

minutes

Ordinary Meeting of Council



Please be advised that the Ordinary Meeting of Council commenced at **6.30pm** on **Tuesday 8 September 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

10 September 2015

(To be confirmed 13 October 2015)

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1 OPENING

Mayor Vaughan opened the meeting at 6:30pm. The Chief Executive Officer, Mr Anthony Vuleta read the prayer.

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

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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 Renew Life	Mr W (Warren) Bow
Director Community Life	Ms T (Tina) Ackerman
Director Business Life	Mr N (Nathan) Cain
Executive Manager Built Life:	Mr R (Robert) Cruickshank
Secretary:	Mrs A (Alison) Podmore
Public:	26

3.1 Apologies

Nil

3.2 Approved Leave of Absence

Nil

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

Name/Position	Cr Vin Nairn
Item No/Subject	Item 12.4
Nature of Interest	Financial
Extent of Interest	Member of the Perth Football Club

Declaration of Proximity Interest

Nil

Declaration of Interest affecting impartiality

Name/Position	Mr Robert Cruickshank
Item No/Subject	Item 11.9
Nature of Interest	Impartiality
Extent of Interest	Owner of No. 6 Midgley Street has been a friend of Mr Cruickshank's family

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Council Meeting 11 August 2015

David Crann

- Q. South African blood tree died. Can it be replaced in the open and full sunlight?
- R. Unfortunately and despite the efforts of our Parks staff, in consultation with our arboricultural consultants, the *Dracaena draco* (Dragons Blood Tree) did die recently and was removed after consultation with the relevant stakeholders. Staff are exploring options for its replacement in keeping with the GO Edwards Concept Plan.
- Q. Mr Fredricka La Rosa died last week as a result of cement dust; in trying to establish respect for people that have served, can the tree be put back in his memory?
- R. The tree is located in GO Edwards Park; which is named after Mr GO Edwards. Any additional recognition of other persons within the park would not be supported.

5.2 Public Questions / Responses, Raised at the Council Meeting on 8 September 2015Sam Zammit

- Q. Is it clearly saying that in the accepted budget in the Minutes that residents can expect an 8% rate increase for future years?
- R. The Director Business Life, Mr Nathan Cain advised that the document refers to a planning of principle activities and a future plan that was developed some years ago, that identified that 8% was going out. Each Council, each year will make its determination as to what its rate increase is. Mr Cain said that he wasn't able to say one way or the other whether it's 8% going forward or not.
- Q. Did Mr Cain say that it's not proposed that next year there will be 8% increase, was that correct?
- R. The Director Business Life, Mr Nathan Cain advised that it is up to the Council of the day and will be their decision. At this moment, the long term financial plan has provision for a lesser rate increase than the 8%, however, it will be up to the Council of the day.
- Q. Where is the Town's big road sweeper? Is it out in other suburbs doing their road sweeping?
- R. The Director Renew Life Program, Mr Warren Bow advised that the Town does provide a service to the City of South Perth, a fee for service to them, and to the Town's own community using the Town's large McDonald sweeper.

Mr Zammit did add that if ever he required a road sweeper, they are very quick to respond, and thanked the Town for that, however the smaller road sweeper doesn't quite do the same job and the large road sweeper hasn't been seen for quite some time in the St James area.

The Chief Executive Officer, Mr Anthony Vuleta responded by saying the Town has three (3) road sweeper, two (2) being smaller road sweeper, they actually do the footpath sweeping and the carparks. The Town also has a large road sweeper, which is still in the fleet, which is still used.

- Q. When is something positive going to be done about the abandoned shopping trolleys?
- R. The Director Business Life, Mr Nathan Cain said the reality is, if you do see someone walking down the street with a shopping trolley, without permission of the shopping centre that it belongs to, that's theft. The dumping of them is an abandoned trolley situation, and the Town responds to them. If can use the trolley tracker system or contact the Council, that's the best form of action at the moment. The Town cannot force shopping centres to change their practices, the Town can only provide, to a degree, greater infringements or greater penalties for not doing that. But short of that, the Town has to collect them.

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- Q. The Town goes to the effort of collecting the trolleys, but do nothing to put down a legislation. If people are seen on the footpath with a shopping trolley that's come out of a shopping centre, shouldn't there be a fine for it?
- R. The Director Business Life, Mr Nathan Cain said, as mentioned, it's a matter of theft. The Town Rangers don't have the power to prosecute over theft, that is a police matter.

Chris Locantro

Waiting on answers for donation inconsistency, Perth cricket club and staff numbers

- Q. Who funded the article in Southern Gazette on September 1 praising the Government for the contribution to the Lathlain development? There was a picture of said Mayor; Is it in contravention of FIN7? Which says, the publicity of Elected Members in an election period cannot happen from July 1. The advertisement in this week's Southern Gazette, clearly identifies that it is an advertisement.
- R. Mayor Trevor Vaughan said it was an advertisement, it was written as an advertisement and it was put in the paper as an advertisement, just the same as any other Elected Member can put an advertisement in the paper. You will see on the top that it's an advertisement.
- Q. So you paid for both?
- R. Mayor Trevor Vaughan said absolutely.
- Q. Is the relationship between A and R Podmore, is it in contravention of the FIN9 policy?
- R. The Director Renew Life Program, Mr Warren Bow advised that Mr Podmore, through his company as a sole trader, provides the Town with Building Surveying and Building Inspection consultancy services. Mr Podmore is procured through the purchasing policy and the Administration are comfortable with that.

6 PUBLIC STATEMENT TIME

Rod Greaves

Mr Greaves, the owner of 6 Midgley Street, spoke in support of Item 11.9.

Morag Croft

Ms Croft made a statement opposing the approval to proceed to consultation on rezoning of Item 11.9.

David Crann

1. Made a statement regarding rubbish being dumped on private property in Kitchener Avenue and advised the Administration that the footpath is now covered with rubbish that isn't easily removed.
2. Mr Crann referred to the South African Dragon Blood tree and said that he had previously asked for the tree to be replanted in the same spot in GO Edwards park and a plaque with Mr La Rosa.

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr Hayes

Seconded: Cr Anderson

That the minutes of the Ordinary Council Meeting held on Tuesday, 11 August 2015 be confirmed.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 2016 Schedule of Council Meetings & Elected Member Briefing Sessions

File Reference:	COR/10/0004
Appendices:	No

Date:	20 October 2015
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council adopts the 2016 Monthly Meeting Schedule.

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

TABLED ITEMS:
 Nil

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

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

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

The proposed monthly cycle of EMBS and OCM for 2016, is shown below:

(To be confirmed 13 October 2015)

2016 EMBS & OCM Meeting Schedule
EMBS 1st Tuesday & OCM 2nd Tuesday of each Month

Elected Members Briefing Session	Ordinary Council Meetings
Tuesday 2 February 2016	Tuesday 9 February 2016
Tuesday 1 March 2016	Tuesday 8 March 2016
Tuesday 5 April 2016	Tuesday 12 April 2016
Tuesday 3 May 2016	Tuesday 10 May 2016
Tuesday 7 June 2016	Tuesday 14 June 2016
Tuesday 5 July 2016	Tuesday 12 July 2016
Tuesday 2 August 2016	Tuesday 9 August 2016
Tuesday 6 September 2016	Tuesday 13 September 2016
Tuesday 4 October 2016	Tuesday 11 October 2016
Tuesday 1 November 2016	Tuesday 8 November 2016
Tuesday 6 December 2016	Tuesday 13 December 2016

Legal Compliance:

Section 5.3 of the *Local Government Act 1995* states that:

“Ordinary and Special Council meetings:

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

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

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

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

In relation to the above Regulation, if the Council adopts a meeting schedule for 2016 at its meeting to be held on 8 September 2015, the Administration can advertise the schedule in December 2015 which will comply with the legislation.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

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

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

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

An examination of public holidays reveals that there will be no issues in 2016. Good Friday in 2016 falls on the 25 March and will not impact on the preparation or dissemination of the Agenda for the EMBS to be held on 5 April 2016.

Consequently the proposed monthly meeting schedule for 2016 has been provided for consideration. If adopted, the 2016 Meeting Schedule will be advertised during December 2015.

CONCLUSION:

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

It is recommended that the monthly meeting cycle for 2016 be approved.

RESOLVED:

Moved: Cr Windram

Seconded: Cr Anderson

1. Council continues with the monthly meeting cycle with Elected Members Briefing Session being held on the first Tuesday of each month and the Ordinary Council Meeting being held on the second Tuesday of each month whilst still maintaining a Council recess during the month of January;
2. The monthly cycle of Elected Members Briefing Sessions and Ordinary Council Meetings for 2016, in accordance with the following schedule be approved;

**2016 EMBS & OCM Meeting Schedule
EMBS 1st Tuesday & OCM 2nd Tuesday of each Month**

Elected Members Briefing Session	Ordinary Council Meetings
Tuesday 2 February 2016	Tuesday 9 February 2016
Tuesday 1 March 2016	Tuesday 8 March 2016
Tuesday 5 April 2016	Tuesday 12 April 2016
Tuesday 3 May 2016	Tuesday 10 May 2016
Tuesday 7 June 2016	Tuesday 14 June 2016
Tuesday 5 July 2016	Tuesday 12 July 2016
Tuesday 2 August 2016	Tuesday 9 August 2016
Tuesday 6 September 2016	Tuesday 13 September 2016
Tuesday 4 October 2016	Tuesday 11 October 2016
Tuesday 1 November 2016	Tuesday 8 November 2016
Tuesday 6 December 2016	Tuesday 13 December 2016

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

10.2 Integrated Planning and Reporting Framework Major Review Process (EVOLVE 2017)

File Reference:	COR/12/8
Appendices:	No
Date:	21 August, 2015
Reporting Officer:	M. Swanepoel
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – That Council endorses the approach for undertaking the major review of the Town’s Strategic Community Plan and related integrated and planning reporting framework documents, as outlined in the body of this report.	
<ul style="list-style-type: none"> • A major review of the Town’s Strategic Community Plan and associated Integrated Planning and Reporting Framework documents needs to be completed by July 2017. • Administration has begun project planning this process which is submitted for Council’s consideration. 	

TABLED ITEMS:

Nil

BACKGROUND:

In 2013, the Town completed a set of documents that make up the Integrated Planning and Reporting Framework (IPRF). These documents were inclusive of a Strategic Community Plan, a Corporate Business Plan, a Long-term Financial Plan, Asset Management Plans and a Workforce Plan. A major review of these documents is required every four years, the next being due in July 2017.

The IPRF project has been established so that the major review of these documents can be completed before July 2017. To easily identify the project, it has been rebadged as “EVOLVE 2017”. Starting the major review now gives enough time to undertake a thorough public participation process that will directly help with preparing a new Strategic Community Plan and related documents that make up the IPRF. The purpose of this report is for Council to consider the Administration’s plan for approaching the major review.

DETAILS:

What is the Integrated Planning and Reporting Framework?

The Integrated Planning and Reporting Framework comprise a set of strategic and operational documents that the Town is required to prepare with the involvement of the community. These documents include:

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Document	Description
Strategic Community Plan	<p>A Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a ten year period.</p> <p>This document includes a vision, priorities, identified service expectations, identified asset expectations, identified land use expectations and an indication of whether or not the plan is succeeding.</p> <p>Inputs into this document include:</p> <ul style="list-style-type: none"> • Public participation; • Asset Management planning; • Workforce planning; and • Long-term financial planning. <p>This document informs the Corporate Business Plan and heavily influences the Long-term Financial Plan.</p>
Corporate Business Plan	<p>A Corporate Business Plan is an operational document that activates the Strategic Community Plan over a four year period.</p> <p>This document includes short and medium term priorities and service levels.</p> <p>This document informs the annual budget.</p>
Long-term Financial Plan	<p>A Long-term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a ten year period.</p> <p>This document is heavily influenced by the Strategic Community Plan and informs the Corporate Business Plan and the annual budget.</p>
Asset Management Plan	<p>Asset management planning is intended to integrate the expected cost of looking after assets with long term financial planning.</p>
Workforce Plan	<p>Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works.</p>

The preparation of these documents is mandated by legislation.

What is EVOLVE 2017?

EVOLVE 2017 is the project name for completing the major review of the Town’s integrated planning and reporting framework documents by July 2017; EVOLVE stands for: Engage, Value, Organise, Listen, Verify and Enact. A new Strategic Community Plan and accompanying integrated planning and reporting framework documents will be delivered as a part of this project. These documents will be delivered following a genuine and thorough public participation process.

What are the objectives, outcomes and outputs of EVOLVE 2017?

The Administration has been planning the Town’s approach for completing the major review. Details are listed in the tables below.

EVOLVE 2017 Project Planning	
Objective	To know the community’s future needs and wants by October 2016 and how they can be realised - by June 2017.
Outcomes	<ol style="list-style-type: none"> 1. The Town knows the community’s needs and wants, it has sincerely planned for them to be realised in the context of being able to pay for them and all IPRF documents are in place. 2. The Town has formed as many genuine relationships with as many people and organisations as possible. 3. The Town has met its statutory requirements.

The project will involve completing the following outputs:

Stage	ID	Output
Pre-planning	001	EVOLVE 2017 Project Management Team
	002	EVOLVE 2017 Project Plan
	003	EVOLVE 2017 Communications Strategy
	004	EVOLVE 2017 Braintrust
	005	Name the Project Competition
Stage 1	006	TOVP History + Context + Social issues Paper
	007	TOVP Level of Service Paper
	008	ToVP Futures Study (aka Project ‘Predict the Future’)
	009	What the People Prefer Public Participation Paper (aka Project ‘Ask the People’)

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	010	EVOLVE 2017 Public Participation Literature Review
	011	EVOLVE 2017 Public Participation Implementation Plan
	012	EVOLVE 2017 Public Participation Procurement
Stage 2	013	EVOLVE 2017 Public Participation
	014	EVOLVE 2017 Public Participation Outcomes Paper
Stage 3	015	Strategic Community Plan
	016	Corporate Business Plan
	017	Long-term Financial Plan
	018	Asset Management Strategy, Plans and Policy
	019	Workforce Plan

What are the key milestones for EVOLVE 2017?

At this stage, key milestones for EVOLVE 2017 are:

ID	Date	Description
001	September 2015	Council informed of project planning
002	October 2015	Council elections
003	November 2015	Training for Councillors about EVOLVE 2017 and public participation.
004	February 2016	EVOLVE 2017 Public Participation begins
005	July 2016	EVOLVE 2017 Public Participation finishes
006	October 2016	Draft Strategic Community Plan and accompanying integrated planning and reporting framework documents completed. Consultation of these documents with the community is carried out.
007	March 2017	Council considers endorsing final Strategic Community Plan and accompanying integrated planning and reporting framework documents.
008	July 2017	2017/2018 Annual Budget finalised. Review of organisation structure begins.

(To be confirmed 13 October 2015)

Legal Compliance:

Section 5.56(2) of the *Local Government Act 1995* and Regulation 19C of the *Local Government (Administration) Regulations 1996*.

Policy Implications:

The project will align with the Public Participation Policy, GEN6.

Strategic Plan Implications:

A new Strategic Community Plan and supporting documents will be prepared as a result of this project.

Financial Implications:Internal Budget:

This project has \$300,000 allocation in the 2015/2016 annual budget.

Total Asset Management:

Asset Management Plans will be an output of this project.

Sustainability Assessment:External Economic Implications:

The preparation of a new Strategic Community Plan and accompanying integrated planning and reporting framework documents will inform where and what the Town directs its spending on for a minimum of ten years.

Social Issues:

The number, quality and variety of services provided by the Town will be informed by the preparation of the new Strategic Community Plan and accompanying integrated planning and reporting framework documents. Also, this will be one of the most significant community engagement processes the Town has ever undertaken.

Cultural Issues:

The preparation of a new Strategic Community Plan will inform the Town's long-term position on cultural issues.

Environmental Issues:

The preparation of a new Strategic Community Plan will inform the Town's long-term position on environmental issues.

COMMENT:

The major review of the Town's integrated planning and reporting framework documents will be completed by July 2017. This timeframe is mandated by legislation and it is expected that this project will meet this timeframe.

A feature of this project is that the integrated planning and reporting framework documents will be prepared in such a manner that will allow the Town to begin implementation as soon as the 2017/18 budget is adopted.

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The point of difference for EVOLVE 2017 is the manner in which the Town will run its public participation process. The Town is planning a public participation process that will conform to the International Association of Public Participation expectations for best practice. The role of public participation will be crucial in not only establishing the community's vision but also in identifying the community's expectations for future planning service provision, asset management, capital works and how they will be funded. Ultimately, this process will result in a set of strategic and operational documents that will be implemented.

CONCLUSION:

In 2013, the Town completed a set of documents (a Strategic Community Plan, a Corporate Business Plan, a Long-term Financial Plan, Asset Management Plans and a Workforce Plan) that make up an integrated planning and reporting framework. A major review of these documents is required every four years, the next being due in July 2017. The EVOLVE 2017 project has been established so that the major review of these documents can be completed before July 2017.

The objective of EVOLVE 2017 is to know the community's future needs and wants and how they can be realised. Starting the major review now gives enough time to undertake a thorough public participation process that will directly help with establishing those future needs and wants and determining how they'll be prioritised and funded. The intention is to have a new Strategic Community Plan and related integrated planning and reporting framework documents completed by March 2017.

RESOLVED:**Moved: Cr Potter****Seconded: Cr Anderson**

That Council endorses the approach for undertaking the major review of the Town's Strategic Community Plan and related integrated and planning reporting framework documents, as outlined in the body of this report.

The Motion was Put and**CARRIED (9-0)**

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 3 (Lot 102) Graham Farmer Freeway, Burswood – Change of Use to Unlisted Use (Recreational Facility)

File Reference:	PR23225
Appendices:	No
Landowner:	Golden River Developments (WA) Pty Ltd
Applicant:	Altus Planning and Appeals
Application Date:	10 July 2015
DA/BA or WAPC Ref:	5.2015.327.1
MRS Zoning:	Part Urban zone; Part Parks and Recreation Reserve
TPS Zoning:	Part Special Use – Racecourse; Part Parks and Recreation Reserve
TPS Precinct:	Precinct P1 ‘Burswood’
Use Class:	‘Unlisted Use’ (Recreational Facility)
Use Permissibility:	Discretionary

Date:	21 August 2015
Reporting Officer:	H. Stenning
Responsible Officer:	R. Cruickshank
Voting Requirement:	Approval - Absolute Majority; Refusal – Simple Majority

Executive Summary:

Recommendation – Approval by Absolute Majority, subject to conditions

- Application seeks approval for the construction of a ‘Recreational Facility’ - a temporary water and leisure park at the subject site.
- A ‘Recreational Facility’ is not included as a Use Class in the Zoning Table and as such is an ‘Unlisted Use’.
- The ‘Recreational Facility’ is proposed to operate from November through to April of 2015, 2016 and 2017, with a set up and dismantling period of approximately one (1) month either side.
- Council’s Urban Planning Business Unit considers the proposal to utilise the site as a ‘Recreational Facility’ to be consistent with the intent of the Burswood Precinct and the Belmont Park Racecourse Redevelopment Structure Plan, as an interim use.
- The application will require approval by Council under the Town of Victoria Park Town Planning Scheme No.1, and a separate determination under the Metropolitan Region Scheme by the Western Australian Planning Commission (WAPC) as the development is proposed to occur on land that is both zoned ‘Urban’ and reserved for ‘Parks and Recreation’ purposes.

TABLED ITEMS:

- Development application form received 10 July 2015;
- Plans and elevations received 10 July 2015;
- Applicant’s business plan and supporting information received 10 July 2015; and
- Supplementary information provided by the Applicant received 03 August 2015.

BACKGROUND:

In 2006 the Western Australian Planning Commission (WAPC) initiated an Amendment to the Metropolitan Region Scheme (MRS Amendment 1131/41) to rezone the Belmont Park Racecourse site and surrounding land, including the subject site, from Private Recreation to Urban, updating the Parks and Recreation reservation boundaries and revising the Primary Regional Road reservation to reflect the current ultimate alignment of the Graham Farmer Freeway.

The Amendment was supported by a Structure Plan which was lodged with the Town in December 2005, and supported by the Commission subject to modifications following an extensive consultation process, and the resolution of a number of planning issues.

A revised Amendment proposal (1159/41) was subsequently prepared and approved, and forms the basis of the Belmont Park Racecourse Redevelopment Structure Plan. This Amendment to rezone the site from Private Recreation to Urban was gazetted in 2009.

The Belmont Park Racecourse Redevelopment Structure Plan was approved by the WAPC in early 2013. The Structure Plan applies to that part of the Burswood Peninsula north of the Graham Farmer Freeway, and identifies four precincts across the peninsula. The subject site is situated within 'Precinct B' of the Structure Plan area.

DETAILS:

Council has received a development application for a temporary water and leisure park facility at the subject site, known as both 3 Graham Farmer Freeway, and Lot 102 Goodwood Parade, which is part of the Belmont Park Racecourse. The site measures approximately 32.643 hectares, and is situated between the Graham Farmer Freeway and the Swan River, adjoining the Belmont Park Racecourse. The portion of land to be occupied by the proposed facility is located in the southern portion of the subject land, adjoining the Graham Farmer Freeway reserve, between the permanent car park and the Swan River.

The portion of Lot 102 upon which the development is proposed to take place is wholly zoned 'Urban' under the Metropolitan Region Scheme, however a portion of Lot 102 is also reserved for 'Parks and Recreation' purposes under the MRS and is situated within the Swan River Trust's Development Control Area. As such, the application will require a dual determination, by Council under the Town of Victoria Park Town Planning Scheme No.1, and a separate decision by the Western Australian Planning Commission under the Metropolitan Region Scheme.

The application seeks planning approval for the construction of a 'pop-up' water and leisure park at the subject site, specifically:

- A two (2) lane 24.8 metres drop slide with a run length of 75 metres and associated scaffold tower;
- A four (4) lane slide with a total height of 14.80 metres;
- A dual-lane slide with a total height of 8.0 metres;
- A pool of 25 metres x 25 metres, with a depth of 800mm;
- Children's inflatable pool measuring 25 metres in diameter with a depth of 600mm;

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- A 300m² seating tent adjacent to the children’s pool, with a pitch height of 5.50 metres;
- A 600m² dry inflatable obstacle course tent with a pitch height of 7.50 metres;
- A 360m² trampoline tent with a pitch height of 8.0 metres;
- A 700m² seating tent with a pitch height of 6.0 metres;
- A 200m² food and beverage tent with a pitch height of 4.80 metres;
- A 300m² slide viewing tent with a pitch height of 5.50 metres; and
- An administration and ticketing area.

It is proposed that the facility will operate through the 2015, 2016 and 2017 summer months (November – April), with a set-up and dismantling period of approximately one (1) month either side. As such, the applicant proposes a total operation period of approximately seven (7) months each season. This will not result in adverse conflicts with the operation of the Belmont Park Racecourse, which is operational through the winter months of May – October.

The facility is proposed to operate between the hours of 10:00am – 6:00pm, seven (7) days per week. It is anticipated that this may extend to the hours of 9:00am – 8:00pm during the school holiday period and on weekends. The applicant has outlined that approximately 1,200 patrons are anticipated to attend on any given day, for an approximate stay of 3.75 hours. As such, it is assumed that there would be approximately 600 persons on-site at any given time.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 and Clause 37 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P1 ‘Burswood Precinct’.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Belmont Park Racecourse Redevelopment Structure Plan; and
- Policy 5.1 ‘Parking and Access Policy’.

Precinct Plan P1 outlines that Development Standards are to be in accordance with the prescribed Structure Plan. The following is a summary of compliance with the Development Standards contained in the Belmont Park Racecourse Redevelopment Structure Plan:

Provision	Compliance
<i>Relevant Objectives for Precinct B</i>	
<ul style="list-style-type: none"> • Focus on public useable spaces incorporating some open space turf areas and formal landscaping; • Maximise recreation opportunities; • Provide for open space for passive and active recreation; 	<p>The proposed development creates a functional and useable outdoor space within Precinct B, which will provide a recreational opportunity with a point of difference for the enjoyment of future residents and visitors.</p>

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<ul style="list-style-type: none"> • Create functioning and useable open spaces for the enjoyment of the entire community and local residents; and • Allow for passive recreational activities such as recreational canoeing or kayaking along the foreshore. 	<p>The proposal does not inhibit passive recreational activities such as swimming, canoeing or kayaking along the river foreshore.</p>
<p><i>Land Use Permissibility</i></p>	
<p>‘Private Recreation’ is an ‘AA’ (discretionary) use pursuant to the Structure Plan.</p>	<p>The proposal is considered to appropriately meet the definition of ‘Private Recreation’, defined under Part 3 of the Structure Plan as:</p> <p><i>“land used for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not usually open to the public without charge”.</i></p> <p>The application is considered to meet the relevant objectives for Precinct B, allowing for recreational uses without any adverse impact to the Swan River Foreshore or the Belmont Park Racecourse.</p>

Car Parking

Under the provisions of Council Policy 5.1 ‘Parking and Access’, there is no parking ratio prescribed for a ‘Recreational Facility’, and therefore the number of bays required is to be determined by Council. The written documentation accompanying the application indicates the provision of 489 parking bays abutting the subject site, to the west of the existing roundabout on Goodwood Parade.

The applicant has submitted a car parking needs analysis, and assumes a ratio of 3.2 persons per car that visits the facility. At this assumption, 375 car bays would accommodate the anticipated demand of 1,200 patrons per day. Taking into account the average visitation length of 3.75 hours, a more accurate patronage assumption is that there would be 600 persons on-site at any one time. Accordingly, at a ratio of 3.2 persons per car, 187.5 bays would be sufficient.

Further, the applicant has indicated that a shuttle bus service will be operated from Burswood Station to the site during peak periods such as school holidays and some weekends (depending on demand). Finally, an existing taxi rank servicing the site provides an alternate means of transport to the proposed facility.

Given the temporary nature of the facility and the provision of alternate means of transport to the site, this is considered to be sufficient to cater for the anticipated demand.

Submissions:Community Consultation:

As the 'Recreational Facility' is an "Unlisted Use" within the 'Special Use' zone, Council's Policy GEN3 – Community Consultation requires the application to be the subject of consultation for a 21-day period to owners and occupiers of adjoining properties.

However, given the temporary nature of the proposed development, and the location of the subject site abutting the Graham Farmer Freeway and the Belmont Park Racecourse, Council's Urban Planning Business Unit considered that the proposed use would not impact on any nearby development, with the closest residential area being the Burswood Lakes development situated over 1.0km away. As such, it was not necessary to seek public comment on the proposal.

Referrals

The application was referred to Main Roads WA, the Public Transport Authority of Western Australia and the Swan River Trust, given the proximity of the site to the Swan River, and the designation of Graham Farmer Freeway as a Primary Regional Road under the Metropolitan Region Scheme.

A summary of the response received from Main Roads is provided below:

Main Roads

The proposed development was considered to be acceptable to Main Roads subject to a number of conditions being imposed on the approval. These conditions relate to earthworks, stormwater drainage, and consultation with Main Roads being required prior to the addition of any future lighting to the development.

Policy Implications:

Nil

Sustainability Assessment:External Economic Implications:

The proposed development will contribute to the activity and vibrancy of the Belmont Park Racecourse Redevelopment area, encouraging people to visit the Town whilst promoting temporary employment opportunities, and publicity and tourism benefits for the Town.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

It has been calculated that the proposal will require approximately 600,000L of water for operational purposes of the water park, with approximately 11,000L-12,000L necessary for the waterslides themselves. Given that only a mist of water is required for the lubrication of the waterslides, it is anticipated that there will be almost instantaneous evaporation of water and therefore no discharge from the slides.

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The applicant has outlined that a backwash will need to occur every second day, with approximately 200L of water required for each backwash. This water will be held in a holding tank and disposed of off-site.

At the end of each operational season, any water contained on-site will be utilised for the irrigation of the adjoining Belmont Park Racecourse. As such, it is not anticipated that there will be any adverse environmental impacts as a result of the development.

COMMENT:

The portion of the site to be used for the proposed facility is undeveloped land that is free of any permanent development. The area to be used is directly adjacent to an existing hardstand parking area. The site currently houses the Cirque Du Soleil "TOTEM" performance tents.

The proposed change of use to a Recreational Facility is consistent with the Statement of Intent contained in Precinct Plan P1 and the Belmont Park Racecourse Redevelopment Structure Plan, which envisages the continued use of the area for open space and passive and active recreation. The use of the site for the proposed purpose is an interim use of the site until the comprehensive redevelopment of this part of the site is undertaken as expected under the Structure Plan.

Orderly and proper planning

The proposed development is very unique and is expected to be a popular attraction during the summer period for families across the whole metropolitan area. The proponent has significant experience in successfully operating other like facilities and has estimated that the facility may attract up to 100,000 people during its first summer season.

Given the applicant's experience in operating other like facilities, Council Officers are satisfied that the proposed facility will be well managed and will be operated in compliance with all relevant State and local government requirements.

While the proposed facility will attract a large number of patrons, it is not anticipated that there will be any adverse impact upon the locality. There is a significant supply of parking bays available for use by patrons (described below) and access to and from the site is very convenient given the proximity to the Graham Farmer Freeway and will be managed. There is not expected to be any adverse impacts resulting in relation to matters of noise or disturbance to the locality.

The visual impact of the proposal is not expected to be significant given the site topography and the facilities being setback from the Graham Farmer Freeway reserve. It is acknowledged that the taller slides will be visible, however they create a point of interest rather than detracting from the visual amenity of the area.

This being the case, Council Officers are satisfied that the proposed use is consistent with orderly and proper planning and satisfies Clause 36(5) and 37(2) of the Scheme Text.

Traffic and Access

As discussed previously, it is considered that ample parking (being 489 bays) is provided to the west of the subject site to accommodate the anticipated number of visitors.

Whilst a large number of patrons are anticipated to visit the facility, due to the proposed operating times being mainly between 10:00am – 6:00pm, it is considered that patrons will be accessing and egressing the site at various times throughout the day, as opposed to arriving and leaving at a pre-determined time. As such, it has been determined that the only foreseeable traffic management implication could be in relation to the bottlenecking of vehicles within the car park upon entering the site, and possible delays or restrictions in vehicle movements associated with nearby construction works (ie. Perth Stadium and train station)

Following discussions with the applicant, it has been determined that a condition of approval would be sufficient to address this issue, requiring a traffic management plan to be submitted to the Town prior to the commencement of operations, addressing the management of parking and access to the site.

Signage

No signage is proposed at this stage and the applicant is aware that a separate application for approval will need to be made for signage.

Lighting

The applicant has confirmed that no lighting is proposed for operational purposes, noting the intended 6.00pm closure of the park, which may be extended to 8.00pm. A condition of approval has been included at Main Roads request should any future lighting be proposed.

Fencing

An existing 1.7m high temporary fence currently exists around the portion of the site to be used. The applicant intends to reinforce the existing fence along the western side of the car park and cover with an architecturally designed shade cloth.

Environmental Health requirements

Given that the proposal involves an aquatic facility, food tents and ablutions, the applicant has already liaised with relevant Environmental Health requirements at both a State level and Council level.

Impact on the Swan River

The proposed facility will be located over 200m from the Swan River. Wastewater will be backwashed every second day and discharged into holding tanks. There will not be any discharge of water into the Swan River. On this basis it is considered that the proposed facility will have no impact upon the Swan River. It should be noted that the application has been referred to the Swan River Trust for comments, which will be providing its comments to the WAPC for the planning decision to be issued under the Metropolitan Scheme.

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CONCLUSION:

Having regard to the Statement of Intent contained within Precinct Plan P1 for the Burswood Precinct, as well as the Development Standards outlined in the Belmont Park Racecourse Redevelopment Structure Plan, the proposed temporary use of the site as a 'Pop-Up' Water and Leisure Park is considered to be appropriate and satisfies relevant orderly and proper planning considerations.

The proposal is an exciting opportunity for a facility to be accommodated within the Town that will be regionally recognised, will promote the Town of Victoria Park and may have positive benefits for businesses within the Town.

In view of the above, the application is recommended for Approval by Absolute Majority subject to conditions.

RESOLVED:**Moved: Cr Maxwell****Seconded: Cr Potter**

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 the application submitted by Altus Planning and Appeals (DA5.2015.327.1) on behalf of WA Turf Club for Change of Use to Unlisted Use (Recreational Facility) at 3 (Lot 102) Graham Farmer Freeway, Burswood, as indicated on the plans and written information dated received 10 July 2015 be Approved by an Absolute Majority subject to the following conditions:
 - 1.1. This approval is for the operation of the facility from November to April for the 2015/16, 2016/17 and 2017/18 seasons, and associated setting up and dismantling of the facility either side of these periods.
 - 1.2 This approval is an approval under the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute an approval under the Metropolitan Region Scheme. Separate approval is to be obtained under the Metropolitan Region Scheme from the Western Australian Planning Commission.
 - 1.3 Before the use commences operation, a Traffic Management Plan is required to be provided to the Town and approved in writing by the Manager Urban Planning.
 - 1.4 No earthworks shall encroach onto the Graham Farmer Freeway Road reserve.
 - 1.5 No stormwater drainage shall be discharged onto the Graham Farmer Freeway Road reserve.
 - 1.6 In the event that the operating hours extend into the evening whereby lighting is required, the applicant must ensure that the lighting does not impact on the Graham Farmer Freeway and motorists in any manner.

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Main Roads must be consulted with regards to the impact of additional lighting in proximity of Main Roads' Lighting. This is inclusive of Parking lighting, local street lighting, commercialised and sign lighting owned by others.

The designer is required to provide a copy of Lighting design report in accordance with AS/NZS1158. The report and design shall provide glare free factor, proximity and orientation of light fitting with respect to Roadway lighting and road layout.

The designer is required to ensure the additional lighting has minimum glare factor from back spill onto the roadway lighting. The location and orientation of lighting should not compromise road safety and the roadway layout perceived by approaching traffic.

Advice to Applicant

- 1.7 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.**
- 1.8 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
- 1.9 Compliance with the relevant Codes, Australian Standards and Legislation is required where applicable.**
- 1.10 In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.**
- 1.11 Before the subject development commences operation, the approved plans are to be referred to the Department of Fire and Emergency Services for their comments.**
- 1.12 The Executive Director, Public Health is required to approve in writing plans and specifications pertaining to the construction of all defined public aquatic facilities prior to the commencement of construction. Therefore an application is required to be lodged to the Department of Health c/o Applied Environmental Health Branch PO Box 8172, Perth**

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Business Centre WA 6849 (please refer to the Department of Health Guideline entitled Construction, Alteration, Extension of a Swimming Pool for specific application details).

1.13 The proposed development is satisfactory to the Environmental Health Services subject to compliance with the following legislation (as amended):

- **Health (Aquatic Facilities) Regulations 2007 and Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities;**
- **Health (Public Buildings) Regulations 1992;**
- **Food Act 2008;**
- **Food Regulations 2009;**
- **Health Act 1911;**
- **Sewerage (Lighting, Ventilation & Construction) Regulations 1971;**
- **Town of Victoria Park Health Local Law 2003;**
- **Metropolitan Water Supply, Sewerage and Drainage Board By-laws 1981;**
- **Environmental Protection (Noise) Regulations 1997; and**
- **Building Code of Australia.**

1.14 The applicant will be required to register as a food business, and apply for public building approval for the site. Please contact the Town's Environmental Health Services for further information.

1.15 Any modifications to the approved plans and information forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.

1.16 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. A copy of this decision be forwarded to the Western Australian Planning Commission for its information and consideration in determining the application under the Metropolitan Region Scheme.

The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

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11.2 206-210 (Lot 8) Swansea Street East, East Victoria Park and 18 - 20 (Lots 3 and 4) Forward Street, Welshpool – Additions and Alterations to Motor Vehicle Sales Premises

File Reference:	17424
Appendices:	No
Landowner:	Kassett Pty Ltd
Applicant:	Optim Pty Ltd
Application Date:	23 June 2015
DA/BA or WAPC Ref:	5.2015.289.1
MRS Zoning:	Urban
TPS Zoning:	Industrial 2
TPS Precinct:	Precinct Plan P9 – ‘Welshpool Precinct’
Use Class:	Motor Vehicle Sales Premises
Use Permissibility:	‘P’ use

Date:	25 August 2015
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Approval - Absolute Majority; Refusal – Simple Majority

Executive Summary:
Recommendation – Approval by Absolute Majority subject to conditions.

- Application for Additions and Alterations to Motor Vehicle Sales Premises.
- Proposal comprises a number of additions and alterations including: upgrade of elevations; extension of showroom, warehouses and service department; a façade and roof cover to the customer service drop-off; a new two storey building for car parking with open deck; a new basement for warehouse and new car storage; demolition of the warehouse building on Lot 3; and amalgamation of Lots 3, 4 and 8 into one single lot.
- The site is zoned ‘Industrial 2’ under Town Planning Scheme No. 1.
- Proposal does not comply with the required minimum street setback (Nil to 1.5m proposed to Forward Street in lieu of 4.5m minimum) and maximum building height (9.5m proposed in lieu of 6.0m maximum).
- Application was advertised for 14 days in accordance with Council’s Policy GEN3 ‘Community Consultation’. One submission was received during the advertising period.
- The application is recommended for Approval subject to conditions, including conditions requiring changes to the setback and design of a portion of the building adjacent to Forward Street.

TABLED ITEMS:

- Application form dated 23 June 2015;
- Plans dated 23 June 2015;
- Correspondence received from the applicant dated 23 June 2015;
- Community Consultation letter dated 21 July 2015; and
- Public submission received 27 July 2015.

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BACKGROUND:

Approval was granted by the City of Perth for 'Showroom Additions' to Car Sales Yard in 1993.

DETAILS:

The application seeks approval for additions and alterations to an existing Motor Vehicle Sales Premises located at 206 - 210 (Lot 8) Swansea Street East, East Victoria Park and 18 (Lot 3) and 20 (Lot 4) Forward Street, Welshpool. It is proposed to amalgamate all three (3) lots. Preliminary approval for the amalgamation was issued by the Western Australian Planning Commission on 19 September 2013.

The proposed development comprises:

- upgrade of existing elevations;
- extension of the existing showroom facing Swansea Street East;
- addition of administration offices on the first floor;
- extension of the existing warehouse on the ground floor and first floor;
- a basement for a new warehouse and new vehicle storage;
- extension of the existing parts and service reception on the ground floor towards Forward Street;
- front and rear extensions of the service department;
- a building element comprising a fascia, aluminium louvres and support columns to the customer service drop-off parking area adjacent to Forward Street;
- an amenities and training area at a mezzanine level within the rear of the service department;
- a new wash bay behind the buildings;
- demolition of the existing warehouse within the property at 18 (Lot 3) Forward Street and its replacement with a two storey building for car parking with an open deck; and
- a small two storey warehouse building is at the rear of the property at 20 Forward Street, adjoining an existing warehouse building (existing delivery centre).

The existing crossover closest to the intersection of Swansea Street East and Welshpool Road (on the property at 22 Welshpool Road) will be removed and it will be replaced with a new crossover along the common boundary with 22 (Lot 10) Welshpool Road (under the same ownership), to be left turn in only, to allow access to the basement storage area for new vehicles and the rear of the building. Relocation of one crossover along Forward Street is also proposed with the application.

The proposal includes a total of 125 car parking bays plus an additional 17 bays in a tandem configuration. Existing landscaping will be retained and is proposed to be increased along Forward Street. A new wrought iron garrison fence will replace the existing fence along Forward Street.

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

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

- Clause 36 of the Scheme Text - Determination of Application – General Provisions;
- Statement of Intent contained in Precinct Plan P9 - 'Welshpool Precinct'; and

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- Clause 38 of the Scheme Text – Determination of Non-complying Applications.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Council Policy PLNG1 ‘Building Height Controls’.

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

Item	Relevant Provision	Requirement	Proposed	Compliance
Plot Ratio	Precinct Plan P9 – ‘Welshpool’	Maximum 1.0	0.48	Compliant
Street Setback	Precinct Plan P9 – ‘Welshpool’	4.5 metres minimum from all roads.	Nil to 1.5 metres proposed to Forward Street	Non-Compliant (refer to Comment section below)
Parking	TPS 1 Policy Manual	7,194m ² of showroom and warehouse = 96.9 bays; 627m ² of office = 15.7 bays; Open Air display = 8.6 bays; Total 121 bays	125 bays plus an additional 17 bays in tandem configuration	Compliant
Site Works	N/A			
Building Height (measured from the natural ground level)	Council Policy PLNG1 and Council’s Urban Design Study	Development outside of Key Areas: maximum wall height of 6.0 metres and maximum 9.0 metres to roof	9.5 metres parapet wall	Non-Compliant (refer to Comment section below)

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the proposal was the subject of community consultation for a period of 14 days, with letters being sent to owners and occupiers of affected properties. During the consultation period, one (1) submission was received.

CONSULTATION SUBMISSIONS	
<i>Submission from Body Corporate of No. 22 Forward Street</i>	
Comments Received	Officer's Comments
No concerns in relation to the proposed additions and alterations, however there is an ongoing issue with the Vehicle Transporter Trucks that deliver to New Town Toyota and John Hughes premises, which often blocks the only and narrow entry to the property at 22 Forward Street, impeding deliveries and picks ups to/from the units at 22 Forward Street and also creating a safety issue for vehicles travelling along Forward Street.	Noted – Applicant was contacted in relation to this matter.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application seeks approval for extensive additions and alterations to the existing Motor Vehicle Sales Premises. The alterations will result in an improvement in the external appearance of the building and enable the business to operate with new and improved facilities to service their customers.

The application proposes two significant variations to the provisions of the Scheme namely:

- a reduced setback of 1.5 metres to the majority of Forward Street in lieu of a minimum setback of 4.5 metres as required under Precinct Plan 9 – ‘Welshpool Precinct’. Additionally two proposed entry features are proposed to project forward to a nil setback to Forward Street; and
- a parapet wall height of 9.5 metres in lieu of a maximum height of 6.0 metres as permitted under Council Policy PLNG1 and Council’s Urban Design Study.

The existing Parts/Service Reception part of the building has existing columns at a setback of 1.5m towards Forward Street and the verandah roofline at a 0.3m setback. This application proposes to pull the existing wall of this part of the building (currently setback approximately 3.0m) out to the line of the columns, as well as undertake additions to the

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existing Showroom building in the same alignment and setback, with the exception of an entry feature pulled further forward to a nil setback. This element of the design is considered acceptable as the reduction in setback is largely in line with the existing columns and will reinforce the street corner, with the entry feature projecting further forward to identify the entry.

The more significant change in presentation to Forward Street is the proposed Customer Service Drop Off-Area. Components of this part of the development include:

- a significant building element comprising a fascia with aluminium louvres below and supporting columns down to the ground. This element is approximately 61.0m long and up to 6.6m high. The columns are to be setback 1.5m from the boundary to Forward Street, with the fascia and louvres being setback approximately 0.3 metre from the boundary;
- the area behind the façade is to be roofed but shall be mainly transparent roofing;
- a vehicular entry statement at a nil setback;
- a 2.5m wide landscaping strip to Forward Street;
- new wrought iron garrison fencing; and
- removal of an existing crossover and the construction of a new crossover.

As described above, the proposed fascia element to Forward Street is a significant element in terms of its length and height and occupies a considerable proportion of the Forward Street frontage. Noting that this element of the building has a setback to Forward Street of approximately 0.3m to the fascia and 1.5m to the columns, in lieu of a minimum setback of 4.5m as prescribed by the TPS Precinct Plan, this is a major variation. It is considered that the requested setback variation is too significant given these factors, and would not be consistent with orderly and proper planning noting that this setback would be inconsistent with the prevailing setback of other buildings in Forward Street.

It is however acknowledged that the property on the opposite side of Forward Street, also a corner site, and used for motor vehicle servicing, is zoned 'Industrial 1' with the setback requirement to Forward Street for this site being 2.25m under the TPS Precinct Plan.

On this basis, Council Officers recommend that the setback to Forward Street of the proposed fascia element and/or support columns be increased to a minimum setback of 2.25m, with only the vehicular entry statement being permitted to project forward to a minimum setback of 1.5m. This still represents a 50% reduction in the applicable setback requirement. While such a setback will be consistent with the permitted setback for the other corner site on the opposite side of Forward Street, it is considered reasonable that the design of this building element also be improved in recognition of the reduced setback. An increase in the size of the supporting columns and the provision of a low height wall between the supporting columns will ground this part of the building and result in this element looking more like a permanent building than a freestanding lightweight structure. A condition of approval is recommended in this respect.

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In relation to the proposed maximum wall height of 9.5 metres in lieu of a 6.0m maximum, this is mainly due to the external walls of the services department being raised to accommodate the additions to the service centre and the mezzanine addition located at the rear, which will accommodate amenities and training facilities. While the proposed building height variation is significant, this portion of the building is setback in excess of 26.0 metres from Forward Street, which thereby ameliorates any impact on the street. Additionally this proposed addition is located behind the new roof of the customer service drop-off area.

While there are other parts of the building that also exceed a 6.0m wall height, these elements are not considered to unduly impact upon adjoining properties or the street.

Town Planning Scheme No. 1 - Clause 38

As the proposed development is non-compliant with a requirement of Town Planning Scheme No. 1, the Council is required to consider the matters listed in Part (3) of the Scheme if approval were to be granted.

In this regard the Council cannot grant planning approval for a non-complying application unless the Council is satisfied by an Absolute Majority that, if approval were to be granted, the development would be consistent with the following:

- The orderly and proper planning of the locality. The conservation of the amenities of the locality.

A 'Motor Vehicle Sales Premises' has been operating on the premises for more than twenty years. Any additional traffic that may be generated by the proposal will be incorporated into the existing roads, being Swansea Street East and Forward Street. The service department involves a workshop with potential noise generation, however the workshop noise is located behind the showroom building facing Swansea Street East and is approximately 90 metres away from the residential area. A condition is proposed in relation to the need to comply with Noise Regulations so as to ensure that any potential noise generated by the workshop of the service centre will not affect the nearby residential area.

As described above, it is considered that the proposed building height variations and a variation to the street setback of the proposed Showroom addition and proposed Parts/Service Reception, will not have an adverse impact upon the street character or adjoining properties. Conversely it is recommended that the setback of the façade feature to the Customer Service Dropoff area be increased, and at the increased, but still non-compliant setback, will be acceptable.

- The statement of intent set out in the relevant Precinct Plan.
The Statement of Intent of the Precinct Plan P9 – Welshpool Precinct' in part states, *"The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre.... the area to the east of Briggs Street will be available for more general industrial uses."* Further states, *"Development shall be of a good standard with particular attention being given to the setting and finish of the buildings. Emphasis should also*

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be placed upon improving the visual appearance of properties form the street. Buildings will be set back form the street to accommodate landscaping and car parking.” In this regard a ‘Motor Vehicles Sales Premises’ is a “P’ (permitted) use under the ‘Industrial 2’ zoning as it has some characteristics of an industrial activities such as noise, storage, workshops. The proposed additions/alterations are considered to be of a good standard that will enhance the visual appearance of the buildings and the properties. The reduced setback of the customer service drop-off still accommodates landscaping and car parking for customers, but will have a lesser visual impact at the increased setback recommended by Council Officers.

The non-compliance issues would not have any undue adverse effect on:

- The occupiers or users of the development and the property in, or the inhabitants of, the locality.
The two non-compliances will not have any adverse impact on the occupiers or users of the development and the property. On the contrary the variations are likely to benefit the business, its customers and its employees. Street frontages have been addressed achieving a new façade treatment to both streets that will improve the streetscape within the locality.
- The likely future development of the locality.
This industrial section of Forward Street, from Swansea Street East to Bank Street is occupied at the present by old factory buildings and the new appearance of the proposal will make a substantial improvement to this industrial area that may help the future development of the locality.

CONCLUSION:

It is considered that the proposed additions and alterations will enhance the visual appearance of the proposed building and improve the facilities for the business, its customers and its employees. It is however recommended that the setback of the significant fascia feature to Forward Street be increased and the design be refined so as to improve its relationship to Forward Street. The application is recommended for Approval by an Absolute Majority of the Council.

RESOLVED:

Moved: Cr Windram

Seconded: Cr Potter

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 Optim Pty Ltd on behalf of Kasset Pty Ltd (DA Ref: 5.2015.289.1) for Additions and Alterations to Motor Vehicle Sales Premises at 206 - 210 (Lot 8) Swansea Street, East, East Victoria Park, and 18 and 20 (Lots 3 and 4) Forward Street, Welshpool as indicated on the plans dated received 23 June 2015 be approved by Absolute Majority subject to the following conditions:**

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- 1.1. The setback to Forward Street of the proposed fascia element and support columns to the Customer Service Drop-Off area being increased to a minimum setback of 2.25m, with only the vehicular entry statement being permitted to project forward to a minimum setback of 1.5m.**
- 1.2 The design of that part of the building referred to in condition 1.1 above shall be modified to the satisfaction of the Manager Urban Planning through the use of larger masonry columns, with a low masonry wall of a height of 600mm to 800mm between the support columns.**
- 1.3 Further details being provided of the extent of transparency of the roofing material over the Customer Service Drop-Off area to the satisfaction of the Manager Urban Planning.**
- 1.4 In order to confirm compliance with this planning approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:**
 - Urban Planning;**
 - Street Life;**
 - Park Life; and**
 - Environmental Health.****Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).**
- 1.5 Prior to the submission of an application for a building permit, Lots 8, 3 & 4 are to be amalgamated into a single lot on a Certificate of Title. (Refer related advice notes).**
- 1.6 External colours, finishes and materials to be used in the construction of the building are to be in accordance with the plans date stamped approved 8 September 2015, unless otherwise approved in writing by the Manager Urban Planning.**
- 1.7 Before the subject development is first occupied or commences operation all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Manager Urban Planning.**
- 1.8 Before the subject development is first occupied or commences operation, all on site car bays being provided in accordance with the approved plans and designed in accordance with the Australian Standards.**
- 1.9 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated prior to occupation of the new development or strata-titling of the properties, whichever occurs first, to the satisfaction of the Manager Urban Planning.**

- 1.10 The existing vehicle crossovers are to be upgraded to the Town's specifications. Any redundant portions of the existing vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Manager Urban Planning.
- 1.11 Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
- 1.12 A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Manager Urban Planning prior to submission of an application for building permit. All surveyed verge trees are to be shown on both Ground Floor Plan A.02 and Landscaping Plan A.08.
- 1.13 This approval is valid for a period of twenty four months only. If development is not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

Advice to Applicant

- 1.14 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
- 1.15 The Town will permit the Owner to defer compliance with condition No. 5 provided that the Owner enters into a deed of agreement with the Town prepared by the Town's solicitors at the Owner's cost agreeing to complete the amalgamation within 12 months of the issue of the building permit. The agreement shall require the registration of an absolute caveat on the title to the subject land, until such time as the amalgamation has been completed to the Town's satisfaction.
- 1.16 Crossover location and construction shall comply with the Town's Specifications for Crossover Construction. A separate application must be made to the Town's Street Life Sub Program (tel 9311 8115) for approval prior to construction of a new crossover. Residential Vehicle crossovers shall be constructed from the following approved materials: Brick / Block Pavers, In-Situ concrete, In-Situ Lime-Crete, In-Situ Exposed aggregate or any other material approved by the Town's Manager Street Life Sub Program.

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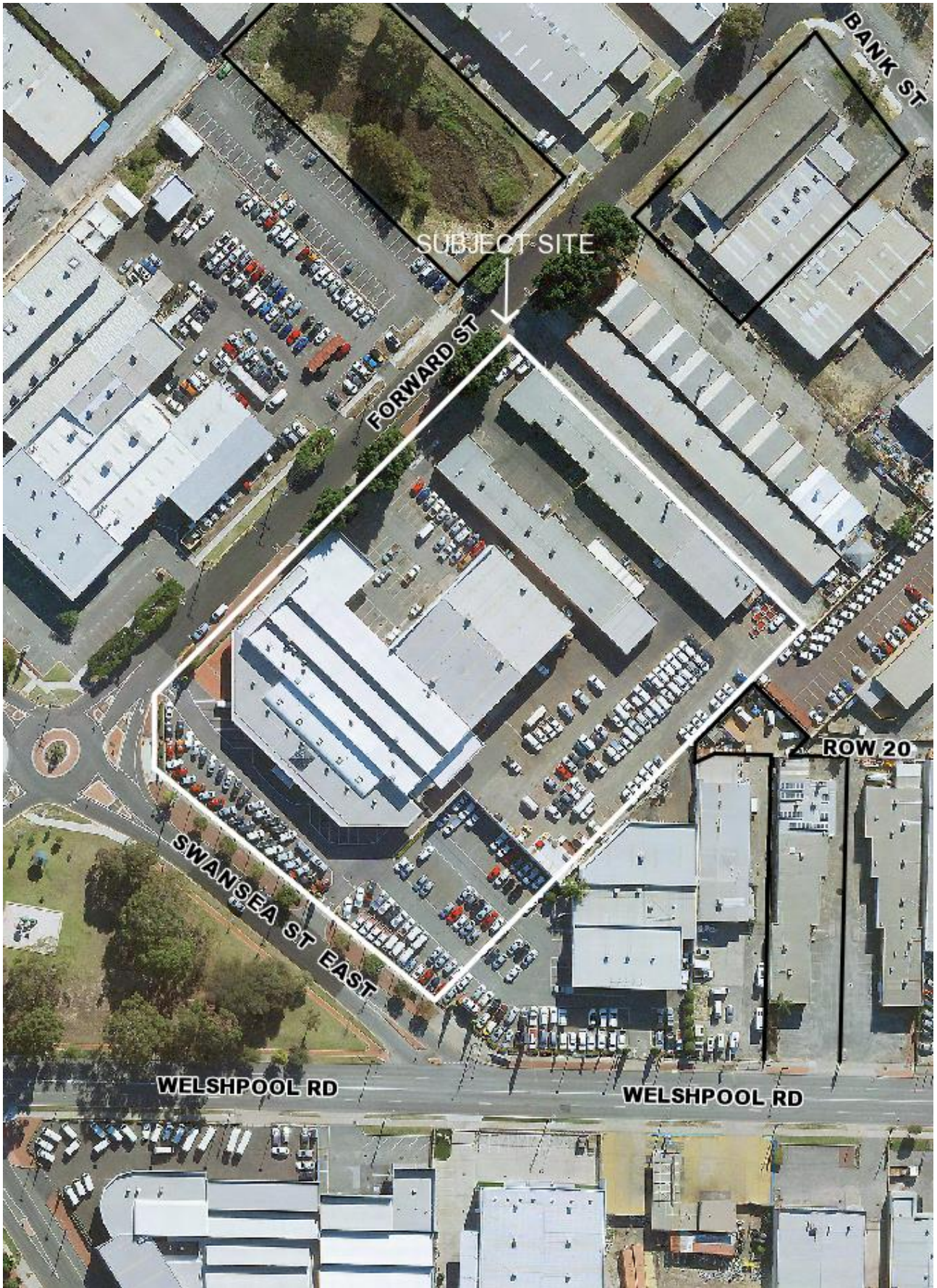
- 1.17 All stormwater drainage for commercial/industrial shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.**
- 1.18 The applicant shall submit a certified Stormwater Management Plan that will address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration, prior to the submission of a building permit. In the event that changes to the approved plans (i.e finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for a modification to the planning approval will be required.**
- 1.19 Any letterbox, structure, wall or fence located within a 1.5 metre x 1.5 metre visual truncation at the intersection of any driveway and the front property boundary, is not to exceed a height of 750mm with the exception of:**
- i) one brick pier (maximum dimensions 350mm x 350mm); and/or**
 - ii) wrought iron infill fencing.**
- 1.20 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
- 1.21 A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.**
- 1.22 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.**
- 1.23 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
- 2. Those persons who lodged a submission regarding the application be advised of Council's decision.**

The Motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

(To be confirmed 13 October 2015)



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

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

Date:	21 August 2015
Reporting Officer:	H. Stenning
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Proposed to demolish an 'existing dwelling' located in the Residential Character Study Area and construct a new Single Dwelling.
- Structural report submitted with the application states that the building damage is slight to moderate, with no cause for structural concern.
- The development does not satisfy the Acceptable Development Standards of Council's Local Planning Policy – Streetscape in relation to the demolition of an original dwelling, and the replacement dwelling being of a low standard of design and having an excessive impact of bulk and scale on the existing streetscape.
- Failure to provide proof of the dwelling being structurally unsound, or a suitable replacement dwelling on-site means that the application should not be supported.

TABLED ITEMS:

- Application form for demolition and supporting documentation dated received 19 September 2014;
- Photographs of the subject property and associated streetscape;
- Plans and elevations for proposed replacement dwelling dated received 20 May 2015; and
- Amended plans dated received 15 June 2015 and 24 July 2015.

DETAILS:

An application has been received for the demolition of an existing dwelling and construction of a new replacement dwelling at 159 Berwick Street, Victoria Park. The site is at the western corner of Berwick Street and George Street. The subject dwelling is

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identified as an 'original place' situated within the Town's Residential Character Study Area. The structural report submitted as part of the application outlines that the house is approximately 110 years old, however, the Town's earliest records for the site indicate approval for works in 1946.

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

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

The application was scheduled to be determined at the Ordinary Council Meeting dated 11 November 2014, however the item was withdrawn to allow the applicant to prepare replacement dwelling plans. The replacement dwelling comprises a two-storey Single House to be constructed within the footprint of the existing dwelling. The design of the building incorporates an unenclosed verandah, the re-use of original windows from the existing dwelling, 30 degree zincalume roofing with gable ends, and a combination of facebrick and rendered walls with limited articulation to the upper floor.

Discussions have been held with the applicant in regards to the design of the proposed dwelling throughout the entire assessment process. Council's Urban Planning Business Unit has highlighted issues with the proposed development in relation to the bulk and scale of the proposed dwelling, the limited articulation provided to the secondary street (George Street) elevation, and the requirement to provide vehicular access in forward gear to George Street. Whilst the applicant has sought to address some of these issues, as demonstrated in the Amended Plans received 24 July 2015, Council's Urban Planning Business Unit is still concerned by the overall standard of the design.

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

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Compliance with Development Requirements

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

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

Item	Requirement	Proposed	Compliance
Demolition of existing dwelling (LPPS – Clause 8 A2)	To be retained where dwelling is an ‘original dwelling’ in the Residential Character Study Area except where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding.	Demolition of ‘original dwelling’ in Residential Character Study Area. Dwelling is not structurally unsound and is not wholly clad in fibro or asbestos wall cladding.	Non-compliant (refer Comments section below)
Replacement Dwelling(s) (LPPS – Clause 8 A3)	Where dwelling is proposed to be demolished the subsequent replacement dwelling(s) on site must be a suitable replacement for the existing dwelling.	Proposed replacement dwelling is not considered to demonstrate the high quality of design required by Council to facilitate the demolition of an ‘original dwelling’.	Non-compliant (refer Comments section below)
Primary Street Setback (LPPS Clause 1 A1(a) - Setback of Buildings Generally)	3.0m minimum to Berwick Street	3.50m minimum	Non-compliant – Supported (refer Comments section below)
	6.0m average to Berwick Street	5.59m average	
Secondary Street Setback (LPPS Clause 1 A2)	3.0m minimum to George Street	1.52m to 1.59m	Non-compliant – Supported (refer Comments section below)
Open Space (Residential Design Codes Clause 5.1.4)	45% of site area – 146.25m ²	52% of site area – 168m ²	Complies
Building Height (measured from the natural ground level)	Maximum 6.0m wall height Maximum 9.0m ridge height	5.69m wall height 8.60m ridge height	Complies

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<p>Building Design (LPPS Residential Character Study Area Clause 12 – A1 (d))</p>	<p>Two storey development (new or addition) designed to reduce the scale and bulk of the building on the streetscape and that the visual impact of the development makes a positive contribution to the built form and character of the street.</p>	<p>Proposed upper floor of the development is considered to not be sufficiently setback from the street to reduce the scale and bulk of the development on the streetscape, which is otherwise characterised by single storey dwellings. Additionally, limited design elements have been incorporated into the proposed dwelling to attempt to reduce the impact of bulk and scale on the streetscape.</p>	<p>Non-compliant (refer Comments section below)</p>
<p>Visual Privacy (Residential Design Codes Clause 5.4.1)</p>	<p>Raised Alfresco – 7.5m required</p>	<p>4.18m proposed to north-west boundary (157 Berwick Street). Overlooking is considered acceptable as it will fall over front setback area, and will result in increased surveillance to Berwick Street.</p>	<p>Complies</p>
<p>Vehicular Access to George Street (Residential Design Codes Clause 5.3.5)</p>	<p>Driveway designed for two-way access to allow vehicles to enter the street in forward gear.</p>	<p>No turning bay provided on-site therefore vehicles need to reverse onto George Street.</p>	<p>Non-compliant (refer Comments section below)</p>

Submissions:

Community Consultation:

The application was advertised to surrounding properties for a period of 14 days in line with Council Policy GEN3 – Community Consultation.

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of No. 157 Berwick Street</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> No objection to the setbacks that have been proposed, and satisfied that the windows to the north-western boundary will not create an impact of overlooking. 	<ul style="list-style-type: none"> Noted

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

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

Environmental Issues:

No impact

COMMENT:

The application proposes the demolition of the existing 'original dwelling' at 159 Berwick Street, and its replacement with a two storey Single House. The proposed demolition of the existing 'original dwelling' on the subject site has not been sufficiently justified. The Structural Engineer's report submitted by the applicant indicates that the dwelling is structurally sound albeit requiring some maintenance work.

Retention of Original Dwellings

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

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

Summary of Assessment for Demolition

In similar applications for the demolition of original dwellings, the following criteria have been applied to the application to assess the implications of demolishing the existing dwelling:

Criteria	Officer’s Comments
(a) The architecture of the existing building	The architecture of the dwelling is of an acceptable standard that is typical of the era in which it was constructed.
(b) The degree of intactness of the original building fabric of the dwelling	The building is externally in satisfactory condition and much of the original fabric is in place.
(c) The condition of the existing dwelling	The existing dwelling appears to be in reasonable condition. There has been no information provided by the applicant to confirm that the dwelling is structurally unsound.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling	The existing dwelling forms one of six (6) original dwellings fronting Berwick Street between Leonard Street and McMillan Street. The loss of the existing original dwelling would diminish the strength and character of original dwellings within this portion of the Residential Character Study Area.
(e) The location of the existing dwelling on the site	The existing dwelling is located in the centre of the lot.
(f) The effect of retention of the existing dwelling upon the development potential of the site	The site is developed to its full potential. Retention of the original dwelling may restrict further development on the site.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements	Retention of the dwelling restricts further development on the site due to its siting.
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished	The replacement dwelling incorporates minor architectural characteristics and details of the existing dwelling, however is not considered to demonstrate an appropriate standard of design to replace the existing original dwelling.

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Having regard to the above matters, there are no compelling reasons to support demolition of the existing dwelling. It is acknowledged that the existing dwelling is in need of maintenance both internally and externally, and there is contemporary development occurring in the surrounding area both now and likely into the future.

The relevant Policy provisions provide for applications which do not meet the required criteria to be lodged with details of a replacement dwelling that complies with the Planning Scheme, contributes to the character of the streetscape, is an appropriate replacement for the traditional dwelling, and is of a high standard and otherwise compliant with the Policy. The following will consider the details of the proposed development, which is not considered to sufficiently meet the above-mentioned criteria.

Replacement of the Original Dwelling

Where demolition is proposed, the subsequent development must comply with the relevant provisions of Town Planning Scheme No. 1, must contribute positively to the streetscape, and must represent an appropriate replacement for the character dwelling being demolished.

It is acknowledged that some design features have been incorporated into the proposed dwelling, which is intended to reflect the character of the existing dwelling to be demolished. These features include the unenclosed verandah to the front façade, and the re-use of the original windows from the dwelling to be demolished.

However, it is considered that the form and scale of the proposed replacement dwelling would be detrimental to the character of the streetscape. The two-storey scale of the replacement dwelling will not provide a transition from the existing built scale within the immediate surrounding streetscape, and is not sympathetic to the existing character of the streetscape. The design is not considered to be of the high standard expected where an original dwelling is to be demolished and replaced.

Bulk and Scale of Proposed Development

Council's Local Planning Policy – Streetscape has a presumption against the development of two storey developments with significant building bulk, which do not offer a positive contribution to the built form and character of the street. Further, the Policy requires new development to respect existing development with regard to wall heights, roof pitches, materials and window design and in particular, new two storey developments to be sufficiently articulated/provide interest and to not overly dominate or adversely affect the streetscape by way of undue bulk or scale.

Considering the primary street elevation, the upper floor of the dwelling sits too far forward on the site to the extent that the bulk of the upper floor is visually dominant to Berwick Street. The desired outcome would be to have the upper floor well setback from the street so as to maintain a single storey appearance consistent with the existing development within the street including that at 157 Berwick Street. Whilst the applicant has proposed to retain the original windows from the dwelling, it is considered that windows of a more traditional shape and form would result in a better outcome for the design of the façade.

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Furthermore, the upper floor of the proposed dwelling demonstrates limited articulation to the secondary street, which contributes to the overall impact of bulk and scale on the streetscape. Whilst the existing 1.80 metre high solid wall to George Street will partially conceal the ground floor of the secondary street elevation, it is still considered that the limited variation in building materials and negligible horizontal stepping to the upper floor, and the proposed construction of the upper floor in line with the ground floor and at a reduced setback of 1.52m – 1.59m, presents as an overly dominant structure to George Street.

Primary Street Setback

The application proposes a minimum setback of 3.50 metres to Berwick Street, where a minimum setback of 3.0 metres is required. This is compliant with the requirements of Council's Local Planning Policy – Streetscape. However, the application proposes a 5.59 metre average setback to Berwick Street, where a 6.0 metre average setback is required. Whilst the proposal demonstrates a non-compliant primary street setback average, it is acknowledged that no objections were received for the proposed variation during the community consultation period.

Council's Local Planning Policy – Streetscape permits variations to a front setback average where a verandah is proposed to extend across the entire façade, which is open on at least two (2) sides, with a maximum depth of two (2) metres. In this instance, the proposed verandah complies with the above-mentioned requirements, and is considered to be designed as an integral part of the dwelling and reflecting a traditional feature of the existing original dwelling. As such, the proposed average setback variation is supported.

Secondary Street Setback

The application proposes a setback of between 1.52 metres and 1.59 metres to George Street, where a minimum setback of 3.0 metres is required to the ground floor and upper floor of the proposed dwelling.

Whilst the proposed secondary street setback is non-compliant, it is acknowledged that the proposed secondary street setback is consistent with that of the existing original dwelling on the site and there is limited opportunity for the setback to be increased due to the constraints of the site. No objections were received regarding the non-compliant setback over the community consultation period. While there is a case for some degree of setback concession to George Street, the reduced setback is not supported in its current form, particularly given that it is an 11m long, 2 storey high wall at half of the required setback, which would be overpowering.

Vehicular Access to George Street

As George Street is designated as a District Distributor road, the Residential Design Codes require a reversing bay to be provided on-site to allow vehicles to enter the street in forward gear. No reversing bay has been provided.

The surrounding dwellings at 69, 70, 71 and 73 George Street have been constructed in accordance with the above-mentioned provision, and have provided turning bays in line with the requirement and at Council's request.

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It is considered that due to the proximity of the proposed dwelling and driveway to the intersection at George Street and Berwick Street, forward gear access to the street from the site should be provided to ensure safe access.

CONCLUSION:

Having regard to the character of the streetscape and the immediate surrounding area, the applicant is not considered to have met the requirements and intent of Clause 8 “Retention of Dwelling” within Council’s Local Planning Policy – Streetscape. There is no justifiable basis to support demolition, and the replacement dwelling is not considered to be a suitable replacement for the original dwelling.

The negligible stepping of the façade to the primary and secondary street elevations will create an excessive impact of bulk and scale on the existing streetscape, and it is considered that the proposed replacement dwelling is contrary to Council’s Town Planning Scheme No. 1 and Local Planning Policy – Streetscape. In view of the above, the application is recommended for Refusal.

RECOMMENDATION/S:

In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Carl and Geraldine Farrell (DA5.2014.558.1) for Demolition of Existing Dwelling and Construction of Single House at 159 (Lot 1) Berwick Street, Victoria Park be Refused for the following reasons:

1. Non-compliance with Council’s Local Planning Policy - Streetscape Clause 8 A2 (c) and A3 in relation to the demolition of an ‘original dwelling’ in the Residential Character Study Area with there being insufficient justification to support demolition, and an inappropriate replacement dwelling being proposed for the site.
2. Non-compliance with Council’s Local Planning Policy – Streetscape Clause 12 A1 (c) as it is considered that the siting of the upper floor and design of the proposed dwelling results in the development being of a scale and bulk that negatively impacts upon the character of the street.
3. The proposed setback to George Street being non-compliant with Clause 1, A2 of Council’s Local Planning Policy – Streetscape.
4. Non-compliance with Part 5 Clause 5.3.5 of the Residential Design Codes of Western Australia relating to “Vehicular access”.
5. Approval of the proposal will set an undesirable precedent for future development within the Residential Character Study Area, contrary to the Town Planning Scheme No. 1 and Local Planning Policy – Streetscape. The cumulative effect of this will erode the existing character and appearance of the area.
6. Approval of the demolition being in non-compliance with the Town Planning Scheme No. 1 Clause 36 (5) – ‘Determination of Application – General Provisions’, with particular reference to the following subclauses:

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- The provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;
- Any relevant planning policy;
- Any relevant precinct plan;
- The orderly and proper planning of the locality;
- The conservation of the amenities of the locality; and
- The design, scale and relationship to existing buildings and surroundings of any proposed building or structure.

Advice to Applicant

7. 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.

ALTERNATE MOTION:

Moved: Cr Potter

Seconded: Cr Anderson

1. **In accordance with the Town of Victoria Park Town Planning Scheme No.1 and the Metropolitan Region Scheme, the application submitted by C Farrell & G Farrell (DA 5.2014.558.1) for Demolition of Existing Dwelling and Construction of Single House at 159 (Lot 1) Berwick Street, Victoria Park as indicated on the amended plans dated received 24 July 2015 be Approved subject to the following conditions:**
 - 1.1 **The existing colorbond fence along the boundary to George Street is to be removed and replaced with a brick wall to a maximum height of 1.8m and in compliance with condition 7, to the satisfaction of the Manager Urban Planning.**
 - 1.2 **The portion of the existing brick fence marked in red on the approved drawings is to be removed and reconstructed in the correct alignment in conjunction with condition 1 above.**
 - 1.3 **External colours, finishes and materials to be used in the construction of the building are to be in accordance with the details provided in the plans, dated received 24 July 2015, unless otherwise approved in writing by the Manager Urban Planning.**
 - 1.4 **A minimum of 50% of the front setback area of the dwelling is to be softly landscaped. Landscaping is to be installed prior to occupation of the building and subsequently maintained to the satisfaction of the Manager Urban Planning Program.**

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- 1.5 All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Manager Urban Planning.
- 1.6 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated prior to occupation of the new development or strata-titling of the properties, whichever occurs first, to the satisfaction of the Manager Urban Planning.
- 1.7 Any letterbox, structure, wall or fence located within a 1.5 metre x 1.5 metre visual truncation at the intersection of the driveway and the George Street property boundary, is not to exceed a height of 750mm with the exception of:
 - I. one brick pier (maximum dimensions 350mm by 350mm);
 - II. wrought iron or similar metal tubing style infill fencing; and/or
 - III. pickets to be spaced a gap of at least the width of the picket.
- 1.8 External fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street, secondary street or right-of-way.
- 1.9 A photographic record of the existing dwelling to be prepared by a registered Heritage Architect and submitted for the Town's approval prior to the submission of a demolition permit for the existing dwelling or a building permit for the subsequent development, whichever occurs first.
- 1.10 All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot.
- 1.11 This approval is valid for a period of twenty four months only. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development

Advice to Applicant:

- 1.12 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.

(To be confirmed 13 October 2015)

- 1.13 The use of sheet fencing, such as colorbond or fibro cement sheeting, in front of the building line is not permitted.
- 1.14 In relation to condition 1 and 2 , the existing colorbond fence and portion of brick fence respectively, is to be removed as it encroaches into the Council verge.
- 1.15 The applicant is advised to consider the implications of any future development on the existing Access Easement to the north-western property boundary. Consultation with any affected adjoining landowner should be undertaken prior to the redevelopment of the site.
- 1.16 All stormwater runoff to be retained on site. Stormwater drainage to comply with the Town's "Stormwater drainage requirements for residential and commercial developments guidelines", which are available from the Town or the Town's website.
- 1.17 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
- 1.18 A demolition permit is required to be applied for and obtained from the Council prior to demolition of the existing building(s) and/or structure(s) on the site.
- 1.19 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
- 1.20 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.

The Alternate Motion was Put and

CARRIED (6-3)

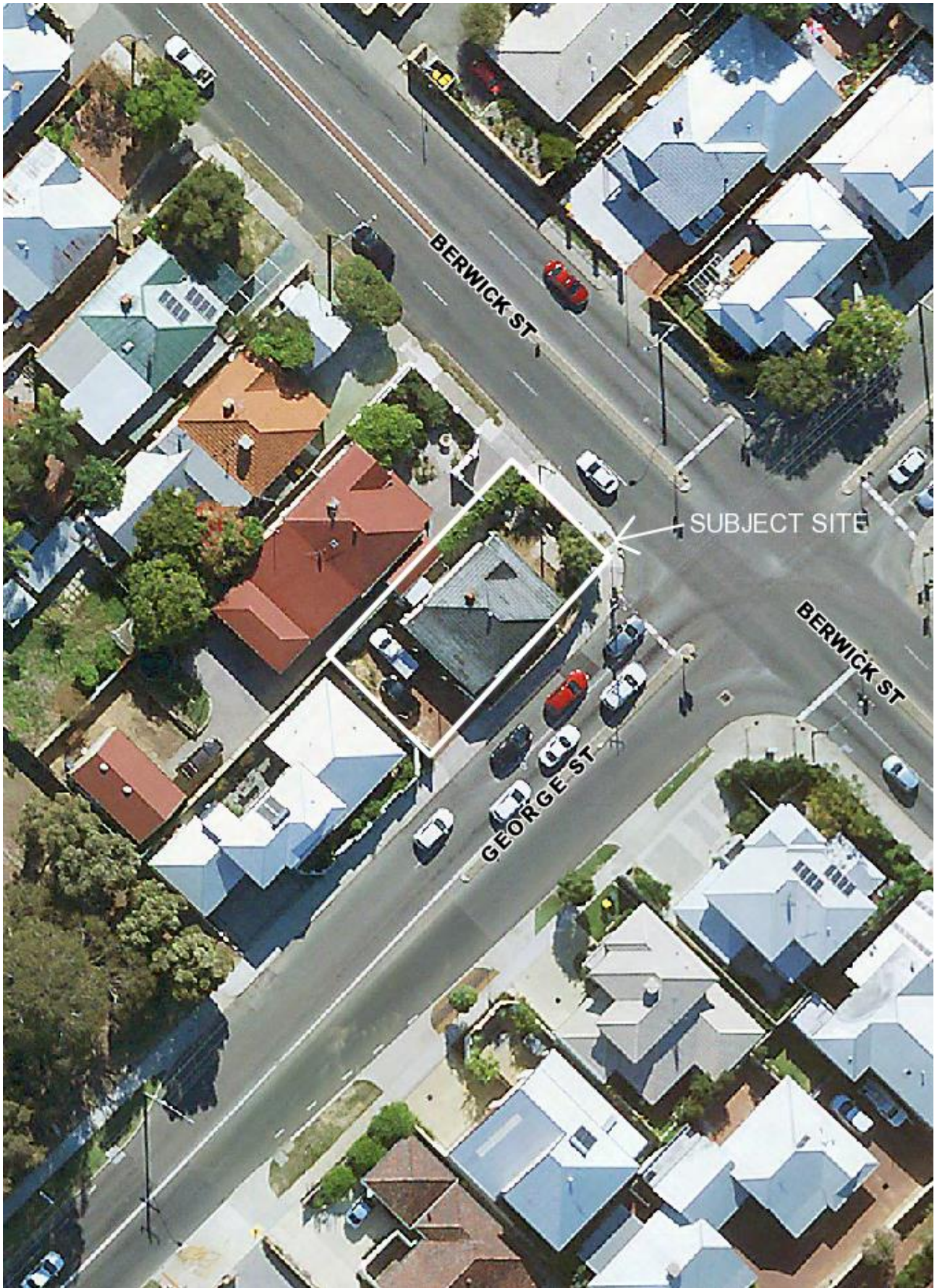
In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Nairn; Cr Potter and Cr Windram

Against the Motion: Cr Hayes; Cr Maxwell; and Cr Oliver

REASON:

The location; set forward of the block with very little space between the front of the house and the boundary; the safety of the residents sleeping in the front bedroom; noting that other corners on the intersection of Berwick Street and George Street are all two storey. It will improve the streetscape and amenity for residents.

(To be confirmed 13 October 2015)



11.4 36 (Lot 295) Sunbury Road, Victoria Park – Demolition of Existing Dwelling

File Reference:	PR3571
Appendices:	No
Landowner:	Maria Scafidi
Applicant:	Mr M Samata
Application Date:	1 July 2015
DA/BA or WAPC Ref:	5.2015.305.1
MRS Zoning:	Urban
TPS Zoning:	Residential R40
TPS Precinct:	Precinct P6 'Victoria Park'
Use Class:	N/A
Use Permissibility:	N/A

Date:	12 August 2015
Reporting Officer:	H. Stenning
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Refusal

- Proposed to demolish an 'original dwelling' located in the Residential Character Study Area.
- Structural report submitted with the application states that the dwelling is dilapidated and unsuitable for occupancy; however it was not stated to be structurally unsound.
- The applicant has not provided development plans for a suitable replacement dwelling on-site, therefore the application should not be supported.

TABLED ITEMS:

- Application form for demolition and supporting documentation dated received 02 July 2015; and
- Photographs of the subject property, taken by the Town's Senior Building Surveyor dated 17 July 2015.

DETAILS:

An application has been received for the demolition of an existing dwelling at 36 Sunbury Road, Victoria Park. The site is at the north-western end of Sunbury Road, towards the Duncan Street intersection. The subject dwelling is identified as an 'original place' situated within the Town's Residential Character Study Area. The Town's earliest records for the site indicate approval for works in 1925.

On 29 July 2015, the Town requested that the applicant provide plans for a proposed replacement dwelling to be constructed on the site. The applicant has outlined that they are unable to provide the required plans due to the costs involved, and have stated that *"if Council are not prepared to give the permit to demolish, then the only option left is for the block to be cleaned up and the house boarded up"*.

(To be confirmed 13 October 2015)

Prior to the application being lodged, the Town received a complaint regarding works being undertaken at the subject site, including the erection of a fence surrounding the property, and the demolition of existing outbuildings on the site. The complainant also highlighted concerns that the dwelling appeared to be being salvaged for its historical materials such as timber floorboards, doors and architraves.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 and 39 of the Scheme Text; and
- Statement of Intent contained in the Precinct Plan P6 ‘Victoria Park’.

Compliance with Development Requirements

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

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

Item	Requirement	Proposed	Compliance
Demolition of existing dwelling (LPPS – Clause 8 A2)	To be retained where dwelling is an ‘original dwelling’ in the Residential Character Study Area except where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding.	Demolition of ‘original dwelling’ in Residential Character Study Area. Dwelling is not structurally unsound and is not wholly clad in fibro or asbestos wall cladding.	Non-compliant (refer Comments section below).
Replacement Dwelling(s) (LPPS – Clause 8 A3)	Where dwelling is proposed to be demolished the subsequent replacement dwelling(s) on site must be a suitable replacement for the existing dwelling.	No proposed replacement dwelling.	Non-compliant (refer Comments section below).

Submissions:

Community Consultation:

Not required.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

(To be confirmed 13 October 2015)

Cultural Issues:

Demolition of the existing 'original dwelling' will result in the loss of a dwelling which exemplifies a housing style that was predominant in the era of the original development of Victoria Park. The preservation of these dwellings is a requirement of the Town, unless a compelling reason exists to support demolition.

Environmental Issues:

Nil

COMMENT:

The application proposes the demolition of the existing 'original dwelling' at 36 Sunbury Road. The proposed demolition of the existing 'original dwelling' on the subject site has not been sufficiently justified, and no replacement dwelling plans have been submitted to support the application for demolition. The Structural Engineer's report submitted by the applicant indicates that the dwelling is dilapidated, however does not indicate that the dwelling is structurally unsound.

Retention of Original Dwellings

Clause 8 of the Town's Local Planning Policy – Streetscape pertains to the retention of dwellings, and requires the retention of dwellings where they are identified as an 'original dwelling' and situated within the Residential Character Study Area. The subject dwelling falls within these categories. The Policy states that exceptions are allowed where the dwelling is structurally unsound or wholly clad in fibro or asbestos wall cladding. The original dwelling structure consists of a timber framed sheet roof with masonry walls; stumped timber flooring and limestone block strip footing.

The applicant has provided a Structural Engineer's report which states that the engineer undertook a visual inspection of the dwelling. The report does not state that the dwelling is structurally unsound, rather, the report indicates that "*several deficiencies were found throughout the house*" resulting in the house being deemed "*structurally inadequate and unsuitable for occupancy*".

The Town's Senior Building Surveyor undertook a site inspection of the dwelling, and found that the gas and electrical meters have been disconnected and removed from the site, and flooring has been removed. Further, the kitchen has been totally removed from the property. The Town's Senior Building Surveyor has indicated that he agrees with the Structural Engineer, that the dwelling is not fit for habitation, however the dwelling is not structurally unsound.

Summary of Assessment for Demolition

In similar applications for the demolition of original dwellings, the following criteria have been applied to the application to assess the implications of demolishing the existing dwelling:

(To be confirmed 13 October 2015)

Criteria	Officer's Comments
(a) The architecture of the existing building	The architecture of the dwelling is of an acceptable standard that is typical of the era in which it was constructed.
(b) The degree of intactness of the original building fabric of the dwelling	The building is externally in satisfactory condition and much of the original fabric is in place.
(c) The condition of the existing dwelling	The exterior of the existing dwelling appears to be in reasonable condition, although some later external additions are in a poor state. There has been no information provided by the applicant to confirm that the dwelling is structurally unsound.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling	The existing dwelling sits solitarily between new development sites at 34 Sunbury Road & 38 Sunbury Road. The dwelling is situated opposite one (1) retained original dwelling, with the majority of the existing original dwellings being located to the south-eastern side of Sunbury Road towards Axon Avenue and Gresham Street. Regardless, the loss of the existing original dwelling would diminish the strength and character of original dwellings within this portion of the Residential Character Study Area.
(e) The location of the existing dwelling on the site	The existing dwelling is located to the front of the lot.
(f) The effect of retention of the existing dwelling upon the development potential of the site	Retention of the original dwelling would limit the development potential of the site to a likely two (2) Grouped Dwellings to the rear of the existing dwelling. If the site were vacant it would have the potential to be developed with four (4) Grouped Dwellings, as demonstrated at 38 Sunbury Road.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements	Further development could be achieved on the site by retaining the existing dwelling.
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished	No replacement dwelling proposed.

(To be confirmed 13 October 2015)

Having regard to the above matters, there are no compelling reasons to support demolition of the existing dwelling. It is acknowledged that the existing dwelling is in need of maintenance both internally and externally, and there is contemporary development occurring in the surrounding area both now and likely into the future.

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

Despite the Town's request for replacement dwelling plans to be submitted, no plans have been received and the applicant has indicated an inability to provide replacement dwelling plans due to the costs involved.

CONCLUSION:

Having regard for the situation of the dwelling within the Town's Residential Character Study Area, as well as the contribution that the existing 'original dwelling' makes to the character of the streetscape and the immediate surrounding area, the applicant is not considered to have met the requirements and intent of Clause 8 "Retention of Dwelling" within Council's Local Planning Policy – Streetscape.

There is no justifiable basis to support demolition, and plans demonstrating a suitable replacement for the original dwelling have not been provided to the Town. As such the application for demolition of the existing original dwelling on the subject property is recommended for Refusal.

RESOLVED:

Moved: Cr Bissett

Seconded: Cr Potter

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 Michael Samata (DA 5.2015.305.1) for the Demolition of Existing Dwelling at 36 (Lot 295) Sunbury Road, Victoria Park, be Refused for the following reasons:

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

(To be confirmed 13 October 2015)

2. **Approval of the demolition being non-compliant with the Town Planning Scheme No. 1 Clause 36(5) – ‘Determination of Application – General Provisions’, with particular reference to the following:**
 - Any relevant planning policy;
 - Any relevant Precinct Plan;
 - The orderly and proper planning of the locality; and
 - The conservation of the amenities of the locality.
3. **Approval of the demolition will set an undesirable precedent for the demolition of ‘original dwellings’ without justification. The cumulative effect will erode the existing character of the streetscape within the area.**

Advice to Applicant

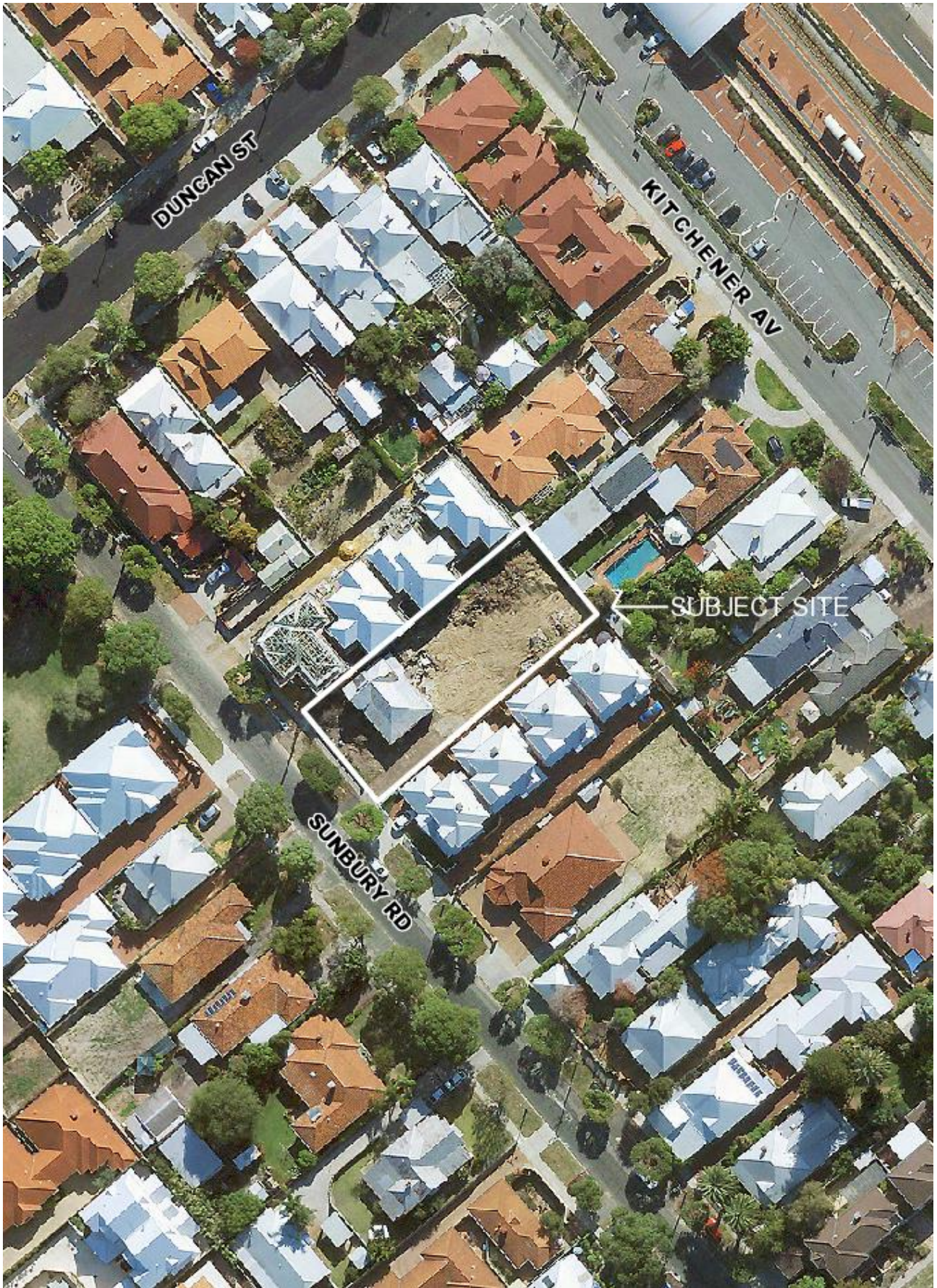
4. **Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date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

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

(To be confirmed 13 October 2015)



11.5 185 (Lot 116) Star Street, Carlisle – Application for Retrospective Approval for Change of Use to Unlisted Use (Open Air Storage Yard and Parking)

File Reference:	PR23388
Appendices:	No
Landowner:	Kerr Engineering (WA) Pty Ltd
Applicant:	Mr M Kinsman
Application Date:	19/02/2015
DA/BA or WAPC Ref:	5.2015.85.1
MRS Zoning:	Urban
TPS Zoning:	Industrial 1
TPS Precinct:	Precinct P9 'Welshpool Precinct'
Use Class:	'Unlisted Use' - Open Air Storage Yard and Parking
Use Permissibility:	At Council's discretion

Date:	21 August 2015
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Approval - Absolute Majority; Refusal – Simple Majority

Executive Summary:
Recommendation – Refusal

- Application for a Retrospective Approval of Change of Use to Unlisted Use – Open Air Storage Yard and Parking.
- An approval for the same use was granted by Council in 2008 with a time limit of 2 years but the use has continued beyond the 2 year approval period granted by Council without any further approval for the Unlisted Use.
- The proposed use is not consistent with Statement of Intent and the objectives of the 'Industrial 1' zone as per Precinct Plan P9 – 'Welshpool Precinct'.
- Application was advertised for 21 days in accordance with Council's Policy GEN3 'Community Consultation'.
- Recommended for Refusal.

TABLED ITEMS:

- Application form dated 19 February 2015;
- Plans dated 19 February 2015;
- Amended plans dated 26 March 2015;
- Council Minutes dated 16 December 2008;
- Correspondence received from the applicant dated 27 February 2015;
- Correspondence from Council dated 1 December 2014 and 21 January 2015;
- Correspondence from Council to the applicant dated 13 April 2015;
- Community Consultation letter dated 28 April 2015;
- Public submissions received;
- Correspondence from Rowe Group dated 5 August 2015, on behalf of the owner; and
- Site Inspection photos taken on 19 August 2015.

(To be confirmed 13 October 2015)

BACKGROUND:

In August 2008, it was brought to Council's attention that the property at Lot 113 Star Street was being used for open air storage and car parking without Council approval. An application for retrospective planning approval was subsequently submitted.

Council considered the application at its Ordinary Meeting on 16 December 2008. The Officer's Report described the proposal as follows:

"The applicants are seeking planning approval to store uncovered piles of steel at a maximum height of 3 metres, at No. 185 Star Street, for fabrication at their premises at No. 194 Star Street (opposite the subject lot). They are also seeking permission for staff to park on the land, towards the rear of the lot. The applicants anticipate the open air storage to be required for a temporary period of 24 months, until the site is developed. "

The application was recommended for refusal by Council Officers, on the following basis:

"Open air storage and parking on land zoned Industrial in the Welshpool Precinct does not conform with the intent of the zone and is not consistent with the orderly and proper planning of the locality. The applicants have not justified the need for additional offsite parking and in the absence of a planning approval to develop the site, the applicants have not demonstrated their intent to develop the site at No. 185 Star Street in the next 12 to 24 months.

In view of the above it is considered that the proposal detracts from and harms the existing character and appearance of the zone."

Notwithstanding the Officer's recommendation for refusal, Council resolved to approve the application subject to appropriate conditions and including the following:

"The approval being time limited to a period not exceeding 24 months from the date of this approval to enable the applicant to obtain approval to redevelop the site."

It should be noted that this approval related to Lot 113 only. According to Council's records Lot 114 was also purchased by the owner of Lot 113 in mid-2012, and then the two lots (Lots 113 and 114) were amalgamated to form Lot 116. There has been no approval granted for the use of former Lot 114.

Council's approval of December 2008 for the use of Lot 113 was premised upon the applicant lodging an application to redevelop the site with a new building within 2 years. In this respect an application for a new building containing a Warehouse and Offices on Lot 116 was approved under delegation on 8 October 2012 and a modified approval was issued on 18 September 2013. This approval was not acted upon. A new approval was granted for the same building containing Warehouse and Offices on 13 April 2015 which will expire on 13 April 2017.

A complaint was received in November 2014 regarding the use of the site as an outdoor workshop. As a consequence this application for retrospective approval has been submitted.

(To be confirmed 13 October 2015)

The application was referred to the Elected Members Briefing Session on 3 June 2015 and was withdrawn from the Agenda at the applicant's request. A letter from Rowe Group, acting on behalf of the applicant/owner, was received on 5 August 2015 requesting approval for the use for a time-limited period until 30 April 2017.

DETAILS:

The site is located on the western corner of Star Street and Briggs Street. The site previously comprised two lots (Lots 113 and 114) but is now one lot (Lot 116).

This application for retrospective planning approval was submitted on 19 February 2015. At the time of submission the applicant indicated that the use would be "Open Air Storage Yard and Car Parking", being the same uses as that previously approved by Council in December 2008, but now also being expanded over former Lot 114.

However in correspondence dated 27 February 2015 the applicant made the following comments:

- *"The Temporary dome structure, grinding and welding is being done on this site as a temporary measure. (Project build time is 5 - 6 weeks depending on weather).*
- *We have been on the design stage of this project for two years and are now building the first pro type to go on a mine site for trials.*
- *Our original plan was to have a building in place and these trials done over twelve months ago but it has been a long process with many hurdles.*
- *The work done in the yard is the assembly of bigger part which do not fit in the workshop. (Smaller components are made in the workshop and moved over the road to assemble into larger pieces).*
- *The Dome structure is to keep to weather off the project.*
- *We have also put shade cloth around the fence line as a screen from the road and for dust. This was also requested from Town of Victoria Park in the last application."*

Accordingly the application that was referred to the Elected Members Briefing Session on 3 June 2015 was classified as an application for "Open Air Storage Yard, Parking and Steel Fabrication Activities". Council Officers have now noted that the dome structure has been removed and the grinding and welding activities have stopped on the site.

A letter dated 5 August 2015 from Rowe Group acting on behalf of the owner has been received by Council, which in summary states:

- The owner has received approval to construct a Warehouse and Office building and has the intent to build it within the next two years in accordance with the approval.
- The temporary use of the site for fabrication purposes is no longer occurring on the site and does not form part of the application.
- The owner wishes to continue to use the property as outdoor storage and staff parking, in support of the manufacturing workshop at No 194 Star Street.
- To make better use of the site for storage and parking purposes, it is intended that the following measures be implemented:
 - Temporary screening of the site attached to the existing perimeter fence and gate.

(To be confirmed 13 October 2015)

- Car parking for staff to be located adjacent to the northern boundary. Vehicles may remain stationary whilst employees are at work therefore it is anticipated the limited vehicle movement would not require sealing of this area.
- The balance of the site will be used for the storage of steel and other manufacturing components associated with the operations of the company.
- Approval is sought for the interim use for a time-limited period which is to expire on 30th April 2017.

The subject property is fully enclosed with a cyclone security fence, with shade cloth, of approximately 2.0 metres height along the front boundary of Star Street and Briggs Street. A double gate for access to the site is located on Star Street.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of the Scheme Text - Determination of Application – General Provisions; and
- Statement of Intent contained in Precinct Plan P9 ‘Welshpool Precinct’.

The stated objective for the ‘Industrial 1’ Zone, as described in Precinct Plan P9 – Welshpool Precinct, reads:

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

Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use...

Development shall be of a good standard...particular attention being given to the setting and finish of the buildings. Emphasis should also be placed upon improving the visual appearance of properties from the street.”

Among the objectives of the Industrial (1) zone, is stated: *“The preferred uses shall be light industry. Research and development, showrooms and warehouses will be allowed where they are to be complementary to the industrial area.*

Development shall be of a low to medium scale and sites shall be well landscaped and maintained.”

Compliance with Development Requirements

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

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the application was the subject of community consultation with letters being sent by Council’s Urban Planning

(To be confirmed 13 October 2015)

Unit to owners and occupiers of affected industrial surrounding properties giving them 21 days to comment on the application. The applicant was requested to place two signs on site (one sign facing each street) on 24 April 2015 and also to place a notice of the proposal in the Southern Gazette newspaper once a week for three consecutive weeks starting on 28 April 2015. On closing of the consultation period on 18 May 2015, six submissions were received: five submissions objecting to the proposal and one submission expressing no concerns.

The proposal was consulted on the basis of being an application for 'Open Air Storage Yard, Parking and Steel Fabrication Activities'. The five submissions objecting to the application were mainly against the fabrication activities and a dome structure erected on site. The dome has now been removed from the premises and the industrial activities are no longer occurring on the site, accordingly now not being part of the current application. A summary of these submissions was presented in the Officer's Report referred to the Elected Members Briefing Session on 3 June 2015.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

While Council previously approved an application in 2008 for Open Air Storage and Car Parking on part of the subject site (Lot 113), this was against the recommendation of Council Officers. The use of the site for Open Air Storage and Car Parking has continued for a significant period of time beyond the 2 year approval period granted by Council and has expanded onto the former Lot 114 without approval.

The storage area is for the storage of steel and other manufacturing components associated with the property across the road at 194 Star Street. This will generate an interchange of materials between the two properties which is considered hazardous from a traffic perspective. Star Street is classified as a Local Distributor road, with Average Weekly Traffic (AWT) of 4501 vehicles, and includes a bus route and footpaths provided on both sides of the street.

The proposal has been assessed in accordance with Town Planning Scheme No. 1 Clause 37 'Determination of Application for an Unlisted Use', which states that planning approval shall not be granted unless Council is satisfied by Absolute Majority that the proposal is consistent with the matters listed in clause 36 (5). In this regard:

(To be confirmed 13 October 2015)

Town Planning Scheme No 1 – Precinct Plan

The stated objective for the ‘Industrial 1’ Zone, as described in Precinct Plan P9 – Welshpool Precinct, reads:

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

Development shall be of a good standard ... particular attention being given to the setting and finish of the buildings. Emphasis should also be placed upon improving the visual appearance of properties from the street.”

The use of the subject lot for open air storage and parking in the absence of any landscaping or buildings to obscure the piles of steel and other stored products including large metal containers do not represent development of a good standard. The proposed external storage and car parking does not improve the character and appearance of the area, contrary to the intent for the Precinct.

In respect to the use of the property for open air storage and car parking, Council Officers remain of the view that this component of the use is not acceptable, and refer to the following extract of the Officer’s Report from December 2008:

“Open air storage and parking on the land bears no resemblance to existing buildings within Star Street; the proposal conflicting with the existing grain and pattern of development within the area and setting an undesirable precedent for similar future proposals within the precinct. This is particularly relevant given the improved standard of development and presentation of industrial uses in the precinct in recent years.”

Parking Policy

The Parking and Access Policy in the Council’s Town Planning Scheme No. 1 Policy Manual seeks to maintain high environmental standards and to ensure the adequate provision of parking for various services, facilities and residential development and to efficiently manage parking supply and demand. The Policy requires parking facilities to complement their surroundings and to be provided in accordance with the table for non-residential developments.

Although the 2008 approval including approval for staff car parking on former Lot 113, it appears that staff vehicles have not been parking on the property and there have been instances where vehicles have been parking on the verge or street.

The Orderly and Proper Planning of the Locality and the Conservation of the Amenities of the Locality

The proposed open air storage and parking will harm the current and future character of the area and will set an undesirable precedent for similar uses in the vicinity of the site, contrary to the intent of the Precinct Plan, contrary to the orderly and proper planning of the locality and contrary to the conservation of the amenities of the locality.

(To be confirmed 13 October 2015)

Whilst the letter submitted by Rowe Group has stated that the subject site will be used for an interim use as 'Open Air Storage Yard and Parking' until 30 April 2017, there is no guarantee of this, as demonstrated with the previous approval by Council on 16 December 2008 where the owner has continued with the use for 'Open Air Storage Yard and Parking' outside of the limited time granted with the approval.

Furthermore while the applicant has previously indicated their intent to develop the site with a new building, there is no guarantee that this will occur, as evidenced by the 2012 approval lapsing.

The Design, Scale and Relationship to Existing Buildings and Surroundings of any Proposed Building or Structure

The open air storage and parking on the land bears no resemblance to existing buildings within Star Street. The proposal is conflicting with the existing grain and pattern of development within the area and setting an undesirable precedent for similar future proposals within the precinct. This is particularly relevant given the improved standard of development and presentation of industrial uses in the precinct in recent years and in particular along the southern side of that section of Star Street.

Submissions

During the community consultation period five submissions were received objecting to the application as discussed in the Community Consultation Section above. However these objections were mainly relating to the dome structure and the industrial activities that were being carried out on-site during the community consultation period, activities that are no longer carried out on the subject premises.

CONCLUSION:

In dealing with the 2008 application for the use of former Lot 113 only for open air storage and car parking, Council Officers recommended refusal due to concerns that the use of the land for such purposes was not compliant with the intent of the Scheme for the Industrial 1 zone, or result in a good streetscape outcome.

With the current application Council Officers are still of the view that the use, does not conform with the Statement of Intent of Precinct Plan P9 – 'Welshpool Precinct' and the objectives of the Industrial (1) zone but detracts from and harms the existing character and appearance of the industrial area where it is proposed to be located.

Accordingly, the application is recommended for Refusal. Furthermore it is recommended that the current uses of the site cease within 60 days of the date of Council's decision.

RESOLVED:

Moved: Cr Potter

Seconded: Cr Windram

- 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 Mark Kinsman on behalf of Kerr Engineering (WA) Pty Ltd (DA Ref: 5.2015.85.1) for Retrospective Approval for Change of Use to Unlisted Use (Open Air Storage Yard and Parking) at 185 (Lot 116) Star Street, Carlisle as indicated on the amended plan dated received 26 March 2015 be Refused for the following reasons:**

(To be confirmed 13 October 2015)

- 1.1 **The use of the land is not consistent with the objectives and purposes of the “Industrial 1” zone.**
- 1.2 **Non-compliance with Town Planning Scheme No. 1 Clause 36 (5) – ‘Determination of Application – General Provisions’, with particular reference to the following:**
 - **Any relevant planning policy;**
 - **Any relevant precinct plan;**
 - **Any submission accompanying or related to the application;**
 - **The orderly and proper planning of the locality;**
 - **The conservation of the amenities of the locality; and**
 - **The design, scale and relationship to existing buildings and surroundings of any proposed building or structure.**
- 1.3 **The proposal will set an undesirable precedent for similar applications within the Industrial 1 zone.**

Advice to Applicant

- 1.4 **Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
2. **Within 60 days of the date of this Planning Refusal Notice, the applicant/owner shall cease the use of the land at No. 185 (Lot 113) Star Street, Carlisle for open air storage and car parking and shall remove all on-site materials.**
3. **Those persons who lodged a submission regarding the application be advised of Council’s decision.**

The Motion was Put and

CARRIED (8-1)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter and Cr Windram

Against the Motion: Cr Nairn;

(To be confirmed 13 October 2015)



11.6 13/12-16 (Lot 10 Strata Lot 13) Milford Street, East Victoria Park – Change of Use to Unlisted Use – Rehearsing and Recording Studio

File Reference:	6561
Appendices:	No
Landowner:	H2o2u Pty Ltd & Omni Services Pty Ltd
Applicant:	Planning Solutions (Aust) Pty Ltd
Application Date:	15 July 2015
DA/BA or WAPC Ref:	5.2015.336.1
MRS Zoning:	Urban
TPS Zoning:	Industrial 1
TPS Precinct:	Precinct P9 – ‘Welshpool Precinct’
Use Class:	Unlisted Use
Use Permissibility:	At Council Discretion

Date:	21 August 2015
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Approval - Absolute Majority; Refusal – Simple Majority

Executive Summary:

Recommendation – Approval by Absolute Majority subject to conditions.

- Rehearsing and Recording Studio is not included as a Use Class in the Zoning Table and is considered as an ‘Unlisted Use’.
- The proposed Unlisted Use – Rehearsal and Recording Studio was the subject of consultation for 21 days in accordance with Council’s Policy GEN3 – Community Consultation, with letters to owners/occupiers of affected surrounding industrial and residential properties, a sign on site and a notice in the newspaper. Two supporting submissions were received.
- It is considered that the proposed use will not have any detrimental impact on the surrounding industrial and residential properties.
- The application is recommended for Approval.

TABLED ITEMS:

- Application form dated 15 July 2015;
- Plan dated 15 July 2015;
- Letter from applicant dated 9 July 2015;
- Letter from the Strata Company Manager dated 31 July 2015;
- Council Minutes dated 13 November 2012;
- Community Consultation letter dated 4 August 2015; and
- Submission received during the Community Consultation period.

BACKGROUND:

An approval was granted by the City of Perth on 9 March 1979 for ‘Factory/Warehouse and Showroom’ Units on the subject property with a site plan showing a total of 83 car parking bays.

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The subject tenancy (Unit 13) is currently being used by water chemistry analysis and treatment consultants.

On 13 November 2012 the Council at its Ordinary Meeting granted approval for a 'Change of Use to Unlisted Use – Rehearsing and Recording Studio' to Unit 14/12 - 16 Milford Street, subject to conditions.

DETAILS:

The application proposes a Change of Use from Light Industry to Unlisted Use - Rehearsing and Recording Studio. The subject property is zoned 'Industrial 1' and the proposed 'Rehearsing and Recording Studio' is a use not listed in the Town Planning Scheme and therefore it is considered to be an 'Unlisted Use'.

The proposed 'Rehearsing and Recording Studio' is located within part of Unit 13 as an extension of the existing Rehearsing and Recording Studio located on Unit 14, therefore an internal door will be constructed as an internal accessway between the two units.

To support the application the applicant submitted a letter which in summary states:

"The proposal is for a musical rehearsal and recording studio at Unit 13 currently being used as light industry by water chemistry analysis and treatment consultants. The proposal consists of:

- *Five sound-proofed rehearsal rooms fitted with vocal speaker system and microphones, providing a controlled, isolated environment for musicians to rehearse.*
- *Musicians will bring their own instruments, or will be able to hire instrument from Unit 14.*
- *Rehearsal rooms will need to be pre-booked prior to sessions and clients will be able to book rooms on a one-off, regular or permanent basis.*
- *The premises will operate between the hours of 6.00pm and 11.00pm on any given day.*
- *The premises are expected to operate on a nightly basis.*
- *A single session will run from 6.00pm to 10.45pm with no split sessions."*

The applicant submitted a letter dated 4 August 2015 from the Strata Company Manager (Strata SP 7580) which states in part:

"I confirm that the strata plan 7580 does not have registered car parking allocations to each lot proprietor lodged with Landgate.

I also confirm that all parking at Milford Park Industrial Centre is common and available for use by all owners/tenants."

Legal Compliance

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of the Scheme Text - Determination of Application – General Provisions;
- Statement of Intent contained in Precinct Plan P9 'Welshpool Precinct'; and
- Clause 37 of the Scheme Text – Determination of Application for an Unlisted Use.

(To be confirmed 13 October 2015)

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan; and
- Town Planning Scheme No. 1 Policy Manual, Policy 5.1 ‘Parking and Access’.

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the proposed ‘Unlisted Use – Rehearsing and Recording Studio’ was the subject of community consultation with letters being sent by Council’s Urban Planning Business Unit to owners and occupiers of affected surrounding industrial and residential properties giving them 21 days to comment on the application. The applicant was requested to place a sign on site for 21 days on 4 August 2015 and also to place a notice of the proposal in the Southern Gazette newspaper once a week for three consecutive weeks starting on 4 August 2015 and finishing on 18 August 2015. On closing of the consultation period, two (2) submissions were received.

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of Unit 17/190 Swansea Street East (Unit 17/12-16 Milford Street)</i>	
Comments Received	Officer’s Comments
Support the operations of Unit 14 and expanding into Unit 13.	Noted
<i>Submission from owner/occupants of 7 Milford Street</i>	
Support the proposal.	Noted

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The application proposes to Change the Use of Unit 13 to an ‘Unlisted Use – Rehearsal and Recording Studio’ to be used as an extension of the Rehearsal and Recording Studio approved within Unit 14.

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The proposal has been assessed in accordance with Town Planning Scheme No. 1, Clause 37 'Determination of Application for an Unlisted Use', which states that planning approval shall not be granted unless the Council is satisfied by Absolute Majority that the proposal is consistent with the matters listed in clause 36 (5). In this regard:

Town Planning Scheme No. 1 - Precinct Plan

The Statement of Intent of the Precinct Plan 9 – 'Welshpool Precinct' in part states, "*The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre.....Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use.*" In this regard the proposed Rehearsing and Recording Studio in Unit 13 is an extension of the approved use in Unit 14 and as such while not being an industrial use, has characteristics of an industrial use including the making of a thing and the potential creation of noise.

Planning Policies

Under the Parking and Access Policy in the Council's Town Planning Scheme No. 1 Policy Manual, there is no parking requirements prescribed for a Rehearsal and Recording Studio, however with respect to the application for the adjoining Unit 14 approved by the Council on November 2012, the provision of on-site car parking at a rate of two (2) bays per rehearsal room was considered and approved; therefore the same provision of on-site car parking should be considered for this application. Based on five rehearsal rooms, a total of 10 bays would be appropriate. A letter from the Strata Company Manager confirms that there is not a registered car parking allocation for each unit and that all parking within the strata property is common and available for use by all owners/tenants.

It should be noted that within the approval granted by the City of Perth in 1979, a total of 83 car parking bays were approved, however in accordance with the current requirements under the above Parking and Access Policy, a total of 56 bays are required for the 4,387m² of gross floor area of the approved Factory/Warehouse and Showroom Units. Although the requirement is for 'net floor area' the calculation has been based on 4,387m² of gross floor area. This results in a surplus of 27 car parking bays within the complex.

The application proposes five rehearsal rooms to be used mainly during night time, from 6.00pm to 11.00pm from Monday to Friday, needing a total of 10 car parking bays. Although no car parking bays have been allocated to the subject Unit 13, it is considered that during the time when the rehearsal rooms will be in use, most of the businesses within the complex will be closed therefore there will be ample car parking bays available to accommodate the required car parking.

This is considered acceptable and is supported.

The Orderly and Proper Planning of the Locality and the Conservation of the Amenities of the Locality

The proposal is not affecting the current character of the area as it is located within an existing building. No additional traffic will be generated during the day other than the normal traffic from the complex. No emission of noise outside of the building will occur as the application proposes the rehearsal and recording studios to be sound proofed. Therefore any noise leaving the building is considered to be negligible or similar to the

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noise originating from the businesses of the other strata units. In addition the subject Unit 13 is behind the approved Showroom building facing Swansea Street East and is approximately 100 metres away from the residential area along Swansea Street East.

It is considered that the proposed use of part of Unit 13 for a 'Rehearsal and Recording Studio' will not have any adverse impact on the surrounding areas, nor affect the character of the area as it will be located within an existing building and it will be in keeping with the amenities of the locality.

Submissions

During the Community Consultation period two (2) submissions were received supporting the proposal.

CONCLUSION:

In view of the above, it is considered that the proposed Change of Use to Unlisted Use – Rehearsal and Recording Studio will not have any adverse detrimental impact on the surrounding industrial and residential areas and the application is recommended for approval by an Absolute Majority of the Council. The proposed use will complement the use of Unit 14 for the same purposes.

RESOLVED:

Moved: Cr Bissett

Seconded: Cr Potter

- 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 Planning Solutions Pty Ltd on behalf of H202U Pty Ltd & Omni Services Pty Ltd (DA Ref: 15.2015.336.1) for Change of Use to Unlisted Use – Rehearsing and Recording Studio at Unit 13, 12 - 16 (Lot 10, Strata Lot 13) Milford Street, East Victoria Park as indicated on the plans dated received 15 July 2015 be Approved by Absolute Majority subject to the following conditions:**
 - 1.1. Operating hours being restricted to 6.00 pm to 11.00 pm from Monday to Friday for the Rehearsing Studios; and to 9.00am to 5.00pm from Monday to Friday for the Recording Studio.**
 - 1.2. A maximum of one session per rehearsing studio per day.**
 - 1.3. Compliance with Council's Environmental Health regulations in relation to noise levels.**
 - 1.4. In order to confirm compliance with this planning approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:**
 - Urban Planning.**

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Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).

- 1.5. This approval is valid for a period of twenty four months only. If development is not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.**

Advice to Applicant:

- 1.6. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.**
- 1.7. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
- 1.8. The planning approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the Strata Titles Act 1985 or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.**
- 1.9. Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.**
- 1.10. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**

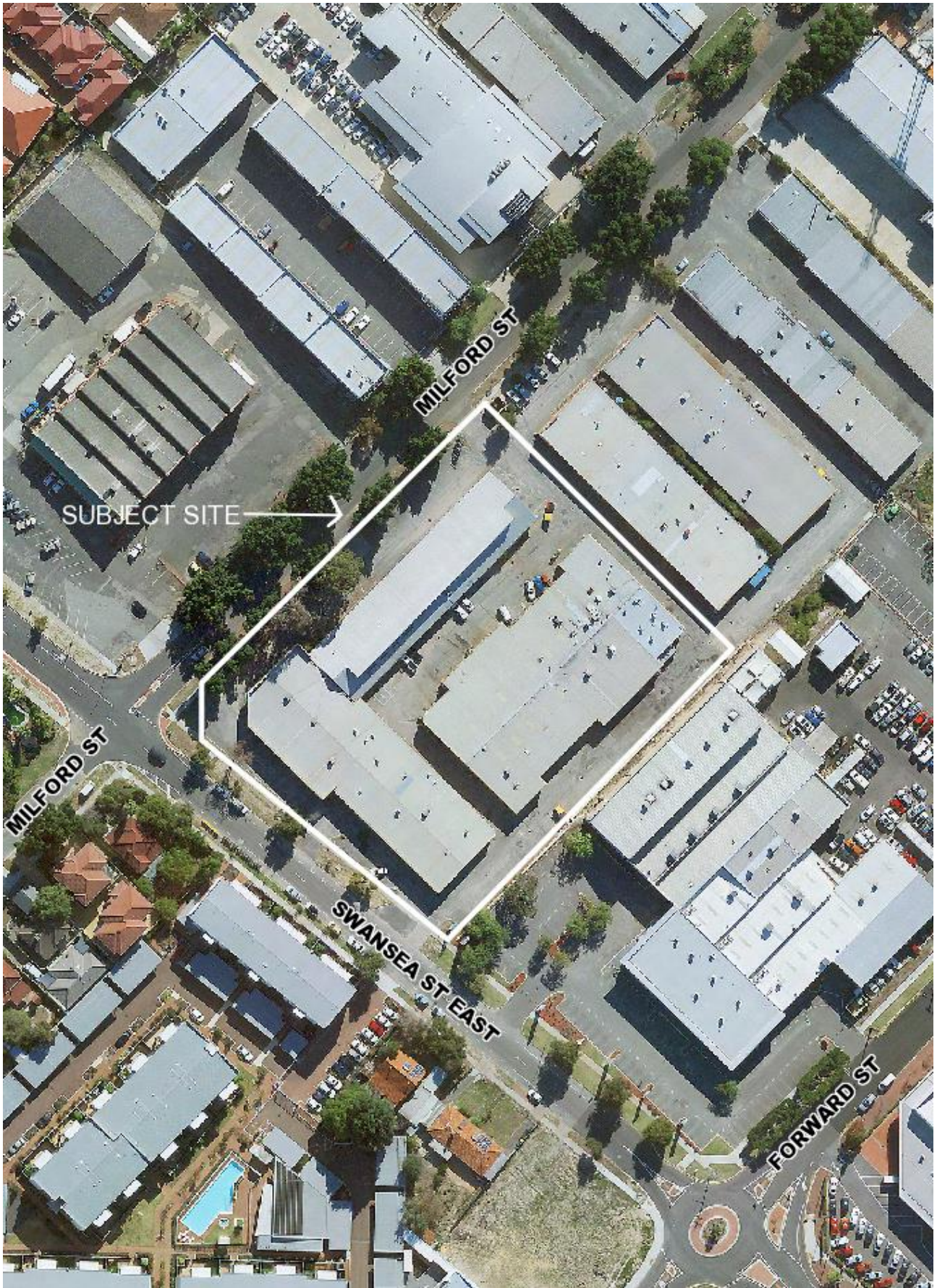
- 2. Those persons who lodged a submission be advised of Council's decision.**

The Motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

(To be confirmed 13 October 2015)



11.7 Final Approval of Amendment No. 66 to Town Planning Scheme No. 1 – Reclassification of Lots to Modify the Boundaries of the District Centre Zone Along Albany Highway.

File Reference:	PLA/7/61
Appendices:	No
MRS Zoning:	Urban
TPS Zoning:	Commercial
TPS Precinct:	Precinct P11 'Albany Highway'

Date:	1 September 2015
Reporting Officer:	H. Stenning
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council resolves to adopt proposed Amendment No. 66 to Town Planning Scheme No. 1 with modifications and forward Amendment No. 66 to the WAPC for final approval.

- Amendment No. 66 proposes to modify the current boundaries of the “District Centre” zone along Albany Highway, by reclassifying the subject lots from “Commercial” to “District Centre”.
- The Amendment was advertised for 42 days. During the advertising period, nine (9) submissions were received.
- Recommend that Council grants final approval to Amendment 66.

TABLED ITEMS:

- Minutes of the Ordinary Council Meeting held on 14 April 2015;
- Precinct Plan P11 Sheets A, B (i) and B (ii);
- Correspondence from the Environmental Protection Authority (EPA) dated 25 May 2015;
- Consultation letter from Council dated 30 June 2015;
- Ten (10) submissions received during the advertising period; and
- Amendment No. 66 documents.

BACKGROUND:

Council has previously recognised the need to redefine the boundaries of the District Centre zone along Albany Highway when it undertook modifications to Council Policy PLNG 4 – Car Parking Standards for Developments along Albany Highway in July 2011. Part of the modifications also acknowledged that the ‘District Centre’ boundaries were proposed to be adjusted within the proposed Local Planning Scheme No. 2 to better align with the boundaries of the traditional shopping strip and the boundaries of the ‘Town Centre’.

At its Ordinary Council Meeting on 14 April 2015, Council resolved to initiate Amendment No. 66 to Town Planning Scheme No. 1, to reclassify the subject lots from “Commercial” to “District Centre” zone.

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DETAILS:

The subject area is within the Albany Highway Precinct P11 under the Town of Victoria Park Town Planning Scheme No. 1 (TPS No.1).

The proposed Amendment seeks to reclassify the following lots, from “Commercial” to “District Centre”:

- Those lots between Sussex Street and Tuam Street on both sides of Albany Highway (abutting land zoned “Commercial” and “Residential”, and land reserved for Parks and Recreation);
- Those lots between McMaster Street and Cargill Street on the southern side of Albany Highway (abutting land zoned “Residential” and “Public Purpose”); and
- Those lots with frontage to Albany Highway between Harvey Street and Rushton Street on the northern side of Albany Highway (abutting land zoned “Commercial” and land reserved for Parks and Recreation).

The proposed Amendment will modify the current boundaries of the District Centre zone along Albany Highway to include the logical boundaries of the traditional shopping areas defined in Council Policy PLNG4. This will encourage the growth of the Town’s District Centre, whilst consolidating the Albany Highway shopping nodes as per the Statement of Intent detailed on the Town of Victoria Park Town Planning Scheme No.1 Precinct Plan P11 – Albany Highway.

The Amendment No. 66 community consultation period was carried out from 30 June 2015 to 11 August 2015. Nine (9) submissions were received during this period, mostly stating no objection to the proposed Amendment. One (1) submission requested the Town to consider extending the boundaries of the area proposed to be reclassified from “Commercial” to “District Centre”. This is discussed further in the Comments section below.

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

Clause 47 (1) of the Scheme Text states that:

“Council may only amend or revoke a Scheme Document with the exception of a Council Register in accordance with the procedures applying to a Town Planning Scheme Amendment set out in Section 7 of the Act.”

Planning and Development Act 2005

Part 5 Local Planning Schemes, Section 75 ‘Local Planning Scheme may be Amended’ states:

“A local government may amend a local planning scheme with reference to any land within its district, or with reference to and within its district and other land within and adjacent district by an amendment.”

Town Planning Regulations 1967

Under regulations 17 (1) & (2) and 25 (fb) of the Town Planning Regulations 1967, Council must consider all submissions received on the Amendment and resolve whether the Amendment will be adopted with or without modifications or whether it does not wish to proceed with the Amendment within 42 days of the end of the advertising period or such longer period as the Minister may approve.

Under regulation 18(1) of the Town Planning Regulations 1967, Council must forward the Amendment to the Western Australian Planning Commission for a decision on final approval within 28 days of passing a resolution under regulation 17(2).

The Western Australian Planning Commission will consider the Amendment and any submissions received and make a recommendation to the Hon Minister for Planning concerning determination. Upon receipt of the Western Australian Planning Commission's recommendation the Hon Minister will consider the matter then make a determination on the outcomes of the Amendment, which may include finalisation of the Amendment, modifications to the Amendment that may or may not require readvertising or refusal to finalise the Amendment.

Submissions:

Community Consultation:

In accordance with the Town Planning Regulations 1967, the proposal was the subject of community consultation for a 42-day period, from 30th June 2015 – 11th August 2015, with letters being sent to the owners and occupiers of affected properties. During the consultation period, ten (10) submissions were received and are summarised below.

Consultation Submissions			
Submission No.	Submitter	Comments Received	Officer's Comment
1	Department of Education	No objection	Noted.
2	Department of Fire and Emergency Services	No comments	Noted.
3	Main Roads WA	No objection	Noted.
4	Planning consultancy on behalf of the owner of Nos. 661, 667 & 671 Albany Highway	No objection, on the provision that the Motor Vehicle Sales Premises on these properties retain their existing use rights under 'additional use' provisions of the Town of Victoria Park Town Planning Scheme No. 1.	Noted. The proposed Amendment has no impact on the continued use of the existing Motor Vehicle Sales Premises.

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5	Owner of Nos. 646-660 Albany Highway & 1-3 Miller Street	Request for Council to consider the extension of the boundaries of the proposed "District Centre" zone to also incorporate Lots 1, 2 & 451 (646) Albany Highway, Victoria Park and Lots 330 (1) Miller Street, Victoria Park.	Noted. It is considered that there would be merit to include some of the suggested lots in the proposed rezoning. This is discussed further in the Comments section below.
6	Tourism WA	Support for the proposed Amendment, highlighting the importance of minimising conflict between residential and entertainment uses, as well as locals and visitors, when creating vibrant precincts and providing amenity. The importance of undertaking appropriate measures and actions in the planning process to protect existing and future tourism and entertainment uses was also highlighted.	Noted.
7	The Water Corporation	No objection to the proposed Amendment. Any future upgrading of services will be the responsibility of the developer.	Noted.
8	Planning consultancy	<p>Support for the intent of the Amendment, with comments provided regarding the Town's current planning framework and its 'restrictive effect on the future development of Victoria Park.'</p> <p>The submitter considers that the proposed Amendment forms part of a wider-reaching unwillingness by the Town to promote the development of higher density in Victoria Park,</p>	<p>Noted.</p> <p>The submitter appears to be unaware of the work that has been undertaken by Council Officers in reviewing future development and the built form along Albany Highway. Draft proposals are to be the subject of community consultation in the</p>

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		through placing an overly-restrictive maximum building height of three (3) storeys upon the subject area, as well as mandating the use of recession planes, failing to identify the need for higher-density mixed-use centres in strategic locations close to Perth, and a lack of incentive to attract potential developers to Albany Highway and the Victoria Park District Centre.	near future.
9	Department of Health	No objection to proposed Amendment providing any developments is connected to scheme water and reticulated sewerage.	Noted.
10	Department of Environment Regulation	No comments	Noted.

Sustainability Assessment:

External Economic Implications:

The proposed Amendment will encourage a consolidation of retail uses within three district nodes along Albany Highway, forming the main shopping areas. This may result in increased activation and an improvement in the vibrancy of the retail nodes along the Highway, which will also have positive external economic benefits to surrounding properties.

Social Issues:

Increased activity and vibrancy within the retail nodes along Albany Highway as a result of the modification of boundaries may have a positive impact on public safety, as the area is likely to attract a greater number of pedestrians.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

A total of ten (10) submissions were received during the public consultation period, all of which support the proposed Amendment. One submission was received from the owners of a number of properties with a total land holding of 5,525m², situated on the corner of Albany Highway and Miller Street, specifically:

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- Lots 1, 2 and 451 (646) Albany Highway;
- Lot 26 (650) Albany Highway;
- Lot 327 (652) Albany Highway;
- Lot 25 (654-658) Albany Highway;
- Lot 24 (660) Albany Highway; and
- Lots 329 & 330 (1-3 Miller Street).

The submission requests the inclusion of Lots 1, 2 and 451 (646) Albany Highway and Lot 330 (1-3) Miller Street within the District Centre zone, noting that these lots are not included in the proposal that was advertised for public comments.

The map below indicates in blue those lots owned by the submitter that were included in the original Amendment 66 proposal, with those lots outlined in red being the additional lots that are requested to be included.



In their submission, the landowner outlines their future intention to redevelop this landholding with a significant mixed-use project and gateway development site, providing street front activation to Albany Highway and Miller Street. In order to maximise the development potential of the site, the submitter requests that the proposed Amendment area be extended to include the entirety of the lots in their ownership, to ensure a consistent zoning across the extent of their properties.

The proposed extension seeks to incorporate into the Amendment area Lots 1, 2 & 451 (646) Albany Highway, currently zoned “Commercial” under the Town of Victoria Park Town Planning Scheme No. 1. The only changes that will result from the incorporation of these lots into the Amendment area would be the change in land use intent, with a shift from a commercial/office emphasis to a retail emphasis; and a change in land use types as outlined in the Amendment No. 66 Scheme documents. There would be no implications in terms of plot ratio, building height and car parking if these lots were also rezoned ‘District Centre’.

Lot 330 (1) Miller Street, zoned “Residential R40”, is currently being used as a “Motor Vehicle and Marine Sales Premises”, which is an ‘X’ (Prohibited) use within the Residential zone under the current Town of Victoria Park Town Planning Scheme No. 1. In their

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submission, the landowner has requested to include Lot 330 (1) Miller Street into the proposed Amendment area, so as to change the zoning from “Residential R40” to “District Centre” zone. The following tables outline the implications of rezoning this lot to “District Centre” zone.

	Current Zoning	Proposed zoning if included in Amendment 66	Current Allowable Building Height	Allowable Building Height if included in Amendment 66	Current Allowable Plot Ratio	Allowable Plot Ratio if included in Amendment 66	Implications of Amendment 66
Lot 330	Residential (R40)	District Centre	6.0m max wall height, 9.0m max roof ridge height.	2 storeys (7.5m) at street front, max 3 storeys (11.5m) within recession plane.	N/A – no multiple dwellings permitted.	Max 1.0	<ul style="list-style-type: none"> • Increase in permitted building height by 2.5m; • Increase in permitted residential density - multiple dwellings permitted with plot ratio of 1.0; • Retail and commercial-based land uses would directly abut existing lower-density residential development.

Table 1: Impact on building heights and plot ratio of rezoning Lot 330 (1) Miller Street from “Residential R40” to “District Centre”.

	Residential R40 zone	District Centre zone
Land use intent	Residential emphasis	Retail emphasis
Land use types	Restaurant/Shop/Fast Food Outlet – X use Office/Showroom – X use Consulting Room – AA use Educational Establishment / Place of Worship – AA use Liquor Store – Small – X use Dwelling(s) – P use	Restaurant/Shop/Fast Food Outlet – P use Office/Showroom – P use Consulting Room – P use Educational Establishment / Place of Worship – P use Liquor Store - Small – P use Dwelling(s) – AA use
Car parking	1 bay required per dwelling, no visitor parking required.	Based upon Policy PLNG4 and Council Policy 5.1 ‘Parking and Access’: <ul style="list-style-type: none"> • Shop: 1 bay for every 20m² retail floor area; • Restaurant: 1 bay for every 6m² net lettable area of sit down dining OR 1 bay per 4.5m² of exclusive sit-down dining area and publicly accessible counter queuing area.

Table 2: Comparison of land use intent, land use type and car parking requirements between “Residential R40” and “District Centre” zones.

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The implications of reclassifying Lot 330 (1) Miller Street from “Residential R40” to “District Centre” zone, as demonstrated above, are far greater than the implications of reclassifying Lots 1, 2 & 451 (646) Albany Highway from “Commercial” to “District Centre” zone. Rezoning Lot 330 to a “District Centre” zoning would have significant implications in respect to allowable land uses, increases to permitted building height limits, plot ratio and car parking. Significantly, the Town’s Urban Planning Business Unit has had a long-standing position of not supporting the encroachment of commercial land uses along Albany Highway into the adjoining residential areas, noting that sufficient commercially zoned land exists to accommodate future development and without jeopardising the residential amenity of the area.

As the existing use of the site at Lot 330 (1-3) Miller Street is an ‘X’ (Prohibited) use, the premises may retain a legal right for its continued use for as a “Motor Vehicle and Marine Sales Premises” in accordance with Clause 18 ‘Non-Conforming Uses’ of the Town of Victoria Park Town Planning Scheme No. 1. Further, noting the existing non-conforming use rights that are held over the land, there may be opportunity for this lot to be used for non-residential purposes in the future and as part of any redevelopment of the site as Council may grant planning approval for a change of non-conforming use if the proposed future use of the site is, in the opinion of Council, considered to be less detrimental to the amenity of the locality than the current non-conforming use, and closer to the intended purpose of the ‘Residential’ zone in which the site is located.

In light of the above, Council’s Urban Planning Business Unit considers that the proposed extension of the Amendment area to include Lots 1, 2 & 451 (646) Albany Highway, within the “District Centre” zone to be appropriate and in line with the intent of the Scheme Amendment. It is recommended, however, that the request to rezone Lot 330 (1) Miller Street from “Residential R40” to “District Centre” not be adopted by Council.

CONCLUSION:

For the reasons outlined in the Minutes of the Ordinary Council Meeting held on 14 April 2015 and in this report, it is recommended that Council resolves to adopt Amendment No. 66 to the Town of Victoria Park Town Planning Scheme No. 1 for Final Approval, with modifications.

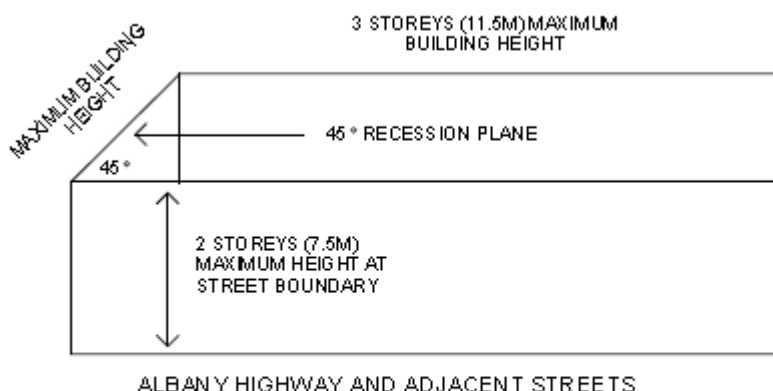
RESOLVED:

Moved: Cr Potter

Seconded: Cr Bissett

1. Council resolves pursuant to Section 75 of the *Planning and Development Act 2005* to adopt Amendment No. 66 to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text for final approval, with modifications as follows:
 - 1.0 *Amend Precinct Plan P11 Sheet A to reclassify lots fronting the western side of Albany Highway from Cargill Street (and including Lot 22 Cargill Street) to McMaster Street, and the abutting sections of ROW and the lots fronting the eastern side of Albany Highway from Rushton Street to Harvey Street (and including Lots 4 & 5 Harvey Street), and the abutting sections of ROW, from “Commercial” zone to “District Centre” zone.*

- 2.0 Amend Precinct Plan P11 Sheet A to reclassify lots fronting the western side of Albany Highway from Tuam Street to Sussex Street, and the abutting sections of ROW, from “Commercial” zone to “District Centre” zone.
- 3.0 Amend Precinct Plan P11 Sheet A to reclassify Lots 451, 2, 1, 26, 327, 25 & 24 fronting the eastern side of Albany Highway adjacent the intersection with Miller Street, Lot 329 Miller Street and the abutting ROW, from “Commercial” zone to “District Centre” zone.
- 4.0 Amend Precinct Plan P11 Sheet A to reclassify lots fronting the eastern side of Albany Highway from Miller Street to Lot 505 and the abutting section of ROW, from “Commercial” zone to “District Centre” zone.
- 5.0 Amend Precinct Plan P11 Sheet B(ii) by modifying building height limit 5 (iii) for the ‘Albany Highway Gateway’ Commercial zone so as to apply to the area on the southern side of Albany Highway from Oswald Street to Cargill Street in lieu of the area on the southern side of Albany Highway from Oswald Street to McMaster Street.
- 6.0 Amend Precinct Plan P11 Sheet B(i) by adding building height limit 7(v) for the ‘Victoria Park Shopping Area’ District Centre zone as follows :
 - (v) Building Height for the area on the southern side of Albany Highway from Cargill Street to McMaster Street is subject to the following building height recession plane:



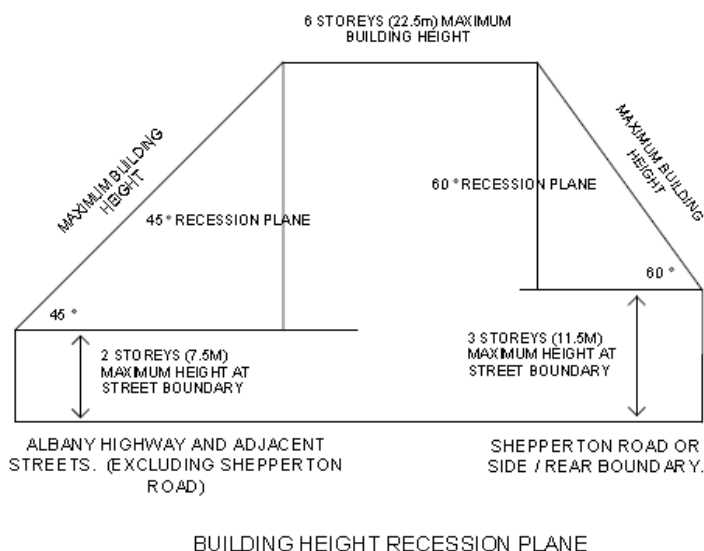
BUILDING HEIGHT RECESSION PLANE

Where development is proposed on land abutting residential zoned land, amenity provisions and setbacks to common boundaries with residential zoned land shall be in accordance with residential standards.

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7.0 Amend Precinct Plan P11 Sheet B(i) by adding building height limit 7(vi) for the 'Victoria Park Shopping Area' District Centre zone as follows :

(vi) Building Height for the area on the northern side of Albany Highway from Rushton Street to Harvey Street is subject to the following building height recession plane:



2. **The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 66 documents and to have the Common Seal affixed.**
3. **Amendment No. 66 be forwarded to the Western Australian Planning Commission for final approval.**
4. **Those persons who lodged a submission regarding the application be advised of Council’s decision.**

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

11.8 Amendment No. 67 to Town Planning Scheme No. 1 – Additional Use of ‘Multiple Dwellings’ on 2, 4, 6 - 8 & 8A (Lots 1, 2, 137 – 141) Basinghall Street, East Victoria Park

File Reference:	PLA/7/62
Appendices:	No
Landowner:	S Kargotich, GJ Holohan & RJ Aikins
Applicant:	Landvision
Application Date:	17/11/2014
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P12 'East Victoria Park'

Date:	21 August 2015
Reporting Officer:	T. Barry
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Council Officers continue to negotiate with the owners of the subject properties regarding a revised proposal, with negotiations to include community participation.

- Council initiated Amendment No. 67 to Town Planning Scheme No. 1 in December 2014.
- Advertising was completed for a period of 42 days with 112 submissions being received.
- Significant community objection was received.
- Since the conclusion of public consultation, Council Officers have been liaising with the applicant regarding a revised proposal.

TABLED ITEMS:

- Amendment No. 67 Scheme Amendment Report;
- Direct Mail Consultation Letter & Map; and
- Schedule of Submissions.

DETAILS:

On 17 November 2014, Council received a formal request from the applicant to initiate an Amendment to Town Planning Scheme No. 1 to allow the use of ‘Multiple Dwellings’ on the above mentioned Residential properties. Currently ‘Multiple Dwellings’ are not permitted as the site is coded R30 and Town Planning Scheme No. 1 currently only permits ‘Multiple Dwellings’ on sites coded R40 and above.

On 14 December 2014, Council resolved to initiate the Amendment to Town Planning Scheme No. 1. This became Scheme Amendment No. 67. Following the initiation the Amendment was sent to the Environmental Protection Authority and the Western Australian Planning Commission prior to consultation being arranged.

(To be confirmed 13 October 2015)

The subject site consists of seven (7) lots, with Lots 138 – 141 containing a medical consultancy rooms and residence, and Lots 137, 1 and 2 containing dwellings which have been identified as ‘Original Dwellings’ within the Town’s Residential Character Study Area. The site is located near the corner of Basinghall Street and Albany Highway. The existing properties which immediately abut the subject properties to the north-east and on the opposite side of Basinghall Street to the north-west are zoned ‘District Centre’ under Precinct Plan P11 ‘Albany Highway Precinct’. The other adjoining properties to the south-east and south-west are zoned ‘Residential R30’ under Precinct Plan P12 ‘East Victoria Park Precinct’.

Amendment No. 67 provides for ‘Multiple Dwellings’ to be developed on the subject lots as an Additional Use with a condition requiring the approval of a Detailed Area Plan to guide future development of Multiple Dwellings on the site. The key aspects of the Detailed Area Plan that was advertised was an increase in density on the site to R60 standards, a height limit ranging from one (1) storey to five (5) storeys, and provision for a shared access way over Lot 1 to provide for access to the Commercial properties fronting Albany Highway from the rear. A copy of this Detailed Area Plan is contained in the Scheme Amendment Report that is a tabled item.

Legal Compliance:

Following the consultation period of 42 days as required by the Town Planning Regulations 1967, the Town is required to consider the submissions and make a decision on final approval. The Regulations provide that Council is to consider the submissions within 42 days of the conclusion of the consultation period or such further period approved by the WAPC. Council has been granted an extension of time by the WAPC.

Submissions:

Community Consultation:

Community consultation was undertaken from 17 February 2015 to 31 March 2015 in accordance with Clause 25 (2) (v) of the *Town Planning Regulations 1967*. This included two (2) signs on site, advertisements in the Southern Gazette for three consecutive weeks and direct mailing of letters to surrounding landowners and occupiers. A map showing the area included in the direct mail is included as a tabled item.

The consultation period concluded with 112 submissions being received. Of these submissions six (6) were from statutory authorities with no comments, three (3) were in support of the proposal and 103 were objecting to the proposal.

Key issues raised during the community consultation included:

Issue	Comments Received
Building Height Excessive	<ul style="list-style-type: none"> • Loss of privacy; • Loss of visual amenity; • Significant overshadowing; and • Obstruction of wind and ventilation to surrounding dwellings.
Density Excessive	<ul style="list-style-type: none"> • Complete over development of the site; • Reduce value of surrounding land and dwellings; • Completely out of character of area with R30 zoning; and • Density such as this needs to be kept on Albany Highway and existing high density areas.

(To be confirmed 13 October 2015)

<p>Traffic, parking and noise issues</p>	<ul style="list-style-type: none"> • Increased noise will be result of more vehicles and pedestrians in area; • More residents will mean less parking available on street; and • Already a busy intersection at Albany Highway and will only be made worse with such significant increase in population.
<p>Demolition of Original Dwellings</p>	<ul style="list-style-type: none"> • Other owners in the area have been forced to maintain their original dwellings and renovate at great cost; and • Will deteriorate the character of the area.
<p>Lack of respect for surrounding character homes</p>	<ul style="list-style-type: none"> • Development of such height and density is so far outside of surrounding residential development will completely erode the character and feel of the area; and • All surrounding owners have to abide by strict guidelines for building design. This development will ignore those.
<p>Concerns that Multiple Dwellings will attract anti-social behaviour</p>	<ul style="list-style-type: none"> • Increase in transient population; and • Increased crime rates due to increased rental rate.

COMMENT:

Amendment 67 was initiated by Council at its December 2014 meeting. Council Officers recommended support of Amendment 67 based upon the following factors:

- The site context. In particular the subject sites being adjacent to Albany Highway and located directly opposite The Park Centre Shopping Centre. In this context it was considered that the development of the site with Multiple Dwellings at an increased density and building height would be acceptable if appropriately controlled and designed.
- The lack of residential character in this particular part of Basinghall Street.
- The use of the site for Multiple Dwellings is appropriate given the site context and would not erode the character of this section of street. In this respect, Council Officers were satisfied that the Additional Use of Multiple Dwellings would not be inconsistent with the orderly and proper planning or the amenity of the locality, or adversely affect the amenity of adjoining properties if appropriately designed, having regard to Clauses 17(2) and 17(3) of the Scheme Text.
- There being a Detailed Area Plan prepared to define the building form and minimise the impact upon adjoining properties and the street.
- The opportunity for a community benefit to be achieved by securing a legal right of access to the rear of the properties fronting Albany Highway.

Significant community concern was received regarding Amendment 67 during the community consultation period for the reasons summarised above and contained in the Schedule of Submissions (tabled item). Council Officers have assessed each of the submissions received and acknowledged that some valid concerns have been raised and that some aspects of the Detailed Area Plan require modification.

(To be confirmed 13 October 2015)

Recognising the community's concerns, Council Officers have been liaising with the applicant in respect to a revised proposal which responds to the community's concerns. Aspects of a revised Detailed Area Plan that have been discussed include (but not limited to) a reduced density, a reduced building height and additional built form controls.

Further discussion needs to occur between Council Officers and the applicant regarding a revised proposal that will be acceptable to both parties. Importantly it is recommended that further discussions include a level of community participation prior to any revised proposal being the subject of wider community consultation.

Council Officers are of the view that there is planning merit in the proposed Amendment which seeks to enable the development of the sites with Multiple Dwellings, in addition to the currently permitted uses of Single Houses and Grouped Dwellings, for the reasons described above. However it is acknowledged that any development of the site with Multiple Dwellings needs to be at a reduced density and scale from the original proposal that was advertised for public comments.

The purpose of this report is to seek a Council decision on the future direction of the Amendment.

In this regard, the following options are available to Council:

Option 1

Continue negotiations with the applicant regarding a revised Detailed Area Plan that responds to the community concerns received. Such negotiations would include community participation. The applicant has indicated their support for this option.

Option 2

Council resolves to adopt the Amendment and the associated Detailed Area Plan that was advertised, with or without modifications. Following this the Amendment would be forwarded to the WAPC and then the Minister for Planning for consideration and final approval.

Council Officers do not support this option given that some valid concerns have been raised by the community regarding the proposal Detailed Area Plan that was advertised.

Option 3

Council resolves to not proceed with the Amendment. It should be noted that if Council were to support this option then this is not the end of the matter. The Amendment would be forwarded to the WAPC for consideration, who would then make a recommendation to the Minister for Planning as to whether or not to support Council's resolution to not proceed with the Amendment.

Having regard to the available options, Council Officers recommend that Council supports Option 1, being to continue negotiations with the applicant regarding a revised Detailed Area Plan, inclusive of community participation.

Further Comments:

In relation to option 1, Council Officers intend to undertake the community participation as follows:

(To be confirmed 13 October 2015)

- Invite those directly affected owners of adjoining dwellings to a workshop with the applicant, Council Officers and interested Elected Members also being in attendance. Provide opportunity for those invited owners to express their concerns and provide comments on the type of development on the site that they consider would be acceptable.
- The applicant is to then prepare a revised proposal in consultation with council Officers.
- The revised proposal is then discussed at a further workshop with those directly affected owners of adjoining dwellings being invited to review and provide comments on the revised plan.
- Possible further revisions being made to the proposal.
- A revised proposal then being subjected to a wider full public consultation process.
- Public submissions are then received and reported to a future Council Meeting.

CONCLUSION:

Amendment 67 was advertised for public comment and attracted significant community objection. Council Officers have reviewed the submissions received and acknowledged that some valid concerns have been raised and that the Detailed Area Plan requires modification to respond to the community's concerns.

While Council Officers have been liaising with the applicant regarding a revised proposal over the last few months, these discussions are still ongoing.

It is recommended that Council resolves to continue negotiations with the applicant and landowners, and including community involvement, regarding a revised proposal for the site.

RECOMMENDATION/S:

1. Council Officers continue to liaise with the applicant and landowners regarding a revised Detailed Area Plan, including community involvement.
2. A further extension of time be requested from the Western Australian Planning Commission to facilitate the discussions referred to in 1. above.
3. Those persons who lodged a submission be advised of Council's decision.

Mr Cain left the Council Chambers at 7:12pm and returned at 7:15pm

ADDITIONAL INFORMATION

Two memorandums were provided to Elected Members dated 8 September 2015 and Tabled at the Ordinary Council Meeting which provided additional information in regard to the proposed Amendment No. 67. The reasons for the change in the recommendation can be summarised as follows:

(To be confirmed 13 October 2015)

The rationale for Amendment No. 67 is to modify the Scheme so as to permit the development of the site with Multiple Dwellings.

Impending changes to planning framework

The WAPC have recently advised of changes to the planning framework that will take effect in October 2015, most notably:

- Amendments to the R-Codes – to take effect on 23 October 2015.
- Local Planning Schemes Regulations 2015 – to take effect on 17 October 2015.

Both changes are likely to have an impact upon the proposed Scheme Amendment, the Detailed Area Plan and the possible future development on the site, most notably:

Amendments to R-Codes:

- Will introduce a minimum site area of 300m² per Multiple Dwelling for land coded R30 (currently no minimum site area requirement). This will significantly reduce the number of Multiple Dwellings on the site from that anticipated and upon which the Scheme Amendment and Detailed Area Plan have been premised.
- Re-introduction of minimum car parking requirement of 1 bay per dwelling (currently can be 0.75 bay per dwelling for dwellings less than 75m² or 1 bedroom units).

Local Planning Schemes Regulations:

- Include Deemed Provisions that will automatically be incorporated into every local government Town Planning Scheme in the State on 17 October 2015.
- Includes Deemed Provisions replacing Detailed Area Plans with Local Development Plans, with some modified procedures for the processing of such.
- Regulation 56(1) outlines that a decision-maker for a development application in an area that is covered by a Local Development Plan is to have regard to, but is not bound by the Local Development Plan in determining the application.

The proposed changes to the R-Codes and the introduction of the Local Planning Schemes Regulations would have significant implications for the proposed future development of the site. In particular the proposed introduction of a minimum site area of 300m² per Multiple Dwelling at an R30 density coding will impact upon the density that can be achieved on the site. A legal opinion received from Council's solicitors confirmed that the implications for the Amendment were that benefits that would have been derived the permissibility of Multiple Dwellings for this site were substantially offset by the new provisions for minimum site areas under the R-Codes. The impact is to the extent that it was recommended by officers that Council not proceed with the Amendment, and in particular with reference to development density:

1. Should Council have approved a Detailed Area Plan (Local Development Plan) following approval of the Amendment, the Town Planning Scheme No. 1 does not allow for a Detailed Area Plan to modify density or the minimum site area per dwelling – see cl.29AB(15).
2. The extent to which a Detailed Area Plan can amend or replace R Codes provisions is circumscribed by cl. 7.1 and 7.3 of the R Codes. The minimum site area per dwelling is not a requirement of the R Codes which is capable of amendment or replacement.

AMENDED OFFICER'S RECOMMENDATION/S:

Moved: Cr Bissett

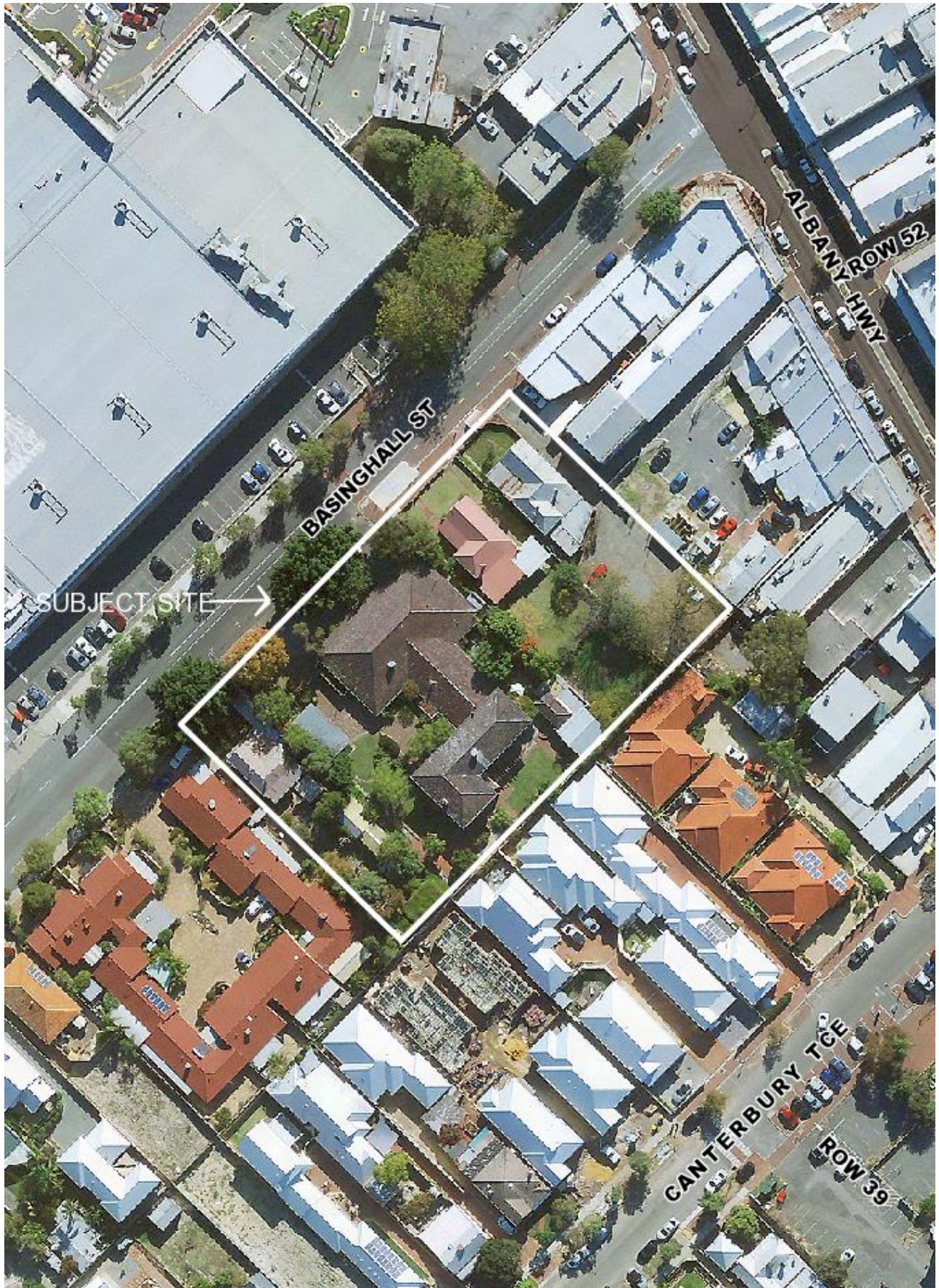
Seconded: Cr Windram

1. Council resolve pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2) of the Town Planning Regulations 1967 to not proceed with Amendment 67 to Town Planning Scheme No. 1.
2. Those persons who lodged a submission be advised of Council's decision.

The Amended Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram



11.9 Amendment to Town Planning Scheme No. 1 – Recoding of 6 - 10 (Lots 150, 110 & 101) Midgley Street and Portion of 200 (Lot 10) Great Eastern Highway, Lathlain from ‘Residential R20’ to ‘Residential R60’

File Reference:	PLA/7/72
Appendices:	No
Landowner:	Various
Applicant:	Dynamic Planning Solutions
Application Date:	Landowner request received 9 July 2015
DA/BA or WAPC Ref:	N/A
MRS Zoning:	Urban
TPS Zoning:	Residential R20
TPS Precinct:	Precinct P7 ‘Lathlain Precinct’
Use Class:	N/A
Use Permissibility:	N/A

Date:	24 August 2015
Reporting Officer:	L. Parker
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council initiates an Amendment to Town Planning Scheme No. 1 to recode 6 - 10 Midgley Street and a portion of 200 Great Eastern Highway from ‘Residential R20’ to ‘Residential R60’.

- The land proposed to be up-coded sits between the former ‘Red Castle’ hotel site and the Western Power substation;
- The up-coding provides for a more clearly defined and logical boundary between the area of high-density residential development at the Rutland Avenue end of the street block bound by Midgley Street and Streatley Road;
- The up-coding allows for the redevelopment of 6 - 10 Midgley Street in a manner which can provide an appropriate transition from the high-density residential development to be constructed on the former ‘Red Castle’ hotel site and the surrounding lower density suburban residential area; and
- The proposed up-coding is considered to be consistent with the orderly and proper planning for the locality and it is recommended that Council resolves to initiate an Amendment to Town Planning Scheme No. 1 accordingly.

TABLED ITEMS:

- Report prepared by Dynamic Planning Solutions in support of proposed Amendment to TPS1 received 9 July 2015.
- Proposed ‘Re-coding Map’ prepared by applicant.
- Precinct Plan P7 ‘Lathlain Precinct’.
- Perspective image of ‘Red Castle’ redevelopment approved by Metro Central JDAP.

(To be confirmed 13 October 2015)

DETAILS:

A formal request has been received from Dynamic Planning Solutions on behalf of the owners of 6, 8 and 10 Midgley Street, Lathlain for the Town to initiate an Amendment to the Town of Victoria Park Town Planning Scheme No. 1. The requested Amendment seeks to increase the residential coding applicable to the following lots from 'Residential R20' to 'Residential R60':

- No. 6 (Lot 150) Midgley Street;
- No. 8 (Lot 100) Midgley Street; and
- No. 10 (Lot 101) Midgley Street.

The subject lots are located within Precinct P7 – Lathlain under Town Planning Scheme No. 1 and comprise a total area of 2023.45m², with a combined lot frontage of 40.1 metres.

Western Power Substation

The land to the east of the subject lots is the Western Power substation which spans the whole of the street block between Midgley Street and Streatley Road, at 12 - 14 Midgley Street and 7 - 9 Streatley Road, Lathlain. The substation site is fully fenced and screened from adjoining properties and serves as a physical and visual barrier separating the western end of the street block from the remainder which comprises predominantly single-storey single houses and is zoned 'Residential R20'.

Former 'Red Castle' Hotel site at 200 Great Eastern Highway

The land requested to be up-coded shares its western (side) and northern (rear) boundary with the 'Residential R60' zoned land comprising the site of the former 'Red Castle' hotel at 200 (Lot 10) Great Eastern Highway.

Construction of a significant 2 to 7 storey redevelopment comprising 139 Multiple Dwellings and 2 Grouped Dwellings is anticipated to commence within the coming months. This redevelopment was approved by the Metropolitan Central Joint Development Assessment Panel on 12 December 2013, with further modifications being approved in a subsequent application for the amendment of the original approval on 15 September 2014.

The former 'Red Castle' site (which exists now as a single parcel of land) formerly comprised several lots, one of which (former Lot 151) was the same shape and size as No. 6 Midgley Street, and sat adjacent to that lot. This former lot was zoned 'Residential R20' under Town Planning Scheme No. 1, with the remainder of land comprising the Red Castle Site being zoned 'Residential R60'. Amalgamation of the lots comprising the former 'Red Castle' site has subsequently occurred, to the point where the whole of the site now exists as a single lot (Lot 10). The amalgamation of the whole of the site has been undertaken to facilitate its redevelopment, as noted above. However, former Lot 151 comprising a separate parcel adjacent to 6 Midgley Street remains zoned 'Residential R20', creating the anomaly of a single lot with two zonings applicable to the land.

In view of the request to rezone 6 - 10 Midgley Street, it is considered appropriate to also rezone the 'Residential R20' portion of 200 Great Eastern Highway (former Lot 151) to remove this anomaly, should the Council find merit in the applicant's proposal and determine to initiate an Amendment to Council's Town Planning Scheme No. 1.

(To be confirmed 13 October 2015)

The former 'Red Castle' site in conjunction with the Western Power substation effectively envelops the land requested to be up-coded, from the surrounding low density (R20-coded) suburban area of Lathlain.

Potential Development of the Lots

The proposed Amendment seeks to extend the existing 'Residential R60' zone of the former Red Castle hotel site to the whole of the lots between Streatley Road and Midgley Street, to the west of the Western Power substation.

The proposed recoding of the land would allow for an increase in density of dwellings permitted to be constructed on 6 - 10 Midgley Street, which at present are only capable of being used or developed for Single Houses or Grouped Dwellings. This would include the ability to construct Multiple Dwellings, which are prohibited on 'Residential R20' zoned land under Town Planning Scheme No. 1, but are a dwelling type that is to be constructed as part of the redevelopment of the Red Castle site.

A necessary part of any Scheme Amendment to recode the land includes the selection of appropriate development standards under the relevant Precinct Plan for that land under Town Planning Scheme No. 1. Accordingly, the proposed Amendment includes the recommendation that the same development standards as apply to the existing 'Residential R60' zoned land also be applied to the subject land proposed to be recoded, with Precinct Plan P7 for the Lathlain Precinct to be modified accordingly.

Applicant's Development Concept

The applicant has provided a report in support of the proposed Amendment, which includes a history of the planning and development of the former 'Red Castle' hotel site, as well as an indicative redevelopment concept for 6 to 10 Midgley Street.

Based on the applicable 0.70 plot ratio maximum for 'R60' coded land under the Residential Design Codes WA and average unit sizes of 65m² the redevelopment of 6 - 10 Midgley Street could potentially accommodate up to 21 multiple dwellings.

Whilst the redevelopment of the site may take various forms, the applicant has prepared an indicative design proposal for two (2) medium-density, two storey Multiple Dwelling developments designed around a central driveway, which span a frontage approximately 20 metres each, with one 10 to 11 unit development being located on 6 Midgley Street, and another 10 to 11 unit development spanning 8 to 10 Midgley Street. It should be emphasised that these plans are concept plans only indicating a possible development on the sites.

The implications of the proposed rezoning and the potential construction of Multiple Dwellings on the land are considered in the Comments section of this report.

Legal Compliance:

In accordance with Clause 47 (1) of the Town of Victoria Park Town Planning Scheme No. 1 and Part 5, Section 75 of the *Planning and Development Act 2005*, an Amendment to Council's Town Planning Scheme No. 1 is required to recode the land from 'Residential R20' to 'Residential R60' and to modify Precinct Plan P7 for the Lathlain Precinct accordingly.

(To be confirmed 13 October 2015)

Should Council resolve to initiate an Amendment, the statutory processes for a Scheme Amendment would need to be followed including advertising of the proposal for public comments for a period of 42 days. The Hon. Minister for Planning will ultimately be responsible for determining the Scheme Amendment.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed Amendment seeks to extend the 'Residential R60' density coding to cover the whole of the land located between the Rutland Avenue end of the subject street block and the Western Power substation located at 12 - 14 Midgley Street and 7 - 9 Streatley Road, Lathlain.

Consistency with Statement of Intent for Lathlain Precinct

The Statement of Intent contained in Precinct Plan P7 for the Lathlain Precinct states the following:

*"The Lathlain Precinct will remain and further develop as a predominantly low to medium density residential area...The style, character and materials of new development shall be complementary to existing dwellings. Infill development and the redevelopment of corner lots are encouraged, although not to the detriment of the existing character of the area....
...In the long term, uses considered incompatible with residential uses will be encouraged to relocate and the redevelopment of sites for medium residential or related uses is considered appropriate."*

The existing dwellings located on 6 - 10 Midgley Street include a modest single house (6 Midgley Street) and a duplex pair of units (6 - 8 Midgley Street). Subject to agreement between the owners of 8 and 10 Midgley Street, these sites are likely to be redeveloped in the future given the redevelopment potential of the sites (including under their existing 'Residential R20' zoning) and the age and modest size/condition of the existing dwellings.

The land proposed to be up-coded sits between the former 'Red Castle' hotel site and the Western Power substation, which provides for a more clearly defined and logical boundary between the 'Residential R60' coding and the remainder of the street block which is coded 'Residential R20'. The up-coding allows for the redevelopment of 6 - 10 Midgley Street in a manner which can provide an appropriate transition from the high-density residential development to be constructed on the former 'Red Castle' hotel site and the surrounding lower density suburban residential area. Provided appropriate development standards are

(To be confirmed 13 October 2015)

applied to the land (consistent with the current provisions for the 'Residential R60' zone under Precinct Plan P7) the proposed up-coding is considered to be consistent with the orderly and proper planning for the locality as it will provide an appropriate transition in development in terms of building height, form and scale, with the surrounding lower density residential area, with the existing Western Power substation serving as a physical barrier (and therefore logical boundary) to this pocket of medium to high density development in this portion of the Precinct.

Precinct Plan Development Standards

The development standards contained in Precinct Plan P7 for the Lathlain Precinct currently apply only to the former 'Red Castle' hotel site and prescribe the redevelopment of this site for Multiple Dwellings and Grouped Dwellings in accordance with the relevant standards contained in the Residential Design Codes for 'R60' coded land, to a height of 3 storeys.

Notwithstanding the Metropolitan Central Joint Development Assessment Panel's approval for a significantly larger development on the former 'Red Castle' hotel site than what the Precinct Plan anticipates, it is considered that these same development standards should be applied to the land proposed to be included within the 'Residential R60' zone by the subject Amendment. This will provide for medium scale development of a compatible form and type to that intended under the Scheme for the former 'Red Castle' hotel site, and will provide a transition in built form between this high density development and the low density, Single Houses and Grouped Dwellings of the surrounding residential area.

It is also noted that the ability to redevelop the properties at 6 to 10 Midgley Street is constrained by their separate ownership, size and frontage to Midgley Street, with the ability to provide onsite vehicular access and car parking being a significant constraint on the number of units and height of the development. As such, the development concept prepared by the applicant for a medium scale two (2) storey redevelopment of the properties is likely to be the most economic and feasible outcome for their redevelopment. This form and scale of development is consistent with the development standards contained in Precinct Plan P7 that currently apply to the former 'Red Castle' hotel site, and it is recommended that these provisions be modified to apply to the land proposed to be rezoned 'Residential R60' accordingly.

The proposed recoding of the existing 'R20' coded portion of 200 Great Eastern Highway will also have the minor consequence of allowing the construction of Multiple Dwellings on this portion of the land. Under the terms of the current approval for the redevelopment of this site, this portion of the land is to contain two (2) two-storey Grouped Dwellings, which are attached to and accessed from the main development. If sought by the owners/developers of the property, the proposed recoding would allow these two (2) Grouped Dwellings to potentially be modified to four (4) Multiple Dwellings, by splitting each level of the dwellings, providing separate secure access and removing the internal (stair) access between their floors, subject to planning approval being obtained for this conversion to occur. This potential conversion is unlikely to have any adverse impact given the total number of bedrooms (and therefore likely occupation) of the dwellings remains the same, and as the resident car parking supplied for the whole of the development includes a surplus of bays above the minimum required by the Residential Design Codes.

(To be confirmed 13 October 2015)

Traffic Considerations

Due to the relatively modest scale of development that is capable of being achieved on the sites if recoded, the proposed recoding of the land is considered unlikely to generate any significant impacts in terms of traffic or car parking generation. Notwithstanding this, the ability would exist for Council to require the submission of a traffic impact statement as part of the submission of any future planning application for the redevelopment of 6 to 10 Midgley Street to address potential traffic impacts. It should also be noted that the Metropolitan Central Joint Development Assessment Panel's approval of the redevelopment of the former 'Red Castle' hotel site requires a number of traffic calming and street improvement measures to be implemented prior to its occupation, to offset the impacts of the proposed development on the surrounding road network as, a condition of its approval.

CONCLUSION:

The request received from the owners of 6 to 10 Midgley Street for the recoding of these properties from 'Residential R20' to 'Residential R60' is considered appropriate and to be consistent with the orderly and proper planning of the locality. It is additionally recommended that the Amendment include the rezoning of the 'R20' coded portion of 200 Great Eastern Highway (former Lot 151), to resolve the current anomaly of two zonings being applicable to the site, and to extend the current boundary of the 'Residential R60' coding to include all of the land up to the existing Western Power substation. The proposed extension of the 'Residential R60' code will provide for a clearly defined and logical boundary between this area of high-density residential development at the Rutland Avenue end of the street block bound by Midgley Street and Streatley Road, and will allow for a density and scale of built form which provides an appropriate transition between the high density development to be constructed at 200 Great Eastern Highway and the surrounding low density residential area. It is therefore recommended that Council resolves to initiate an Amendment to the provisions of Town Planning Scheme No. 1 accordingly, consistent with the recommendation outlined below.

Further Comments:

Council's Administration has reviewed its recommendation in response to a request from Elected Members at the Elected Members Briefing Session held on 1 September 2015 regarding the proposal. More generally concerns were raised regarding the town planning scheme amendment process and the inability of the Council to have ultimate ability to halt or determine not to proceed with an Amendment, once initiated, as final determination rests with the Western Australian Planning Commission and the Minister for Planning.

Council's Administration acknowledges these concerns and agrees that there may be merit in undertaking preliminary consultation in order to gauge and identify any community concerns in relation to the proposal, prior to the Council committing itself to initiating a formal scheme amendment. This does however not release Council from its obligation to consult as part of the Amendment process should it determine to proceed to initiate the amendment, so those consulted as part of this initial consultation will be informed of this process.

The owner 6 Midgley Street has confirmed with Council Officers that they have contacted the owners of 8 and 10 Midgley Street, whom have indicated no objection to the proposed up-coding of their properties. In addition, the owner of 6 Midgley Street has indicated that

(To be confirmed 13 October 2015)

he has no objection to a height restriction of 2 storeys applying to their land, as this is the most feasible and likely development outcome for the property. This is the same height limit as currently applies to the properties at 6-10 Midgley Street as well as the previous Lot 151 now forming part of the Red Castle development lot. The owner of 6 Midgley Street has also confirmed that they intend to redevelop the property as a single development site only, and do not intend on amalgamating their site with the properties at 8-10 Midgely Street.

Mr Cruickshank left the Council Chambers at 7:16pm

RESOLVED:

Moved: Cr Potter

Seconded: Cr Maxwell

1. **Prior to Council determining whether to initiate an Amendment to the Town of Victoria Park Town Planning Scheme No. 1, Council's Administration undertakes preliminary community consultation, including letters to the owners and occupiers of properties on the attached consultation map, in relation to the proposed modification of Precinct Plan P7 'Lathlain Precinct' contained in the Town of Victoria Park Town Planning Scheme No. 1, as follows:**
 - 1.1. **Re-coding the 'Residential' zoned land comprising 6 (Lot 150), 8 (Lot 101) & 10 (Lot 110) Midgley Street and portion of 200 (Lot 10) Great Eastern Highway, Lathlain from 'R20' to 'R60'; and**
 - 1.2. **Applying a 2 storey height limit as a development standard for any future redevelopment of the re-coded land comprising 6 (Lot 150), 8 (Lot 101) & 10 (Lot 110) Midgley Street.**
2. **The following advice being included in all advertising notices and consultation letters circulated:**

"This proposed Amendment is available for inspection and preliminary public comment, and it should not be construed that the Council has resolved or committed itself to amending the Town of Victoria Park Town Planning Scheme No. 1. Your written comments are welcome and will be considered by Council's Administration prior to a recommendation being made for consideration by Council on whether to initiate an Amendment.

It should also be noted that if the Council determines to initiate an Amendment, a further opportunity will be available to comment on the proposal as part of the formal community consultation process. The Council also has the opportunity to seek further modifications or request that a proposed Amendment be abandoned by the Western Australian Planning Commission following initiation of an Amendment."

3. **Following conclusion of the preliminary consultation, Council's Administration is requested to provide a further report considering any submissions received and providing a recommendation to the Council on whether to initiate an Amendment to the Town of Victoria Park Town Planning Scheme No. 1.**

The Motion was Put and

LOST (1-8)

In favour of the Motion: Cr Windram

Against the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; and Cr Potter

Mr Cruickshank returned to the Council Chambers at 7:39pm

(To be confirmed 13 October 2015)



(To be confirmed 13 October 2015)



12 RENEW LIFE PROGRAM REPORTS

12.1 Mindarie Regional Council Infrastructure Options Assessment

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

Date:	10 August 2015
Reporting Officer:	J. Wong
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council:

1. **Adopts the Mindarie Regional Council Infrastructure Options Assessment report prepared by Hyder Consulting Pty Ltd as a reference document when considering the introduction, replacement or upgrading of waste infrastructure; and**
2. **Commits to bringing any plans to introduce, replace or upgrade waste infrastructure to the attention of both the Mindarie Regional Council (MRC) and the Strategic Working Group (SWG).**
 - Hyder Consulting Pty Ltd were engaged by MRC to investigate the future infrastructure options for MRC and prepare a report accordingly.
 - MRC at its Ordinary Council Meeting on 19 February 2015 endorsed the Report.
 - MRC presented the outcomes of the Hyder report at the Elected Members Workshop on 18 August 2015.

TABLED ITEMS:

- Mindarie Regional Council Infrastructure Options Assessment (Hyder Consulting Pty Ltd).
- Town of Victoria Park Environmental Plan 2013-2018

BACKGROUND:

The current Mindarie Regional Council's (MRC) Strategic Community Plan 2013/14 to 2033/34 was adopted by the Mindarie Regional Council (MRC) at its meeting held on 20 June 2013. The Executive Summary of the plan reads in part as follows:

“The Mindarie Regional Council is one of Western Australia’s largest waste management authorities assisting its member councils, mainly situated in Perth’s northern corridor, deal with their waste”.

The MRC’s Strategic Community Plan 2013/14 to 2033/34 ‘Winning Back Waste’ (the Plan) constitutes not only the consolidation of the MRC as a leader in the industry, but also hails a new direction. The Plan articulates a shared vision for waste management in the Region and shows how the MRC can deliver environmentally sustainable waste management for its communities.

(To be confirmed 13 October 2015)

Waste management is changing. Although landfilling is still seen as an important part of the industry, the focus is moving toward resource recovery and other higher order activities that minimise waste and divert waste from landfill. The goal is to treat waste and offer solutions as high on the waste management hierarchy as practicable.

This Plan creates a new vision for the MRC, 'Winning Back Waste' and with this a focus in achieving improved waste outcomes for the region, which focuses on:

- Reducing the amount of waste being generated;
- Increasing resource recovery; and
- Diversion from landfill.

In further discussions with member councils (of MRC) through the MRC Strategic Working Group (SWG), it became apparent that there was important work to be done to determine the current and future infrastructure needs of the region. The MRC set aside funds in the 2014/15 Budget for the development of an 'Infrastructure Plan – Detailed Study' for the region. The development of the brief was conducted in conjunction with the SWG. Hyder Consulting were chosen as the preferred supplier as they had recently completed work with a number of the member councils and they are on the Western Australian Local Government Association preferred supplier listing.

The report developed by Hyder Consulting (the Report) was presented to the SWG where it was agreed that it was a significant body of work and that it would provide the member councils with guidance when they consider replacing existing infrastructure or developing new infrastructure and when making decisions on future member council waste services.

DETAILS:

The Report has been developed by Hyder Consulting in conjunction with the MRC and the member councils through the SWG and is tabled for review and consideration.

The Report uses waste data obtained from each of the member councils within the region to determine the appropriate location, type and size of waste infrastructure required to address the region's needs over the next twenty (20) years and ensure that the region can meet the diversion targets set by the Waste Authority and meet community expectations.

The Report has been designed to assist member councils when they are independently or collectively considering upgrading existing and/or developing new waste infrastructure within the region. Member councils can also refer to the Report to assess the regions needs to waste infrastructure and commence open discussions with other member councils to determine if there is an ability to collectively develop infrastructure and achieve better outcomes for the region and economies of scale savings through building larger capacity infrastructure. It is recommended that these discussions occur through the SWG.

Legal Compliance:

Local Government Act 1995;

Local Government (Administration) Regulations 1996;

Waste Avoidance and Resource Recovery Act 2007; and

Establishment Agreement of the MRC (Draft).

(To be confirmed 13 October 2015)

Policy Implications:

Nil

Strategic Plan Implications:

Strategic Community Plan (SCP) 2013-2028:

ToVP Environmental Plan (section 9.5)

9.5.1 Solid Waste Management Objective

To develop and implement strategies and projects that aim to reduce the creation of waste, sustainably dispose of it and, where relevant, efficiently manage its recovery.

Financial Implications:Internal Budget:

The options considered are based on best value analysis with a focus on minimal price increase for member councils. It is noted that the current Resource Recovery Facilities at Neerabup has a limited capacity and service life and the increasing landfill levy is increasing the MRC gate fee at a significant rate each year. The Town currently pays \$155 per tonne to MRC for the disposal of both processable and non-processable waste amounting to about 13,000 tonnes per year. This fee was increased by \$22.50 per tonne due to the new landfill levy increase which came into effect on 1 January 2015 costing the Town an additional \$146,000.

Total Asset Management:

There is an option for MRC to build and operate the future facilities or to allow Contractor(s) to own and operate them. Member councils including the Town will continue to pay for the cost of the future infrastructure through a gate fee as determined and approved by MRC.

Sustainability Assessment:External Economic Implications:

Potential business opportunities for waste management companies including waste-to-energy plant builders and operators.

Social Issues:

Potential employment opportunities for people involved in the building, operation and servicing of the infrastructure being considered.

Cultural Issues:

Nil

Environmental Issues:

Diversion from landfill is a key priority of the State Government which sets landfill diversion as an indicator. In order to meet the State target for the metropolitan region of 65% diversion by 2020, further waste treatment infrastructure will need to be procured by the MRC member councils. The Town's current diversion rate for its general waste bins is 63.5%.

COMMENT:

The Report clearly indicates that there is broad support among member councils to pursue the Waste Authority's target of diverting 65% of municipal solid waste from landfill by 2020 in a cost effective, efficient manner.

The only practical way to achieve the 65% target is through the construction of waste processing infrastructure. Waste processing infrastructure provides its best returns when it is constructed for sufficiently large quantities of waste.

As a result, in order to achieve the best financial outcomes, it is beneficial for member councils to work together to aggregate their waste and construct infrastructure capable of meeting the needs of the region – or even the wider metropolitan region – rather than individual Councils acting independently. The Report provides guidance as to the size and type of waste infrastructure that is required to deal with the regions waste and was produced in consultation with all MRC member councils. As such, it provides a useful point of reference for member councils when they are planning their future waste infrastructure projects.

The aims of the study undertaken by Hyder were to:

- Identify scenarios to assist the region in reaching the 65% waste diversion target by 2020;
- Determine the associated high level cost implications;
- Identify infrastructure and capacity requirements;
- Outline possible ownership and operating options for each facility;
- Identify locations for the infrastructure, including transport modelling;
- Propose a practical and staged timeframe for infrastructure implementation; and
- Provide detail on Waste to Energy providers in the WA market including optimal size and acceptable material for each technology.

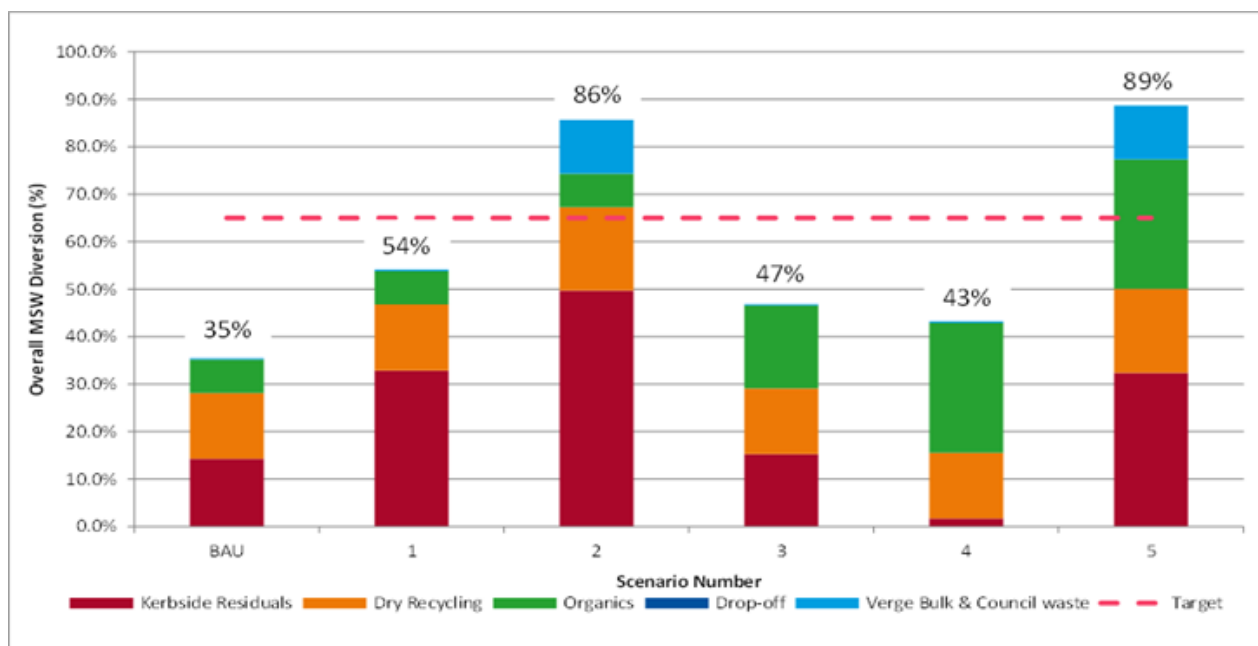
Five scenarios were modelled by Hyder as summarised below:

(To be confirmed 13 October 2015)

General waste modelling scenarios

Scenario	Description
Business as usual	Existing arrangements regarding Neerabup RRF and landfill continue, with Stirling & Cambridge's garden organics (GO) sent to a separate compost facility, and residual waste from any processing is sent to landfill
Scenario 1 2 bin system, second MBT	Collection systems as in BAU, all general waste goes to MBT – either Neerabup RRF or a second MBT, only residuals from the MBT's go to landfill
Scenario 2 2 bin, EfW	Collection systems as in BAU, existing flows of general waste to Neerabup RRF continue and remainder goes to an EfW facility (including bulk waste, MBT and MRF residuals)
Scenario 3 - 3 bin – residual to Neerabup, GO separately	All councils implement a greenwaste bin, with collected material open-window composted. All general waste would be processed via Neerabup RRF. Remaining material would go to landfill.
Scenario 4 3 bin – residual to LF	All councils have a third bin, Stirling for greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper etc) in the third bin for processing at Neerabup RRF and residuals go to landfill.
Scenario 5 3 bin residuals to EfW	All councils have a third bin, Stirling greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper, etc) in the third bin to be processed at Neerabup RRF with all residuals to energy from waste (including bulk waste and MRF residuals)

Of the 5 possible scenarios, only 2 could achieve the required diversion



The outcomes of the Multi Criteria Assessment undertaken by Hyder:

(To be confirmed 13 October 2015)

Multi-criteria assessment outcomes - Stage 1

Rank	Scenario	Description	Weighted Score	Cost/hhld/year 2022	Diversion rate
1	2	As per BAU, some general waste to Neerabup, remaining MSW+bulk+MRF residuals to EfW	86%	\$520	86%
2	5	All councils with 3-bins (except Perth), Stirling GO only, others for all organics, MSW+bulk+MRF residuals to EfW	85%	\$525	89%
3	1	As per BAU, but all general waste to MBT and residues to landfill	81%	\$497	54%
4	3	All councils with 3-bin GO (except Perth), general waste to Neerabup or landfill	80%	\$489	47%
5	BAU	BAU based on current practice, with Stirling and Cambridge on 3-bin GO, and existing RRF	78%	\$444	35%
6	4	All council with 3-bins, Stirling GO only, others for all organics, residuals to landfill	76%	\$486	43%

Based on the analysis undertaken by Hyder in consultation with the MRC SWG, scenario 2 ranked the highest. Scenario 5 ranked the second highest.

Upon finalisation of the Hyder Report, MRC resolved at its Ordinary Council Meeting on 19 February 2015 to:

(To be confirmed 13 October 2015)

1. Endorse the Infrastructure Options Assessment report prepared by Hyder.
2. Utilise the Infrastructure Options Assessment report in formalising the review of the Strategic Community Plan 2013/14 – 2033/34.
3. Inform the member councils of the Council's decision in 1 and 2 above and request that each of the member councils adopt the Infrastructure Options Assessment report as a reference document for when, either individually or collectively, member councils consider upgrading/ replacing current waste infrastructure or introducing new waste infrastructure.
4. In addition to 3 above, request member councils to commit to bringing any plans to upgrade/replace current waste infrastructure or to introduce new waste infrastructure to the attention of both the MRC and the Strategic Working Group.
5. Agree in principle to the MRC pursuing regular kerbside waste audits to inform the regional waste strategy and monitor progress on system changes.

CONCLUSION:

It is recommended that Council adopts the Mindarie Regional Council (MRC) Infrastructure Options Assessment report and commits to bringing any plans to introduce, replace or upgrade waste infrastructure to the attention of both the Mindarie Regional Council and the Strategic Working Group.

RESOLVED:**Moved: Cr Potter****Seconded: Cr Bissett****That Council:**

1. **Adopts the Mindarie Regional Council Infrastructure Options Assessment report prepared by Hyder Consulting Pty Ltd as a reference document when considering the introduction, replacement or upgrading of waste infrastructure;**
2. **Commits to bringing any plans to introduce, replace or upgrade waste infrastructure to the attention of the Mindarie Regional Council (MRC) and through the MRC's Strategic Working Group (SWG).**

The Motion was Put and**CARRIED (9-0)****In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram**

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

The Chief Executive Officer has withdrawn this item from the Agenda.

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

The Chief Executive Officer has withdrawn this item from the Agenda.

12.4 Lathlain Precinct Redevelopment Project – Zone 1 – Perth Football Club and Community Facility - Business Case for Perth Football Club and Community Facility

File Reference:	PAR/4/0007~8
Appendices:	Yes

Date:	19 August 2015
Reporting Officer:	B. Rose
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – that the Council endorses the Perth Football Club and Community Facility Business Case and requests the CEO to prepare a Funding Strategy to support the redevelopment.

- A working group was established to prepare a Business Case to investigate the opportunity to redevelop the existing Perth Football Club facility, funded by multiple parties.
- The Business Case recommends demolition and re-building of a new facility (at the same site) which meets the operational needs of the Perth Football Club and the Town of Victoria Park’s needs as a community service provider.
- The Elected Member Project Team for the Lathlain Precinct Redevelopment Project endorsed the Business Case at its 15 July 2015 meeting, commending the report to Council for consideration for endorsement.

TABLED ITEMS:

Nil

BACKGROUND:

The Perth Football Club (PFC) facility, and immediate surrounds, is nominated as Zone 1 within the overarching Lathlain Precinct Redevelopment Project (LPRP). As well as seeking to complement the wider redevelopment plans for the precinct, the Town of Victoria Park (the Town) owned the PFC facility which is now well over 50 years old (being built in 1959) and in genuine need of renewal attention. Recognising this need, at the August 2014 Ordinary Meeting, Council resolved:

“That Council accepts up to \$25,000 grant funding from the Department of Sport and Recreation towards the development of a Business Case for the redevelopment of the Perth Football Club including the provision of community facilities.”

(To be confirmed 13 October 2015)

To guide the work of the Business Case preparation, a Project Working Group was established, with representation across the funding parties, including:

- The Town of Victoria Park;
- Department of Sport and Recreation (DSR);
- Western Australian Football Commission (WAFC); and
- Perth Football Club.

Through this Project Working Group, a competitive Request for Quote process was managed, with the successful consultant firm (Integral Projects) selected to prepare the Business Case on behalf of the funding parties.

The LPRP Councillor Project Team has guided design and development of the Business Case, from a strategic perspective. At its 15 July 2015 Meeting, the LPRP Project Team endorsed the Business Case, commending it to Council for consideration for approval.

DETAILS:

The PFC relocated to their current home at Lathlain Park in 1959 when the facility was purpose built for the Club. The facility, which was extended in the 1970s, is owned by the Town, with the PFC having been the primary tenant since construction.

Redevelopment of the facility is a key element of the Lathlain Precinct Redevelopment Project (LPRP). The Town has been planning the redevelopment of Lathlain Park over the past 10 years. In May 2013, a Council resolution created the LPRP, which sets the overall context for upgrading the Lathlain Precinct, including the PFC facility.

Strategic Need for Investment

The existing PFC facility has reached the end of its economic life, with the buildings generally in their original form with maintenance having occurred largely on an ad-hoc, as needed basis. Taking into account forecast maintenance costs and general functionality, a renewed facility is required to assist the PFC in their ongoing operation as a sustainable WAFL Club, plus to enable improved delivery of extensive and ongoing community based services (by the Town and third parties).

The Town has several responsibilities with regard to the asset, both under the terms of the existing Lease with the PFC and in accordance with its overall asset management responsibilities. These include; maintenance and renewal, providing programs and services to cater for community needs, maintaining attractive streetscapes, providing leadership on environmental matters and ensuring Lathlain Park Precinct is provided at its best practical standard. Changes will need to be made as currently the Town cannot meet these objectives at a meaningful level from the site.

The PFC's purpose statement is to "excel in the development and success of the Perth Football Club and the Community". This statement is incorporated into their four primary measures of performance and general objectives which are the following: competitive success, attracting people, financial sustainability and a community hub. To enable these objectives, a suitable facility is a key requirement.

(To be confirmed 13 October 2015)

The WAFC also follow a number of key objectives which include; providing support infrastructure across all levels to Australian Rules Football Clubs in Western Australia, equity of facility standards, ongoing sustainability in WAFL Clubs, developing programs to increase participation and encourage community football, delivering programs to assist both player and club development and, above all, providing safe and fair play in Australian Rules Football.

A recent research project undertaken by La Trobe University, in conjunction with the AFL, assessed the value of community football identifying, amongst other key findings, that for every dollar spent on a community football club at least \$4.40 is returned in social value in terms of increased social connectedness, wellbeing, mental health status, employment outcomes, personal development and physical health. Aside from the external reaches that the PFC achieves, the Perth District Zone comprises of 10,000 youths directly involved in football related activities.

Renewal of the PFC facility will also assist in the realisation of numerous State Government objectives identified in the DSR Strategic Plan 2013-2015, Strategic Directions 5 and State Sporting Facilities Plan, the Australian Sports Commission Strategic Plan and Directions 2031 (to be superseded by 'Perth and Peel @ 3.5 Million'). The strategic objectives addressed by the renewal of the PFC facility and LPRP include; increased participation and performance in sport, improved access to sporting facilities, improved efficiency of infrastructure use, creation of activity centres that service a broad variety of needs improving community health and wellbeing, the facilitation of increased use of public transport and demonstrating a return on investment ensuring the sustainability of sporting and community organisations.

Identified Options

The following six options were identified for consideration in the future planning of the PFC and Community Facility:

- Option 1: Do nothing / business as usual;
- Option 2: Refurbish existing facility;
- Option 3: Relocate to an existing alternate facility;
- Option 4: Co-location with another WAFL club (new or existing);
- Option 5: Develop new – co-location with WCE at Lathlain Park (joint facility); and
- Option 6: Develop new – co-location with WCE at Lathlain Park (separate facility).

The options were assessed utilising a multi-criteria assessment methodology, adopting agreed stakeholder criteria from applicable and current strategic documents. The primary criteria which were weighted by the Project Working Group, are as follows:

- Ability to align with the LPRP, including meeting key stakeholder/user needs;
- Renewed, functional asset providing future operational sustainability;
- Ability to provide ongoing localised community based services; and
- Value for money.

(To be confirmed 13 October 2015)

Utilising the weighted criteria, each option was scored; the summary results are as follows:

Option	Total Score	Ranking
Option 1 – Do nothing / business as usual	86.0	4
Option 2 – Refurbish	147.5	3
Option 3 – Relocate to alternate existing facility	62.0	6
Option 4 – Co-locate with another WAFL club	76.0	5
Option 5 – Develop new – co-locate with WCE in joint facility	235.5	2
Option 6 – Develop new – co-locate with WCE in separate facility	307.1	1

Three sub-options have also been considered within the Preferred Option 6, for cost-benefit assessment, relating to accommodation items within the facility:

- Option 6A: Develop new, including commercial gym.
- Option 6B: Develop new, excluding commercial gym.
- Option 6C: Develop new, excluding commercial gym and third party office space.

Preferred Option

The preferred scenario (Option 6), which includes development of a new stand-alone facility allowing continued and improved community use, was the only option that did not involve non-compliance and/or conflict of key users. The key benefit of Option 6 is that it provides opportunity for shared use of ovals and related infrastructure as well as aligning with key stakeholder strategies and the endorsed LPRP. Option 5 also ranked well, however is not supported by all key stakeholders as it does not reflect existing lease arrangements for the site or spatial planning needs for the PFC facility to be located on the western 'wing' of the oval.

Summary Recommendation

Option 6B (excluding commercial gym) provides the best long term sustainability and cost-benefit for the new facility. The proposed office space could commercially provide an estimated initial annual return in the order of \$54,000 excluding GST and outgoings. Based on the additional associated construction costs of approximately \$438,818 provided by RBB Quantity Surveyors, this provides a gross return on investment (ROI) of approximately 12.3%, or pay-back period of less than 8 years from occupation.

It is recommended that further assessment is undertaken into the proposed tenants and lease structures taking into consideration long term needs. If the office space is not focussed towards commercial leases (i.e. focussed towards small not-for-profit or community groups) the operating financials and direct financial cost-benefit will weaken.

Although the operational performance of the facility will be a key focus, the benefits from accommodating not-for-profit or community groups may initiate opportunities with funding partners. For example Lotterywest may provide component capital funding towards areas allocated for use by such entities. The operating impacts from such users of the commercial office space will be as follows, reflecting the financial operating performance of Year 1 and 5:

(To be confirmed 13 October 2015)

	Option 6B (\$) Commercial Tenant	Option 6B (\$) Subsidised Tenant (No Rent – Outgoings Only)	Option 6B (\$) Subsidised Tenant (50% Rent)
Year 1 Net Surplus	183,810	129,635	156,723
Year 5 Net Surplus	56,386	(4,588)	25,899

We note that under Option 6B (No Rent) the net operating surplus creates a shortfall by Year 5 reflective of the increase in asset management costs. Further commercial opportunities to improve the viability of the facility could be well served by a dedicated marketing and events manager within the future resourcing, management and governance structure.

Funding

Funding can be targeted through various entities, with some limited project partner funding commitments already in place, as summarised below:

Entity	Funding (\$M)
Committed:	
West Coast Eagles	\$1.0
Committed Total	\$1.0
Residual Target:	
Federal	
State	
Town of Victoria Park	
WAFC / AFL	
Perth FC / Corporate	
Lotterywest	
Residual Target Total	\$14.0
Total Funding	\$15.0

Residual funds will be sourced through applicable processes (e.g. Federal National Stronger Regions Fund, State government or WA Football Commission/AFL).

Legal Compliance:

Given the Business Case is a preliminary project scoping document, chiefly seeking to investigate redevelopment options and identify potential third-party funding, there are no legal, compliance or contract issues for consideration at the moment. If successful in attracting third-party funding, there will then be numerous legal, compliance and contract matters for detailed consideration.

Policy Implications:

The Town has a host of policies, strategies and schemes which relate (directly or indirectly) to the Lathlain Precinct, including, but not limited to:

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

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

Strategic Plan Implications:

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

Financial Implications:

The following table provides a summary of the estimated capital cost and forecast operating budgets for Year 1 of the new facility based on the preferred option, including the sub-options reviewed.

	Option 6A (\$) Incl. Comm. Gym	Option 6B (\$) Excl. Comm. Gym	Option 6C (\$) Excl. Comm. Gym & Third Party Office
Capital Cost	15,805,000	14,980,000	14,387,000
Year 1 Income	2,542,893	2,467,643	2,413,468
Year 1 Expenditure	2,285,024	2,283,833	2,283,163
Year 1 Net Surplus	257,869	183,810	130,305

Note: Year 1 includes a reduced contribution for lifecycle costs. Option 6C is estimated based on removing the Third Party office space – in reality it is expected that some further design and cost considerations would apply, and impact this figure. Capital costs exclude GST and include allowance for escalation to January 2017 (forecast tender).

Sustainability Assessment:

A full sustainability assessment can be conducted if the Business Case is endorsed and the project proceeds with confirmed partner funding.

(To be confirmed 13 October 2015)

COMMENT:

The key findings and recommendations of the Business Case present a rational and well-evidenced path forward to achieving redevelopment of the existing facility, which is beyond the term of its economic life. The principal challenge for the project partners will be in securing a practical and achievable funding strategy to support the project and the benefits it will bring locally and regionally. Developing this funding strategy will be a key outcome for the next stage of the process.

CONCLUSION:

The Business Case has provided a comprehensive interrogation of the redevelopment options for the existing PFC facility, recommending that the existing facility be demolished and a new, contemporary facility be redeveloped (at the same site) which can deliver benefits to the community far beyond those ever envisioned with the original construction of the facility in 1959. Whilst the case for redeveloping the facility is strong, little progress can be made until a detailed funding strategy is endorsed with the key project partners. Developing this funding strategy will need to be the next step led by the Town.

Cr Nairn left the Council Chamber at 7:41pm

RESOLVED:

Moved: Cr Bissett

Seconded: Cr Oliver

That Council:

- 1. Endorses the Perth Football Club and Community Facility Business Case, as contained within the Appendices; and**
- 2. Requests the Chief Executive Officer to prepare a Funding Strategy to support the Perth Football Club and Community Facility Business Case.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter and Cr Windram

Cr Nairn returned to the Council Chamber at 7:42pm

13 COMMUNITY LIFE PROGRAM REPORTS

No reports.

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 31 July 2015

File Reference:	FIN/11/0001~09
Appendices:	Yes
Date:	18 August 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 July 2015.	
<ul style="list-style-type: none"> • The Accounts Paid for 31 July 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 Creditors – EFT Payments Payroll Bank Fees Corporate MasterCard	607010-607071	169,316.04 4,230,447.87 940,439.20 4,204.39 4,243.55
		5,348,651.05
Trust Account		
Automatic Cheques Drawn	3097-3107	26,492.42
		26,492.42

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

(To be confirmed 13 October 2015)

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.

RESOLVED:**Moved: Cr Windram****Seconded: Cr Maxwell**

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

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

The Motion was Put and**CARRIED (9-0)**

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

14.2 Financial Statements for the Month ending 31 July 2015

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

Date:	18 August 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 July 2015, as contained within the Appendices.

- The Financial Activity Statement Report is presented for the month ending 31 July 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 July 2015.

The financial information as shown in this report (July 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 July 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.

(To be confirmed 13 October 2015)

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*

(To be confirmed 13 October 2015)

- (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 July 2015 be accepted.

RESOLVED:

Moved: Cr Bissett

Seconded: Cr Maxwell

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

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

14.3 New Fees and Charges in the Burswood Parking Precinct

File Reference:	TAT/15/0002
Appendices:	No

Date:	26 August 2015
Reporting Officer:	M. Dunne
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 on-street parking in the Burswood Area, effective from 1 December 2015.

- Council approves the recommended changes to the Ticket Machine fees and charges for the Burswood Area (formally hotspot 4).
- Pursuant to Section 6.19 of the *Local Government Act 1995*, Local Public Notice is to be given that the Town intends to impose the fees to be charged for parking in this area as from 1 December 2015.

TABLED ITEMS:

Nil

BACKGROUND:

At the ordinary 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.

Recently, at the ordinary meeting held on 15 July 2015 and as part of an ongoing review of equitable access to parking options in the Town, Council resolved to impose new Fees and Charges for on-street parking in the Oats Street Area (formally hotspot 1) effective from 1 September 2015.

(To be confirmed 13 October 2015)

DETAILS:

The Burswood Parking Area (previously known as Hotspot Area 4) is an area of the Town that is generally bounded by Great Eastern Highway, Shepperton Road, Rushton Street, Harvey Street, Howick Street and Rutland Avenue. It is primarily a commercial / industrial area with a strip of residential, medium density apartments and several schools south of Burswood Road.

Public consultation was undertaken in March 2015 by Luxmoore Parking and Safety (Luxmoores) to investigate the success of various implemented measures in the Burswood Area, and to determine the impact to specified stakeholders as outlined in the 'Monitor and Review' phase of the Parking Management Plan (PMP). The catchment area of public consultation included areas directly affected by the PMP implemented measures and additional residential streets that were possibly affected by the spill over effects since the PMP has been implemented.

The outcome from this public consultation was included in the production of the 'Review of Parking Management Plan for Burswood Area'. This report addresses the specific elements of this phase and has also been expanded to include other elements that were considered desirable to ensure a comprehensive review of the implemented measures, and to give direction to further measures, if necessary, in order to meet the objectives of the PMP, the IMNS and community expectations.

During the consultation review a survey was undertaken of all on-street paid parking areas within the Burswood Area. The findings of this survey indicated:

1. An average of 82% of all vehicles parked for less than 3 hours, indicating that most parkers are short-term and are observing the time restrictions;
2. Extremely low occupied parking bays in most areas;
3. Low utilisation of ticket machines in most areas;
4. Moderate use of ticket machines on Thorogood Street (Hawthorne Place to Craig Street) and Hawthorne Place (Burswood Road to Thorogood Street); and
5. Recommend a more effective use of all existing parking capacity.

The Burswood Area Parking Management Plan Report prepared by Luxmoores recommended parking changed to address various parking management issues. One of the parking management solutions recommendations was to improve the utilisation of paid parking in all on-street parking areas. These on-street paid parking areas are:

- Asquith Street (Burswood Road to Shepperton Road);
- Benporath Street (Burswood Road to Harvey Street);
- Burswood Road (Kitchener Way to Asquith Street);
- Craig Street (Great Eastern Highway to Burswood Road);
- Hawthorne Place (Burswood Road to Great Eastern Highway);
- Kitchener Way (Burswood Road to Kitchener Avenue);

(To be confirmed 13 October 2015)

- Leigh Street (Burswood Road to Kitchener Avenue);
- Teddington Road (Shepperton Road to Burswood Road);
- Thorogood Street (Craig Street to Hawthorne Place); and
- Twickenham Road (Burswood Road to Shepperton Road).

The proposed method to attract vehicles away from parking long term in residential streets and to improve the utilisation of paid parking is to reduce the paid parking tariff fees. The current on-street fee tariffs in the Burswood Area are:

- \$2.00 per hour, and
- \$10 for 8 hours (applicable areas only).

The report presented to the PMC recommended that these current fees be reduced to:

- \$1.00 per hour, and
- \$5.00 for all day parking (applicable areas only).

At the PMC meeting held on Thursday 6 August 2015, it was resolved to accept the recommendations for the Burswood Area Review Report. The recommendations contained in this report contained three proposals for various changes to the Burswood Area. Proposal one relates to improving the utilisation of paid parking in all on-street locations. The other two proposals relate to improving the Town's webpage and to simplify signage.

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.*

(To be confirmed 13 October 2015)

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% (see Table 1: Burswood Area Parking Precinct below). The revenue has averaged around \$13,000 per month. The objective of reducing the fees is to encourage legal occupancy to the original target percentages. This will ensure good utilisation of the available on-street parking bays.

(To be confirmed 13 October 2015)

Table 1: Burswood Area Parking Precinct**Legal Occupancy**

Year	Month	Percentage
2014	July	11.8%
2014	August	11.4%
2014	September	11.2%
2014	October	10.1%
2014	November	8.7%
2014	December	6.9%
2015	January	5.7%
2015	February	8.3%
2015	March	8.2%
2015	April	6.8%
2015	May	8.0%
2015	June	7.8%
2015	July	8.5%
Total Average		8.7%

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 regular and consistent monitoring of data and statistics, patterns and trends will emerge and the Town can action accordingly.

Cultural Issues:

Nil

(To be confirmed 13 October 2015)

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.

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 is to be given that the Town intends to impose the amended fees to be charged for this parking area as from 1 December 2015.

RESOLVED:

Moved: Cr Bissett

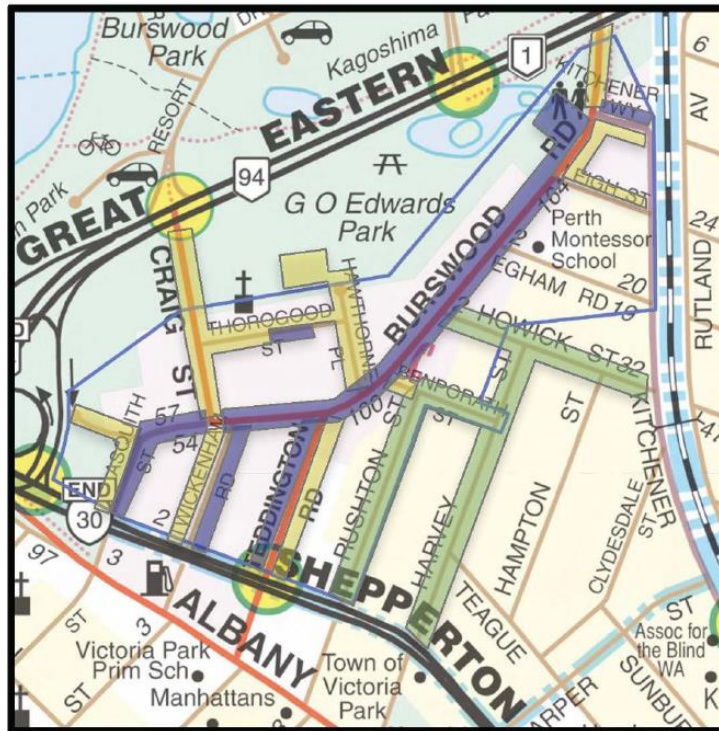
Seconded: Cr Maxwell

That Council:

1. Pursuant to Section 6.16 of the *Local Government Act 1995*, amend the fees payable for all on-street locations within the Burswood Area (as shown below) to:

- \$1.00 per hour; and
- \$5.00 for all day parking (applicable areas only).

(To be confirmed 13 October 2015)



Legend

-  Paid Parking - All Day
-  Free Parking - 2 Hours
-  Paid Parking - 2 Hours

IMPORTANT NOTICE:
These maps are indicative only and should be read alongside the detailed notes from step 3 of the Hotspot

2. Pursuant to Section 6.19 of the *Local Government Act 1995*, give Local Public Notice that the Town intends to impose the amended fees to be charged for parking in the Burswood Area (as detailed in point 1 above) from 1 December 2015.

The Motion was Put and **CARRIED BY AN ABSOLUTE MAJORITY (9-0)**

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

14.4 New Fees and Charges in the Raphael Area Parking Precinct

File Reference:	TAT/15/0001
Appendices:	No

Date:	26 August 2015
Reporting Officer:	M. Dunne
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 in the Raphael Area, effective from 1 December 2015.

- Council approves the recommended changes to the Ticket Machine fees and charges for only the Raphael Area (formally hotspot 5).
- Pursuant to Section 6.19 of the *Local Government Act 1995*, Local Public Notice is to be given that the Town intends to impose the fees to be charged for parking in this area as from 1 December 2015.

TABLED ITEMS:

Nil

BACKGROUND:

At the ordinary 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.

Recently, at the ordinary meeting held on 15 July 2015 and as part of an ongoing review of equitable access to parking options in the Town, Council resolved to impose new Fees and Charges for on-street parking in the Oats Street Area (formally hotspot 1) effective from 1 September 2015.

(To be confirmed 13 October 2015)

DETAILS:

The Raphael Parking Area (previously known as Hotspot Area 5) is an area of the Town that is generally bounded by Albany Highway, Cargill Street, Gloucester Street and Canning Highway. It is primarily a residential area with a strip commercial in Albany Highway, several schools and medium-high density business development in Armagh and Oswald Streets.

Consultation was undertaken in March 2015 by Luxmoore Parking and Safety (Luxmoores) to investigate the success of various implemented measures in the Raphael Area, and to determine the impact to specified stakeholders as outlined in the 'Monitor and Review' phase of the Parking Management Plan (PMP). The catchment area of public consultation included areas directly affected by PMP implemented measures and additional residential streets that were possibly affected by the spill over effects since the PMP has been implemented.

The outcome from this public consultation was included in the production of the 'Review of Parking Management Plan for Raphael Area'. This report addresses the specific elements of this phase and has also been expanded to include other elements that were considered desirable to ensure a comprehensive review of the implemented measures, and to give direction to further measures, if necessary, in order to meet the objectives of the PMP, the IMNS and community expectations.

During the consultation review, a survey was undertaken of all on-street paid parking areas within the Raphael Area. The findings of this survey indicated:

- Extremely low level of occupancy in most areas;
- Very low utilisation of ticket machines in most areas;
- High utilisation of ticket machines on Armagh Street (Albany Highway to Hordern Street) and Albany Highway (Oswald to Armagh Street); and
- Recommend to more effective use of all existing parking capacity.

The Raphael Area Parking Management Plan Report prepared by Luxmoores recommended changes to address various parking management issues. One of the parking management solution recommendations was to improve the utilisation of paid parking in all on-street parking areas. These on-street paid parking areas are:

- Albany Highway (from Armagh Street to Cargill Road);
- Armagh Street (Albany Highway to Hordern Street);
- Asquith Street (Albany Highway to Shepperton Road);
- Geddes Street (Albany Highway to Hordern Street);
- Oswald Street (Albany Highway to Hordern Street);
- Teddington Road (Albany Highway to Shepperton Road); and
- Twickenham Road (Shepperton Road to Albany Highway).

The proposed method to attract vehicles away from parking long-term in residential streets and to improve the utilisation of paid parking is to reduce the paid parking tariff fees. The current on-street fee tariffs in the Raphael Area are:

(To be confirmed 13 October 2015)

- \$2.00 per hour, and
- \$10 for 8 hours (applicable areas only).

The report presented to the PMC recommended that these current fees be reduced to:

- \$1.00 per hour, and
- \$5.00 for all day parking (applicable areas only).

At the PMC meeting held on Thursday 6 August 2015, it was resolved to accept the recommendations for the Raphael Area Review Report. The recommendations contained in this report contained three proposals for various changes to the Raphael Area. Proposal one relates to improving the utilisation of paid parking in all on-street locations. The other two proposals relate to improving the Town's webpage and to simplify signage.

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) states –

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.

(To be confirmed 13 October 2015)

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 Raphael Area has averaged around 12% against our target of 70% to 90% (see Table 1: Raphael Area Parking Precinct below). The revenue has averaged around \$7,500 per month. The objective of reducing the fees is to encourage legal occupancy to the original target percentages. This will ensure good utilisation of the available on-street parking bays.

Table 1: Raphael Area Parking Precinct**Legal Occupancy**

Year	Month	Percentage
2014	July	17.5%
2014	August	15.2%
2014	September	14.8%
2014	October	15.2%
2014	November	13.8%
2014	December	10.2%
2015	January	10.2%
2015	February	11.8%
2015	March	10.9%
2015	April	8.2%
2015	May	8.7%
2015	June	9.2%
2015	July	8.3%
Total Average		11.8%

(To be confirmed 13 October 2015)

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 regular and consistent monitoring of data and statistics, patterns and trends will emerge and the Town can action accordingly.

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.

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 is to be given that the Town intends to impose the amended fees to be charged for this parking area as from 1 December 2015.

(To be confirmed 13 October 2015)

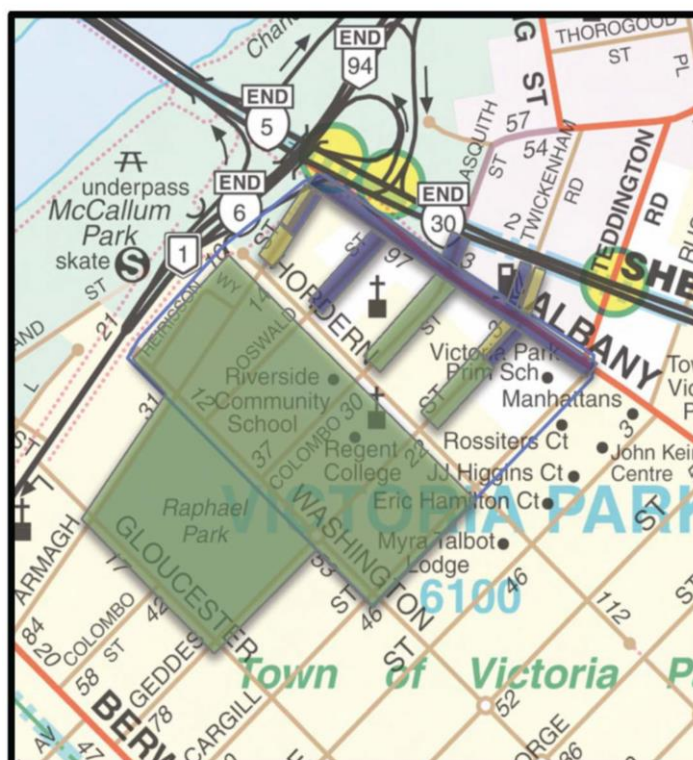
RESOLVED:

Moved: Cr Bissett

Seconded: Cr Oliver

That Council:

1. Pursuant to Section 6.16 of the *Local Government Act 1995*, amend the fees payable for all on street locations within the Raphael Area (as shown) to:
 - \$1.00 per hour; and
 - \$5.00 for all day parking (applicable areas only).



Legend	
	Paid Parking - All Day
	Free Parking - 2 Hours
	Paid Parking - 2 Hours

IMPORTANT NOTICE:
 These maps are indicative only and should be read alongside the detailed notes from step 3 of the Hotspot

2. Pursuant to Section 6.19 of the *Local Government Act 1995*, give Local Public Notice that the Town intends to impose the amended fees to be charged for parking in the Raphael Area (as detailed in point 1 above) from 1 December 2015.

The Motion was Put and

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Notice of Motion from Cr Maxwell – Accountability Policy**

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 Chief Executive Officer be requested to develop an "Accountability Policy" for consideration by the Council at or prior to its 8 December 2015 meeting whereby the following activities are recorded and made publicly available on the Town's Website:

- 1. Recording of Elected Member contact with Developers;***
- 2. Recording of gifts, donations and hospitality to Elected Members and Town of Victoria Park employees; and***
- 3. Recording of travel undertaken by Elected Members and Town of Victoria Park employees where that travel is beyond the Perth Metropolitan Area.”***

RATIONALE:

Community expectations are that all levels of Government should be accountable and operate in the best interest of the electors. The way information is obtained by individuals has changed considerably over time and today's elector is much better informed and much better at seeking out information than ever before.

To maintain and even improve its relationship with the community the Town and its Elected Members should consider adopting a contemporary position to ensure that not only are the dealings of the Elected Members and Town employees above reproach but that the Town becomes a trusted source of reliable information to the community and clearly displays its openness and honesty for all to see.

(To be confirmed 13 October 2015)

Report from Administration on Notice of Motion from Cr Maxwell – Accountability Policy

File Reference:	ADM0058
Appendices:	No

Date:	25 August 2015
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – The Council gives consideration to the Notice of Motion submitted by Cr Maxwell

- Cr Maxwell has submitted a Notice of Motion requesting the Chief Executive Officer to develop an "Accountability Policy".
- Subject to Council's approval an "Accountability Policy" can be developed.

TABLED ITEMS:

Nil

BACKGROUND:

Cr Maxwell has submitted a Notice of Motion to be considered at the Ordinary Council Meeting to be held on the 8 September 2015 which reads as follows:

"That the Chief Executive Officer be requested to develop an "Accountability Policy" for consideration by the Council at or prior to its 8 December 2015 meeting whereby the following activities are recorded and made publicly available on the Town's Website:

1. *Recording of Elected Member contact with Developers;*
2. *Recording of gifts, donations and hospitality to Elected Members and Town of Victoria Park employees; and*
3. *Recording of travel undertaken by Elected Members and Town of Victoria Park employees where that travel is beyond the Perth Metropolitan Area."*

DETAILS:

An "Accountability Policy" which requires Elected Members and staff to record details of:

- Contact with developers;
- Gifts, donations and hospitality to Elected Members and Town of Victoria Park employees; and

(To be confirmed 13 October 2015)

- Travel undertaken by Elected Members and Town of Victoria Park employees where that travel is beyond the Perth Metropolitan Area;

whereby these details can be made available on the Town's Website can be developed for consideration by the Council at its 8 December 2015 Ordinary Council Meeting.

Contact with Developers

Contact with developers in relation to a planning application is a normal and necessary function of the role of an Elected Member. Staff involvement in general relates to professional contact and discussion on a pending or submitted development application.

There is no legislative requirement for Elected Members or staff to disclose contact with developers other than through the declaration of a financial or impartiality interest. The interest is then recorded in the Interests Register.

The Register of declared interests is available for public inspection during normal business hours. The details recorded in the Interest Register can be made available on the Town's Website should the Council support the development of the proposed "Accountability Policy".

Contact with developers where an interest is not required to be disclosed could be included in the proposed "Accountability Policy" however the onus would be on Elected Members to make that voluntary disclosure.

Gifts

The *Local Government Act 1995*, defines a gift as follows:

"Gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel."

Only gifts with an estimated value of less than \$300 can be accepted. Such gifts are divided into two categories. Those gifts valued at between \$50 and \$299 are called 'Notifiable Gifts' and a record must be made of these. Gifts valued at below \$50 can be accepted without making a record by Elected Members. Gifts over \$300 cannot be accepted.

Procedure 'HRP047 Gifts & Hospitality' requires staff to disclose gifts accepted or declined even if the value is below \$50.

The *Local Government (Administration) Regulations 1996*, the *Local Government (Rules of Conduct) Regulations 2007* and the Town's Code of Conduct require the details of any Notifiable Gifts accepted to be recorded in writing in a Register kept by the Chief Executive Officer (CEO) within 10 days of acceptance.

(To be confirmed 13 October 2015)

A gift valued at below \$50 can be accepted by Elected Members without notifying the CEO or a written entry being made in the Register (so long as it is not a second or subsequent gift given by the same person within six months where the combined value is between \$50 and \$299).

Electoral Gift

The *Local Government (Elections) Regulations 1997* defines an electoral gift as follows:

“Gift means a disposition of property, or the conferral of any financial benefit, made by one person in favour of another.”

A gift can include a gift of money, a gift which is non-monetary but of value, a gift in kind, the payment of an inadequate financial consideration or the receipt of a discount (where the difference or discount is more than \$200 worth), financial or other contribution to travel, the provision of a service for no consideration or for inadequate consideration, and a firm promise or agreement to give a gift at some future time.

An electoral gift is only relevant if the value of the gift is \$200 or more.

The details recorded in the Register of “Notifiable Gifts” and the “Electoral Gift Register” can be made available on the Town’s Website should the Council support the development of the proposed “Accountability Policy”.

Travel

Travel for Elected Members and staff could relate to approved arrangements by the Council or CEO (where delegated) for them attending a conference or other related local government business. A register of these approved travel arrangements could be maintained and can be made available on the Town’s Website should the Council support the development of the proposed “Accountability Policy”.

Legal Compliance:

Local Government (Administration) Regulations 1996, the *Local Government (Rules of Conduct) Regulations 2007* and the *Local Government (Elections) Regulations 1997*.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

(To be confirmed 13 October 2015)

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The promulgation of an "Accountability Policy" if adopted by the Council would demonstrate to the community that the Town is open and accountable for its dealings with developers and its acceptance of gifts and approved travel arrangements.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Town's Administration can develop an "Accountability Policy" based on the Notice of Motion from Cr Maxwell for consideration at the Ordinary Meeting of Council to be held on 8 December 2015.

CONCLUSION:

The Council gives consideration to the Notice of Motion submitted by Cr Maxwell.

RESOLVED:

Moved: Cr Maxwell

Seconded: Cr Oliver

That the Chief Executive Officer be requested to develop an "Accountability Policy" for consideration by the Council at or prior to its 8 December 2015 meeting whereby the following activities are recorded and made publicly available on the Town's Website:

- 1. Recording of Elected Member contact with Developers;*
- 2. Recording of gifts, donations and hospitality to Elected Members and Town of Victoria Park employees; and*
- 3. Recording of travel undertaken by Elected Members and Town of Victoria Park employees where that travel is beyond the Perth Metropolitan Area.*

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

16.2 Notice of Motion from Cr Maxwell – Proposed Amendment to Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law in relation to Shopping Trolleys

This Notice of Motion has been withdrawn at the request of Cr Maxwell.

16.3 Notice of Motion from Cr Potter – Consideration of Planning Provisions to Prevent Demolition by Neglect

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 the Administration prepare a report for presentation to the November 2015 Ordinary Council Meeting, which identifies:

- 1. The possibility of changes being made to Town Planning Scheme No. 1 to enable the Council to take action to ensure that property owners are unable to neglect their properties to the point where demolition is the only action available to them.***
- 2. The necessary steps that need to be taken to make these changes to Town Planning Scheme No. 1.***
- 3. The level of success that other Council's have had in implementing such controls in their Town Planning Scheme.”***

RATIONALE:

There are two applications on the Agenda of the September Ordinary Council Meeting that involve demolition of an ‘original dwelling’ in the Town’s Residential Character Study Area. Both applicants have indicated that if they are not permitted to demolish the existing dwelling then they intend to leave the property to deteriorate to a point where the dwelling becomes structurally unsound as a basis for future demolition.

Allowing properties to deteriorate has a negative impact upon the Town’s residential streetscapes. Accordingly, it is requested that Council Officers review the possible inclusion of provisions in Town Planning Scheme No. 1 that would prevent landowners from neglecting their properties as a means to obtain approval for demolition.

(To be confirmed 13 October 2015)

Report from Administration on Notice of Motion from Cr Potter – Consideration of planning provisions to prevent demolition by neglect

File Reference:	PLA/7/0001~14
Appendices:	No

Date:	3 September 2015
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – The Council gives consideration to the Notice of Motion submitted by Cr Potter

- Cr Potter has submitted a Notice of Motion requesting Council Officers to prepare a report to the November 2015 Ordinary Council Meeting which considers the opportunity for planning provisions that prevent the neglect of existing dwellings as a means to demolish existing dwellings.
- Council Officers support Cr Potter's request for this matter to be investigated and reported to a future Council meeting.

TABLED ITEMS:

Nil

BACKGROUND:

Cr Potter has submitted a Notice of Motion to be considered at the Ordinary Council Meeting to be held on the 8 September 2015 which reads as follows:

“That the Administration prepare a report for presentation to the November 2015 Ordinary Council Meeting, which identifies:

1. *The possibility of changes being made to Town Planning Scheme No. 1 to enable the Council to take action to ensure that property owners are unable to neglect their properties to the point where demolition is the only action available to them.*
2. *The necessary steps that need to be taken to make these changes to Town Planning Scheme No. 1.*
3. *The level of success that other Council's have had in implementing such controls in their Town Planning Scheme.”*

DETAILS:

The 'original dwellings' within the Town's Residential Character Study Area make a significant contribution to the character of the Town and its streetscapes. Accordingly, Council's Local Planning Policy – Streetscape outlines the position that Council will generally not support the demolition of 'original dwellings'.

(To be confirmed 13 October 2015)

A number of the existing 'original dwellings' within the Town's Residential Character Study Area are being neglected and not maintained. While this may be for various reasons, it is understood that in some instances, landowners are intentionally allowing the dwelling to deteriorate as a means to obtain approval for future demolition.

Council Officers are aware that both the City of Fremantle and the City of Stirling have included provisions in their Town Planning Scheme that prevent the neglect of properties located within their heritage/character areas.

Council Officers support the intent of Cr Potter's Notice of Motion and believe that the adoption of Scheme provisions such as those adopted by the City of Fremantle and the City of Stirling could be an appropriate means for the Town to address this issue, although this requires further investigation and an understanding of whether they have been effective.

Relevantly the Local Planning Scheme Regulations 2015 are to take effect on 17 October 2015 and include Deemed Provisions that will automatically be included in every local government's Town Planning Scheme. It is noted that the Deemed Provisions include provisions that relate to the proper maintenance of heritage places. Further investigation needs to be undertaken to determine whether such provisions will automatically apply to the 'original dwellings' within the Town's Residential Character Study Area, or whether consideration needs to be given to follow statutory processes to declare the Residential Character Study Area as a heritage area.

Legal Compliance:

Planning and Development Act 2005; Local Planning Scheme Regulations 2015; and Town of Victoria Park Town Planning Scheme No. 1.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

(To be confirmed 13 October 2015)

Social Issues:

The 'original dwellings' within the Town's Residential Character Study Area have been identified as dwellings that contribute to the residential character of the Town. Accordingly neglect of these dwellings and/or their demolition has an adverse impact upon the quality of the Town's streetscapes.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Town's Administration support Cr Potter's Notice of Motion and will investigate and report on the matter to the November Ordinary Council Meeting.

CONCLUSION:

The Council gives consideration to the Notice of Motion submitted by Cr Potter.

RESOLVED:

Moved: Cr Potter

Seconded: Cr Anderson

That the Administration prepare a report for presentation to the November 2015 Ordinary Council Meeting, which identifies:

- 1. The possibility of changes being made to Town Planning Scheme No. 1 to enable the Council to take action to ensure that property owners are unable to neglect their properties to the point where demolition is the only action available to them.**
- 2. The necessary steps that need to be taken to make these changes to Town Planning Scheme No. 1.**
- 3. The level of success that other Council's have had in implementing such controls in their Town Planning Scheme.**

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Bissett; Cr Hayes; Cr Maxwell; Cr Nairn; Cr Oliver; Cr Potter and Cr Windram

(To be confirmed 13 October 2015)

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

- Q. Where is the Administration at with regards to increasing verge trees throughout the Town because trees are an asset and every year they grow in value. Can there be a five (5) year plan, not just planting but the maintenance of them. Can the Director update Elected Members where the Administration is at with that?
- R. The Director Renew Life Program, Mr Warren Bow advised the Town has 17,000 street trees and the Town has policies dedicated towards preserving the street trees. However, in recent articles that have come to light that you would also be aware of, the Town's canopy cover is at the lower end of the scale compared to a number of other Local Government areas and that is something that the Administration can address. Unfortunately budget constraints over the past few years have led to the removal from allocation in the draft budget street scaping improvements, which involve the planting of additional trees and street trees predominantly throughout the Town, have been removed when the budget has been adopted. Mr Bow believes everyone is aware of the budget constraints in that respect. In far as developing a five (5) year plan, having considered the matter and speaking to the technical staff, the Administration thinks it is worthwhile to develop a continuous or a rolling five (5) year plan which aims to plant more trees, not specifically in the verges because of the ongoing maintenance and management issues and the cost in doing that. The street tree budget is approximately \$1.3 million, but the Administration would certainly like to identify areas within the Town for planting of additional trees. Whether that be in reserves or drainage sumps or other locations that may be advantageous to the Town. Mr Bow would be happy to work with staff and Elected Members to develop a program for additional tree planting.

Cr Nairn

- Q. The Town has just upgraded Hillview Terrace and Berwick Street intersection, however, the light changes now seem to be too long. Can the staff take it on board to have something done, and hopefully provide the Elected Members with a positive response?
- R. The Director Renew Life Program, Mr Warren Bow took the question on notice.

Cr Maxwell

- Q. Can the Councillors get a monthly report on shopping trolleys? How many tagged, seized, infringed etc?
- R. The Chief Executive Officer, Mr Anthony Vuleta advised that information will be provided through a Business Life Bulletin on a monthly basis.

The Chief Executive Officer, Mr Anthony Vuleta read out questions received from Cr Hayes, and his responses:

- Q. What method of voting will be used at this year's Council Election? First past the post, preferential voting or proportional representation?
- R. The Chief Executive Officer, Mr Anthony Vuleta advised:

(To be confirmed 13 October 2015)

The method of voting will be by a postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before Election Day.

The successful candidate will be determined by the first past the post system of counting votes.

Q. If in the event that Cr Brian Oliver is elected as Mayor, what will happen to his representation as a councillor for the Jarrah Ward?

R. The Chief Executive Officer, Mr Anthony Vuleta advised:
If Cr Brian Oliver is elected as Mayor then he will no longer represent the Jarrah Ward as a councillor.

An extraordinary election will be required to fill the vacancy of councillor for the Jarrah Ward for the remaining term of his office which expires in October 2017. The extraordinary election must be conducted within four months of the vacancy occurring unless the Electoral Commissioner approves a longer period as it would be close to Christmas.

Q. Because Cr John Bissett has nominated for the office of Mayor and as Councillor for the Banksia Ward, will the Mayoral count be completed before the Banksia Ward count is commenced?

R. The Chief Executive Officer, Mr Anthony Vuleta advised:
In accordance with section 4.73(1) of the *Local Government Act 1995* the election of the mayor is to be ascertained before the result of the Banksia Ward is ascertained.

Q. If Cr John Bissett is elected as Mayor, What happens to the votes he receives in the Banksia ward election?

R. The Chief Executive Officer, Mr Anthony Vuleta advised:
In accordance with section 4.73(2) of the *Local Government Act 1995* if Cr John Bissett has been elected to fill the office of mayor then he cannot be elected to an office of councillor for the Banksia Ward.

In accordance with section 4.73(3) of the *Local Government Act 1995* if Cr John Bissett is elected as mayor, then if the number of other candidates is equal to the number of offices to be filled at the election, that is two candidates then these candidates are elected unopposed to represent the Banksia Ward.

If the number of other candidates is greater than the number of offices to be filled at the election that is three or more, the counting of votes is to proceed. Votes for Cr Bissett are to be disregarded.

18 NEW BUSINESS OF AN URGENT NATURE

Nil

19 PUBLIC QUESTION TIME

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 Director Renew Life Program, Mr Warren Bow took the question on notice.

Q. How are the minutes recorded?

R. The Chief Executive Officer, Mr Anthony Vuleta said the Town now has audio recording. Staff interpret what is heard from the recordings and then respond to the questions, that's all that can be done.

Q. Why does the Town plant trees that are going to cost the Town money? Why can't something be picked that is a reasonable appropriate size more suitable to the Town?

R. The Director Renew Life Program, Mr Warren Bow advised that yes, the Town has an overall tree plan that identifies the species of tree to be planted in the Town. It's under review at the moment. The Administration would be happy to go out to public consultation and get some feedback from the public on that.

Q. What steps is the Town taking to make sure we preserve the retention of the Burswood Peninsula? Can the Councillors and Chief Executive Officer take it on board to do the utmost measures to retain that?

R. Mayor Trevor Vaughan advised that the Town has developed good relationship with staff from the Crown, including developing political relationships. The Town will continue to ensure the Burswood isn't lost.

The Chief Executive Officer, Mr Anthony Vuleta added that the Town is developing a strategy for that particular issue.

20 PUBLIC STATEMENT TIME

Chris Locantro

Made a statement about the Library and the out of date documents. Mr Locantro also mentioned the website and how hard it is to find your way around it.

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

There being no further business, Mayor Vaughan closed the meeting at 8.15pm.

I confirm these Minutes to be true and accurate record of the proceedings of the Council.

Signed: Mayor

Dated this: Day of 2015