to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia relevant Australian standard and provide certified plans as part of an application for a Building Permit.

Submissions:

Community Consultation:

In accordance with Clauses 18 and 35 of Town Planning Scheme No.1 and Council Policy GEN3 ‘Community Consultation’, the application was advertised for a period of 14 days between 10 September 2015 and 24 September 2015, comprising of letters to surrounding owners and occupiers. A total of ten (10) submissions were received during the consultation period. A further submission was received outside the consultation period, bringing the total to eleven (11) submissions.

The submissions are summarised as follows:

| CONSULTATION SUBMISSIONS | |
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| <i>Submission received 3/45 Kitchener Avenue, Burswood</i> | |
| Comments Received | Officer’s Comments |
| <ul style="list-style-type: none"> Street parking is very limited in the neighbourhood of Clydesdale Street. There are several high density dwellings with insufficient parking for residents. The result is that residents and visitors utilise the street parking. The density of developments has increased over time and there is potential for further developments which will increase the utilisation of street parking even further. In addition to residents and visitors, the street parking is used by people who use the busses available on Shepperton Road and the Victoria Park Train Station. The result of the culmination of these factors is that new developments need to provide sufficient parking for at least the residents of the property. The residence provides for 12 residents. I submit that 7 bays is an absolute minimal requirement and that any less would be insufficient and would provide an unreasonable impost upon council provided street parking. | <ul style="list-style-type: none"> Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

| <i>Submission from owner/occupant of 3/15 Clydesdale Street, Burswood</i> | |
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| Comments Received | Officer's Comments |
| <ul style="list-style-type: none"> I am concerned about lack of parking bays that will be available under the proposed change of use to residential building / lodging house. Parking on Clydesdale Street is very congested at present and this will make the problem worse. | <ul style="list-style-type: none"> Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |
| <i>Submission from owner/occupant of 4/3 Clydesdale Street, Burswood</i> | |
| Comments Received | Officer's Comments |
| <ul style="list-style-type: none"> Clydesdale Street is already used by people who do not live on the street and park there Monday - Friday. This is often dangerous to owners as it is very difficult to get in and out of our properties as well as drive on the street. The amenity of Clydesdale Street is affected due to the many vehicles parked there Monday - Friday. Very often vehicles are illegally parked and these issues could be severely impacted upon in view of the fact there is already a shortfall in the number of on-site bays. | <ul style="list-style-type: none"> Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

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| <ul style="list-style-type: none"> In relation to noise the units directly opposite my property are often noisy and that is a concern to me. | <ul style="list-style-type: none"> Not supported. As the Manager will be residing on the property any noise or loud gatherings can be directly mitigated. The Management Plan also provides a complaint procedure for receiving and resolving complaints which members of the public can initiate by accessing the Manager directly. |
| <p><i>Submission from owner/occupant of No. 2 (Lot 6) Sunbury Road, Burswood</i></p> | |
| <p>Comments Received</p> | <p>Officer's Comments</p> |
| <ul style="list-style-type: none"> I take comfort from the management plan where the owner/manager undertakes to live on site and the long history of the owner (9 years) in successfully managing the prior lodgers (granted a smaller number of long term residents). I am very keen to ensure that the status of the manager living on site does not change in the future if permission is granted by the Town and other conditions in the management plan are adhered to. The statement contained in Section that is it is anticipated that the lodging house will not generate a high demand for on-site parking appears somewhat unsubstantiated notwithstanding the public transport options nearby - I am aware of tourists that visit Perth that use AirB&B that do still hire cars (in the case of inter-state guests) or drive their own cars (regional guests) and hence require parking. | <ul style="list-style-type: none"> Noted. If approval is granted a condition is recommended that explicitly requires the on-site Manager to reside at the premises at all times. Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

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| <ul style="list-style-type: none"> It would be prudent to test this assumption by granting an initial temporary permission/approval to facilitate a 6 or 12 month trial where the impact of car parking and the use as a lodging house can be appropriately monitored and assessed by the Town of Victoria Park to ensure that there is not an adverse impact on the surrounding residents. This would be a sensible approach that still allows the application to proceed on a temporary basis pending a review after a defined period. | <ul style="list-style-type: none"> Noted. A 12 month approval period is recommended. |
| <p><i>Submission from owner/occupant of 12A Clydesdale Street, Burswood</i></p> | |
| <p>Comments Received</p> | <p>Officer's Comments</p> |
| <p>I have a number of concerns with this application as it is located in a residential area. The following are the areas I think the planning permit is being stretched:</p> <ul style="list-style-type: none"> Currently with less occupants this is an issue. Cars are often parked on the verge covering the footpath. This has caused me problems pushing prams, as it forces me onto the road at an intersection to get around the cars. I can imagine this also causes problems for people with mobility issues. It is presumptuous to assume that short term stays will not have a car. | <ul style="list-style-type: none"> Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

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| <ul style="list-style-type: none"> • Clydesdale Street is not a Primary District or Local Distributor Road, that Kitchener Street is at the end of the street is irrelevant, many residential streets connect with Primary, District and Local Distributor Roads. • Locality to Tourist attractions. Whilst the Victoria Park Strip is a great asset to the area it is not a tourist attraction. | <ul style="list-style-type: none"> • Not supported. The requirement to be on a Primary, District or Local Distributor Road is a preferred location only. Given the scale and nature of the proposed Residential Building and the sites location on an Access Road is considered appropriate. • Not supported. The requirement to be located within 400 metres of an area of tourist potential is a preferred location only. It is also noted that Crown entertainment complex is within approximately a 1km distance of the premises. The requirement to be located within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday good and services is a separately considered preferred location which is satisfied by the proposal. |
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Submission from owner/occupant of No. 4 (Lot 7) Sunbury Road, Victoria Park

| Comments Received | Officer's Comments |
|---|--|
| <ul style="list-style-type: none"> • Parking in the area around Clydesdale Street, Sunbury Rd and Harper Street, is a significant issue with parking difficult to obtain due to congestion in streets and verges in the area. Residents are already unable to find parking themselves if they don't have onsite bays, and finding parking for visitors is often impossible. Traffic in Sunbury Road has also increased with the changes in use of the Uniting-Care site and further changes which bring more traffic to the street would have further negative impact in terms of noise, speeding drivers and safety for residents and their children. | <ul style="list-style-type: none"> • Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

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| <ul style="list-style-type: none"> The approval of this change in use would set a precedent for residential buildings in the area, which once set, may lead to more applications of this type. This change also does not seem to be one which would improve the character of the area or to serve the day-to-day needs of residents but instead will impact on locals and amenities. People using short-term accommodation also have different needs and expectations to those who are long-term residents in an area. The lack of relationships and ties to the area may mean that standards of behaviour may be different and visitors may not feel the same need to respect the other residents and facilities of the area. | <ul style="list-style-type: none"> Not supported. Approving this application will not necessarily result in a greater number of Residential Buildings in the area. The application has been assessed and considered on its merit and is considered appropriate given the context of the site and scale of the proposal. Furthermore, Council Officers are satisfied the provision of an on-site manager and management plan will ensure that any impact on residential amenity is adequately controlled. |
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Submission from Strata Manager on behalf of owners/occupants of No. 6 (Lot 7) Hampton Street, Burswood

| Comments Received | Officer's Comments |
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| <ul style="list-style-type: none"> The owners lodge their concern over the lack of parking spaces on the site. | <ul style="list-style-type: none"> Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

| <i>Submission from owner/occupant of No. 3 (Lot 22) Sunbury Road, Burswood</i> | |
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| Comments Received | Officer's Comments |
| <ul style="list-style-type: none"> If approved, there is no guarantee that a future owner will reside at the residence. Any change in ownership should require a new planning application with the new owner to continue the dwelling use as a boarding house. This allows any community and Council concerns to be reviewed on a periodic, rather than indefinite basis. In our view ownership of the planning application and its management plan is crucial in ensuring all elements of the management plan are strictly adhered to. The current application would add to a chronic parking problem in the immediately surrounding streets Clydesdale Street, Sunbury Road and Harper in this parking hotspot precinct. People on holiday hire and use cars. Whilst there are public transport routes close by, the intended use of the dwelling. A combination of all these factors means more pressure on an already limited street and verge parking resource. | <ul style="list-style-type: none"> Supported. An initial 12 month approval period is recommended. This provides Council Officers with the opportunity to monitor the proposal and any negative impacts that may arise. Furthermore, the Residential Building must operate in accordance with the information submitted to Council inclusive of the management plan. Any change in operational practice are considered to require additional approval to be sought from Council. These two measures are considered to adequately ensure that the conditions of the planning approval are met including the ongoing implementation of the management plan. Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

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| <ul style="list-style-type: none"> • Having 3 cars parked in the front yard and a further 2 cars in the rear of the property accessed via Harper Street has a large impact on the visual outlook of the property and no other property in this street has parking accessed in this matter. • To date, the maintenance on the property has deteriorated. Based on this recent and relevant past history we request that the Council become more proactive in maintenance inspection, on a yearly basis as a requirement for any planning approval. • Proposed expansion of commercial premises diminishes the value of adjacent residential properties and can have a material and significant impact to prospective residential property purchasers. We have been advised by a local Realtor that having a registered boarding house in such close proximity will undermine the value of our home. | <ul style="list-style-type: none"> • Not supported. PLNG 5 - 'Specialised Forms of Accommodation Other than Dwellings' requires all car parking bays to be accommodated on site to prevent parking spilling over into surrounding premises and/or streets. • Not supported. The on-site Manager will be responsible for maintenance including landscaping and gardening as necessary. Council officers are not required to carry out maintenance inspections of the property in this regard but can respond to concerns of noncompliance. • Noted. Impact on property values is not a relevant planning consideration. |
| <p><i>Submission from owner/occupant of No. 5 (Lot 1) Sunbury Road, Burswood</i></p> | |
| <p>Comments Received</p> | <p>Officer's Comments</p> |
| <ul style="list-style-type: none"> • We are requesting that the approval resides with, and only with, the current owner. Given the increase in selling price due to a change of from a residential use to commercial the likelihood of ownership change is highly probable in the near to medium future. Any change in ownership should require a new planning application with the new owner to continue the house being used as a boarding house. We believe the planning application and its management plan is crucial in ensuring all elements of the management plan are strictly adhered to. | <ul style="list-style-type: none"> • Supported. An initial 12 month approval period is recommended. This provides Council Officers with the opportunity to monitor the proposal and any negative impacts that may arise. Furthermore, the Residential Building must operate in accordance with the information submitted to Council inclusive of the management plan. Any change in operational practice will require additional approval to be sought from Council. |

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| <ul style="list-style-type: none"> • The pocket in which the boarding house is proposed, already has a large number of boarding homes, high intensity residential and commercial premises compared to other parts of Victoria park. The proposed expansion of commercial premises and the boarding house so close to property, reduces the value of adjacent properties and can have a material and significant impact to prospective buyers of our property. • We are concerned about the impact the boarding house will have on parking on our street. In what is already a busy street/pocket of Victoria Park, we believe that the current application would contribute to the parking problem. People on holidays hire and use cars. A combination of this and other factors means more pressure on an already limited street and verge parking resource. • Also in addition having three cars parked in the front yard and further two cars in the rear of the property accessed via Harper Street has a big impact on the visual outlook of the property. • We are concerned about the maintenance of the property. Before Ms Jones bought the property it was well kept and the gardens were maintained, but since then, it is in poor condition. This does not help for the value of our property. | <ul style="list-style-type: none"> • Noted. Impact on property values is not a relevant planning consideration. • Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. • Not supported. PLNG 5 - 'Specialised Forms of Accommodation Other than Dwellings' requires all car parking bays to be accommodated on site to prevent parking spilling over into surrounding premises and/or streets. • Not supported. The on-site Manager will be responsible for maintenance including landscaping and gardening as necessary. Council officers cannot enforce property or garden maintenance. |
|---|---|

| <i>Submission from owner/occupant of No. 2A (Lot 241) Clydesdale Street, Burswood</i> | |
|--|--|
| Comments Received | Officer's Comments |
| <ul style="list-style-type: none"> • My main objection relates to car parking. The relevant Town Planning Scheme requires 7 bays and the proposed lodging house incorporates only 3 bays. There is currently no on street parking available in Clydesdale Street. • There is an overflow of cars from the Victoria Park train station that are parked along the road reserve of Clydesdale Street every day. By approving a further car parking bay shortfall it will adversely impact the street and the amenity of the residents in the street. I request this application be refused unless an adequate number of bays can be provided. | <ul style="list-style-type: none"> • Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |
| <i>Submission from owner/occupant of No. 1/17 Clydesdale Street, Burswood</i> | |
| Comments Received | Officer's Comments |
| <ul style="list-style-type: none"> • There will be too many people coming and going and too many vehicles in the residential area • There are already too many vehicles parked in Clydesdale Street, Sunbury Road, Harper Street and Teague Street. • The portion of the street where the property is located is used for on-street parking on both sides of the road, reducing street to a single lane at times for vehicles and is dangerous. • The proposal does not comply and there are already too many vehicles parking in the area. | <ul style="list-style-type: none"> • Supported. It is acknowledged that some guests of the premises may utilise public transport options or other forms of transport. However, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time to ensure there is no parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality. Finally, prior to the expiry of the recommended 12 month approval period, there will be an opportunity for the applicant to reapply and Council may request that additional on-site parking bays be provided if necessary. |

Policy Implications:
Nil

Sustainability Assessment:External Economic Implications:

The development will increase the variety and access to short term accommodation within the Town and contribute to the activity and vibrancy of the precinct.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:Car Parking

The proposed uses of Residential Building in accordance with the Council's Policy 5.1 'Parking Policy', requires a minimum of seven (7) bays while only three (3) bays are provided on-site, resulting in a shortfall of four (4) car parking bays.

The applicant has highlighted that there are a number of alternative transportation options particularly given the sites proximity to high frequency public transport including Victoria Park Train Station as well bus stop with various bus routes (Shepperton Road after Harper Street) both located approximately 320 metres and 270 metres respectively from the subject site. The applicant also provides justification that short term travellers often do not have a private motor vehicle and may instead use public transport and/or taxis.

Despite the availability of alternative means of transport and that some guests may rely on public transport options, it is acknowledged there will be others who may access the accommodation and require parking for a either a private or hire vehicle etc. As such, a condition of planning approval is recommended that the operator manage bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles inclusive of the Managers vehicle at any one time. This will prevent parking spill over into adjoining residential and commercial properties and/or an increase in on-street parking in the locality.

In the event that the application is approved, a condition is recommended that limits the approval period to 12 months. During this time, Council Officers can monitor the proposal and any negative impacts that may arise particularly with regards to car parking and traffic. Prior to the expiry of the 12 month period, there will be an opportunity for the applicant to reapply and if necessary Council may request that additional on-site parking bays be provided to assist in reducing or removing the car parking shortfall. The applicant has advised in their submission that the owner could consider alterations to the rear of the property to accommodate additional bays and/or approval for an additional crossover to Sunbury Road.

Clause 38

As the proposed development is non-compliant with a requirement of Town Planning Scheme No. 1, Council must be satisfied that the proposal meets the requirements listed under Clause 38(3) of the Scheme.

As discussed, the proposal satisfies the majority of the requirements of Policy PLNG 5 'Specialised Forms of Accommodation Other than Dwellings'. The proposed Residential Building (Lodging House) is appropriately located with regards to the R60 density and Albany Highway commercial precinct and provides a high level of amenity to lodgers and short term guests. The requirement for the manager to reside on-site at all times and proposed management plan limited with appropriate controls and measures in place will ensure that any impact on surrounding residential amenity will be limited and able to be addressed on an ongoing basis. While a variation to the parking standards is proposed, the shortfall is considered acceptable given the context of the development and ability to control vehicle numbers through bookings. As such, the parking non-compliance is not likely to adversely affect the occupants/users of the development or the owners/occupiers of adjoining property.

CONCLUSION:

The proposal is generally consistent with the requirements of the Town's Town Planning Scheme No. 1 and relevant policies with the exception of the amount of on-site parking bays. The shortfall is not considered significant enough to negatively impact upon surrounding properties. In addition to this, appropriate conditions can successfully ensure that there is no increase in parking overflow on adjoining properties or surrounding residential streets.

In view of the above, the application for a Change of Use to Residential Building (Lodging House) is supported and it is recommended that Council approve the application for a 12 month trial period subject to recommended conditions.

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 Altus Planning and Appeals on behalf of Lara Jones (DA Ref 5.2015.372.1) for Change Use to Residential Building (Lodging House) at No. 2 (Lot 1) Cydesdale Street, Burswood as indicated on the plans received 4 September 2015 be Approved subject to the following conditions:

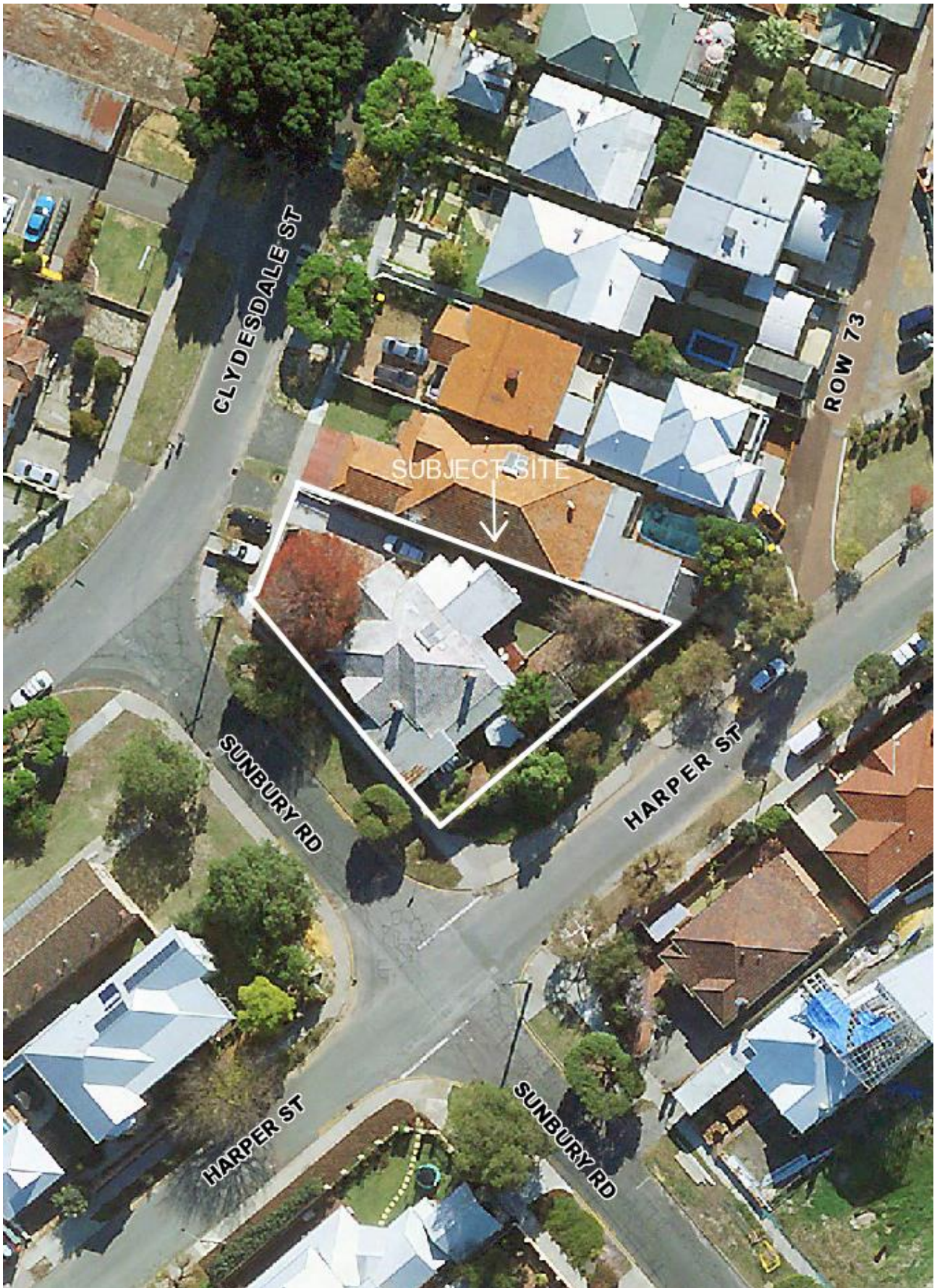
- 1. This approval is valid for a period of 12 months only until 13 October 2016. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for planning approval for Council's consideration.**
- 2. The Residential Building operating in accordance with the written information received on 30 July 2015, 4 September 2015, 17 September 2015 and 23 September 2015.**
- 3. A manager to reside on-site at all times in accordance with the Town's requirements for Lodging Houses.**
- 4. There being a maximum of two (2) persons residing in each bedroom at any one time.**
- 5. Four (4) on-site car parking bays being available for use by guests and manager at all times.**

6. The operator of the Residential Building managing bookings to ensure that parking associated with occupation of the Residential Building does not exceed a maximum of four (4) vehicles at any one time.
7. The external appearance of the property and the landscaping on the property and the verge are to be maintained to an acceptable standard to the satisfaction of Manager Urban Planning.
8. Car parking bay 3 to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Manager Urban Planning.

Advice to Applicant:

9. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
10. With regards to condition 1, the applicant is advised that in the event a further approval is sought for the Residential Building, Council may require the provision of additional on-site car parking bays.
11. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.
12. Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
13. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this Planning Approval.
14. 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.

(Absolute Majority Required)



11.3 Adoption of existing Planning Policies as Local Planning Policies

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|------------------------|----------|
| File Reference: | PLA/7/68 |
| Appendices: | Yes |

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|-----------------------------|-------------------|
| Date: | 22 September 2015 |
| Reporting Officer: | R. Cruickshank |
| Responsible Officer: | R. Cruickshank |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation – Council resolve to prepare the identified proposed Local Planning Policies for the purposes of public consultation for a period of not less than 21 days.

- There are a number of existing planning policies that deal with planning and design matters throughout the Town.
- These existing policies are either planning policies contained within the TPS 1 Policy Manual, Administrative Policies approved by Council (otherwise known as PLNG Policies), or Local Planning Policies prepared under the R-Codes.
- Amendment 68 to TPS 1 was gazetted on 31 July 2015. This Amendment has introduced power into TPS 1 for Council to prepare, adopt or amend Local Planning Policies.
- Local Planning Policies are adopted through the provisions of Clause 46 of the Scheme Text. The process for preparing, adopting and amending Local Planning Policies is much more efficient than Policies contained in the TPS 1 Policy Manual.
- It is now intended to advertise and adopt the Town’s existing planning policies as Local Planning Policies without substantive modification of existing policies.
- The proposed Local Planning Policies will be advertised for public comment for a period of 21 days comprising notices in the newspaper and on the Town’s website.
- Following consideration of any submissions received, a report will be presented to Council summarising the submissions and seeking for Council to adopt the proposed Local Planning Policies (with or without modification).

TABLED ITEMS:

- Town Planning Scheme No. 1 Policy Manual; and
- PLNG Policies.

BACKGROUND:

The Town of Victoria Park Town Planning Scheme No. 1 (TPS 1) was gazetted on 30 September 1998. TPS 1 comprises the Scheme Text, Precinct Plans and the Policy Manual. The Policy Manual contains 26 Planning Policies that relate to development control throughout the Town.

In addition, Council has adopted nine (9) Administrative Policies which are described as PLNG Policies, and identified below.

Amendment 68 to TPS 1 was gazetted on 31 July 2015. This has introduced provisions into TPS 1 that provide power to prepare, adopt or amend a Local Planning Policy (LPP). Now that TPS 1 provides power to prepare LPPs it is intended to adopt all existing Planning Policies as LPPs through the provisions in the Scheme, and then thereafter delete the existing Policies. Those existing Policies currently contained in the TPS 1 Policy Manual will be deleted upon gazettal of Amendment 69 to TPS 1 which was granted final approval by Council at the Ordinary Meeting on 12 May 2015, and is now with the WAPC, and will be progressed upon Council informing the WAPC that the Policies in the Policy Manual can be deleted.

DETAILS:

Clause 46 of TPS 1 has been amended by Amendment 68, and now provides power for Council to prepare, adopt and amend LPPs. LPPs can deal with any matter relating to the planning and development of land within an area, and are the policy instrument advocated by the WAPC to deal with land use and development.

As previously outlined to Council, the process for preparing, adopting or amending an LPP is a less formal process than is the case for the existing Policies contained in the TPS 1 Policy Manual. This enables the policies to be reviewed more readily to meet current needs. LPPs however do have significant weight as they are adopted through the provisions of the Scheme, and are the standard policy instrument used by the majority of local governments in the State.

Now that Clause 46 makes provision for LPPs, it is considered appropriate to:

- Adopt those Policies contained in the TPS 1 Policy Manual as LPPs, or revoke Policies where necessary; and
- Adopt all PLNG Policies as LPPs.

In the case of those Policies currently contained in the TPS 1 Policy, their adoption as LPPs will be advantageous for future amendments. In the case of those Policies which are currently LPPs, their adoption as LPPs will give them more weight than an administrative policy of Council.

A major review of all existing Policies has not been undertaken at this time, as this would have delayed the adoption of the existing Policies as LPPs. It is intended that the existing policies first be adopted as LPPs, and then be the subject of a major review during 2016 following the more efficient processes for amendments to an LPP.

Therefore for the purposes of the current proposal, changes to existing Policies have only been recommended where errors in wording have been noted or where provisions need to be updated to reflect newer legislation and/or policies.

Legal Compliance:Town of Victoria Park Town Planning Scheme No. 1

Clause 46 of TPS 1, as amended by Amendment 68, outlines the following process for the preparation and adoption of LPPs:

3. Local planning policies

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy –*
 - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
 - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*
- (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

4. Procedure for making or amending a local planning policy

- (1) *If the local government resolves to prepare a local planning policy, the local government must advertise the proposed policy as follows —*
 - (a) *publish a notice of the proposed policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made.*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the last day the notice of the policy is published under subclause (1)(a).*

- (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *adopt the policy with or without modification; or*
 - (ii) *not to proceed with the policy.*
- (4) *If the local government resolves to adopt the policy, the local government must publish notice of the policy once in a newspaper circulating in the Scheme area.*
- (5) *A Policy has effect on publication of a notice under subclause (4).*
- (6) *The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government.*
- (7) *Subclauses (1) to (6), with any necessary changes, apply to the amendment of a local planning policy.*

Local Planning Scheme Regulations 2015

It is noted that the *Local Planning Scheme Regulations 2015*, which take effect on 19 October 2015, contain Deemed Provisions to be inserted into every local government Town Planning Scheme in the State relating to Local Planning Policies. The Deemed Provisions prevail over any existing provisions of TPS 1 to the extent of any inconsistency. The Deemed Provisions are consistent with Clause 46 of TPS 1 with the exception that only one newspaper notice is required to be published (two under TPS 1), with public submissions needing to be made within 21 days of the newspaper notice.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The following table outlines the Town's existing planning policies and the recommended action of Council Officers, noting that a copy of all existing Policies with any recommended changes, is included in the Appendices.

| EXISTING POLICIES IN TPS 1 POLICY MANUAL | | |
|---|--|--|
| Policy Name | Proposal | Recommended changes |
| 2.1. Applications for Planning Approval | Delete. Will become redundant upon the Local Planning Scheme Regulations taking effect, which deals with this same matter. | N/A |
| 2.2. Public Notification / Advertising Procedure | Adopt as LPP 1 | Nil |
| 3.1. Residential Design Guidelines | Delete. Largely already covered by the existing Local Planning Policy – Streetscape. The climate control provisions contained in Policy 3.1 are to be adopted as a new LPP 36 – Climate Control. | N/A |
| 3.4. Home Occupation | Adopt as LPP 2 | Nil |
| 3.5. Non-Residential Uses in or Adjacent to Residential Areas | Adopt as LPP 3 | Nil |
| 3.6. Residential Uses in Non-Residential Areas | Adopt as LPP 4 | Nil |
| 3.7. Mixed Residential / Commercial Development | Adopt as LPP 5 | Minor change to reflect current R-Codes. |
| 3.9. Child Care Facilities Within Residential Areas | Adopt as LPP 6 | Nil |
| 3.10. Vehicle Access to Properties Via a Right-of-Way | Adopt as LPP 7 | Nil |
| 3.12. Sunbury Park Site Design Guidelines | Adopt as LPP 8 | Minor changes to reflect current R-Codes |
| 3.15. Design Guidelines for Burswood Lakes | Adopt as LPP 9 | Nil |

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| 4.1. Pedestrian Walkways | Adopt as LPP 10 | Nil |
| 4.2. Control and Location of Amusement Centres | Adopt as LPP 11 | Nil |
| 4.3. Shading Co-Efficient for Translucent Materials in Building Construction | Delete. Has not been applied and does not serve a planning purpose. | N/A |
| 4.4. Control and Location of Advertising Balloons and Blimps | Adopt as LPP 12 | Nil |
| 4.5. Roof Signs | Adopt as LPP 13 | Nil |
| 4.6. Industrial Uses in Close Proximity to Residential Areas | Adopt as LPP 14 | Nil |
| 4.7. East Victoria Park Gateway Shopping Area Design Guidelines | Adopt as LPP 15 | Nil |
| 4.8. Albany Highway Residential/Commercial Design Guidelines | Adopt as LPP 16 | Delete provision stating that nil front setbacks are not permitted, as a number of developments have been approved with a nil front setback. |
| 4.9. Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway | Adopt as LPP 17 | Nil |
| 4.10. Telecommunications Facilities | Adopt as LPP 18 | Delete advertising requirements stated in 4.10.2(d) as they are already covered in Council Policy GEN3 'Community Consultation'. |
| 4.11. Satellite Dishes | Adopt as LPP 19 | Nil |
| 4.12. Design Guidelines for Developments with Buildings Above 3 Storeys | Adopt as LPP 20 | Nil |

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| 4.13. Restricted Premises | Adopt as LPP 21 | Nil |
| 4.14. Development Standards for Causeway Precinct | Adopt as LPP 22 | Amendments to reflect current R-Codes in relation to car parking standards, plot ratio calculation, communal open space and size of single bedroom dwellings. |
| 5.1. Parking Policy | Adopt as LPP 23 | Minor change to correct spelling error. |
| 5.2. Loading and Unloading | Adopt as LPP 24 | Nil |
| EXISTING LOCAL PLANNING POLICIES UNDER R-CODES | | |
| Policy Name | Proposal | Recommended changes |
| Local Planning Policy – Streetscape | Already adopted as an LPP through the R-Codes. Name LPP 25 | Nil |
| Local Planning Policy – Boundary Walls | Already adopted as an LPP through the R-Codes. Name LPP 26 | Nil |
| EXISTING PLNG POLICIES | | |
| Policy Name | Proposal | Recommended changes |
| PLNG1 – Building Height Controls | Adopt as LPP 27 | Minor change to clarify that the prevailing building heights are those prescribed under the TPS, a LPP or the R-Codes. |
| PLNG2 – Independent Representation For Appeals Against Council Decisions on Applications for Planning Approval | Adopt as LPP 28 | Nil |
| PLNG3 – Public Art Private Develop Contribution | Adopt as LPP 29 | Nil |
| PLNG4 – Car Parking Standards for Developments Along Albany Highway | Adopt as LPP 30 | Nil |

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| PLNG5 – Specialised Forms of Accommodation Other Than Dwellings | Adopt as LPP 31 | Nil |
| PLNG6 – Minor Residential Development | Adopt as LPP 32 | Nil |
| PLNG7 – Guide to Concessions on Requirements for Mixed-Use, Multiple Dwelling and Non-Residential Developments | Adopt as LPP 33 | Nil |
| PLNG8 – Sea Containers | Adopt as LPP 34 | Nil |
| PLNG9 – Policy Relating to Development in Burswood Station East | Adopt as LPP 35 | Nil |

As outlined above, a major review of the existing Policies has not been undertaken in readopting all existing planning policies as LPPs. This will occur following the adoption of all Policies as LPPs, at some time in 2016, noting that LPPs can be amended more efficiently.

Conclusion

It is recommended that Council resolve to advertise the proposed Local Planning Policies for public comment for a period of not less than 21 days in accordance with Clause 46 of TPS 1, with advertising comprising a newspaper notice for two consecutive weeks in the Southern Gazette, and notice on the Towns website and via social media. Following the conclusion of the public consultation period and consideration of submissions, a further report will be presented to Council for consideration.

Additional Comment:

At the Elected Members Briefing Session a question was asked as to what the implications were of not proceeding with changing the policies to Local Planning Policies prior to reviewing the policies. The policies would still be located in the Town Planning Scheme No. 1 and there would be no period where we do not have relevant policies, however, the process once they are Local Planning Policies allows the policies to be more responsive to continuous improvement and changing needs of the community as the process does not include the 9-12 month town planning scheme amendment process. The undertaking of this change to make the policies local planning policies, before full review of the policies would enable the policies to be more readily modified with the same level of community participation, individually and in a timely manner. To wait for the review of all the policies before adopting them as local planning policies will significantly impact on the timeframe for adoption of them as local planning policies.

RECOMMENDATION/S:

1. Council, pursuant to Clause 46 of Town Planning Scheme No. 1, resolve to prepare the following proposed Local Planning Policies for the purposes of public advertising:

- LPP 1 - Public Notification/Advertising Procedure
- LPP 2 - Home Occupation
- LPP 3 - Non-Residential Uses in or Adjacent to Residential Areas
- LPP 4 - Residential Uses in Non-Residential Areas
- LPP 5 - Mixed Residential/Commercial Development
- LPP 6 - Child Care Facilities Within Residential Areas
- LPP 7 - Vehicle Access to Properties Via a Right-of-Way
- LPP 8 - Sunbury Park Site Design Guidelines
- LPP 9 - Design Guidelines for Burswood Lakes
- LPP 10 - Pedestrian Walkways
- LPP 11 - Control and Location of Amusement Centres
- LPP 12 - Control and Location of Advertising Balloons and Blimps
- LPP 13 - Roof Signs
- LPP 14 - Industrial Uses in Close Proximity to Residential Areas
- LPP 15 - East Victoria Park Gateway Shopping Area Design Guidelines
- LPP 16 - Albany Highway Residential/Commercial Design Guidelines
- LPP 17 - Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway
- LPP 18 - Telecommunications Facilities
- LPP 19 - Satellite Dishes
- LPP 20 - Design Guidelines for Developments with Buildings Above 3 Storeys
- LPP 21 - Restricted Premises
- LPP 22 - Development Standards for Causeway Precinct
- LPP 23 - Parking Policy
- LPP 24 - Loading and Unloading
- LPP 27 - Building Height Controls
- LPP 28 - Independent Representation For Appeals Against Council Decisions on Applications for Planning Approval
- LPP 29 - Public Art Private Develop Contribution
- LPP 30 - Car Parking Standards for Developments Along Albany Highway
- LPP 31 - Specialised Forms of Accommodation Other Than Dwellings
- LPP 32 - Minor Residential Development
- LPP 33 - Guide to Concessions on Requirements for Mixed-Use, Multiple Dwelling and Non-Residential Developments
- LPP 34 - Sea Containers
- LPP 35 - Policy Relating to Development in Burswood Station East
- LPP 36 - Climate Control

2. **The proposed Local Planning Policies be advertised for a period of not less 21 days, by way of a newspaper notice for two consecutive weeks in the Southern Gazette newspaper, a notice on the Town's website, and a notice via social media, with all proposed Policies being available for viewing on the Town's website.**

12 RENEW LIFE PROGRAM REPORTS

12.1 Refund of Carbon Price Proceeds Collected by Mindarie Regional Council from 2012-2014

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|------------------------|---------------|
| File Reference: | CUP/9/0001~46 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 25 August 2015 |
| Reporting Officer: | J. Wong |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Absolute Majority |

Executive Summary:

Recommendation – That Council receives from Mindarie Regional Council (MRC) the refund of carbon price proceeds approximating \$150,000 and authorises the annual budget be amended to move these funds to the Waste Management Reserve.

- MRC has in the financial years of 2012/13 and 2013/14 incorporated in its gate fee a cost associated with carbon price as required by the then Federal Government.
- Effective from 30 June 2014, the new Federal Government repealed the carbon price mechanism.
- MRC ceased passing on a carbon price related cost to its customers effective from 1 July 2014.
- Mindarie Regional Council, at its Ordinary Council Meeting held on 20 August 2015, resolved to refund the Carbon Price proceeds to Member Councils including the Town.

TABLED ITEMS:

Nil

BACKGROUND:

In 2012 the then Federal Government introduced a carbon price mechanism, which required significant carbon emitters, including large landfill operators, to pay a fixed carbon price on their carbon emissions.

The Mindarie Regional Council (MRC) was captured under this scheme given it operates the landfill site at Tamala Park and as a result passed on a carbon price related cost increase to its customers including the Town for the 2012/13 and 2013/14 financial years.

In 2014, the new Federal Government repealed the carbon price mechanism effective from 30 June 2014. As a result, the MRC ceased passing on a carbon price related cost increase to its customers effective from 1 July 2014.

MRC, at its Ordinary Council Meeting held on 20 August 2015, resolved to refund the carbon price proceeds to Member Councils including the Town.

Waste deposited in a landfill was deemed not to produce any methane emissions (more destructive than pure carbon emissions) in the first year it was deposited in the landfill.

Thereafter, that same waste would continue to generate methane for an estimated 40 years as it decomposed.

As a result, landfill operators, including the MRC, were passing on the future costs associated with the lifetime emissions from each tonne of waste deposited into landfill to customers at the 'point of sale', thus collecting funds to settle a future anticipated carbon liability.

This resulted in the MRC collecting approximately \$3.4 million in respect of the carbon price from both member councils and other non-member customers. Approximately \$57,000 of these funds were used to acquit the MRC's carbon price liability related to the emissions from landfill during the operation of the scheme.

The balance of these funds has been kept in reserve by the MRC until such time as the Federal Government indicated what would be regarded as an acceptable acquittal of the funds.

The MRC has previously committed in the first instance to complying with any legislation regarding the acquittal of these funds that might be promulgated. Further, the MRC has historically supported the principles of refunding residual carbon price proceeds to the member councils from which they were received.

DETAILS:

The MRC proposed to do the following:

- Change the purpose of the current 'Reserve for carbon price' which is 'to be used to fund the MRC's liability arising from the Carbon Price Mechanism' to 'to be used to fund the MRC's liability arising from the Carbon Price Mechanism or to refund member councils for carbon price proceeds received from them' to allow for the refunds to member councils to occur;
- Refund the residual carbon funds received from member councils, currently held in the carbon price reserve, directly to the member councils as outlined in the protocol (approximately \$2.9 million);
- Create a new reserve called the 'Carbon Abatement Reserve', the purpose of which will be 'to be used to fund carbon abatement projects', with any residual funds in the Reserve for carbon price (estimated \$491,077) being transferred to the Carbon Abatement Reserve; and
- The remaining residual carbon funds received from non-member customers to be held in the 'Carbon abatement reserve', would be used for carbon abatement projects as contemplated in the protocol which the MRC will identify and invest in before 31 December 2017 (approximately \$0.5 million).

MRC, during its Ordinary Council Meeting held on 20 August 2015, resolved to refund the Carbon Price proceeds to all Member Councils including the Town.

Accordingly, the Town's portion of the refund is approximately \$150,000 and the receipt of this payment is expected by October 2015. The entire amount of this refund is proposed to be deposited into the Town's Waste Management Reserve for the purposes as defined for this Reserve (to assist in the funding of waste management and waste minimisation strategies).

Legal Compliance:

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:

Environmental Plan 2013-2028.

Financial Implications:Internal Budget:

The receipt of this refund of approximately \$150,000 from MRC is unbudgeted revenue. It is proposed to amend the budget to move (expend) these funds from the Municipal fund to the Waste Management Reserve.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

The use of this refunded carbon price proceeds on works and services associated with waste collection within the Town will result in the acquisition of materials and services from the market.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Carbon Price Proceeds approximating \$150,000 is attributed to the payment of gate fees made by the Town to MRC during 2012/13 and 2013/14 fiscal years. This is an indication of the level of commitment made by the Town's rate payers for the purpose of the abatement of carbon emission. This commitment by the community is acknowledged and appreciated.

CONCLUSION:

It is recommended that the refund of the carbon price proceeds be received and moved into the Town's Waste Management Reserve.

RECOMMENDATION/S:**That Council:**

1. **Receives the refund of carbon price proceeds, approximating \$150,000, from Mindarie Regional Council (MRC).**
2. **Pursuant to Section 6.8 of the *Local Government Act 1995*, for the purpose of accounting for the refund of carbon price proceeds, amends the 2015-2016 Annual Budget as follows:**
 - a. **Revenue – Carbon Price Proceeds increase by \$150,000**
 - b. **Expense – Transfer to Waste Management Reserve increase by \$150,000**

(Absolute Majority Required)

12.2 Proposed Naming of Right of Way Bounded by Kate Street, Lake View Street, Shepperton Road and Norseman Street (ROW67)

| | |
|------------------------|-------------|
| File Reference: | ROA/28/0008 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 24 September 2015 |
| Reporting Officer: | T. McCarthy |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation – That Council requests approval of Geographic Names Committee to apply the name “Bickford Lane” to the Right of Way bounded by Kate Street, Lake View Street, Shepperton Road and Norseman Street.

- A submission has been received requesting that the subject Right of Way be named.
- The name “Bickford Lane” is recommended as a preferred name for the Right of Way.
- Use of the name “Bickford Lane” is in recognition of the Bickford Park Land Company, original developers of residential land in the area.

TABLED ITEMS:

Nil

BACKGROUND:

A request has been made that the subject Right of Way be named. It is understood that there has been difficulty in the past with emergency service vehicles locating residential properties which face the subject Right of Way and that residents have difficulty in directing friends, visitors, delivery drivers and trades people to properties which face the Right of Way.

DETAILS:

There are seven properties facing the Right of Way which use the Right of Way for primary vehicle access. Due to the difficulty of vehicle access to Shepperton Road, those properties which front Shepperton Road and also have access to the Right of Way have generally taken advantage of the easier access from the Right of Way and do not make use of their available access to Shepperton Road. This has resulted in almost all of the properties which abut the Right of Way taking either primary or secondary access from the Right of Way.

An incident occurred in mid July 2015 where it was reported that an ambulance had difficulty in locating one of the properties which faces the Right of Way. This incident has resulted in the request being made to name the Right of Way.

The subject Right of Way, bounded by Kate Street, Lake View Street, Shepperton Road and Norseman Street, East Victoria Park (ROW67), is paved and drained and is classified as “Essential for Access – To Remain Open” in the Right of Way Strategy Plan adopted by Council on 2 September 2003. The Right of Way is 165 metres long and 4.02 metres wide and runs parallel to Kate Street and Shepperton Road.

The Right of Way is owned by the Bickford Park Land Company, the de-registered land development company who carried out the original subdivision of land in the area. The Right of Way is accessible from both ends, i.e. from both Lake View Street and Norseman Street.

Legal Compliance:

Any name proposed to be used in naming a Right of Way must be approved by the Geographic Names Committee.

Policy Implications:

Suggestions for names to be put forward for naming of Rights of Way are sought from the Culture and Local History Working Group (CLHWG). In this instance CLHWG has not had opportunity to formally review the proposed name. Members of CLHWG have been contacted and invited to comment on the name proposed for the subject Right of Way. The Local History Librarian has suggested the name “Bickford Lane” and is supportive of that name being endorsed by Council.

Comments received from members of CLHWG are supportive of the name “Bickford Lane” being applied to the subject Right of Way. Members of CLHWG have also recommended that:

- The remaining available names of nurses and midwives who operated in the area be applied to Rights of Way in close proximity to the locations where the nurses and midwives operated. There are approximately four such remaining names of nurses and midwives to be used.
- A priority list of names which meet Geographic Names Committee requirements for use be developed by CLHWG, and those names presented to Council for endorsement. Names from that approved list would then be selected for endorsement by Council for application to a particular Right of Way when applications are received for naming of Rights of Way. The list is to be developed and approved by CLHWG prior to presentation to Council for endorsement.

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

If use of the proposed name for the Right of Way is approved by the Geographic Names Committee, street nameplates will need to be installed. These will be funded from the general account used for installation of street nameplates.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Application and use of a name for the subject Right of Way will give a sense of place to those residents who use the Right of Way for sole vehicle access to their properties, and will also assist those residents who use the Right of Way for secondary vehicle access to their properties.

Cultural Issues:

The proposed name will bring some awareness to residents of the history of settlement in the local area.

Environmental Issues:

Nil

COMMENT:

Any name proposed to be used in naming a Right of Way must be approved by the Geographic Names Committee. The Committee has produced a "Principles, Guidelines and Procedures" handbook for reference when considering names for roads, Rights of Way, private roads and parks. The guiding principles for the Committee when approving a name for use as published in the handbook are:

- *New names and changes of names shall have strong local community support.*
- *Names in public use shall have primary consideration.*
- *Name duplication and dual naming should be avoided, especially those in close proximity.*
- *Names of living individuals should be used only in exceptional circumstances.*
- *Names characterised as follows are to be avoided, where possible:*
incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.
- *Preferred sources of names are:*
Descriptive names appropriate to the features, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.
- *Generic terms must be appropriate to features described.*
- *New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.*

- *The use of the genitive apostrophe is to be avoided (eg. Butcher's).*
- *Hyphenated words in place names shall only be used where they have been adopted in local usage. (eg. City of Kalgoorlie-Boulder)"*

The handbook states that the guidelines for selection of names require that *"name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10km from the existing duplication and must have a different road type."* The handbook provides guidelines on the naming of laneways and Rights of Way and states:

"The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and rights-of-way requiring names. The naming of such roads is supported with a preference for use of the road type Lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway."

"Bickford Lane" is suggested as a name for the Right of Way in recognition of the Bickford Park Land Company, which carried out the original residential land subdivision in the area. The ownership of the Right of Way is still registered in the name of the Bickford Park Land Company. CLHWG has not met recently and there has been no opportunity to date for CLHWG to formally review the current request. However, as indicated above under Policy Implications, whilst there has been no meeting of CLHWG to consider the request, comments received from members of CLHWG are supportive of the name "Bickford Lane" being applied to the subject Right of Way.

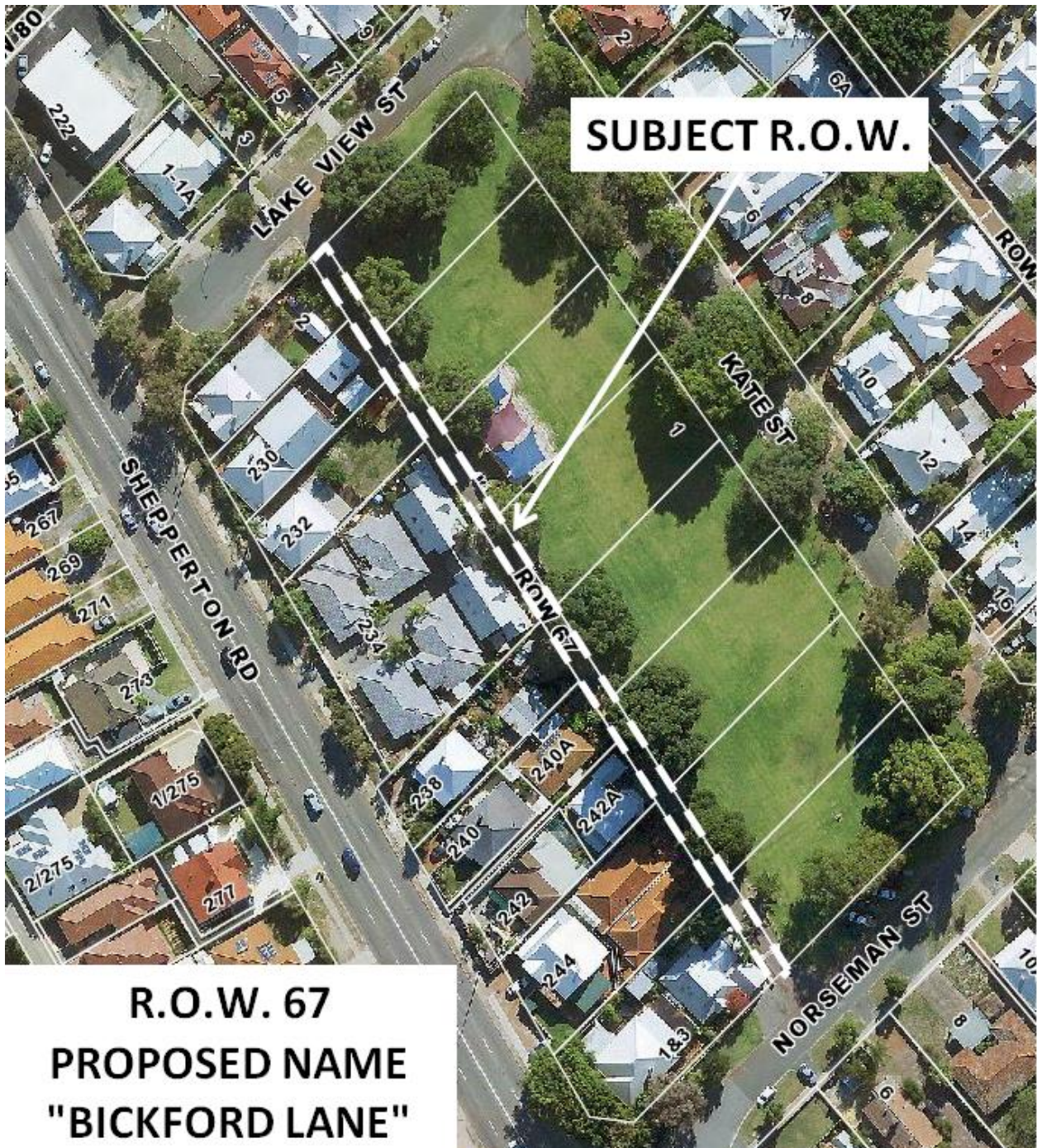
It is recommended that the Geographic Names Committee be requested to approve the name "Bickford Lane" for the subject Right of Way.

CONCLUSION:

It is recommended that the name "Bickford Lane" be submitted to the Geographic Names Committee for approval.

RECOMMENDATION/S:

The Geographic Names Committee be requested to approve the name "Bickford Lane" to be applied to the Right of Way bounded by Kate Street, Lake View Street, Shepperton Road and Norseman Street, East Victoria Park.



12.3 Proposed Naming of Right of Way Bounded by Albany Highway, Dane Street, Hubert Street and Mint Street (ROW52)

| | |
|------------------------|-------------|
| File Reference: | ROA/28/0034 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 24 September 2015 |
| Reporting Officer: | T. McCarthy |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation – That Council requests approval of Geographic Names Committee to apply the name “Iceworks Lane” to the Right of Way bounded by Albany Highway, Dane Street, Hubert Street and Mint Street (ROW52).

- A proposal has been put forward that the subject Right of Way be named.
- The name “Iceworks Lane” is recommended as a preferred name for the Right of Way.
- Use of the name “Iceworks Lane”, in recognition of an ice and cold storage business previously located in the area.

TABLED ITEMS:

Nil

BACKGROUND:

It has been suggested that the subject Right of Way be named. It is understood that residents have difficulty in directing friends, visitors, delivery drivers and trades people to properties which face the Right of Way. It is also understood that businesses facing Albany Highway which have parking access from the Right of Way have some difficulty in directing customers and clients to those parking areas accessed from the Right of Way.

DETAILS:

There are six residential and 22 commercial properties facing the Right of Way which use the Right of Way for primary vehicle access. Several properties which front Hubert Street and also have access to the Right of Way have taken advantage of the access from the Right of Way in addition to their available access to Hubert Street. This has resulted in the majority of the properties which abut the Right of Way taking either primary or secondary access from the Right of Way. Those properties fronting Albany Highway and Mint Street are zoned “District Centre” and those properties fronting Hubert Street are zoned “Residential R30” under the Town of Victoria Park Town planning Scheme No. 1.

The subject Right of Way, bounded by Albany Highway, Dane Street, Hubert Street and Mint Street, East Victoria Park (ROW52), is paved and drained and is classified as “Essential for Access – To Remain Open” in the Right of Way Strategy Plan adopted by Council on 2 September 2003. The Right of Way is 404 metres long and 4.02 metres wide and runs parallel to Albany Highway and Hubert Street.

The Right of Way is owned by Ethel Winifred Johnston, widow of the developer James Robert Johnston who carried out the original subdivision of land in the area. Ethel Winifred Johnston died in Christchurch, New Zealand, in 1951. The Right of Way is accessible from both ends, i.e. from both Mint Street and Dane Street.

Legal Compliance:

Any name proposed to be used in naming a Right of Way must be approved by the Geographic Names Committee.

Policy Implications:

Suggestions for names to be put forward for naming of Rights of Way are sought from the Culture and Local History Working Group (CLHWG). In this instance CLHWG has not had opportunity to formally review the proposed name. Members of CLHWG have been contacted and invited to comment on the name proposed for the subject Right of Way. The Local History Librarian has suggested the name "Iceworks Lane" and is supportive of that name being endorsed by Council.

Comments received from members of CLHWG are supportive of the name "Iceworks Lane" being applied to the subject Right of Way. Members of CLHWG have also recommended that:

- The remaining available names of nurses and midwives who operated in the area be applied to Rights of Way in close proximity to the locations where the nurses and midwives operated. There are approximately four such remaining names of nurses and midwives to be used.
- A priority list of names which meet Geographic Names Committee requirements for use be developed by CLHWG, and those names presented to Council for endorsement. Names from that approved list would then be selected for endorsement by Council for application to a particular Right of Way when applications are received for naming of Rights of Way. The list is to be developed and approved by CLHWG prior to presentation to Council for endorsement.

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

If use of the proposed name for the Right of Way is approved by the Geographic Names Committee, street nameplates will need to be installed. These will be funded from the general account used for installation of street nameplates.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Application and use of a name for the subject Right of Way will give a sense of place to those residents who use the Right of Way for sole vehicle access to their properties, and will also assist those residents who use the Right of Way for secondary vehicle access to their properties.

Cultural Issues:

Use of the name "Iceworks Lane" for the Right of Way will recognise the significance of the presence of an iceworks located at 860 Albany Highway, prior to refrigeration being readily available to the general public, and will also will bring some awareness to residents and others of the history of settlement in the local area.

Environmental Issues:

Nil

COMMENT:

Any name proposed to be used in naming a Right of Way must be approved by the Geographic Names Committee. The Committee has produced a "Principles, Guidelines and Procedures" handbook for reference when considering names for roads, Rights of Way, private roads and parks. The guiding principles for the Committee when approving a name for use as published in the handbook are:

- *New names and changes of names shall have strong local community support.*
- *Names in public use shall have primary consideration.*
- *Name duplication and dual naming should be avoided, especially those in close proximity.*
- *Names of living individuals should be used only in exceptional circumstances.*
- *Names characterised as follows are to be avoided, where possible:*
incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.
- *Preferred sources of names are:*
Descriptive names appropriate to the features, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.
- *Generic terms must be appropriate to features described.*
- *New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.*

- *The use of the genitive apostrophe is to be avoided (eg. Butcher's).*
- *Hyphenated words in place names shall only be used where they have been adopted in local usage. (eg. City of Kalgoorlie-Boulder)*

The handbook states that the guidelines for selection of names require that *“name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10km from the existing duplication and must have a different road type.”* The handbook provides guidelines on the naming of laneways and Rights of Way and states:

“The increase in urban density in new development and urban redevelopment has resulted in many narrow short lanes and rights-of-way requiring names. The naming of such roads is supported with a preference for use of the road type Lane and short names. Laneways will normally only be named if a name is required for addressing purposes. The leg of a battleaxe lot is not a laneway.”

It was previously recommended by the Culture and Local History Working Group (CLHWG) to use names of midwives and nurses who worked in the local area. Most of the names of nurses and midwives who were active in the Victoria park area that have been discovered have been allocated in the naming of Rights of Way. There are four names which are still available for use, subject to further research. It is proposed to develop a priority list of names which meet Geographic Names Committee requirements for use, and present those names to Council for endorsement and then select names from that endorsed list when applications are received for naming of Rights of Way. Elected Members may recall that at the July 2015 Ordinary Council Meeting, during discussion about naming of a Right of Way, an Elected Member suggested that the Town move away from using nurses and midwives names and that other names, such as aboriginal names, should be used.

In this instance it is recommended that Council approve the use of the name “Iceworks Lane” and that the Geographic Names Committee be requested to approve the name “Iceworks Lane” for the subject Right of Way.

“Iceworks Lane” is suggested as a name for the Right of Way in recognition of the iceworks which existed in the area. Newspaper advertisements from the late 1940's show that Victoria Park Ice and Cold Storage was located at 860 Albany Highway, Victoria Park, which is the property where the East Victoria Park IGA store, Tao Japanese Sushi Train and Tutti Frutti Frozen Yogurt stores are now located. The owners of the iceworks were the Colley family and Hendley Butchers were also located at the same address. Oral history records held by the Local History Librarian provide the following detail:

Until the widespread use of domestic refrigerators in the late 1950s, perishable food was kept fresh in ice chests kept cool by the regular supply of ice blocks. In Victoria Park most homes were supplied with ice from the Victoria Park Ice and Cold Storage owned by the Colley family. Ernest Colley had begun the ice works in 1925 in partnership with Bruce Hendley.

Bruce Hendley ... had a butcher shop right at the site where the ice works finished up being ... my Dad had a cutting cart, and he apparently used to get the meat off Hendley and he would go out and deliver meat around with this cutting cart ... they realised that there was a need for ice and they built a bit of an ice plant at the back.(from John Colley)

CLHWG has not met recently and there has been no opportunity to date for CLHWG to formally review the current request. However, as indicated above under Policy Implications, whilst there has been no meeting of CLHWG to consider the request, comments received from members of CLHWG are supportive of the name "Iceworks Lane" being applied to the subject Right of Way

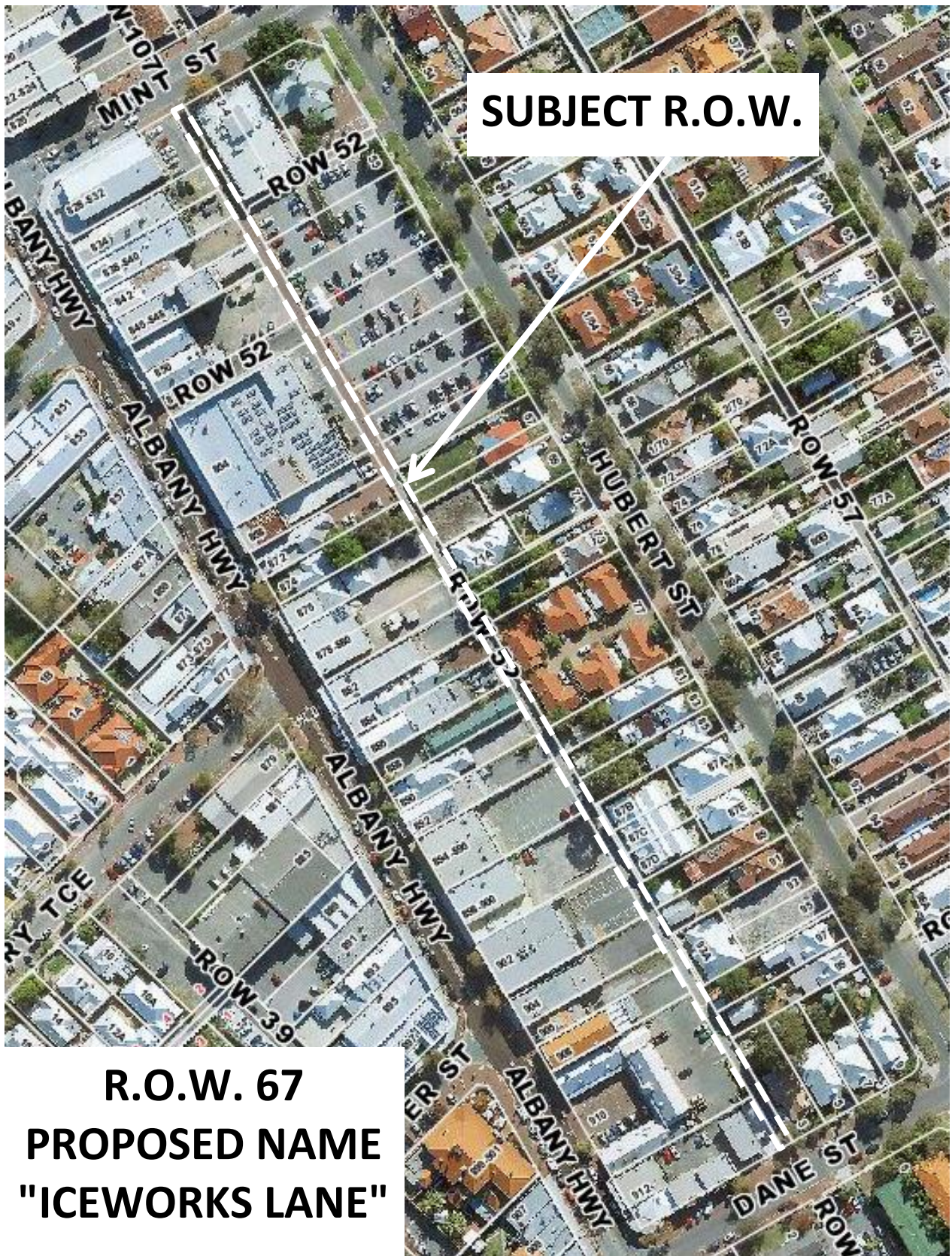
It is recommended that the Geographic Names Committee be requested to approve the name "Iceworks Lane" for the subject Right of Way.

CONCLUSION:

It is recommended that the name "Iceworks Lane" be submitted to the Geographic Names Committee for approval.

RECOMMENDATION/S:

The Geographic Names Committee be requested to approve the name "Iceworks Lane" to be applied to the Right of Way bounded by Albany Highway, Dane Street, Hubert Street and Mint Street, East Victoria Park.



12.4 Proposed Lease of Premises at 12 Kent Street, East Victoria Park, to Victoria Park Centre for the Arts Inc.

| | |
|------------------------|--------|
| File Reference: | PR3326 |
| Appendices: | No |

| | |
|-----------------------------|------------------|
| Date: | 1 September 2015 |
| Reporting Officer: | T. McCarthy |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation – Premises at 12 Kent Street, East Victoria Park, currently occupied by Victoria Park Centre for the Arts Inc. be leased to Victoria Park Centre for the Arts Inc. for a term of five (5) years with an option for a further five year term at the Lessor’s discretion.

- The Victoria Park Centre for the Arts Inc. has occupied the property at 12 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.
- Recommended that Council enter into a five year lease with Victoria Park Centre for the Arts Inc with an option for a further five year term at the Lessor’s discretion.

TABLED ITEMS:

- Draft lease document for the lease of Premises at 12 Kent Street, East Victoria Park, to Victoria Park Centre for the Arts Inc. (**VPCA**).
- Valuation dated 25 February 2014 of premises at 12 Kent Street, East Victoria Park.

BACKGROUND:

VPCA has occupied the premises at 12 Kent Street for many years. VPCA’s lease of the premises expired some years ago and it remains in occupation under the “holding over” clause of the expired lease. VPCA has indicated that it desires to have a new lease over the premises.

DETAILS:

VPCA occupies the whole of the property at 12 Kent Street. Originally comprised of an old timber framed house on the 916m² property, a purpose built workshop was erected on the site at the rear of the house in 2004. The workshop was fully funded by Council and construction was carried out for the tendered price of \$205,686. The property is owned in fee simple by the Town and is zoned “Parks and Recreation” under the Town of Victoria Park Town Planning Scheme No. 1, excepting a 5.0m wide strip at the front boundary of the property for the 21.2 metre width of the property, which is zoned “Other Regional Roads” under the Metropolitan Region Scheme.

Legal Compliance:

The proposed lease of the premises to VPCA 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:

The draft lease is consistent with meeting the following objectives outlined in the Town’s Strategic Community Plan:

- Create a vibrant Town that is a place of social interaction, creativity and vitality;
- Connect people to services, resources and facilities that enhance their physical and social wellbeing;
- Effectively manage, maintain and renew the Town’s assets; and
- Provision of planning, management and maintenance services for the Town's facilities.

Nil

Financial Implications:

Internal Budget:

The Town provides a flat rate annual subsidy to the VPCA of \$10,000 (exc. GST) to assist with projects and programs. An additional subsidy of \$63,907 is provided as a contribution to the wages of the Director Victoria Park Centre for the Arts which is paid annually, CPI indexed for All Groups June to June.

Revenue of \$1 plus GST (less expenses incurred) for a full financial year is proposed to be applied within the lease.

The table below provides indicative figures, based on a Gross Rental Value (GRV) of \$39,520 as to the value of the outgoings associated with 14 Kent Street –

| OUTGOING | VALUE | PROPOSED TO BE ON-CHARGED |
|--------------------|--------------|----------------------------------|
| Council Rates | \$2,928.43 | No |
| ESL | \$486.10 | No |
| Water Rates | ~\$350 | Yes |
| Building Insurance | ~\$300 | Yes |

Total Asset Management:

A valuation carried out in February 2014 of the premises by a licensed valuer determined that the current market rental, excluding outgoings and GST, for the premises as \$40,000 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 nature of the amenity provided by the front and rear premises;*
- *The current use of the premises; and*
- *The demand for such workspace premises throughout the metropolitan area.”*

The building valuation carried out in June 2013 for asset management purposes by APV Valuers determined the Gross Current Replacement Cost of the two main buildings at the premises as \$480,000 with a Reinstatement With New Value (for insurance purposes) of \$550,000.

In 2013, the fair value assigned to the buildings and land at 12 Kent Street was \$605,000.

On a scale of 1 to 5, with 1 being very good and 5 being very poor, the buildings were assessed as 3 being: *“Moderate – Building has been regularly maintained throughout. 21%-70% remaining of Estimated Economic Working Life.”*

Sustainability Assessment:

External Economic Implications:

VPCA provides opportunity for cultural enhancement in the community through its educational programs and workshops conducted at the premises.

Social Issues:

VPCA is the only community arts centre within the Town and provides a valuable cultural and social function for community participation.

Cultural Issues:

The Victoria Park Centre for the Arts plays an important role in fostering the meaningful cultural fabric of the Town, with their key drivers being to:

- Support, promote and advocate for the Arts;
- Build community pride and culture through the Arts; and
- Inspires members of the local community to engage and participate in arts-culture inclusively and ethically.

Environmental Issues:

Nil

COMMENT:

The proposed lease is for five years and from 1 November 2015 to 31 October 2020, with an option of a further five year term at the Lessor’s discretion. The recommended amount of rent payable for the duration of the lease term has been determined after consideration of:

- The rent that VPCA has been hitherto paying;
- The term of the lease;
- The financial position of VPCA and its ability to generate income in order to meet rent payments;
- The aging facilities of the premises;
- The value of the premises as a facility for the community; and
- The rental valuation of the premises as determined by a licensed valuer.

The recommended rent is \$1.00 (excluding GST) per annum payable if demanded.

VPCA was sent a copy of the draft lease document (which was reviewed by both the VPCA Board and VPCA Administration), and requested to provide confirmation that the draft document is acceptable. In response, VPCA requested that a minimum term of five years be granted, with an option to renew for a further five years. As there will be a redevelopment clause included in the lease document, it is considered reasonable that a five year lease term be granted with an option of a further five year term at the Lessor’s discretion.

The application of a rental figure for this lease needs to be considered by Elected Members in conjunction with the current financial position of VPCA and its ability to generate income. It should also be recognised that VPCA has never paid any meaningful rent.

VPCA currently pays rent of \$1.00 (excluding GST) per annum. It is considered appropriate to recommend to Council that the rent for a new lease be set at \$1.00 (excluding GST). 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 VPCA that by setting the rent at an amount less than the rental valuation carried out by the licensed valuer, VPCA acknowledges that the Town is, in effect, making an in-kind donation to VPCA. 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 \$40,000.00 (excluding GST) per annum as at 25 February 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 \$40,000.00 (excluding GST) per annum and is, in effect, making an in-kind donation to the Lessee of \$40,000.00 (excluding GST) per annum by way of foregone rent.”

Council, should it wish, can determine an amount of rent to be paid by VPCA 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 circumstances of VPCA are unique in that a community dividend is provided in the form of artistic, cultural, social and educational outcomes and deserve consideration beyond usual parameters.

The Town currently makes an annual direct financial contribution to the VPCA totalling \$73,907 for the purpose of assisting financially with operational costs. It would be questionable to require VPCA to pay rent if the organisation is already unable to survive financially without assistance from the Town. It also needs to be recognised that the Town incurs financial penalty in not charging rent and also incurs financial cost in replacement or repair of building infrastructure that reaches the end of its useful life, particularly in the older building on the property.

Under the terms of the proposed lease, the tenant will be responsible for all outgoings (utilities, levies, rates and charges)

Historically, the Town has not applied the payment of rates to its Lessees. There is a general clause included in standard lease documents which states that the Town's Lessees are to *“Duly and punctually to pay all rates, taxes, assessments, charges, impositions and outgoings of whatsoever nature payable or hereafter to be become payable to any Government, local government or other authority in respect of the Premises.”* This clause is included to cover the possibility that rates may be payable if demanded. Previous Councils have taken the view that rates ought not to be charged on

Council owned properties leased to not-for-profit and community organisations. Given that some Leases are quite long in term, there is always the possibility that Council may wish to start imposing rates and the clause would allow that to happen. Given that most of the aforementioned groups are charged little or no rent, the amount of rates that would be recovered if they were to be imposed would be a small percentage of the foregone rent.

VPCA has been charged, and has paid, water usage charges for 12 Kent Street. They have not been charged water service charges. VPCA has been charged, and has paid building insurance premiums in the past. VPCA were not charged rates, waste charges or the Emergency Services Levy (ESL) in the past.

The Town is not involved in the supply of gas, electricity and telephone/internet services to Lessees. VPCA, and all other Lessees, are responsible for arranging with providers their own gas, electricity and telephone/internet services and are responsible for meeting all installation and usage costs involved.

The Victoria Park Centre for the Arts appointed a new Chairperson and Director earlier this year, who have demonstrated a strong commitment to rebuilding strong foundations at Victoria Park Centre for the Arts. A focused effort has been placed on improving the staff structure, volunteering framework, reviewing policy and procedure, improved community engagement and alignment of direction with the needs of members and wider community.

Over the past year, activities by the VPCA have included: a timetable of workshops and courses every term for children and adults; special events such as the Ignite Music and Arts Festival; Victoria Park Art Awards; gallery shop; gallery exhibitions; photographic exhibition; website and social media advances; continued partnership with Nulsen Haven to support people with disabilities into the Arts and more. The Centre was successful in accessing funding from Lotterywest, and continues to diversify its revenue by seeking grants.

The Town's financial commitment to the centre in terms of operational subsidy and Directors wages ends this financial year. Administration will present a further report to Council in early 2016 to consider its future financial commitments to the VPCA.

ADDITIONAL COMMENTS:

A team of Administration staff has been formed to draft the Town's leasing policy to help guide the Town's future decision making process related to the leasing of the Town's properties. If endorsed by Council, the policy is not anticipated to be in place before the end of 2015. From the ongoing engagements between the Director of the Victoria Park Centre for the Arts Inc (the Centre) and the Town's staff, It is evident that the viability of the Centre and the success of the various outcomes it has planned to achieve are critically dependent on Council's endorsement of the leasing of this property for at least a period of five years.

A lease agreement would provide a critical foundation for the Victoria Park Centre for the Arts to strive for long-term financial sustainability and in the longer term reduce the Centre's reliance on funding support from the Town. It is noted that the opportunities outlined below by their nature require an extended timeline (3-5 years) to achieve the expected outcomes:

- Security of tenure in the form of a lease agreement is a requirement of both State and Federal funding bodies for Organisational Funding, as well as other funding bodies such as Lotterywest. DCA triennial funding is an example of such;
- Attracting, building and maintaining a major partnership with most organisations is generally highly dependent on security of venue for an Arts Organisation. The space itself and its brand, reputation and ability to perform are significant factors in leveraging such partnerships. This can be evidenced by the long term strategic partnership between the Centre and Nulsen Haven Inc. The accessibility of the venue is critical to the success of this relationship. Therefore security of tenure is critical to successful partner building. Such partnerships could reduce the Centre's financial reliance on the Town in the long term;
- Likewise, building strategic partnerships with other arts centres, universities, and other educational bodies; locally, nationally and internationally, that open opportunities for collaborative projects, satellite exhibitions and satellite venue space, sister gallery style relationships, relies heavily on tenure security and the venue's reputation. Such relationships support the centre's strategic objective to grow revenue to support the centre's activities and reduce the centre's financial reliance on the Town;
- Major grants funding from most funding bodies require security of tenure for an organisation to apply for project grants that run over multiple years. The opportunity to apply for such grants, either as an individual or in collaboration with other organisations, would enable the centre to undertake major projects such as development of the grounds and buildings, workshops development and youth access programs;
- In addition, the Centre is currently exploring and continuing to develop opportunities to form collaborative and mutually supportive relationships with other local community groups. These opportunities include collaborative grants, auspicing and providing a venue as in kind support. Examples of this include the Centre's ongoing relationship with the Transitions Network, discussions with the Victoria Park Primary School P&C around support for the Farmers Markets, Connections Victoria Park supporting seniors week, Creative Connections, The Town's Local History Awards and The As We Are exhibition. Security of tenure for the Centre also ensures security for the Centre's partner organisations and thus supporting and providing further positive leveraging to further develop these relationships;
- Stability of tenure via lease would support the retention of staff, volunteers and sponsors who are the backbone to a successful Centre;
- A solid tenure supports organisational integrity for the Centre to attract experienced teachers and artists into the future;
- A signed lease can support the Centre to build long-term, strategic relationships with other community groups, businesses and partners to support, promote and advocate for a thriving arts culture locally; and
- Unlike many other community groups where the home-base is flexible, the Centre necessities infrastructure that is fit for purpose. It needs to match the requirements of an arts space which has specific and unique needs. The property at 12 Kent Street offers gallery, workshop/studio space, office, gardens and more which inspires members of the community to engage and participate in a diverse range of arts initiatives. In the case of the Arts Centre, the venue, the building and the place itself is essentially the heart of the community members.

As can be seen from the engagement feedback, the subjective/emotive response to the venue itself is integral to the experience of the Centre whether that be doing a workshop or visiting an exhibition or choosing to volunteer or work at the centre. The venue has evidenced that it provides an important role in the community and can be a drawcard for attracting staff, community and businesses.

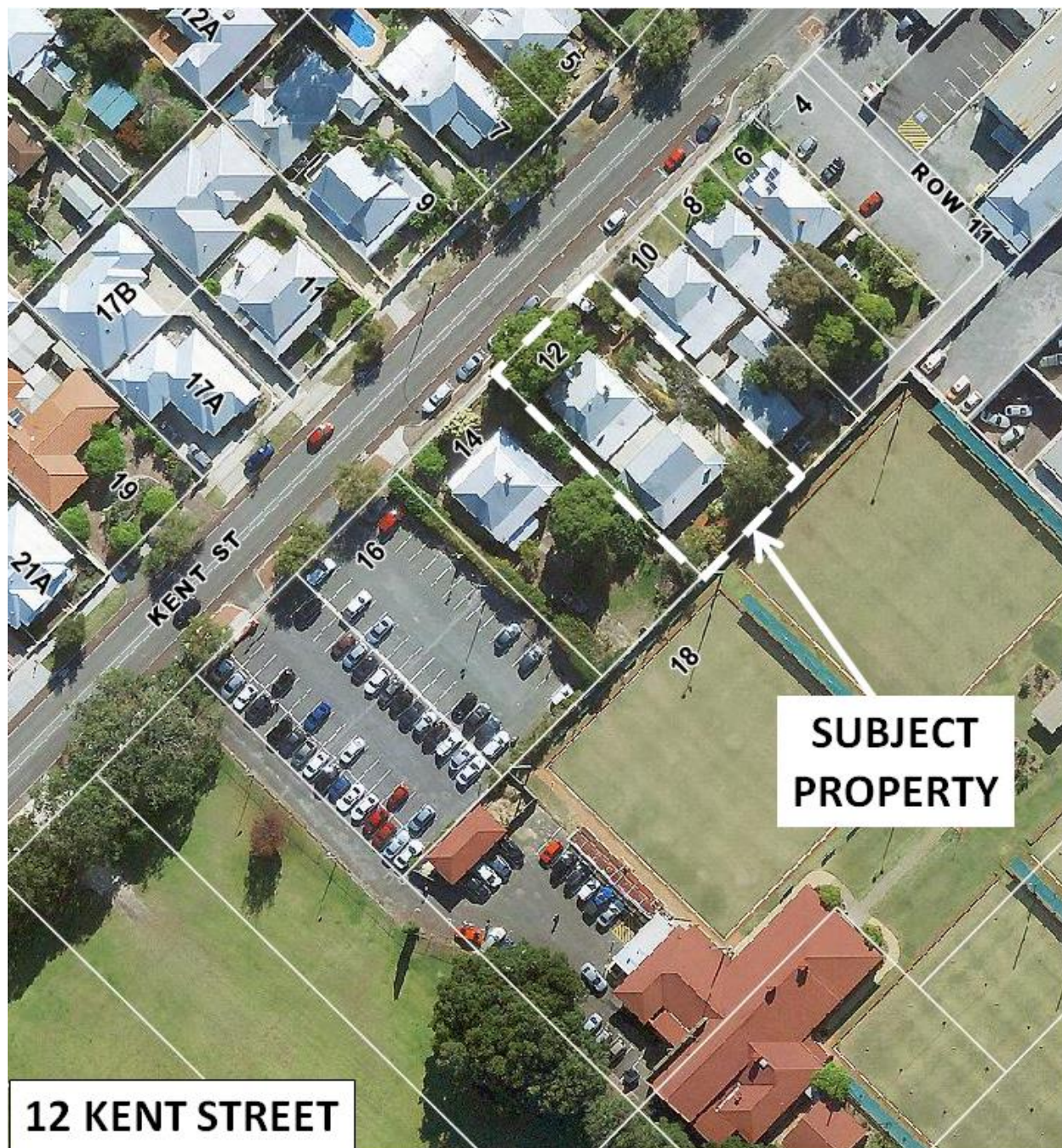
CONCLUSION:

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

RECOMMENDATION/S:

That:

1. **The Premises at 12 Kent Street, East Victoria Park, currently occupied by Victoria Park Centre for the Arts Inc. be leased to Victoria Park Centre for the Arts Inc. for a term of five years commencing 1 November 2015 and concluding 31 October 2020 with an option for a further five year term at the Lessor's discretion. The rent is to be \$1.00 (excluding GST) per annum payable in advance.**
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 Victoria Park Centre for the Arts Inc. to vacate the premises should it be necessary for the Town to have possession of the premises for the purpose of redevelopment.**
3. **The Mayor and the Chief Executive Officer be authorised to execute the lease document for the lease of the Premises at 12 Kent Street, East Victoria Park, to the Victoria Park Centre for the Arts Inc.**



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

| | |
|------------------------|--------|
| File Reference: | PR3351 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 24 September 2015 |
| Reporting Officer: | T. McCarthy |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation – Premises at 18 Kent Street, East Victoria Park, currently leased to Victoria Park Carlisle Bowling Club Inc. be leased to Victoria Park Carlisle Bowling Club Inc. for a term of five years with an option for a further five year term at the Lessor’s option.

- The Victoria Park Carlisle Bowling Club Inc. has occupied the property at 18 Kent Street for many years and wishes to secure a longer lease term for the property.
- A new draft lease has been prepared and is tabled.
- Recommended that Council enter into a five year lease with Victoria Park Carlisle Bowling Club Inc. with a five year option.

TABLED ITEMS:

- Draft lease document for the lease of Premises 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 1 September 2015 from the Club.
- Letter dated 13 September 2015 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 former lease of the premises expired on 30 June 2006 and it remained in occupation under the “holding over” clause of the expired lease. The Club requested a new lease over the premises and Council, at its Ordinary Meeting held 9 December 2014, resolved to lease the clubhouse premises and bowling greens to the Club for a term of two years with two x one year options in favour of the Lessee (the Club). The Club has recently requested that Council grant a five year lease with the option of a further five year term.

DETAILS:

The Club occupies an area of approximately 11,500m² at Kent Street, East Victoria Park, as depicted in the tabled draft lease document. The leased area is over several lots all owned in fee simple by the Town and all are zoned "Parks and Recreation" under the Town of Victoria Park Town Planning Scheme No. 1, excepting a 5.0m wide strip along the Kent Street boundary of each lot, which is zoned "Other Regional Roads" under the Metropolitan Region Scheme.

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 10 February 2015, Council resolved:

1. *Receive the reprioritised recommendations from the Sport and Recreation Facilities Strategy as contained within the Appendices.*
2. *Engage a consultant, as a cost no greater than \$15,000 to undertake work on a Hockey Project Plan, being the first stage of a Feasibility Study and that a report comes back to the Ordinary Council Meeting on 12 May, 2015.*
3. *Request the Administration liaises with the City of South Perth and Department of Sport and Recreation to seek contributions to the cost incurred in engaging a consultant.*

Included within the Sport and Recreation Facilities Strategy received by Council is the following recommendation:

HIGH PRIORITY - SHORT TERM (ORIGINAL):

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 lie within the amalgamation boundary identified for the Town of Victoria Park and South Perth)

HIGH PRIORITY – SHORT TERM (REVISED):

Pending outcome of Business Case for Town Centre redevelopment, which will determine the future of the piece of land where the club is located. Club is working to improve its short/medium term sustainability.

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 proposed to be applied within the lease.

The table below provides indicative figures, based on a Gross Rental Value (GRV) of \$112,075 as to the value of the outgoings associated with 18 Kent Street –

| OUTGOING | VALUE | PROPOSED TO BE ON-CHARGED |
|--------------------|--------------|----------------------------------|
| Council Rates | \$8,304.76 | No |
| ESL | Unknown* | No |
| Water Rates | ~\$500 | Yes |
| Building Insurance | ~\$300 | Yes |

*The Town has not previously been charged ESL (Emergency Services Levy) on this property.

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. 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.”*

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.

In 2013 the fair value assigned to the buildings and land at 18 Kent Street was \$5,615,000.

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 Club has requested that a new five year lease with an option of a further five year term be granted. If the request is approved, the current lease would need to be determined. The motivation for the Club seeking a longer tenure is that they wish to enter into an arrangement with a five a side soccer organisation to sub-lease one green to the

five a side soccer organisation. The sub-lease would be subject to Council approval. The five a side soccer proposal would bring new activity to the Club, with the soccer players becoming members of the Club in order to enjoy the social facilities at the Club.

The five a side soccer organisation would make a significant capital investment in installing infrastructure at the Club, and would not make such a significant investment unless there is some certainty of tenure. A five year sub-lease is considered a minimum term of tenure, with an option for a further five year term.

Elected Members have previously been advised of the proposal to consider five a side soccer at the Club, and at its Ordinary Meeting held 14 July 2015, Council resolved:

That Council:

1. *Agrees in principle to establishing Area 5 Football within the Town of Victoria Park.*
2. *Requests the Chief Executive Officer to present a report on the financial and opportunity costs of co-locating Area 5 football at the Victoria Park Carlisle Bowling Club at 18 Kent Street, East Victoria Park and any future relocation cost and potential future development of the site or other site(s) within the Town that may necessitate the re-location of Area 5 Football assets to the August 2015 Elected Members Workshop.*

Elected Members were presented a memorandum in relation to the above matter on 1 September 2015. Pending the outcome of this matter pertaining to the lease, the Club will be encouraged to progress negotiations with Area 5 Football.

The proposed lease is for 5 years from 1 November 2015 to 31 October 2020, with an option for a further five year term at the Lessor's option. 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 relevant recommendations made in the Sport and Recreation Facilities Strategy;
- The value of the premises as a facility for the community; and
- 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. This is the rental under the current lease executed in January 2015, and that rental rate would continue for the term of the lease if a new lease had not been requested and now considered.

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

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.

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.

Under the terms of the proposed lease, the tenant will be responsible for all outgoings (utilities, levies, rates and charges)

Historically, the Town has not applied the payment of rates to its Lessees. There is a general clause included in standard lease documents which states that the Town’s Lessees are to *“Duly and punctually to pay all rates, taxes, assessments, charges, impositions and outgoings of whatsoever nature payable or hereafter to be become payable to any Government, local government or other authority in respect of the Premises.”* This clause is included to cover the possibility that rates may be payable if demanded. Previous Councils have taken the view that rates ought not to be charged on Council owned properties leased to not-for-profit and community organisations. Given that some Leases are quite long in term, there is always the possibility that Council may wish to start imposing rates and the clause would allow that to happen. Given that most of the aforementioned groups are charged little or no rent, the amount of rates that would be recovered if they were to be imposed would be a small percentage of the foregone rent.

The Club has been charged, and has paid, water usage charges for 18 Kent Street. They have not been charged water service charges. The Club has been charged, and has paid building insurance premiums in the past. The Club was not charged rates, waste charges or the Emergency Services Levy (ESL) in the past.

The Town is not involved in the supply of gas, electricity and telephone/internet services to Lessees. The Club, and all other Lessees, are responsible for arranging with providers their own gas, electricity and telephone/internet services and are responsible for meeting all installation and usage costs involved.

CONCLUSION:

It is recommended that Council enter into a new lease agreement with the Club for a five year term with an option for a further five year term in favour of the Lessor.

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 five (5) years commencing 1 November 2015 and concluding 31 October 2020, with a further five (5) year option in favour of the Lessor. 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 Lessee 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. Any income derived from the lease 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.**
- 5. The Town of Victoria Park and the Victoria Park Bowling Club Inc. by mutual agreement determine the current lease of the Clubhouse Premises and Bowling Greens at 18 Kent Street, East Victoria Park, prior to execution of the proposed new five (5) year lease.**



12.6 Floodlighting Project – McCallum Park – Outcome of Public Participation

| | |
|------------------------|----------------|
| File Reference: | PAR/18/0008~17 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 21 September 2015 |
| Reporting Officer: | W. Bow |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:
That Council:

1. **Supports the installation of floodlighting at the multi-purpose sports courts on McCallum Park as a result of the public engagement outcome being mostly favourable.**
2. **Requests the Administration progress the installation of floodlighting at the multi-purpose sports courts on McCallum Park, and that costs be allocated to Work Order 1452.**
3. **Endorses that the lighting be operational until 8pm Sunday to Wednesday and until 9pm Thursday to Saturday, with the option of a later time for special events.**
4. **Address the concerns raised during the public participation process, implementing strategies to coincide with the floodlighting installation where practicable.**
 - A public participation and consultation process was undertaken to seek community views regarding the proposal to install floodlighting at the basketball courts on McCallum Park.
 - The feedback received was mostly favourable with many positive comments received suggesting the impact would bring a wide variety of community benefit.
 - There were some concerns raised by residents, and it is believed these could be sufficiently addressed in order to proceed with the floodlighting.

TABLED ITEMS:

- Minutes of the Ordinary Council Meeting, 9 June 2015: Item 12.3 – Floodlighting Project – McCallum Park – Reallocation of Funds.
- Survey Data Set, All respondents, (Survey Monkey open Monday 24 August to Monday 7 September).
- Survey Data Set, Proximity residents, (Survey Monkey open Monday 24 August to Monday 7 September).
- Crime Prevention Through Environmental Design (CPTED) report (September 2015).

BACKGROUND:

The Town has received several requests from community members to install floodlights at the basketball courts on McCallum Park.

At its meeting on 9 June 2015, Council resolved:

“That:

- 1. By an Absolute Majority, pursuant to Section 6.8 of the Local Government Act 1995 authorises the reallocation of \$150,000 (GST exclusive) from General Ledger 12364.1397 to General Ledger 37757.3095 for the proposed installation of flood lighting to the multi-purpose sports courts on McCallum Park;*
- 2. Endorses the commencement of a public participation process to ascertain support for the project; and*
- 3. Requests that the matter be referred to an Ordinary Council Meeting on or before October 2015 for determination.”*

The purpose of this report is to present the findings of the public participation initiative, propose a way forward, and demonstrate how public input influenced the recommendation.

DETAILS:

During August and September 2015, a public participation initiative was conducted to seek community comment on the proposal to install floodlighting at the McCallum Park basketball courts in Victoria Park.

An Information Sheet was made available (direct to residents and on the website) that outlined: key aspects of the lighting proposal; public participation and engagement process; and communication channels to participate or enquire further.

The public were asked to get involved with sharing their views by participating in a number of ways:

- Online survey - midday 24 August to midday 7 September (238 respondents);
- Focus Group – Thursday 10 September at 1pm or 6.30pm, or Saturday 12 September at 2pm (one respondent, who had also completed a survey); and
- Direct communication to Executive Manager Neighbourhood Life (three enquires, who reported they had also completed an online survey).

Opportunities to get involved were promoted through:

- Banner Sign on site at the basketball courts;
- Direct mail/letter to nearby residents;
- Town’s Website;
- Advertisement in Southern Gazette;
- Social media (Facebook/Twitter); and
- Life in The Park article.

Of the 238 survey responses, 99 Respondents lived in the Town (15 in close proximity to courts) and 139 Respondents lived outside the Town. Most of the respondents were male (77%) and the main age bracket was 25-39 years (50%) followed by 15-24 years (38%). Over half the people that completed the survey reported to use the courts once a week or more.

A total of 211 respondents (93.36%) were in favour of installing floodlights at the McCallum Park Basketball Courts. There were nine respondents not in favour of installing the lights and six respondents were unsure or undecided.

In answer to the question "Are you in favour of floodlighting at the basketball courts in McCallum Park, of lighting" of the 15 people who responded to the survey that live in McCallum Lane, Garland Street, or Heirisson Way:

1 person skipped the question;
7 people were in favour;
5 people were not in favour; and
2 people were undecided.

Of the remaining 84 people who lived in Vic Park (but did not identify themselves as living in close proximity) :

7 people skipped the question;
70 people were in favour;
3 people were not in favour; and
4 people were undecided.

In an open question, the survey asked respondents to comment on the positive things they considered the installation of floodlights at McCallum Park could bring to the community. There were a vast number and variety of responses. The key emergent themes to this response were:

- Increased opportunity for physical activity;
- Promoting health and wellbeing of the community;
- Extending the time available for court usage, especially for workers;
- Maximising use of the courts, especially during the summer heat and winter darkness;
- Increase safety and security of the area (improved visibility, increased passive surveillance, increased people in the area, positive culture of basketballers);
- Increase social cohesion and community connectedness;
- Positive activity for youth;
- Regional drawcard; and
- Potential for increased events or competitions.

In an open question, the survey asked respondents to comment on the negative things they considered the installation of floodlights at McCallum Park could bring to the community. The number and variety of responses were limited, with the most common answer given as 'no negative issues identified'. The key emergent themes of remaining responses were:

- Community safety Issues (potential for antisocial behaviour, loitering, drug use, car break-ins, lack of lighting near cars, underage drinking, graffiti);
- General amenity to neighbours (lighting overspill, noise, litter);
- Costs to install, run and maintain the lights;
- Traffic and parking issues; and
- Overcrowding of courts due to popularity.

The online survey gave respondents the opportunity to provide additional comments and much of the information gathered was of a nature that reiterated previous points of view noted in the survey. There were, however, several other views and requests such as:

- Improve lighting, traffic management, road treatments and parking on Garland Street and McCallum Lane;
- Installation of drink fountains, bench seating and shade;
- Installation of CCTV;
- Improved rims, nets and backboards to existing courts;
- Lighting at the McCallum Park skate park as well;
- Dedicated outdoor rollerhockey surface and additional basketball courts;
- Opening of the toilets on Garland Street to match the hours of the floodlit courts;
- Improved lighting at the toilets;
- Reprioritisation of the \$150,000 for other projects (such as addressing homelessness, jetty restoration, resurfacing playgrounds, or improved lighting at active reserves);
- Consideration for solar lighting;
- Apply for an external grant to help pay for the lighting; and
- Lighting will take away natural environment – ability to see the stars.

In terms of scheduling the lights, majority of respondents selected the box for either a 10pm finish (54%) or 9pm finish (27%). The open comments for this question ranged from respondents confirming they did not want the lights on at all, to respondents seeking a midnight finish (or even keeping the lights on the whole night).

Similarly, when the public was asked how many days it was preferred to have the lights on, responses ranged from “don’t want them on” to the majority of responses which was seven days per week (63%).

After the formal consultation period closed, the Town received two further communications from resident on Garland Street.

One resident was in favour, although had some concerns about noise and a curfew. This resident reported *“We have always found the basketballers to be well behaved and have not witnessed a single abusive or violent incident at or associated with these courts in the 3-4 years they have been operating”*.

The other resident communicated strong opposition to the lighting, citing issues of quiet and peace sought from the location, floodlights will bring more parking problems, noise and crime (such as fights, drinking, increased break-ins).

The Town's Safer Neighbourhood Officer undertook a Crime Prevention Through Environmental Design (CPTED) audit at 6.45pm on Wednesday 26 August 2015 (tabled). The summary reported that:

"The proposal to install floodlighting at McCallum Park basketball courts will fundamentally change the activities that take place in that area after sunset. People will be encouraged to use the courts and the surrounding parkland that will be illuminated as a consequence of the lighting. This type of activation of a space generally has positive impacts on crime and antisocial behaviour.

The main area of concern for this project is the location of where these people will park while they use the courts and parkland, and their travel from the area where they park to the basketball courts.

It is highly unlikely that there will be an increase of crime or antisocial behaviour located directly at the basketball courts, but a side effect of people staying that late at night will create a significant increase in the amount of vulnerable targets (ie: cars, pedestrians walking back to cars) in the dark.

If this project is implemented and there is no investment in improving the environmental design of the car park areas, or pedestrian walkways to and from the courts, there is a very high risk of an increase in crime and antisocial behaviour."

The recommendations of the CPTED audit support additional lighting in the surrounds of the basketball courts, such as the streets, parking, toilets, underpass and walkways. It is also suggested to install an additional set of two entrances/exits into the fencing of the McCallum Park basketball courts to promote access to and from the courts. It is envisaged some safety concerns could be addressed through the installation of clear signage indicating that the McCallum Park basketball courts belong to the Town, contact information to report maintenance, and operating times of the floodlighting.

A cross functional team of Administration, comprising staff from Renew Life Program and Community Life Program, assessed the information gathered from the public participation process. A shared understanding was reached regarding the most advantageous way to balance the expressed aspiration for lighting with the reasons provided by those in opposition to the floodlighting.

The recommendation to proceed with the installation of floodlighting was based on a critical review of the qualitative and quantitative information gathered through the public participation process.

Legal Compliance:

Nil

Policy Implications:

Council Policy GEN6 Community Engagement Policy.

Council Policy FIN4 Purchase of Goods and Services.

Strategic Plan Implications:

The Town's Strategic Community Plan 2013-2028 includes the following objectives that relate to and would support this proposed project –

- Create a vibrant Town that is a place of social interaction, creativity and vitality;
- Connect people to services, resources and facilities that enhance their physical and social wellbeing; and
- Effectively manage, maintain and renew the Town's assets.

Financial Implications:Internal Budget:

Consistent with Council's resolution of 9 June 2015, an amount of \$150,000 (GST exclusive) was reallocated from General Ledger 12364.1397 to General Ledger 37757.3095 (Work Order 1452) for the proposed installation of flood lighting to the multi-purpose sports courts on McCallum Park. Consequently, sufficient funds are available and set aside for the purpose of installing floodlights at the McCallum Park basketball courts.

Indicative quotes suggest the floodlighting design and documentation will be in the vicinity of \$15,000 with approximately \$60,000-\$70,000 for the lighting infrastructure directly. Additional funds up to \$20,000 may be required for a power upgrade to support the lights, and it would be prudent to upgrade additional power connection points within McCallum Park at the same time for future use.

It is intended to take a holistic view of the floodlighting installation, addressing the additional lights in the context of the immediate surrounds. Any unspent funds, in addition to upgrading the power infrastructure, would be used to prioritise and address community concerns and desires raised through the public participation process, such as CCTV, bench seating, sensor lighting at the toilets, drink fountain, safety signage and more.

Total Asset Management:

Any new lighting or additional infrastructure will add to the renewal demand of the Town's assets, requiring ongoing maintenance and operating funds. This will add to the management responsibility of this existing community infrastructure.

Sustainability Assessment:External Economic Implications:

The survey results indicated that some respondents believed the extended court time into the evening would have a positive effect on local businesses, especially cafes and restaurants.

Social Issues:

The installation of floodlighting is expected to increase the number of people accessing the courts, the length of participation in the summer heat or winter darkness, the level of community health and wellbeing and the quality of physical activity experience. The survey results indicate more respondents perceive community security and safety will be improved with increased lighting.

Cultural Issues:

The survey results reported a strong sense of community at the basketball courts, promoting cultural connectedness and social cohesion. Responses indicated the positive attitudes of court users created a vibrant, friendly and supportive environment for people of all ages and abilities.

Environmental Issues:

Energy consumption will be addressed by: exploring options that minimise the lighting being on when the courts are not in use; turning off automatically at designated times; and reducing lighting overspill. Some respondents of the survey considered that traffic and parking problems may impact the neighbourhood, particularly on Garland Street.

COMMENT:

It is considered that the outcome of the public participation process regarding the proposal to install floodlights at McCallum Park is mostly favourable. Administration believes that several of the concerns expressed from those not in favour the lighting installation (and further aspirations of those in favour) could be addressed suitably utilising the funds already set aside for this project.

It is expected that some concerns could be mitigated with initial installation of the floodlights, such as the installation of CCTV, safety signage, installation of bench seating for spectators, opening of the Garland Street toilets, improved lighting at the toilets and improved lighting near the parking at the end of Garland Street.

Some of the other concerns that require greater expenditure could be investigated further, and considered as part of the Town's future capital budget process, such as increasing amenity on Garland and McCallum Streets with improved lighting, road treatments, kerbing, surfacing, parking and traffic management.

It is believed prudent to take a holistic view of the proposed floodlighting upgrade, and consider how the lighting will impact on use of the surrounding areas, both the recreational and residential surrounds.

The public have influenced the draft recommendation in terms of ultimately whether or not to proceed with the installation, and the scheduling of the lights in terms of days and times. Additional feedback garnered from the public on other issues has shaped the recommendation to ensure the lighting is not upgraded in isolation of other community needs. Public feedback has also highlighted the need for further investigation around the needs of residents along McCallum Lane and Garland Street with regards to levels of service provision (lighting, roads, kerbing). The allocation of funds for this project is sufficient to address some community desires and address some safety issues raised in the CPTED report.

CONCLUSION:

The installation of floodlighting at the McCallum Park basketball courts is considered to address an expressed community desire. The additional lighting will increase the opportunity for increased physical activity supporting the health and wellbeing of the community. The project can also address some needs of local residents.

RECOMMENDATION/S:**That Council:**

- 1. Supports the installation of floodlighting at the multi-purpose sports courts on McCallum Park as a result of the public engagement outcome being mostly favourable.**
- 2. Requests the Administration progress the installation of floodlighting at the multi-purpose sports courts on McCallum Park, and that costs be allocated to Work Order 1452.**
- 3. Endorses that the lighting be operational until 8pm Sunday to Wednesday and until 9pm Thursday to Saturday, with the option of a later time for special events.**
- 4. Address the concerns raised during the public participation process, implementing strategies to coincide with the floodlighting installation where practicable.**

12.7 Tender TVP/15/06 - Tree Establishment, Pruning, Removal and Maintenance Works

| | |
|------------------------|-----------|
| File Reference: | TVP/15/06 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 29 September 2015 |
| Reporting Officer: | G Wilson |
| Responsible Officer: | W Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation – That Council award tender TVP/15/06 for Tree Establishment, Pruning, Removal and Maintenance Works to Beaver Tree Services Aust Pty Ltd for their submitted price of \$4,879,662 (excluding GST) for a three year period.

- A tender was called for Tree Establishment, Pruning, Removal and Maintenance Works within the Town.
- Unlike previous street tree maintenance tenders, this tender encompasses all aspects of tree care including watering, pruning, disease control, protection and removals.
- An evaluation of the two tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the tender submission from Beaver Tree Services.

TABLED ITEMS:

- Tender assessment documents.

BACKGROUND:

The Town of Victoria Park has over 18,000 verge trees that are required to be maintained for power line clearances, safety, tree health, vision for traffic and vehicle and pedestrian clearances. The Town also has a tree planting program that necessitates watering of over 600 individual trees per year to assist in establishment. In addition to the watering of individual street trees, watering of non-irrigated street gardens or revegetation works is carried out under this tender.

The Town has had separate tenders in the past for tree watering and tree pruning/removals. A decision was made to amalgamate the tenders to align with a whole of tree care approach. The new specifications additionally include tree pest and disease control, and schedules for tree protection fencing at development sites.

The contract awarded as part of this tender requires all contractors’ main vehicles to be fitted with Global Positioning Satellite (GPS) tracking as part of this contract. This allows the Town to confirm watering is being carried out as per the required program by extracting this data from the contractor.

TVP/15/06 replaces Tender TVP/10/02 Tree Pruning (expired 31 July 2015), and Tree Management and Watering (expired 30 June 2015).

The contract to be awarded for this tender is for a period of three (3) years from the start date, with two possible extensions of one (1) year each, subject to satisfactory performance of the Contractor.

The Contractors performance will be monitored by Town staff and include –

- Complaints/feedback from residents and staff;
- Progress of works against programmed maintenance;
- GPS data comparison with programmed works;
- Adherence to timeframes;
- Record of any formal “non-conformance” or “breaches” of the contract;
- Regular spot checks; and
- Minuted formal meetings with the contractor.

DETAILS:

TVP/15/06 was advertised in The West Australian on Saturday 22 August 2015. The tender closed at 2pm 14 September 2015 with two (2) submissions being received from –

- Beaver Tree Services Aust Pty Ltd; and
- Tree Amigos Tree Surgeons P/L.

Description of compliance criteria

Compliance criteria for TVP/15/06 required tenderers being able to address the following –

- Should have proven three years’ experience in delivering at least following two out of the three works:
 - Tree Pruning works;
 - Tree Removals works; and
 - Tree Establishment works.
- Should have a contract of minimum \$300,000 value where scope includes:
 - Tree Pruning works; or,
 - Tree Removals works; or,
 - Tree Establishment works.
- Tenderer has provided all information, as requested in this Tender document, enabling Town of Victoria Park to evaluate tender submission, including selection criteria.
- Tenderer has completed and provided Part 4 - ‘Form of Tender’, including signed ‘No Deviation Form’ (Schedule 1 of Part 4 – Form of Tender)

In addition to the above, tenderers were required to provide positive responses to all following questions:

- Are you presently able to pay all your debts in full, as and when they fall due?
- Are you engaged in any litigation or any legal proceedings, as a result of which you may be liable for \$50,000 or more?

- Will you be able to fulfill the Requirements from your own resources or from resources readily available to you to pay all your debts in full as and when fall due?
- Have you provided proof for your financial ability to undertake this contract, including a profit and loss statement and latest financial tax return for you and each of the other proposed contracting entities?

Description of qualitative selection criteria

Selection criteria for TVP/15/06 included each submission being assessed against five criteria, which are listed below.

| SELECTION CRITERIA | WEIGHTING (%) |
|--|----------------------|
| Experience of Tenderer in supplying and completing recent similar projects | 25 |
| Tender Organisation's capability in completing recent similar projects | 20 |
| Occupation, health and safety capability | 10 |
| Financial viability | 20 |
| Tendered Price/s | 25 |

The two (2) submissions were both deemed compliant.

The Town's street tree data base was used to aggregate the submitted costs as per the price schedule contained in the tender documents by -

- assigning the type of maintenance prune/service required for each tree;
- enabling an estimate of the costs per tree to be assigned uniformly by each tenderer; and
- determined the unit cost per tree for tree watering.

Other rates required to be submitted in the price schedule were for street garden watering (per metre square), revegetation watering (hourly rate) and tree planting (unit cost based on tree size).

The submitted price for each tenderer was determined as follows –

- Beaver Tree Services - \$1,626,554.00 per annum; and
- Tree Amigos - \$2,942,876.00 per annum.

The assessment of the compliant submissions was formally undertaken by an Assessment Panel of three, the A/Executive Manager Park Life, Business Unit Manager – Parks and A/Streetscapes Supervisor.

The Occupational Health and Safety capability was assessed by the Town's Safety Co-ordinator.

Financial viability was assessed by the Town’s Manager Financial Services.

Their individual scores were averaged and the weightings applied, as per the table below.

| SELECTION CRITERIA | WEIGHTING (%) | BEAVER TREES | | TREE AMIGOS | |
|--|---------------|--------------|----------------|--------------|----------------|
| | | SCORE (/100) | WEIGHTED SCORE | SCORE (/100) | WEIGHTED SCORE |
| Experience of Tenderer in supplying and completing recent similar projects | 25 | 93.33 | 23.33 | 85.00 | 21.25 |
| Tender Organisation's capability in completing recent similar projects | 20 | 93.33 | 18.67 | 81.67 | 16.33 |
| Occupation, health and safety capability | 10 | 60.00 | 6.00 | 55.00 | 5.50 |
| Financial viability | 20 | 95.00 | 19.00 | 80.00 | 15.20 |
| Tendered Price/s | 25 | 100.00 | 25.00 | 55.27 | 13.82 |
| TOTAL | | | 92.00 | 72.10 | |

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:

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

Council Policy PKS2 Street Trees has been complied with.

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

The actual cost incurred by the Town for street tree maintenance in 2014/15 was \$1,522,281. An allocation for street tree maintenance of \$1,343,300 is included in the 2015/16 Parks budget under general ledger 17753.1323 (Work Order 607).

While the tender submissions are more than the current annual budget, all possible works have been included in the tender documents to cover any eventuality. Based on current levels of service, and the work history of tree maintenance, not all the services listed will be required on a yearly basis, and costs should remain within the current available budget. In addition the extent of pruning required for most of the Town's trees will be limited to top pruning and under pruning. There is significant cost savings anticipated under this arrangement.

Total Asset Management:

The budget allocation for this tender relates to preservation of trees, prevention of practices harmful to trees and ensuring they are maintained at an optimum standard.

Further opportunities to carry out more specific tree pruning and maintenance requirements can be addressed by carrying out an external tree audit. The street tree data base was created five years ago, with the tree assessment being done in-house by staff. Industry standard recommends a re-audit on a three yearly basis. It is proposed that an external qualified Arborist carry out this work, with the information being used to update the current data base and develop a more specific maintenance program.

Whilst the cost of the audit is expected to exceed \$100,000 in value, the annual maintenance and operating savings that the audit would deliver would be substantial given the updated information on tree species, health, size and a targeted tree pruning program. It would also reduce the Town's potential liability with tree issues. Trees in parkland that pose a potential risk should also be assessed. These would include trees over playgrounds and facilities, large or mature trees or species with inherent risk issues. The Town in planning to engage an external qualified Arborist to undertake the tasks of data base update and developing a more detailed maintenance program that contains specific information for each verge tree requiring attention.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Providing good quality canopy cover and greenspace, encourages participation in outdoor passive recreation, and promotes a healthier lifestyle, which have a positive effect on residents as well as assisting the Town to be an aesthetically pleasing and liveable environment.

Cultural Issues:

Nil

Environmental Issues:

Maintaining healthy green scapes, provide shaded walking spaces and helps filter pollution. There is a focus in the media currently about the heat island effect due to lack of canopy cover. Increased tree planting helps to mitigate this.

COMMENT:

The tender evaluation process identifies Beaver Tree Services has achieved the highest score on the evaluation of all the tenders. Beaver Tree Services' submission also contained the lowest tendered price. Beaver Tree Services has been the Town's tree pruning contractor for the last five years and provided good service.

The numbers of trees for pruning, used in the tender documents were extracted from Towns Street Tree Data base. Tree watering was a unit cost per tree, with other rates allowed in the schedule for street garden watering (per metre square), revegetation watering (hourly rate) and tree planting. (Unit cost based on tree size)

The pricing of the schedules is for all possible types of work and quantities, not all of which will be carried out in the same year.

It is anticipated that the yearly works required will be within the current available budget.

CONCLUSION:

It is recommended that the tender submitted by Beaver Tree Services be accepted as the most advantageous for Tree Establishment, Pruning, Removal and Maintenance Works within the Town.

RECOMMENDATION/S:

- 1. That the tender TVP/15/06 for Tree Establishment, Pruning, Removal and Maintenance Works be awarded to Beaver Tree Services Aust Pty Ltd at its submitted price of \$4,879,662 (Excluding GST) for a period of three (3) years from the start date, with two possible extensions of one (1) year each, subject to satisfactory performance of the Contractor.**
- 2. That Council supports the engagement of a suitably qualified, competent and experienced Arborist to conduct a street tree audit to update the Town's street tree data base subject to the 2015/2016 Budget review process identifying sufficient funds to undertake this contract.**

13 COMMUNITY LIFE PROGRAM REPORTS

13.1 Sporting Walk Of Fame – Implementation of a Four Year Cycle

| | |
|------------------------|------------|
| File Reference: | REC/3/0019 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 17 September 2015 |
| Reporting Officer: | N. Tomkins |
| Responsible Officer: | T. Ackerman |
| Voting Requirement: | Simple Majority |

Executive Summary:
Recommendation - the frequency of the Sporting Walk of Fame be changed from a two to four year cycle, with the next event to occur in 2018.

1. The Healthy Life Working Group has supported a recommendation from the Administration to reduce the frequency of the Town’s biennial Sporting Walk of Fame (SWOF) initiative to a four year cycle.
2. It is considered that reducing the frequency of the SWOF is a more effective use of the Town’s resources and will have the added benefit of more nominations being received, resulting in a more prestigious event.

TABLED ITEMS:

- 26 August 2015 Healthy Life Working Group Action Notes - Report 9.1 Review of the Sporting Walk of Fame.
- 1 May 2007 Ordinary Council Report – 4.4 Recommendation from the Sport and Recreation Advisory Committee.

BACKGROUND:

The purpose of the Sporting Walk of Fame (SWOF) is to formally recognise and honour people who have a strong connection to the Town of Victoria Park that have achieved sporting success at an elite level or made significant contributions to the elite sporting arena. The objectives of the *Sporting Walk of Fame* are to:

- Develop a tangible dedication to honour sports people who have brought pride to the Town of Victoria Park by achieving success at an elite level and enhancing the sporting experience for all;
- Celebrate the past achievements of local sports heroes;
- Provide inspiration and role models to local residents, particularly juniors;
- Generate a positive opportunity for regional recognition and promote the Town as a foundation for sporting legends; and
- Create a valuable record of social history.

This includes all people who have impacted positively in the realm of elite sport and were, for example, an individual athlete, team player, administrator, official, coach or umpire.

The Sporting Walk of Fame boasts a total of 25 inductees, with launch events having been held every two years in honour of new inductees in 2008, 2010, 2012, and 2014. Plaques acknowledging inductees are located at the Aqualife Centre.

DETAILS:

On 26 August 2015 the Healthy Life Working Group supported a recommendation from the Administration to change the frequency of the biennial Sporting Walk of Fame launch event to every 4 years after considering project quality, time, and cost benefits.

One of the main criteria for the SWOF nomination application is that nominees must be officially retired from elite (National or International level representation e.g. held an Australian or World title) level representation. An extension in the 'cycle' of hosting the SWOF launch event is expected to support an increase in nominations as sufficient time will have lapsed for recently retired sports people to become eligible.

Assessing the effective use of staff resources and budget funding must be weighed up alongside expected benefits from the project. The outcomes from the project (in this case the number of nominations and those that are selected for induction in the SWOF) have declined in recent years with 4 inductees in 2014 and 6 inductees in 2012.

The SWOF is one way the Town shows the value it places on celebrating and promoting the rich history and heritage of the Town and its people. Sport is embedded into everyday life around Australia and the development of the SWOF (and retaining the event on a 4 yearly cycle) enables the Town to keep a record of local people that have achieved sporting excellence.

The allocated SWOF funds will be redistributed towards a new event or activity that increases participation and contributes to the Town's vision of a 'Vibrant Lifestyle'. This would align with the Town's objectives to create a community that is healthy, connected and '*a place of social interaction, creativity and vitality*'.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town's Strategic Community Plan 2013-2028 includes the following objectives that relate to and would support this proposed project:

- *Create a vibrant Town that is a place of social interaction, creativity and vitality;*
- *Connect people to services, resources and facilities that enhance their physical and social wellbeing; and*
- *Effectively manage, maintain and renew the Town's assets.*

Financial Implications:Internal Budget:

The funds allocated in 2015/16 Budget for the delivery of 'Events and Initiatives' include \$20,400 that was intended to be used for the SWOF. If the recommendation to reduce the frequency of the SWOF is endorsed these funds will be used for the delivery of an initiative/s that will showcase the Town's commitment to a Vibrant Lifestyle through the promotion of healthy, active living.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

One of the objectives of the SWOF launch event is to create a record of sporting social history. The proposed 4 year SWOF cycle will not impact the Town's commitment to recognising sporting excellence and continuing to add to the record of sporting heroes that reside or have strong links to the Town.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is suggested that by extending the time period between SWOF launch events to 4 years will support a greater number of successful nominations and demonstrate effective use of the Town's Budget and staff resources. It is deemed that a change in the timescale in hosting SWOF launch events will not impact on the Town's commitment to recording social history. The Healthy Life Working Group is supportive of this proposed change and recommendation accordingly.

CONCLUSION:

The SWOF is highly valued by the Town for acknowledging the sporting greats that have been nurtured through their link to Victoria Park. Extending the time between launch events will support the recording and showcasing of elite sporting success in the Town.

RECOMMENDATION/S:

- 1. The Sporting Walk of Fame launch event be postponed until May 2018 and a budget allocation be listed for consideration the 2017/2018 draft budget for delivery of the initiative.**

- 2. The Sporting Walk of Fame be held on a 4 yearly cycle following the 2018 event.**

13.2 Pre-Feasibility Study – Synthetic Turf Hockey Facility

| | |
|---|-------------------|
| File Reference: | REC/13/001 |
| Appendices: | Yes |
| Date: | 21 September 2015 |
| Reporting Officer: | B. Rose |
| Responsible Officer: | T. Ackerman |
| Voting Requirement: | Simple Majority |
| Executive Summary: | |
| Recommendation – that Council endorses the Pre-Feasibility Study – Synthetic Turf Hockey Facility and progresses further detailed investigation of the proposal in a staged manner, seeking contributory funding and assistance from key stakeholders. | |
| <ul style="list-style-type: none"> • The Pre-Feasibility Study identifies present and future demand for improved hockey facilities within the Town, particularly for synthetic turf facilities; • The capital funding environment (local and State) for this type of proposal is constrained; and • A staged program of additional investigation/s will ensure the proposal is tested at multiple stages before progressing further. | |

TABLED ITEMS:

Nil

BACKGROUND:

At its February 2015 Ordinary Meeting, Council considered recommendations from the Healthy Life Working Group regarding the Town’s Sport and Recreation Facilities Strategy, resolving to:

- “1. Receive the reprioritised recommendations from the Sport and Recreation Facilities Strategy as contained within the Appendices.
2. Engage a consultant, at a cost no greater than \$15,000 to undertake work on a Hockey Project Plan, being the first stage of a Feasibility Study and that a report comes back to the Ordinary Council Meeting on 12 May, 2015.
3. Request the Administration liaises with the City of South Perth and Department of Sport and Recreation to seek contributions to the cost incurred in engaging a consultant.”

In accordance with Recommendation 2, above, Integral Projects were engaged to prepare a Pre-Feasibility Study (the Study) regarding the potential for a synthetic turf hockey facility to be located in the Town. The objective of the Study was to investigate the viability of establishing a synthetic turf hockey facility within the Town, before committing to a full feasibility investigation (i.e. a Business Case) for any single / preferred location. Due to a variety of factors it was not possible to finalise the Study to be presented to Council for consideration in May 2015 as intended.

DETAILS:

The Study, prepared by Integral Projects, has been reviewed by a cross-functional team of staff at the Town, and an overview of the findings was presented to Elected Members at the 18 August 2015 Elected Members' Workshop.

Key findings of the Study include:

- Existing and future demand for hockey within the region appears to provide an adequate need for a synthetic turf facility within the Town;
- Harold Rossiter Reserve is the most suitable location for the development of the synthetic turf facility, pending more detailed analysis (e.g. environmental impacts);
- Demand for synthetic turf time provides the opportunity to develop a financially sustainable facility;
- Multiple funding options should be investigated, including partnering opportunities with the City of South Perth, Hockey WA, Victoria Park Xavier Hockey Club and the Wesley South Perth Hockey Club. The facility could also be eligible for State funding via the Community Sports and Recreation Facility Fund (acknowledging that there have been substantial cuts to this fund for the next few years); and
- The Wesley South Perth Hockey Club and Wesley College are undertaking their own feasibility for a synthetic turf at Richardson Park, South Perth; the outcome of which will determine their commitment to a shared facility.

The recommendations of the Study include:

- The Town engage with the City of South Perth to formally explore options pertaining to a joint facility. This regional approach will strengthen the patronage and funding position for the facility; and
- Undertake preliminary master planning at Harold Rossiter Reserve; this would provide confirmation of site planning, scope of facilities required, capital budget and assist in progressing discussions with funding partners.

The Study has taken in to account comments and queries from the Administration's cross-functional team, Healthy Life Working Group members and Elected Members.

Legal Compliance:

At this stage in the investigations, there are no legal issues for consideration. If the Council resolves to progress more detailed investigations, there may be funding contracts, which require legal review and advice (e.g. if third parties provide funds towards a Business Case).

Policy Implications:

There are no Council Policies, which directly relate to this type of proposal.

Strategic Plan Implications:

The rationale for undertaking the Town's Sport and Recreation Facilities Strategy and the Study has been guided by the Town's Strategic Community Plan 2013 – 2028, which identifies the following objectives:

| Key Projects and Services | Actions |
|--|--|
| Provision of facilities, sports opportunities, and community programs aimed at improving community participation rates in physical and leisure activities. | Sporting Life Plan Including the provision of sporting and recreational services and programs for all sections of the community. |
| Provision of facilities, sports opportunities, and community programs aimed at improving community participation rates in physical and leisure activities. | Sporting Life Plan Including the provision of sporting and recreational services and programs for all sections of the community. |
| Foster the engagement, inclusion and enrichment of people, place and participation through community and cultural events and initiatives | Club Development Including strategies to support club growth and sustainability. |
| Administration of the Community Life Program, including specialist programs and projects relating to the Community Life Program. | Sport and Recreation Strategy A strategic and sustainable approach to sport and recreation facility renewal and development. |

Financial Implications:

Internal Budget:

There are sufficient funds within the Community Life Administration budget to progress a Business Case to investigate relocation of the Hockey Club. Preliminary estimates indicate that a Business Case, based on the pre-feasibility work, would cost ~\$40,000. Advice from the Department of Sport and Recreation is that contributory funding to a Business Case could be sought in the March 2015 intake of funding requests; this timing is not ideal to progress the proposal in a timely matter, however, should be given consideration. Hockey WA should also be approached for funding assistance towards a Business Case. The Victoria Park Xavier Hockey Club will be able to provide in-kind assistance towards further investigation of the proposal, likely in the form of professional quantity surveying. It is recommended that the Administration seek early confirmation of contributory funding and assistance from third parties towards any future investigatory work at the site.

Total Asset Management:

The Study identifies an anticipated cost of \$1,855,000 to establish the synthetic turf playing field at Harold Rossiter Reserve. This outlay will require significant medium and long-term renewal expenditure including the synthetic turf (\$400,000 every 7 – 10 years dependent on usage) and the ‘underlay shock pad’ (\$200,000 every 14 – 20 years dependent on usage). This renewal demand requires an annual allowance of approximately 4% per annum based upon the capital value of the turf pitch. Furthermore, annual maintenance and operating costs associated with the synthetic turf are estimated at \$120,000.

The Study also identifies an anticipated additional cost of \$2,980,000 to establish new clubrooms (\$1,800,000), car parking (\$200,000), improved grassed hockey pitches (\$200,000), earthworks and servicing (\$200,000), professional fees (\$250,000) and contingencies (\$330,000). Associated renewal demand is likely to be in the vicinity of \$75,000 per year, with annual maintenance and operating costs associated with renewed clubrooms and other infrastructure estimated at \$59,600.

All of these costs are estimates only at this pre-feasibility stage, however, do provide an approximate 'order of magnitude' estimate for the project. More defined and accurate costings can be attained through a Business Case.

None of these costs are included in the Town's Long Term Financial Plan 2015-2030; which would require a review in order to facilitate the project, if the Town were to commit any substantial capital funding towards it.

The Town's Asset Management Plans, endorsed by Council as part of the review of the Integrated Planning and Reporting Framework documentation in June 2015, predominantly focus on existing asset renewal, rather than the provision of new / different assets. The Council will need to consider this informal policy position through the Long Term Financial Plan and associated Asset Management Plans prior to committing any capital funds to this (or other similar) projects.

Sustainability Assessment:

External Economic Implications:

The budget for the State Government's principal co-funding program for this type of facility (the Community Sport and Recreation Facilities Fund) was more than halved for the 2015/16 State Budget (down to \$7,000,000); the State Budget Forward Estimates indicate it will remain low, or lower, for the next three years. Whilst this presents a challenge for securing State funding, it is not insurmountable if a robust business case for the proposal is established.

Social Issues:

The Study identifies the demand (and opportunity) for the establishment of a synthetic turf facility within the Town, to assist with local hockey club development and the provision of sporting and recreation facilities and opportunities for the Town's community (one of the specific objectives of the Strategic Community Plan 2013-2028). Specific social issues associated with the potential relocation of a major local hockey club to the Harold Rossiter Reserve should be investigated as part of any future Business Case.

Cultural Issues:

Harold Rossiter Reserve adjoins the (newly named) Jirdarup Bushland Precinct. The portion of this Precinct formerly known as the Kensington Bushland is nominated on the Town's Municipal Heritage Inventory as being a place of aesthetic and scientific heritage significance, with a Management Category of 'A' (the highest category). Any proposals for Harold Rossiter Reserve will need to comply with the requirements of this Management Category and any Management Plans for the Bushland.

Environmental Issues:

The portion of the Jirdarup Bushland Precinct formerly known as the Kent Street Sand Pit is classified under the *Contaminated Sites Act 2003* as a 'known or suspected contaminated site'. Additionally, portion of the Jirdarup Bushland Precinct is nominated as a 'Bush Forever' site. Any proposals for Harold Rossiter Reserve will need to comply with the requirements of these classifications under relevant State and local government legislation and policy.

COMMENT:

The Study has presented findings that there is currently demand for improved local hockey club facilities within the Town; particularly for synthetic turf. Additionally, the significant growth in population that the Town will experience over the next 10-20 years will greatly increase this demand, as well as assisting the overall sustainability of the local hockey club (Vic Park Xavier Hockey Club). In addition to this evidenced demand and opportunity for improved sustainability, the opportunity for the Town to partner with the local hockey club and other key stakeholders to support the club's development and provide more / better recreation opportunities for its community, aligns with the Strategic Community Plan 2013-2028.

Whilst the Study identifies demand and rationale for establishing a synthetic turf facility at Harold Rossiter Reserve, aligned with the Town's Strategic Community Plan 2013-2028, there is no identified capital budget for this proposal within the Town's Long Term Financial Plan. In addition to this, the State's recreation facilities capital funding environment is presently constrained, and likely to continue this way for several more years. On this basis, it is recommended that the Town adopt a 'risk managed' approach to progress the matter, by:

- Committing a conservative operational budget to further explore the matter, whilst concurrently seeking contributory funding and in-kind assistance from stakeholders such as the Department of Sport and Recreation, Hockey WA and the Vic Park Xavier Hockey Club;
- Investigating the cultural and environmental issues associated with Jirdarup Bushland which may impact on the proposal for a synthetic turf facility at Harold Rossiter Reserve by conducting a Preliminary Environmental Site Investigation; and
- Undertaking a Business Case for the proposal, only if the results of the environmental due diligence process are favourable to proceed. A key component of the Business Case will be identifying potential partnering and capital funding opportunities; a partnered approach (e.g. with the City of South Perth / Wesley South Perth Hockey Club) should be the preferred methodology, to maximise funding opportunities.

If the proposal proceeds to a Business Case, a programmed stakeholder engagement and communications strategy will be required, given the site's location within an existing urban area of mixed land uses and multiple stakeholders.

CONCLUSION:

The preliminary feasibility study identifies demand and rationale for the synthetic turf proposal, however, highlights a constrained capital funding environment and several due diligence matters to be resolved prior to progressing the matter to a more detailed Business Case. A staged, risk-managed approach to progress the proposal is recommended.

RECOMMENDATION/S:

That the Council endorses the Town of Victoria Park Pre-Feasibility Study – Turf Hockey Facility, as contained within the Appendices and requests the Chief Executive Officer to:

- 1. Arrange a Preliminary Environmental Site Investigation for the potential hockey club relocation site at Harold Rossiter Reserve;**
- 2. Arrange a Business Case for the potential hockey club relocation site at Harold Rossiter Reserve, only if the results of the Preliminary Environmental Site Investigation are favourable to do so;**
- 3. Seek contributory funding and in-kind assistance towards the Business Case (if progressed) from key stakeholders; and**
- 4. Advise the Department of Sport and Recreation, Hockey WA and the Vic Park Xavier Hockey Club of the Council's resolution.**

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 31 August 2015

| | |
|---|-------------------|
| File Reference: | FIN/11/0001~09 |
| Appendices: | Yes |
| Date: | 16 September 2015 |
| Reporting Officer: | A. Thampoe |
| Responsible Officer: | N. Cain |
| Voting Requirement: | Simple Majority |
| Executive Summary: | |
| Recommendation - That Council confirms the schedule of Accounts paid for the month ended 31 August 2015. | |
| <ul style="list-style-type: none"> • The Accounts Paid for 31 August 2015 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 | 607072-607134 | 166,870.51 |
| Creditors – EFT Payments | | 1,962,401.47 |
| Payroll | | 918,560.32 |
| Bank Fees | | 3,939.01 |
| Corporate MasterCard | | 2,998.18 |
| | | 3,054,769.49 |
| Trust Account | | |
| Automatic Cheques Drawn | 3108-3118 | 128,302.99 |
| | | 128,302.99 |

Legal Compliance:

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

6.10. Financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

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

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee’s name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

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

RECOMMENDATION/S:

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

1. The Accounts Paid for 31 August 2015 as contained within the Appendices; and
2. Direct lodgement of payroll payments to the personal bank accounts of employees.

14.2 Financial Statements for the Month ending 31 August 2015

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

| | |
|-----------------------------|-------------------|
| Date: | 17 September 2015 |
| Reporting Officer: | A. Thampoe |
| Responsible Officer: | N. Cain |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation - The Council, accepts the Financial Activity Statement Report – 31 August 2015, as contained within the Appendices.

- The Financial Activity Statement Report is presented for the Month ending 31 August 2015. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.

TABLED ITEMS:

Nil

BACKGROUND:

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

DETAILS:

Presented is the Financial Activity Statement Report – 31 August 2015.

The financial information as shown in this report (August 2015) 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 period ended 31 August 2015.

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.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

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

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – 31 August 2015 be accepted.

RECOMMENDATION/S:

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 31 August 2015 as contained within the Appendices.

| |
|--|
| 14.3 New Fees and Charges for Car Park No 17 (GO Edwards) and Carpark No 23 (Hawthorne Place) |
|--|

| | |
|------------------------|-------------|
| File Reference: | TAT/15/0002 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 24 September 2015 |
| Reporting Officer: | G Patrick |
| Responsible Officer: | N. Cain |
| Voting Requirement: | Absolute Majority |

Executive Summary:

Recommendation – That Council, pursuant to Section 6.16 of the *Local Government Act 1995* resolve to impose new Fees and Charges for Car Park No 17 (GO Edwards) and Carpark No 23 (Hawthorne Place) effective from 1 December 2015.

- Council approves the recommended changes to the Ticket Machine fees and charges for only these specific car parks.
- In accordance with Section 6.19 of the *Local Government Act 1995*, Local Public Notice to be given that the Town intends to impose the fees to be charged for parking as from 1 December 2015.

TABLED ITEMS:

Nil

BACKGROUND:

At the Ordinary Council Meeting held on 10 July 2012 Council resolved to adopt a Parking Management Plan to guide the future parking management activities in the Town. The adopted plan is part of the Town's Integrated Movement Network Strategy (IMNS) and focuses on seven parking hot spots.

At the Council workshop held on 18 September 2012 Elected Members explored the elements of parking fees for ticket machines. The framework for the recommended parking fee was received by the Elected Members at this workshop.

Following the workshop, the Parking Management Committee (PMC) held a meeting. At this meeting the PMC resolved to recommend a parking fee structure to Council for adoption. This structure was subsequently adopted by Council on 9 October 2012.

Council resolved to amend the current fees and charges in relation to parking fees at the Special Council Meeting held on Tuesday 6 May 2014. The report tabled before Council at this meeting was deferred to the Ordinary Council Meeting held on Tuesday 10 June 2014. Council endorsed the changes to the parking fees and charges at this meeting.

Most recently at the ordinary meeting held on Tuesday 8 September 2015 Council resolved to impose new fees and charges for on street parking in the Burswood Area (formally hotspot 4) effective from 1 December 2015.

DETAILS:

There were some issues raised about the charges for Car Park No 17 (GO Edwards) and Carpark No 23 (Hawthorne Place) following the recent review of the Burswood Area. This included discussion with someone from the Friends of GO Edwards who expressed concern with the disparity between the arrangement at the car parks near the park compared to other car parks, specifically King George Street where there is free 1 hour parking followed by paid parking conditions.

During the consultation review of the Burswood area, a survey was undertaken of all paid parking areas within the Burswood Area. Findings within this survey indicated:

1. Low utilisation of ticket machines;
2. Extremely low occupied paid parking bays in most areas; and
3. Recommend a more effective use of all existing paid parking capacity.

The recommendation in this report is aimed at assisting in addressing the above concerns.

The proposed changes have several benefits:

- In line with the current paid parking fees in Carpark No 4 (King George Street);
- Similar to the recent fees changes in the Oats Street Area;
- Simplified off street parking stations paid parking fee structure; and
- Regular reviews of occupancy rates to ensure objectives of fee structure.

Legal Compliance:

Section 6.16 of the *Local Government Act 1995 (as amended)* (Imposition of Fees and Charges) states –

(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

Section 6.19 of the *Local Government Act 1995* (as amended) (Local government to give notice of fees and charges) stated -

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications:

Nil

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:

The average legal occupancy in the Burswood Area has averaged around 9% against our target of 70% to 90%. The revenue for both Carpark No 17 (Go Edwards) and Carpark No 23 (Hawthorne Place) has averaged around \$2,000 for the year. The objective of reducing the fees is to encourage legal occupancy to the original target percentages and encourage a higher paid parking utilisation with the carparks

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The imposition of Fees and Charges for user pays parking will change social patterns of behaviour in relation to the parking of vehicles within the Town of Victoria Park. The true extent of that change is unknown because this is a new initiative. However with the regular and consistent monitoring of data and statistics, patterns and trends will emerge.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Pursuant to Section 6.16 of the *Local Government Act 1995*, Council may adopt fees and charges. The Schedule of Fees and Charges (as proposed) have taken into consideration all requirements as set forth by legislation, are considered fair and reasonable, and will assist in the continued delivery and operation of Council services.

The Chief Executive Officer has delegated authority to make adjustments to the parking management arrangements within the District. This does not extend to matters requiring an Absolute Majority decision of Council, hence the requirement for this report.

CONCLUSION:

The implementation of the Parking Management Plan was always planned to be an iterative process. It was envisaged that introducing paid parking would affect people's behaviour and that subsequent changes would be required to direct those disaffected individuals to areas most suitable for their vehicles.

The recommended changes are based on the findings of the comprehensive area review. The plan is to conduct annual reviews using the same methodology to determine the effectiveness of the previous round of charges.

As this recommendation seeks to amend the current on-street parking fees there is a legislative requirement to advertise these changes. This legislative requirement is in accordance with Section 6.19 of the *Local Government Act 1995*, Local Public Notice to be given that the Town intends to impose the fees to be charged for parking as from 1 December 2015.

RECOMMENDATION/S:

That Council:

1. Pursuant to Section 6.16 of the *Local Government Act 1995*, amend the fees payable for off-street parking stations being Carpark No 17 (GO Edwards) and Carpark 23 (Hawthorne Place) to:
 - First hour free;
 - \$1.00 per hour; and
 - \$5.00 for all day parking.
2. In accordance with Section 6.19 of the *Local Government Act 1995*, Local Public Notice to be given that the Town intends to impose the fees to be charged for parking in Carpark No 17 (GO Edwards) and Carpark 23 (Hawthorne Place) as from 1 December 2015.

(Absolute Majority Required)

15 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Mark Windram
Cr John Bissett

3 November 2015 to 16 November 2015 inclusive
8 December 2015 to 15 January 2016 inclusive

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Notice of Motion from Cr V Potter – Activating Stormwater Sump Properties

That in accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011 Cr Potter has submitted the following notice of motion.

Notice of Motion:

That Council request the CEO:

1. To provide a report on the functional and capacity requirements for drainage sumps throughout the Town;
2. Investigate alternative uses of the land occupied by redundant sumps that activate the area(s) including for local parks and community gardens;
3. Provide cost estimates for the “decking” of sumps, partial or otherwise, that convert the land occupied by functional sumps into potential local activation areas; and
4. Present the report and cost estimates to an Elected Members Workshop in 2016.

RATIONALE:

There is a concern that there is a lack of public open space throughout the Town. Referring to the Town’s Land Asset Optimisation Strategy, there are conditions associated with development of sump properties but there is an opportunity for partial utilisation of certain drainage sumps within the Town. Feasibility investigation can be undertaken to consider options available to facilitate the utilising of some of these sumps as active space.

Report from Administration on Notice of Motion from Cr Potter – Activating Stormwater Sump Properties

| | |
|------------------------|---------------|
| File Reference: | SAD/5/0002~02 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 23 September 2015 |
| Reporting Officer: | J. Wong |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation – That Council supports the Notice of Motion submitted by Cr Potter to progress the feasibility investigation and cost estimation associated with activating stormwater sump properties within the Town and refer the matter to an Elected Members Workshop in February 2016.

- The Administration has received a Notice of Motion in respect to activating stormwater sump properties within the Town.
- Recommended that the Notice of Motion be supported and that the matter be referred to an Elected Members Workshop.

TABLED ITEMS:

Photos of sump properties identified as having a potential for public open spaces according to the Town's Land Asset Optimisation Strategy.

BACKGROUND:

Cr Potter has submitted a Notice of Motion to be considered at the Ordinary Council Meeting on 13 October 2015 which reads as follows:

“That Council request the CEO

- To provide a report on the functional and capacity requirements for drainage sumps throughout the Town;
- Investigate alternative uses of the land occupied by redundant sumps that activate the area(s) including for local parks and community gardens;
- Provide cost estimates for the “decking” of sumps, partial or otherwise, that convert the land occupied by functional sumps into potential local activation areas; and
- Present the report and cost estimates to an Elected Members Workshop in 2016.”

DETAILS:

Concerns have been expressed that there is a lack of public open space throughout the Town and the opportunities and costs of utilising the sumps as active space are to be explored.

The Town's Land Asset Optimisation Strategy has identified some stormwater sump properties which may have the potential to be at least partially transformed into usable public open space. The property details and functional capacity of these sumps are being assessed.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

This proposal is not currently referred to in the Town's Strategic Community Plan 2013-2028, however relevant objectives from the plan pertaining to this proposal include –

- Connect people to services, resources and facilities that enhance their physical and social wellbeing
- Create a vibrant town that is a place of social interaction, creativity and vitality;
- Ensure parks and natural areas are provided to the best standard; and
- Effectively manage, maintain and renew the Town's assets.

Other strategic documents relating to this matter include –

- Town of Victoria Park Land Asset Optimisation Strategy; and
- Town of Victoria Park Environmental Plan 2013-2018.

Financial Implications:Internal Budget:

There are no funds specifically identified in the 2015/2016 budget to progress this project.

Subject to Council endorsement, the Administration will seek to allocate the required funds in the budget of future financial years to enable the sump property activation projects to progress.

Initial site investigations, active space concept designing and cost estimation works will be managed in-house and the report prepared for the Elected Members Workshop using existing resources and budget allocations.

Total Asset Management:

Any infrastructure and landscaping proposed within the identified areas of activation will be implemented at the Town's cost and will add to the total infrastructure renewal demand and will required on-going and, most likely additional maintenance costs.

Sustainability Assessment:External Economic Implications:

Will be explored in greater detail in the abovementioned report.

Social Issues:

Will be explored in greater detail in the abovementioned report.

Cultural Issues:

Will be explored in greater detail in the abovementioned report.

Environmental Issues:

Will be explored in greater detail in the abovementioned report.

COMMENT:

Staff are supportive of the Notice of Motion, with the initial investigation, active space concept designing and cost estimation works being managed by internal staff.

The implementation of these projects will enhance the availability of recreational or active space within the Town.

CONCLUSION:

The Notice of Motion is supported by the Administration who will progress the investigative, active space concept designing and cost estimation works with reference to the Town's Land Asset Optimisation Strategy subject to Council's endorsement.

RECOMMENDATION/S:

That Council supports the Notice of Motion submitted by Cr Potter to progress the feasibility investigation and cost estimation associated with activating stormwater sump properties within the Town and refer the matter to an Elected Members Workshop in February 2016.

16.2 Notice of Motion from Cr J Bissett – removal of bicycle lane markings and other modifications within the road reserve along Bishopsgate Street from Roberts Road to Archer Street

That in accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011 Cr Bissett has submitted the following notice of motion.

Notice of Motion:**“That Council investigates**

- 1. the removal of bicycle lane markings along Bishopsgate Street, between Roberts Road and Archer Street;**
- 2. reducing the width of the painted median along Bishopsgate Street, between Roberts Road and Archer Street; and**
- 3. the construction of car parking embayments along Bishopsgate Street, between Roberts Road and Archer Street and/or other modifications within the road reserve that will enable improved on-street parking.”**

RATIONALE:

The rationale for the above is that the ability for residents and their visitors to park along Bishopsgate Street has been severely impacted by the installation of the bicycle lanes and painted median. Furthermore, the use of the installed bicycle lanes is minimal, and converting such to a “hard shoulder” provides both suitable bicycle and parking service levels.

Currently there are bicycle symbol markings on both sides of Bishopsgate Street between Archer Street and Roberts Road. Initially, there were no indications on the road or by signs that the white lines were for bicycles.

A couple of residents were allegedly fined for parking on the road over the white lines. Cr Bissett pointed this out to the Town that there was no notification that the white lines indicated a cycle path. The Town subsequently painted the bike symbols on the road to improve clarity of the situation. The parking fine concerns have continued.

With the bike lane lines on the road, this left the residents in a situation where they had to park their cars and their visitors’ cars on the verge when their driveways were full. Some of the verges have reticulation and are well kept.

During the week commencing 21 September 2015, temporary no verge parking signs were placed on the street by Main Roads Western Australia (MRWA). Effectively, when the driveways are full of parked cars, service vehicles and visitors would have to park in adjoining streets, or in the case of deliveries, park in adjoining residents’ driveways.

Rutland Avenue is generally separated from Bishopsgate Street by a distance of about 250 metres and has no through traffic access and it adjoins a cycleway.

Report from Administration on Notice of Motion from Cr Bissett – Removal of bicycle lane markings and other modifications within the road reserve along Bishopsgate Street from Roberts Road to Archer Street

| | |
|------------------------|---------------|
| File Reference: | ROA/7/0010~03 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 23 September 2015 |
| Reporting Officer: | J.Wong |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation – That Council supports the Notice of Motion submitted by Cr Bissett to investigate the removal of bicycle lane markings and other modifications within the road reserve along Bishopsgate Street from Roberts Road to Archer Street.

- The Administration has received a Notice of Motion in respect to removing bicycle lane markings from Bishopsgate Street.
- Recommended that the Notice of Motion be supported and that the matter be investigated and implemented subject to securing the required approval from MRWA and the Department of Transport (DoT).

TABLED ITEMS:

Nil

BACKGROUND:

Cr Bissett has submitted a Notice of Motion to be considered at the Ordinary Council Meeting on 13 October 2015 which reads as follows:

“That Council investigates

1. the removal of bicycle lane markings along Bishopsgate Street, between Roberts Road to Archer Street;
2. reducing the width of the painted median along Bishopsgate Street, between Roberts Road to Archer Street; and
3. the construction of car parking embayments along Bishopsgate Street, between Roberts Road to Archer Street and/or other modifications within the road reserve that will enable improved on-street parking.”

DETAILS:

Concerns have been expressed that there is a lack of on street parking spaces on Bishopsgate Street after the installation of on street bike lanes.

Some residents have allegedly been fined for parking within the bike lanes due to the parking of their vehicles resulting in less than three metres trafficable space available between the parked vehicles and the median.

Rutland Avenue has been identified by the Government and the Administration as a major bike route and a number of applications for external funding have been submitted by Administration in recent years without success. The Administration is currently preparing an application for external funding to fund the construction of bike lanes on Rutland Avenue through the 2016/17 Perth Bike Network grants program which is managed by DoT. The closing date being 9 October 2015.

Legal Compliance:

Road Traffic Act

Policy Implications:

Nil

Strategic Plan Implications:

Integrated Movement Network Strategy

Financial Implications:Internal Budget:

There are no funds specifically identified in the 2015/2016 budget to remove bike symbol markings as these are managed by MRWA.

Subject to Council endorsement and approval from MRWA and DoT, the Administration will seek to allocate the required funds in the current 2015-16 Budget to enable the removal of bike symbol markings from Bishopsgate Street.

The installation of a bike lane on Rutland Avenue is currently the subject of funding application through the 2016/17 Perth Bike Network grants program which is managed by DoT.

The refund of the fines paid by residents who were fined prior to the installation of the bike symbol markings will be considered on a case by case basis by the Town's Parking Management Team.

Total Asset Management:

On street bike symbol road markings are maintained by MRWA.

Sustainability Assessment:External Economic Implications:

Will be explored in greater detail in the abovementioned report.

Social Issues:

Will be explored in greater detail in the abovementioned report.

Cultural Issues:

Will be explored in greater detail in the abovementioned report.

Environmental Issues:

Will be explored in greater detail in the abovementioned report.

COMMENT:

Staff are supportive of the Notice of Motion subject to approval from MRWA and DoT.

The removal of the bike symbol markings and adjustment of the median painting will create a clearance of more than three metres between parked vehicles and the new median line. This will then allow vehicles to be parked on the street legally. The installation of a bike lane on Rutland Avenue is currently the subject of funding application through the 2016/17 Perth Bike Network grants program which is managed by DoT.

CONCLUSION:

The Notice of Motion is supported by the Administration who will progress the removal of the bike symbol road markings on Bishopsgate Street subject to Council's endorsement and approval having been received from MRWA and DoT. The installation of a bike lane on Rutland Avenue is currently the subject of funding application through the 2016/17 Perth Bike Network grants program which is managed by DoT.

The refund of the parking fines paid by residents who were fined prior to the installation of the bike symbol markings will be considered on a case by case basis by the Town's Parking Management Team.

RECOMMENDATION/S:

That Council investigates:

1. **The removal of bicycle lane markings along Bishopsgate Street, between Roberts Road to Archer Street;**
2. **Reducing the width of the painted median along Bishopsgate Street, between Roberts Road to Archer Street; and**
3. **The construction of car parking embayments along Bishopsgate Street, between Roberts Road to Archer Street and/or other modifications within the road reserve that will enable improved on-street parking.**

16.3 Notice of Motion from Cr V Maxwell – Disposal of Council Vehicle 1 VPK

That in accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011 Cr Maxwell has submitted the following notice of motion.

Notice of Motion:

That the Town of Victoria Park displays its serious desire to reduce costs by removing the Mayor's car from the Town's vehicle fleet as soon as practicable after 18 October 2015.

RATIONALE:

The Town's light vehicle fleet has grown considerably over the last eight years to just over sixty vehicles and there is renewed pressure from the community to justify the need for so many vehicles. A lot has been promised by candidates in the Mayoral election campaign about the desire to contain costs and one area where savings could be made is in the Town's vehicle fleet which ties up over \$2 million dollars of the Town's capital in what are depreciating assets. The majority of these vehicles are linked to staff employment contracts and therefore not easily dispensed with however the Mayor's car is purely a discretionary item and not restricted by any employment caveats.

The requirement for the Mayor to travel outside of the Town is minimal and in most cases official meetings are also attended by the CEO or other senior officers from the Town. Functions requiring the Mayor to travel unaccompanied can be catered for by travel allowance funding for private vehicle use or Taxi Vouchers.

The opportunity will then exist for the Mayor to set an example by considering local travel using public transport to further promote the use of public transport in and around the Town of Victoria Park.

Report from Administration on Notice of Motion from Cr Maxwell – Disposal of Council Vehicle 1 VPK

| | |
|------------------------|------------|
| File Reference: | PES/7/0004 |
| Appendices: | No |

| | |
|-----------------------------|-------------------|
| Date: | 30 September 2015 |
| Reporting Officer: | J.Wong |
| Responsible Officer: | W. Bow |
| Voting Requirement: | Simple Majority |

Executive Summary:

Recommendation – That the matter of either retaining or disposing of the Mayoral vehicle be subject of a presentation at the Elected Members Workshop to be held in December 2015.

- The Administration has received a Notice of Motion in respect to the disposal of the Mayoral vehicle with registration number 1VPk.
- Recommended that the Notice of Motion be received.
- Recommended that Council consider the advantages and disadvantages of the disposal of the vehicle and associated options.

TABLED ITEMS:

Nil

BACKGROUND:

Cr Maxwell has submitted a Notice of Motion to be considered at the Ordinary Council Meeting on 13 October 2015 which reads as follows:

“That the Town of Victoria Park displays its serious desire to reduce costs by removing the Mayor’s car from the Town’s vehicle fleet as soon as practicable after 18 October 2015.”

DETAILS:

The current Council vehicle, registration number 1 VPK, is allocated to the Mayor of the Town of Victoria Park. A Mayoral vehicle has been provided by the Council since 1999/2000.

The current Mayoral vehicle was due for replacement in March 2015, however the changeover of the vehicle was held over pending the outcome of Local Government Reform, and further held over due to the imminent Local Government Elections.

The Town currently provides an executive vehicle for the Mayor for official and private use. A corporate fuel card is also supplied by the Council. The vehicle is fully insured and maintained by the Town.

Research revealed that the proposed purchase of a Mayoral vehicle was first listed on the 1999/2000 budget that was presented to Elected Members Briefing Session held on 6 July 1999 at a cost \$45,000.

The Council at its Ordinary meeting held on 13 July 1999 adopted the Budget which included for the first time an amount of \$45,000 to purchase a vehicle for the Mayor.

On the 16 July 1999 an AU Fairlane Ghia Sedan was purchased at a cost of \$39,430. The latest vehicle, a Holden Caprice, was purchased on 16 March 2012 at a cost of \$43,503.

It is noted that other Councils within Western Australia provide a variety of options to address the transportation needs of their Mayors.

A survey of five other local governments ranging from large to medium/small was undertaken in 2012 and a summary of their application of the provision of a mayoral vehicle is summarised below:

City of Stirling

- Provide mayoral vehicle for official and full private use;
- Log book used to ascertain private use; and
- Pays for private use (deducted from Mayoral Allowance) in accordance with Public Service Award Schedule F;

City of Belmont

- Provide mayoral vehicle for official and full private use;
- Log book maintained; and
- Pays for private use (deducted from Mayoral Allowance) in accordance with Public Service Award Schedule F.

City of Vincent

- Do not provide mayoral vehicle – therefore no policy required; and
- Mayor reimbursed for costs of running her own vehicle in accordance with Public Service Award Schedule F.

Town of Cambridge

- Do not provide a Mayoral vehicle but did previously when Mayor was paid \$10,000 allowance per year;
- In 2009 Mayoral Allowance increased from \$10,000 to the Maximum of \$60,000 per year;
- Mayor provides his own vehicle and meets expenses in lieu of \$50,000 increase per year in allowance paid; and
- Do not provide mayoral vehicle

City of Joondalup

- Provide mayoral vehicle for official and full private use;
- Log book used to ascertain private use; and
- Pays for private use (deducted from Mayoral Allowance) in accordance with Public Service Award Schedule F.

The time constraints associated with referring this Notice of Motion to Council did not allow for a re-survey of these local governments; it is however proposed in the event that Council supports the Notice of Motion.

Legal Compliance:

Local Government Officers' (Western Australia) Interim Award 2011.
 Local Government (Administration) Regulations 1996.

Policy Implications:

Mayoral Vehicle EM9.

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

There is \$46,000 allocated in the 2015/2016 budget to replace this vehicle this financial year. The current vehicle was purchased on 16 March 2012 at a cost of \$43,503.

Consideration of any alternative transportation arrangements in lieu of the provision of this vehicle would be better undertaken prior to its replacement. There is sufficient funds in the current operating budget to fund travel related expenditures incurred by Elected Members mindful of the rates specified in the Local Government Officers' (Western Australia) Interim Award 2011.

Local Government Officers' (Western Australia) Interim Award 2011:

Schedule 1

Local Government Officers' (Western Australia) Interim Award 2011
CLAUSE 30. - TRAVELLING EXPENSE REIMBURSEMENT

| Area Details | Rate (cents) per kilometre | | |
|-----------------------------|--|-----------------------------|---------------------|
| | Engine Displacement (in cubic centimetres) | | |
| | Over 2600cc | Over 1600cc to 2600cc | 1600cc and under |
| Metropolitan Area | 93.97 | 67.72 | 55.85 |
| South West Land Division | 95.54 | 68.66 | 56.69 |
| North of 23.5 Latitude | 103.52 | 74.12 | 61.21 |
| Rest of the State | 99.01 | 70.87 | 58.37 |

30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.

30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.

30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.

- 30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

Total Asset Management:

The current Council vehicle is maintained by the Town at an average annual operating cost of \$3,200.

The Administration is committed to reducing the Town's light fleet numbers which currently stand at 66. This commitment will be demonstrated in the new Fleet Policy which is currently being drafted.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Subject to the endorsement of Council, the Administration will proceed to assess the pros and cons of disposing the current Council vehicle of registration number 1 VPk and will continue to accommodate the necessary transportation needs of all Elected Members in accordance with the relevant policies and Clause 30 of the Local Government Officers' (Western Australia) Interim Award 2011.

Options to be considered include alternative transportation and/or payment arrangements including but not limited to –

- Payment of an allowance in lieu of vehicle provision;
- Access to the Town's pool vehicle;
- Taxis;
- Public transport vouchers; and
- Travelling expense reimbursement arrangement.

ADDITIONAL INFORMATION:

At the Elected Members Briefing session, it was requested that the Administration provide the following statistics:

| | | |
|--|----------------|--------------|
| Make of Vehicle | Holden Caprice | 1 VPK |
| Date Purchase | | 6 March 2012 |
| Purchase Price | | \$43,503 |
| Budget for replacement this financial year 2015/16 | | \$46,000 |
| Estimated auction value | | \$24,500 |

Operating cost

| | | |
|-----------|----------------------|-------------------|
| 2013/2014 | Insurance | \$1,004.52 |
| | Vehicle Registration | \$ 259.19 |
| | Fuels & Oils | \$1,775.67 |
| | External Repairs | \$ 263.14 |
| | TOTAL | \$3,302.52 |
| 2014/2015 | Insurance | \$ 782.55 |
| | Vehicle Registration | \$ 268.28 |
| | Fuels & Oils | \$1,472.05 |
| | External Servicing | \$ 552.01 |
| | TOTAL | \$3,074.89 |

Based on log book calculation, the percentage of private use is 2%.

Distance travelled

| Odometer reading | KMs |
|------------------|--------------|
| 05/12/2013 | 28,782 |
| 04/12/2014 | 37,847 |
| Total | 9,065 |
| 04/12/2014 | 37,847 |
| 8/10/2015 | 46,274 |
| Total | 8,427 |

CONCLUSION:

The determination to either continue to provide or dispose of the Mayoral vehicle is a decision that the Council needs to make in relation to the Notice of Motion. Subject to Council endorsement, the Administration will progress the assessment of the advantages and disadvantages of disposing the current Mayoral vehicle. The matter will be presented at the Elected Members Workshop in December 2015.

RECOMMENDATION/S:

That the matter of either retaining or disposing of the Mayoral vehicle be subject of a presentation at the Elected Members Workshop to be held in December 2015.

16.4 Notice of Motion – Councillor Hayes – Establishment of a Finance Committee or Working Group

That in accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011 Cr Hayes has submitted the following notice of motion.

Notice of Motion:

That the terms of reference of the Audit Committee be expanded to incorporate:

**Council revenue,
Council expenditure,
Council borrowings,
Council financial reserves, and
Council's Land Asset Optimisation Strategy.**

or

a Finance Working Group be established to consider:

**Council revenue,
Council expenditure,
Council borrowings,
Council financial reserves, and
Council's Land Assets Optimisation Strategy.**

RATIONALE:

To facilitate enhanced financial analysis within the operation of Council.

Report from Administration on Notice of Motion from Cr Hayes – Establishment of a Finance Committee or Working Group

| | |
|------------------------|----------------|
| File Reference: | FIN/11/0001~09 |
| Appendices: | No |

| | |
|--|-----------------|
| Date: | 7 October 2015 |
| Reporting Officer: | G. Patrick |
| Responsible Officer: | G. Patrick |
| Voting Requirement: | Simple Majority |
| Executive Summary: | |
| Recommendation – That Council: | |
| <ol style="list-style-type: none"> 1. Establishes a Finance Working Group; and 2. Endorses the Terms of Reference contained in the Details section of this report. | |

TABLED ITEMS:

Nil

BACKGROUND:

Cr Hayes has submitted a Notice of Motion to be considered at the Ordinary Council Meeting on 13 October 2015 which reads as follows:

That the terms of reference of the Audit Committee be expanded to incorporate:

Council revenue;
 Council expenditure;
 Council borrowings;
 Council financial reserves; and
 Council's Land Asset Optimisation Strategy.

or

That a Finance Working Group be established to consider:

Council revenue;
 Council expenditure;
 Council borrowings;
 Council financial reserves; and
 Council's Land Assets Optimisation Strategy.

DETAILS:

In recent meetings there have been a number of issues where questions have been raised by members of the public and elected members on details of the financial activities of the Town. The Notice of Motion seeks to improve understanding by elected members of the financial policies and practices that sustain the Town.

The proposed Terms of Reference for the Working Group are as follows:

Terms of Reference

Purpose of the Working Group:

The primary objective of the Finance Working Group is to have an overview of the financial management of the Town of Victoria Park. Reports from the Working Group will assist Council in reviewing financial decisions whilst discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The Working Group will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of local government's financial accounting systems and compliance with legislation.

The Working Group is to facilitate:

- the enhancement of the credibility and objectivity of internal and external financial reporting;
- compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- the provision of an effective means of communication between the finance staff, the CEO, the Council and the public.

Role of the Working Group:

The duties and responsibilities of the Working Group will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to financial matters.
- b) Develop and recommend to Council an appropriate process for the reviewing of financial policies.
- c) Review financial reports prepared by the Business Life Program that are presented to Council for adoption.
- d) Review the Long Term Financial Plan and ensure its integration with other elements of the Integrated Reporting Framework.
- e) Review the local government's draft annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process; and
 - compliance with accounting standards and other reporting requirements.

Membership:**Members**

- Three (3) Elected Members.

Deputies

- One (1) Elected Member.

Quorum

- Two (2) Elected Members being at least 50% of Members.

Meetings

The Working Group shall meet at least four times per year. Additional meetings shall be convened at the discretion of the presiding person.

Legal Compliance:

Nil

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:

Staff are supportive of the option of establishing a Finance Working Group separate to the Audit Committee. An Audit Committee is a statutory requirement of section 7.1A of the *Local Government Act 1995*. There are prescriptive requirements within the *Local Government Act 1995* of the Audit Committee. It is believed it would be more appropriate to form a separate working group to review financial matters and retain the Audit Committee with a focus on its statutory obligations.

CONCLUSION:

The establishment of a Finance Working group would enhance the elected members understanding of the complex financial environment the Town of Victoria Park operates within.

Should the Council resolve to establish a Finance Working Group then it is recommended that appointments be made at a subsequent Council meeting after the 17 October 2015 Ordinary Elections.

RECOMMENDATION/S:

That Council:

1. **Establishes a Finance Working Group; and**
2. **Endorses the Terms of Reference contained in the Details section of this report.**

16.5 Notice of Motion from Cr K Hayes – That Council Discontinue the Practice of Commissioning a Mayoral Portrait

That in accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011 Cr Hayes has submitted the following notice of motion.

Notice of Motion:

That Council discontinue the practice of commissioning a Mayoral Portrait.

RATIONALE:

1. A photographic image is a suitable record; and
2. There would be financial benefits from the action.

Report from Administration on Notice of Motion from Cr Hayes – Discontinue the Practice of Commissioning a Mayoral Portrait

| | |
|------------------------|-------------|
| File Reference: | REC/11/0004 |
| Appendices: | No |

| | |
|-----------------------------|-----------------|
| Date: | 7 October 2015 |
| Reporting Officer: | T. Ackerman |
| Responsible Officer: | T. Ackerman |
| Voting Requirement: | Simple Majority |

| | |
|---|--|
| Executive Summary: | |
| Recommendation – The practice of commissioning a Mayoral portrait be continued, with the cost not to exceed \$5,000 and the portrait to be commissioned following the conclusion of the term of office. | |
| <ul style="list-style-type: none"> • Current photograph processing techniques have resulted in images that do not preserve well. As a result it is considered that a portrait is a more appropriate means of recording for the Town’s local history an image of the individuals who have served as Mayor in respect of their contribution to the Town. | |

TABLED ITEMS:

- Council Policy – RECN3 – Visual Arts

BACKGROUND:

Cr Hayes has submitted a Notice of Motion to be considered at the 13 October 2015 Ordinary Council Meeting. The Notice of Motion reads as follows:

Motion:

That Council discontinue the practice of commissioning a Mayoral Portrait.

Reasons:

1. ***A photographic image is a suitable record.***
2. ***There would be financial benefits from the action.***

DETAILS:

The Town of Victoria Park currently has two Mayoral portraits in its collection. They are of Mayor J.A.M. (Mick) Lee OAM JP (1995-2007) and Mayor Trevor Vaughan (2007 – current). It is the understanding of the current Administration that the practice of commissioning a Mayoral portrait commenced following discussion at the 3 March 1999 Elected Members Workshop. The Administration has been unable to locate a record of the objective of this practice and therefore can only suggest that it is to recognise and preserve a record of individuals who have served as Mayor in respect of their contribution to the Town.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town's Strategic Plan Community Plan 2013-2028 states that the Town will include initiatives "that encourage participation, promotion and preservation of local history". The commissioning of a Mayoral portrait is consistent with this.

Financial Implications:Internal Budget:

The estimated cost of commissioning a Mayoral portrait varies considerably depending on the artist commissioned, their availability, experience and skillset. The cost could range from between \$2,000- \$10,000 in order to meet the Town's requirements e.g. achieving a likeness, original artwork of the commissioned artist.

The most recent portrait commissioned, that of Mayor Trevor Vaughan, which was commissioned in 2009 cost the Town \$3,900.

There are no funds listed on the 2015/16 Budget for the purpose of commissioning a Mayoral portrait. As a result, if the results of the 17 October 2015 Local Government elections were to see a new Mayor in the role it would be necessary to identify funds in the mid-year budget review if the practice of commissioning a Mayoral portrait was to continue.

Total Asset Management:

The Town has endorsed a Visual Arts Policy, together with a sound maintenance and valuation regime, to ensure the longevity of commissioned artwork.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

The acknowledgement and recognition of Mayors of the Town of Victoria Park ensures that the efforts of individuals that served the local community are preserved as an important part of our cultural heritage.

Environmental Issues:

Nil

COMMENT:

The Administration acknowledges the reasons presented for the Notice of Motion to discontinue the practice of commissioning a Mayoral portrait and agrees that there would be a financial benefit as a result.

In regard to the reason given indicating that a photographic image would be suitable, there is evidence to the contrary, should the reason for commissioning of a portrait be to recognise and preserve as a record of the Town's local history an image of the individuals who have served as Mayor in respect of their contribution to the Town. If it is the intent to preserve a record, Preservation Services (art restoration and conservation service located in North Perth) have advised that the modern developing processes for photographs are not as stable as the older processes where each photograph was hand developed. Machine developing chemicals often continue to work long after the process is completed and therefore the photograph is not as stable, resulting in the deterioration of photographic images in a relatively short period of time.

On a different note, at the 10 June 2014 Ordinary Council Meeting Elected Members voted in support of a recommendation from the Arts Working Group to endorse a Visual Arts Policy (tabled). The recommendation was carried 5-3. Following is an extract from the Policy, which comments on the Town's collection as a reflection of the place and its people.

This program will provide a clear reflection of Victoria Park, the place and its people whilst also creating opportunities to build relationships and educate the community on the investment in the culture and health of the community.

In addition, the policy refers to "opportunities to build relationships and educate the community on the investment in the culture and the health of the community", with the Administration considering that the commissioning of a Mayoral portrait being a worthwhile investment in art and culture, that adds value to the Town's visual art collection.

There is also a school of thought that a photograph does not capture the essence of an individual as eloquently as a painted portrait, in that a portrait artist attempts to capture the subject's unique personality and strength of character, which some may consider to be as important as a likeness the individual or a their achievements.

CONCLUSION:

If, as suggested by the Administration, the purpose of commissioning a Mayoral portrait is to recognise and preserve as a record of the Town's local history an image of the individuals who have served as Mayor in respect of their contribution to the Town, it is not recommended that the practice be discontinued, as current photograph processing techniques have resulted in images that do not preserve well.

With regard to the financial benefits of discontinuing the practice of commissioning a Mayoral portrait, it is acknowledged that this would be an outcome. If the practice were to continue it is possible to limit the amount spent on the commissioning, for example, to a mid-range amount of \$5,000.

RECOMMENDATION/S:

1. **The practice of commissioning a Mayoral portrait be continued;**
2. **The cost of commissioning a portrait not to exceed \$5,000 (CPI Indexed), excluding frame and installation of portrait; and**
3. **The commissioning of a portrait is to be following the conclusion of the term of office and within 6 months of leaving office.**

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.