

agenda

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at **6.30pm** on **Tuesday 8 November 2016** 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

4 November 2016

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1 OPENING

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

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country *(by Mayor)*

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

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 Recording of Proceedings

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

2.2 Public Question & Public Statement Time

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

2.3 No Adverse Reflection

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

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr K (Keith) Hayes
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr V (Vince) Maxwell Cr B (Brian) Oliver (Deputy Mayor) 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
Senior Governance Officer:	Ms T (Towela) Mbirimi
Secretary:	Mrs A (Alison) Podmore
Public:	

Council Chambers – Seating Diagram



Director
Renew Life
Warren Bow



Director
Business
Life
Nathan Cain



Executive
Assistant
Alison
Podmore



Chief Executive
Officer
Anthony Vuleta



His Worship
The Mayor
Trevor Vaughan



Director
Future Life
& Built Life
Rochelle
Lavery



Director
Community
Life
Tina
Ackerman



Senior
Governance
Officer
Towela
Mbirimi



Cr Mark Windram
Banksia Ward



Deputy Mayor
Cr Brian Oliver
Jarrah Ward



Cr Jennifer
Ammons Noble
Jarrah Ward



Cr Julian Jacobs
Banksia Ward



Cr Keith Hayes
Banksia Ward



Cr Vicki Potter
Jarrah Ward



Cr Vince Maxwell
Jarrah Ward



Cr Claire
Anderson
Banksia Ward

Left side of
Chamber facing
the Mayor

Right side of
Chamber facing
the Mayor

Podium for addressing the Meeting
&
Public Gallery

3.1 Apologies

3.2 Approved Leave of Absence

Banksia Ward: Cr J (Julian) Jacobs
 Cr M (Mark) Windram

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

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

Declaration of Proximity Interest

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

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

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

Declaration of Interest affecting impartiality

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

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

5 PUBLIC QUESTION TIME

5.1 Responses to Questions Raised and Taken on Notice at the Ordinary Council Meeting held on 11 October 2016

Mr Locantro

1. I have a concern about the increasing consultancy expenses. Why is there is such a need for consultancy across the board?
- R. Consultancy / professional services are considered an alternate option to deliver services when the Town does not have the adequate resources to do so (be it expertise, qualifications or time). The Town has, in recent years, reduced the overall expenditure on consultancy / professional services. In the 2013 and 2014 financial years these expenses were in the vicinity of \$2.4 million. By comparison, the 2015 and 2016 financial years these expenses were in the vicinity of \$1.6 million. The Town considers a number of various options before considering undertaking the use of consultancy / professional services.
3. Large amounts of Town funds are held on call, after five months with this amount of money on call why has there been no interest declared in the Towns financial summary? Are there questions being asked about this level of financial activity?
- R. Interest earnings have been occurring. The table you referred to from the Monthly Financial Report incorrectly reported a \$nil interest earning for the year. A graph, included elsewhere in the Report, correctly shows the interest earnings for the year. The table has been amended to correctly reflect the interest earnings.

David Crann

1. The current Life in the Park is peppered with words such as hit, grab, push comes to shove and gobsmacked, the community full of violence we do not need these words in the magazine. Will the language be improved in future editions?
- R. The feedback is appreciated and will be considered.

2. What preparations are being made for Remembrance Day? Last year's ceremony was far too brief and did not include the Lord's Prayer. What is being done to improve on last year and will there be shade cover included?
- R. Preparations for Remembrance Day are underway. Thank you for your feedback, it will be considered.

5.2 Responses to Questions Raised at the Ordinary Council Meeting held 8 November 2016

6 PUBLIC STATEMENT TIME

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 11 October 2016 be confirmed.

RECOMMENDATION

That the minutes of the Special Meeting of Council held on Tuesday, 18 October 2016 be confirmed.

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Annual General Meeting of Electors 2016

File Reference:	COR/10/0003~02
Appendices:	No

Date:	25 October 2016
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council, subject to it accepting the Annual Report 2015-2016 at its Ordinary Meeting to be held on 13 December 2016, determines that the meeting date for the 2016 Annual General Meeting of Electors be held on 20 December 2016.

- The Administration has prepared the Annual Report but is awaiting the final Auditors Report for incorporation into the document.
- The Council needs to consider and accept the Annual Report at its meeting to be held on 13 December 2016.
- After accepting the Annual Report the Council needs to determine the meeting date for the Annual General Meeting of Electors.
- Due to the tight timeframe prior to the Christmas recess it is recommended that the Council determines the date for the Annual General Meeting of Electors as being 20 December 2016 subject to the acceptance of the Annual Report at the 13 December 2016 Ordinary Meeting.

TABLED ITEMS:

Nil

BACKGROUND:

The *Local Government Act 1995* requires every local government to prepare an annual report and to hold an Annual General Meeting of Electors. The Annual Report reflects the Town’s achievements during the 2015-16 Financial Year and is the focus of many highlights.

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting (AGM) of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its Ordinary Meeting to be held on 13 December 2016.

DETAILS:

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

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

If the Council does not accept the 2015-16 Annual Report it will result in non-compliance with the requirements of the *Local Government Act 1995*.

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

In order for the Council to hold the AGM of Electors prior to the Christmas recess of the Council and comply with the statutory requirement to provide 14 days local public notice of the AGM, it will be necessary for the Council to set the date for the AGM of Electors as the 20 December 2016 subject to acceptance of the Annual Report by the Council on the 13 December 2016.

Legal Compliance:

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

5.53. Annual reports

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

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

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

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

5.55. Notice of annual reports

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

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

- Attendances and Apologies;
- Contents of the 2014-15 Annual Report; and
- General Business.

Policy Implications:

Nil

Risk Management Considerations:

The risk associated with failing to set a date for the 2016 Annual General Meeting of Electors will result in non-compliance with the *Local Government Act 1995*.

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Sufficient funds have been allocated in Council's Budget to cover all costs associated with the preparation of the Annual Report 2015-2016 and the holding of the AGM of Electors.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Annual Report has been prepared in accordance with all required legislative matters having been considered, however the Auditors Report is not yet finalised for incorporation into the final document. It is envisaged that the Auditors will finalise their report by mid November 2016 with the final version of the Annual Report being presented to Council at its meeting to be held on 13 December 2016.

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

CONCLUSION:

In order to comply with its statutory obligations it is recommended that the Council sets the date for the AGM of Electors to be on Tuesday 20 December 2016 subject to it accepting the Annual Report 2015-2016 at its Ordinary Meeting to be held on 13 December 2016. This will then enable the statutory notice (advertising) of the AGM of Electors to occur 14 days prior to the meeting

RECOMMENDATION/S:

That the Council subject to it accepting the Annual Report 2015-2016 at its Ordinary Meeting to be held on 13 December 2016 confirms the details for the 2016 Annual General Meeting of Electors as being held on Tuesday 20 December 2016 at 6:00pm, in the Council Chambers (99 Shepperton Road, Victoria Park WA 6100) for the purpose of consideration of the Annual Report 2015-2016 and then any other general business.

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 38 (Lots 1 – 6) Teddington Road, Burswood – Demolition and Construction of Day Care Centre

File Reference:	PR1923
Appendices:	No
Landowner:	Ding Sheng Pty Ltd
Applicant:	Scribe Design Group Pty Ltd
Application Date:	24 May 2016
DA/BA or WAPC Ref:	5.2016.159.1
MRS Zoning:	Urban
TPS Zoning:	Office/Residential
TPS Precinct:	Precinct P3 'Causeway Precinct'
Use Class:	Day Care Centre
Use Permissibility:	'P' (Permitted) use

Date:	26 October 2016
Reporting Officer:	D. Rowley
Responsible Officer:	R. Lavery
Voting Requirement:	Refusal - Simple Majority Approval - Absolute Majority

Executive Summary:	
Recommendation – Approval by Absolute Majority	
<ul style="list-style-type: none"> • Application for demolition of the existing commercial building and construction of a Day Care Centre. • The proposed 'Day Care' use is a 'P' (permitted) use in Precinct P3 'Causeway Precinct'. The car parking requirements for the use is compliant with Council's Local Planning Policy (LPP) 23 'Parking Policy', as 16 on-site car bays are required and provided. • A Parking and Traffic Assessment report submitted by the applicant indicates that the traffic demands for the development would have no material impact to the operation of the local road network. • Non-compliant with the building height requirement for the site with there being a maximum building height of 14.2m in lieu of 11.25m. • Consultation with surrounding property owners and occupiers was undertaken in accordance with Council Policy GEN3 'Community Consultation' for 14 days. Over the consultation period, four (4) objections were received. • Application is recommended for Approval by Absolute Majority subject to conditions. 	

TABLED ITEMS:

- Development application form and plans date received 24 May 2016;
- Amended plans dated 30 August 2016;
- Consultation letters with adjoining owners & occupiers dated 5 September 2016;
- Submitters email responses dated 10 September and 15 September 2016;
- Photographs of site dated 22 September 2016;
- Parking and Traffic Assessment report received 21 October 2016; and
- Supporting information documents received 21 October 2016.

BACKGROUND:

The subject property comprises a single storey brick and tile building approved for use as six (6) 'Office' tenancies in approximately 1979. In accordance with Council's records the tenancies have been used as a massage premises for some time.

DETAILS:

An application has been received seeking approval for demolition of the existing commercial building on the subject site and construction of a three (3) storey Day Care Centre with an open roofed outdoor play area on the top floor (4th Floor) level.

The subject site comprises a 577m² lot, which fronts Teddington Road with a right-of-way at the rear of the site accessed from Rushton Street and Teddington Road. The subject site is located alongside other commercial properties on Teddington Road and Burswood Road (zoned Office/Residential) with Residential R40 zoned lots being located on the opposite side of the rear right-of-way.

Under Town Planning Scheme No. 1, a Day Care Centre is a 'P' (permitted) use within the Office/Residential zone.

The proposed Day Care Centre is proposed to cater for a maximum of 82 children ranging in age from 0 to 3+ years, catering for Before School Care, Morning Care, Afternoon Care, Afterschool care and All Day Care. However, the applicant advises that for operational reasons and based upon their experience in the industry, it is expected that the centre will operate at 80% capacity on a daily basis, equating to an estimated maximum of 65 children. The applicant therefore contends that the nomination of a maximum of 82 children provides operational flexibility and will cater for the irregular demand that may occur on or around school holidays, notwithstanding that at most times the centre will operate at a maximum of 80% of this capacity (ie. 65 children). The applicant also comments that the estimated number of children would be the number attending over the course of a day noting that various age groups have varying care requirements and as a result there is variance in terms of the times of attendance and duration.

In order to satisfy staff-to-child ratios prescribed by the Child Care Regulations, a total of 13 staff would be required for a maximum of 82 children. Noting the anticipated 80% operational capacity, 11 staff would be required to cater for 65 children. The applicant comments that based upon their experience operating and managing other centres, they would expect an average of four (4) staff to travel to the site by means other than their private car.

The intended hours of operation is Monday to Friday 6:00am to 6:00pm and 7:00am to 1:00pm on Saturday.

The applicant states that the Day Care Centre is proposed in response to increased demand from parents, employers and child care providers to be in a location close to their place of business to provide opportunities for parents to interact and to see their children during the day and spend more time with their children.

The applicant believes that by co-locating the Day Care Centre within the Office/Residential zone, the centre can minimise the need for parents to drive their children to facilities when their residence or place of business is within walking distance of the proposed centre in Teddington Road, reducing the need for additional vehicles in the vicinity. On this basis the applicant has estimated that from day one of operating a minimum of 20% of the children will be brought to the centre by parents walking from their residence or nearby business, with this intended to be increased to 50% as the surrounding area develops.

The original plans for the development proposed vehicle access to the site from both Teddington Road and the right-of-way. The intent was for three (3) drop-off pick-up bays to be located within the front setback area to Teddington Road, with 12 staff parking bays being accessed from the rear right-of-way, inclusive of eight (8) bays within car stackers. This design resulted in the ground floor being well set back from Teddington Road which was not supported by Council Officers.

The proposal was presented to the Design Review Committee (DRC) on 20 July 2016, whereby the proposed use as a Day Care Centre was generally supported, given its close proximity to both office/commercial and residential properties. However, concerns in regards to traffic and parking were raised, in addition to design changes being recommended.

The applicant has addressed the DRC recommended design changes to the development on revised plans received by Council on 30 August 2016 and increased the total number of on-site car parking bays from 13 bays to 16 bays being exclusively located at the rear of the subject site accessed off the right-of-way.

The 16 on-site car bays comprise:

- 10 car bays within a car stacker system. The applicant has advised Council Officers that the intent is for five (5) of these bays to be for staff with these cars being parked underground in the stacker pit, while the five (5) bays above would be at ground level and for use by patrons. However the applicant's Parking and Traffic Assessment report recommends that all 10 car bays within the car stacker system be solely used for staff to address concerns relating to the safety of children;
- Two (2) bays adjacent to the rear entry to the building nominated as staff bays;
- Three (3) bays nominated as drop-off/pick-up bays; and
- One (1) accessible car bay.

The application also seeks support for an additional two (2) short term "Drop Off/Pick Up" car bays on Teddington Road within the road reserve. Council's Parking Management Business Unit have expressed reservations to the proposed short term bays on Teddington Road as the bay(s) are public bays and should not be for the exclusive use of a particular business. However, should the proposed use be approved by Council and proceed to operation, the Parking Management Team has confirmed that after 6 months of operation, accommodating to any parking and traffic implications that the use may encounter can be evaluated.

The Parking and Traffic Assessment report submitted by the applicant comments that it has been assumed that 80% of parents drop offs/pick-ups will occur on Teddington Road, rather via the on-site car parking area at the rear (accessed off the right-of-way). As such, the report recommends that three (3) on-site car bays on Teddington Road be allocated for 5 minute parking only which will cater for the parent parking demand.

Acknowledging that Teddington Road is a busy commercial road linking traffic between Shepperton Road and Burswood Road, Council Officers raised concerns in relation to the possible traffic impact upon Teddington Road and the proposed on-site parking arrangements and the adequacy of parking for parents for short-term drop-offs/pick-ups.

In response, the Parking and Traffic Assessment report prepared by Riley Consulting concludes the following:

- *“The proposed childcare centre is forecast to generate about 190 vehicle movements per day. Assessment of the traffic demands for the development would have no material impact to the operation of the local road network;*
- *Traffic increases to the rear right of way are forecast to be low and are not expected to result in the lane passing more than the Liveable Neighbourhoods desired flow of 300 vehicles per day. It is noted however, that this is unsustainable under the Town of Victoria Park’s policy to restrict future development access to Teddington Road;*
- *Parking in accordance with the requirements of the Town of Victoria Park’s TPS is provided; and*
- *With the removal of the crossover to Teddington Road, an additional on-street bay will be provided, resulting in 3 on-street bays adjacent to the subject site. It is recommended that these 3 bays be allocated as 5 minute bays to provide the opportunity for parents to drop children off on the street. It is acknowledged that these bays will not be for the exclusive use of the childcare centre.”*

The Parking and Traffic Assessment report also indicates that the proposed five (5) stackers (10 bays in total) can be provided exclusively for staff parking, with the remaining six (6) on-site bays being utilised by patrons with the possibility of three (3) public bays on Teddington Road being accessed, which results in ample parking being available for the use including during peak periods, using the queuing theory methods of the RTA Guide to *Traffic Generating Developments*.

In addition to the above, the report indicates that the traffic generation and distribution expectancy of the proposed use is similar to other ‘P’ (permitted) uses for the subject site e.g. Medical Centre, which is expected to generate up to 70 trips per day per practitioner.

Whilst a subdivision is not occurring on the subject site, provision for the subject right-of-way being widened by 0.5 metre on either side is required to ensure that it achieves a total width of 6.0 metres. This widening area is a requirement on the subject site.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Schedule 2, Clause 67 of the Local Planning Scheme Regulations 2015; and
- Statement of Intent contained in Precinct Plan P3 ‘Causeway Precinct’.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan P3;
- Local Planning Policy 22 ‘Development Standards for Causeway Precinct; and
- Local Planning Policy 23 ‘Parking Policy’.

Town of Victoria Park Town Planning Scheme No.1

The statement of intent for Precinct P3 ‘Causeway Precinct’ states as follows:

“The Causeway Precinct presents a rare opportunity to achieve a sustainable mixed use urban environment with its own distinctive identity on the city doorstep. Providing significant employment and housing, the Precinct offers opportunities for people to live and work locally, with many services and facilities within easy walk. Workplaces, local retail and the Albany Highway shopping strip, two train stations and the Bus Port, the river and parks and Burswood Peninsula leisure activities are all close by. This Precinct will become a major activity node providing homes for 2,300 people integrated with an intensive commercial centre of some 87,000m² floor space and 3,300 jobs within a high amenity setting. The centre will be of sufficient scale to become a sought after business destination in its own right. It will operate as part of the Perth inner metropolitan employment hub expanding the range of economic activity in the Town, particularly in professional and skilled employment areas.”

Under Local Planning Policy (LPP) 22, the subject site is located within Area 6 –Low Rise Mixed Use. The intent for this area is as follows:

“This area acts as a transition between the Burswood residential neighbourhood in the Victoria Park Precinct and more intensive commercial and residential development in the Causeway Precinct. This area is bound by Burswood and Teddington Roads, major entry streets and thoroughfares to the Precinct. Both streets will ultimately be attractively landscaped and edged with contemporary low rise buildings with commercial or retain uses at street level and residential/office uses above.

This area has the least density and plot ratio to maintain a low scale net to existing residential development. The maximum 3 storey height to the street steps down to 2 storeys at the rear adjoining existing housing.

The intersection of Burswood and Teddington Roads is designated as the ‘Retail Hub’ and will provide a focal point for local shopping in the Precinct. A roundabout at the intersection of Teddington and Burswood Roads will improve traffic flow and safety and denote the hub of the local retail area. The existing street network can accommodate the additional traffic with some increase in waiting time at traffic lights and some local works. Impact on neighbouring residential streets is predicted to be minimal.”

The following is a summary of compliance with the development standards for Area 6, as outlined in LPP 22:

Item	Relevant Provision	Requirement	Proposed	Compliance
Land Use	LPP 22 (Area 6)	Mandatory Office/commercial frontage at street level, with small scale retail permitted. Residential and/or commercial above street level.	The use is commercial in nature, with the proposed Day Care Centre offering a support service to the surrounding businesses within	Compliant

		Appropriate business support services encouraged.	the precinct and existing residents within the area.	
Plot Ratio	LPP 22 (Area 6)	1.0 permitted (577m ²)	1.0 maximum proposed (577m ²)	Compliant
Building Height and Form	LPP 22 (Area 6)	Min. 2 storey (7.5m) Max. 3 storey (11.25m) to Teddington and Burswood Road frontages, reducing to 2 storeys within 8m of the rear or side boundary of a residential zoned land.	3 storeys to Teddington Road - 11.8m to wall/balustrade to perimeter of rooftop area; 12.7m to wall of service area; 14.2m to top of lift shaft; 2 storeys within 8m of rear boundary.	Non-Compliant
Setbacks	LPP 22 (Area 6)	Teddington Road between 2m minimum and 4m maximum setback and nil side setbacks.	2m minimum setback to Teddington Road and nil side setbacks.	Compliant
		Ground floor may be located at a nil setback to right-of-way, with the 2 nd storey setback 7m from the centreline of the right-of-way, providing for a minimum separation of 14m at the second storey level between residential and mixed use development.	All levels setback at 4.5m to current right-of-way boundary = 7m from centreline of right-of-way	Compliant

<p>Access and Parking</p>	<p>LPP 22 (Area 6)</p>	<p>No vehicle access off Burswood and Teddington Roads unless no alternative available. Where car parking is located adjacent to the right-of-way and not within or screened by a building, a minimum 1.5m screen landscaping is to be provided between the car parking and the right-of-way.</p>	<p>Vehicle access not proposed off Teddington Road. Screening of 2m (0.5m is part of right-of-way widening).</p>	<p>Compliant</p>
<p>Other</p>	<p>LPP 22 (Area 6)</p>	<p>Provide separate clearly identifiable entries for residential and commercial uses on Burswood and Teddington Roads with adequate pedestrian weather protection at entries.</p>	<p>No residential uses proposes on site. Clearly identifiable entrance provided for Day Care use from Teddington Road. Lobby doors inset to provide for weather protection from level above.</p>	<p>Compliant</p>

Local Planning Policy 23 – Parking Policy

Under the provisions of Local Planning Policy (LPP) 23 ‘Parking Policy’, the parking ratio prescribed for a ‘Childcare Facility’ is 1 bay for every five (5) children. As up to 82 children are to be accommodated on-site, this requires a minimum of sixteen (16) on-site car bays.

The site plan submitted to accompany the application indicates the provision of sixteen (16) on-site car parking bays within the subject site, accessed via the rear right-of-way which can accessed from either Teddington Road or Rushton Street. This includes ten (10) bays within car stackers and three (3) bays nominated as drop-off/pick-up bays at ground level.

Whilst the parking ratio prescribed for a Day Care Centre under Council’s LPP 23 ‘Parking Policy’ does not specify a minimum ratio of staff car bays, the applicant confirms that there will be a maximum of thirteen (13) staff members based upon a maximum of 82 children, or an expected eleven (11) staff members for a maximum of 65 children (80% capacity). Additionally the applicant comments that it is expected that seven (7) to nine (9) staff members would drive to work.

The proposed two (2) short term “Drop off/Pick Up” bays on Teddington Road within Council’s road reserve as indicated on the submitted plans have been excluded from the parking calculations.

The total number of car parking bays for the proposed Day Care Centre is compliant with Council’s LPP 23 Parking Policy.

Submissions:

Community Consultation:

As a result of non-compliance as indicated above, consultation with nearby landowners and occupiers has been carried out in accordance with Council Policy GEN3 “Community Consultation” dated 5 September 2016 with the consultation period closing on 20 September 2016. Four (4) submissions were received which are as follows:

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of No. 34 Teddington Road, Burswood</i>	
Comments Received	Officer’s Comments
<i>“I would request further information on anticipated number of drop off’s and pick up’s daily and the proposed use of the rear right of way. Depending on whether this information is available or not has an impact study been done on probable congestion issues at peak times and most importantly SAFETY for children.”</i>	Noted. See Comments Section further below.
<i>Submission from owner/occupants of 94, 96 & 98 Burswood Road, Burswood</i>	
Comments Received	Officer’s Comments
Supportive of proposed use. However, concerns raised in regards to car bays/parking and intended procedure for dropping and picking up the intended 82 children and the number of educators (requiring parking).	Noted. See Comments Section further below.
<i>Submission from owner/occupants of No. 40 Teddington Road, Burswood</i>	
Supportive of proposed use. Concerns raised in relation to traffic and parking for up to 82 children and expect staff of minimum 10 or more, creating parking impact onto adjoining properties, especially during peak hour. Suggest more dedicated “Drop off/Pick Up” bays on Teddington Road for use and one way traffic at right-of-way. Redevelopment of 40 Teddington Road could overshadow open play areas of proposed development and noise impact may be a concern.	Noted. Specified overshadowing of commercial properties is not a development requirement. See further Comments Section further below.

<i>Submission from owner/occupant of 55 Rushton Street, Burswood (Note. Owner/occupant is also owner/occupant of No. 40 Teddington Road</i>	
Supportive of proposed use. Concerns raised in relation to traffic and parking for up to 82 children and expect staff of minimum 13 or more, creating impact onto adjoining properties. Right-of-way cannot be “Drop off/Pick Up” zone with large commercial vehicles accessing the access way. Lack of parking within the area. A traffic impact study required and noise impact concerns.	Noted. See Comments Section further below

Policy Implications:

Nil

Risk management considerations:

The proponent has the right of review against Council’s decision, including any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT

The application proposes the demolition of the existing single storey building on the site and the construction of a new three (3) storey building with an open roof play area, for use as a Day Care Centre. While the application seeks approval for up to 82 children with a maximum of thirteen (13) staff members, the applicant contends that based upon their experience in managing such centres, the likely operating capacity will be at 80% which translates to 65 children and 11 staff members and furthermore :

- A number of children and their parents will walk to the site given their proximity to their house or workplace. It is estimated that this would be approximately 20% of patrons at day one, with this intended to increase to 50% over time;
- Given the age range of the children that are cared for at the centre and the working hours of the parents, the arrival and collection times vary as does the duration of stay;
- An average of four (4) staff are expected to travel to the site by means other than private vehicle; and
- The average time for a drop-off/pick-up is between five (5) to seven (7) minutes, meaning that there will a regular turnover of the bays available.

In considering the application, Council is to have regard to the permissibility of the use in addition to the orderly and proper planning of the locality and the conservation of the amenities of the locality and the intended purpose of the 'Office/Residential' zone in which it is located.

Relevant considerations are addressed as follows:

Land Use

The proposed development is for a use that is classified as a "P" (permitted) use in the Office/Residential zone under Precinct Plan P3 – Causeway Precinct. Additionally, Council Officers consider that the proposed use as a Day Care Centre is consistent with Local Planning Policy 22 and the intent for the area to be consolidated as a mixed use urban environment, and the proposed use would have the potential to create employment opportunities, whilst providing a specialised form of child facility for the local and wider population. It is also acknowledged that the proposed Day Care Centre will offer a service to nearby residents and workers employed within the immediate area.

Building height

Under the provisions of Local Planning Policy 23, a maximum building height of 11.25m (3 storeys) is permitted. In this regard the application proposes structures which encroach above the 11.25m metric height limit. However having regard to the definition of 'building height' under the Scheme, the proposed wall/balustrading to the roof deck is necessary for safety purposes and is considered a minor projection, and the lift and other service areas are acceptable where they do not exceed a height of 3.0m. The walls to the service areas, excluding the lift shaft, do not exceed the 3.0m height allowance for encroachments, and therefore complies. The lift shaft however extends to a height of 4.2m above the floor level of the roof deck, being 3.05m above the allowable building height of 11.25m. As this variation relates to the lift shaft only which is located towards the front of the site, limited in size, and would not be visible from the street or adjoining properties, this variation is considered to be acceptable.

Parking and Access

The intended vehicle parking for 16 cars is located at the rear of the site and accessed from the right-of-way. While the original plans proposed vehicle access from Teddington Road also, this was not supported due to the poor urban design outcome, and the requirement for vehicle access to be solely from a right-of-way, so as to minimise the impact on traffic movements on Teddington Road.

The provision of vehicle access to the site via the right-of-way only is compliant with Council's requirements. It is however noted that to access the right-of-way vehicle movement is difficult and/or circuitous. As a result, it is expected that vehicles travelling to the site for drop-offs and/or pick-ups may find it more convenient to park on Teddington Road itself, rather than traverse the surrounding streets. This is acknowledged by the applicant's traffic consultant who has assumed that 80% of parents will take access from Teddington Road.

While the access arrangement will result in additional traffic on the adjoining streets and adjacent to residential properties, this is understood and is inevitable given the need for vehicles to use the right-of-way for access to not only the subject site but other adjoining sites along Teddington Road. Council's Street Improvement Business Unit have expressed

some concern that the vehicle trips generated by the development will make the right-of-way reach its maximum volume of 300 vehicle trips per day if the majority of patrons use the right-of-way for access and parking. However it should be noted that if the site were to be developed in the manner contemplated under the provisions for the Causeway Precinct (3 storey building; plot ratio of 1.0; office use at ground floor, with residential and/or offices above) this would have a comparable impact. The outcomes anticipated under the provisions for the Causeway Precinct is that the subject right-of-way will carry more than 300 vehicle trips per day.

It should however be recognised that notwithstanding that the vehicle access arrangement complies, it is likely that patrons may choose to park within the on-street public car bays along Teddington Road, as they are more convenient to access. Accordingly, the applicant's traffic consultant recommends that three (3) car bays within the Teddington Road reserve be made available for short-term use by patrons of the centre.

While the proposal is likely to result in vehicle parking on Teddington Road, notwithstanding that the development has sufficient on-site car parking accessed from the right-of-way, the additional traffic impact will be negligible on Teddington Road (less than 1% of the road capacity).

The development plans indicate the provision of three (3) on-site car bays for use by parents for short-term drop-offs and pick-ups. Whilst three (3) on-site bays for use by patrons for drop-offs and pick-ups may appear to be inadequate to accommodate a maximum of 82 children on the site, Council Officers accept the applicant's argument that a number of patrons may also walk to the site from home or their workplace. Additionally given the short period of stay (average 5 to 7 minutes) the limited bays available are sufficient as they are continuously being turned over. The Parking and Traffic Assessment report based on the RTA trip rates, confirm that the peak period being 7:00am to 9:00am has an expectancy of 73 vehicle movements, during 2:30pm to 4:00pm is 31 vehicle movements and 49 vehicle movements between 4:00pm to 6:00pm.

The applicant's Parking and Traffic Assessment report recommends that all 10 car bays within the car stacker system be for staff use only. Accordingly the provision of 10 staff bays will exceed the expected staff parking requirement. This being the case, those ground level bays nominated as bays 1 and 2 on the site plan could be reallocated as drop-off/pick-up bays to add to this component. A condition of approval is recommended to this effect.

In this regard, Council Officers have recommended a condition requesting the applicant to prepare a parking management plan outlining the measures that will be taken to inform patrons of limited parking availability in the area, the availability of on-site parking accessed off the right-of-way, encouraging patrons to walk rather than drive to the site and the measures that will be implemented to manage parking during peak periods.

Council's Parking Management Team, has not currently supported the exclusive use of two (2) car parking bays on Teddington Road for the proposed Day Care Centre, with it being acknowledged that the parking and traffic impact and implementing any necessary parking management measures could be reviewed on commencement of the use.

Having regard to these parking and traffic access matters, it is considered that through education and management measures being implemented, the parking and traffic is able to be managed so it does not impact adjoining properties and create issues of traffic congestion along Teddington Road or the right-of-way.

Noise Management

Given the nature of the proposed use and the provision of both indoor and outdoor play areas there is likely to be noise generated by the use. Should the application be approved, it is considered that a Noise Management Plan should be required as a condition of approval, to ensure that matters such as noise and potential disturbances to nearby properties can be identified and addressed.

CONCLUSION

In light of the above, it is considered that the proposed Day Care Centre is a valuable service to nearby residents and workers constituting a development that will be compatible with the surrounding commercial and residential development, which will not have a detrimental impact on the streetscape or nearby land uses.

Furthermore, while the proposed Day Care Centre will generate additional parking and traffic in the Office/Residential zoned area, with parking and traffic restrictions being detailed and implemented, the impact will be acceptable. For these reasons it is recommended that the application be approved by Absolute Majority subject to conditions.

RECOMMENDATION/S:

- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme the application submitted by Scribe Design Group Pty Ltd (DA Ref: 5.2016.159.1) for Demolition and Construction of Day Care Centre at No. 38 (Lot 1-6) Teddington Road, Burswood, as indicated on the plans dated received 30 August 2016 be Approved by Absolute Majority subject to the following conditions:**
 - 1.1 In order to confirm compliance with this development 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 Improvement;**
 - **Parks;**
 - **Environmental Health;****Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).**
 - 1.2 The applicant submitting a Parking Management Plan for approval by the Manager Urban Planning at the Business Unit clearance stage (refer condition 1) outlining the measures that will be employed to inform patrons and staff of limited parking availability in the area, the availability of on-site parking accessed off the right-of-way, encouraging patrons to walk rather than drive to the site and the measures that will be implemented to manage parking during peak periods.**

- 1.3 The number of children and staff attending the Day Care Centre at any one time to be limited to a maximum of 82 children and 13 staff members.
- 1.4 Hours of operation being limited to Monday to Friday 6:00am to 6:00pm and 7:00am to 1:00pm on Saturday.
- 1.5 The 10 car stacker bays are to be for staff use only.
- 1.6 Car bays 1 and 2 as nominated on the site plan are to be reallocated as drop-off pick-up bays, and then the location of car bays 1/2 and the accessible car bays are to be swapped.
- 1.7 This approval does not include approval for the exclusive use of the proposed on-street drop-off/pick-up bays.
- 1.8 A landscaping plan detailing the size, location and type of planting to be provided both on-site and in the verge is to be submitted to the satisfaction of the Manager Urban Planning prior to submission of an application for a building permit. Landscaping is to be installed prior to occupation of the building(s) or strata titling whichever occurs first and subsequently maintained to the satisfaction of the Manager Urban Planning.
- 1.9 Before the subject development is first occupied or commences operation, all on site car bays being provided in accordance with the approved plans.
- 1.10 The existing crossover onto Teddington Road 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.
- 1.11 A minimum of sixteen (16) car parking bays to be provided on-site. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
- 1.12 All development is to be setback 0.5 metres from the right-of-way for the length of the common boundary with the right-of-way to allow for the future widening of the right-of-way.
- 1.13 The 0.5 metre wide portion of land adjacent to the right-of-way which is subject to future right-of-way widening shall be constructed, sealed and drained to the Council's specifications by the owner(s) at their expense, prior to commencement of the development.
- 1.14 Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Manager Urban Planning prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
- 1.15 Lighting to illuminate that portion of the right-of-way adjacent the subject land is to be provided at vehicle and pedestrian entry points.

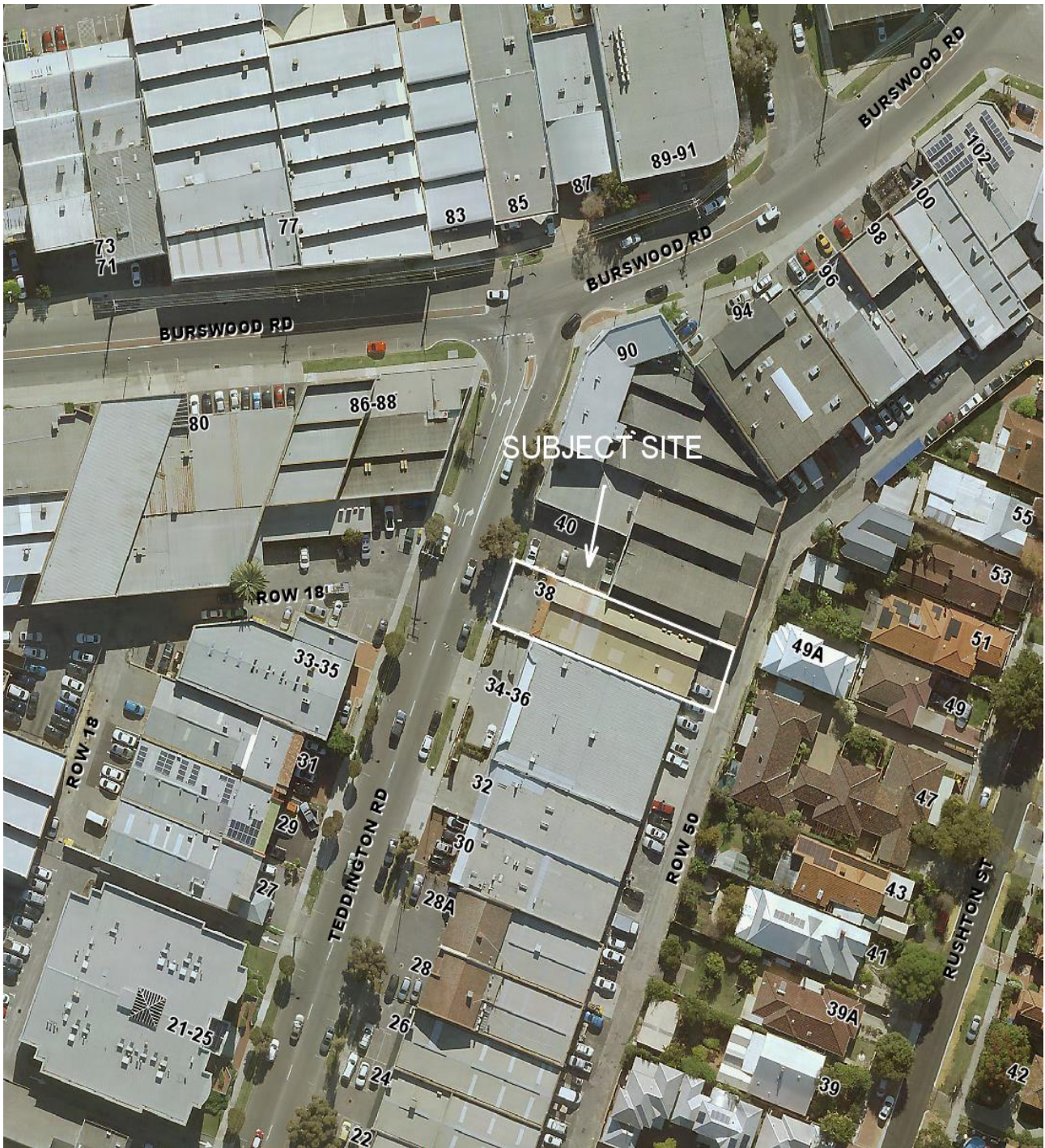
- 1.16 The surface of the boundary walls on the common boundary with 40 and 34-36 Teddington Road to be of facebrick construction or have a rendered finish of matching colour to the remainder of the dwelling, unless otherwise approved in writing by the Manager Urban Planning. All exposed surfaces of the boundary wall(s) are to be finished to a clean and tidy state of repair prior to the commencement or occupation of the development.**
- 1.17 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.**
- 1.18 Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details as required by the Town. Construction works shall take place in accordance with the approved details at all times.**
- 1.19 Prior to the submission of an application for a building permit, the applicant is to submit details of the proposed waste management strategy including bin locations, collection points and frequency of collection, with such details being to the satisfaction of the Manager Urban Planning.**
- 1.20 All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.**

Advice to Applicant:

- 1.21 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development 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 development 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.**
- 1.22 All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) 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. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.**

- 1.23 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 Development Approval will need to be obtained prior to a sign licence application being submitted to the Council.**
- 1.24 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 review of the determination of Council by the State Administration Tribunal within 28 days of the date of this decision.**
- 1.25 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.**
- 1.26 The existing footpath in front of the site is to be retained and is to be demonstrated on the landscaping plan required by condition 8.**
- 1.27 The Applicant is advised that traffic and parking conditions in the area may change in the future, including the availability of on-street public parking bays along Teddington Road.**
- 2. Upon removal of the existing crossover onto Teddington Road, Council's Parking Management Business Unit making provision for two (2) on-street car bays in front of the property, for general public use.**
- 3. Those persons who lodged a submission regarding the application be advised of Council's decision.**

(Absolute Majority Required)



11.2 Application to Amend the Burswood Lakes Structure Plan in Relation to Lots 9 and 9525 Victoria Park Drive, Burswood

File Reference:	PLA/6/24
Appendices:	No
Landowner:	EG Funds Management Pty Ltd
Applicant:	TPG Town Planning, Urban Design & Heritage
Application Date:	31 March 2016
WAPC Ref:	SPN/0123
MRS Zoning:	Urban
TPS Zoning:	Special Use
TPS Precinct:	Precinct P2 'Burswood'
Use Class:	N/A
Use Permissibility:	N/A

Date:	25 October 2016
Reporting Officer:	L. Parker
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council recommend that the Western Australian Planning Commission refuse the application submitted by TPG Town Planning, Urban Design & Heritage to amend the Burswood Lakes Structure Plan in relation to the density/dwelling yield, land use, plot ratio and building envelope controls applying to Lots 9 and 9525 Victoria Park Drive, Burswood.

- The approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is considered fundamentally premature and inconsistent with the orderly and proper planning of the locality.
- The proposal is aligned with the broad intent for the Burswood Station West precinct envisaged under the Burswood Peninsula District Structure Plan and should therefore only be considered following, or as part of, the local structure planning required for this precinct, which is yet to be completed.
- The application has been publicly advertised on two occasions in relation to the applicant’s original and revised proposals. 90 submissions were received in relation to the original proposal, with a further 41 submissions received in relation to the revised proposal. 129 of the submissions were opposed to the application and 2 submissions were in support.
- A 65 signature petition has also been received from surrounding Burswood residents and land owners objecting to the proposed structure plan amendment on the basis of traffic, lack of green space, crime/antisocial behaviour and car parking concerns. The petition has been considered along with the written submissions received during the public advertising periods.
- The application has been formally considered by Council’s Design Review Committee, which has acknowledged the revisions undertaken by the applicant and the improved urban design outcomes, but has resolved not to support the application.
- Increased density on Lots 9 and 9525 is supported by Council Officers, however it is considered that this should only occur in an orderly, coordinated manner as part of the detailed local structure planning yet to be completed for the Burswood Station West Precinct.

TABLED ITEMS:

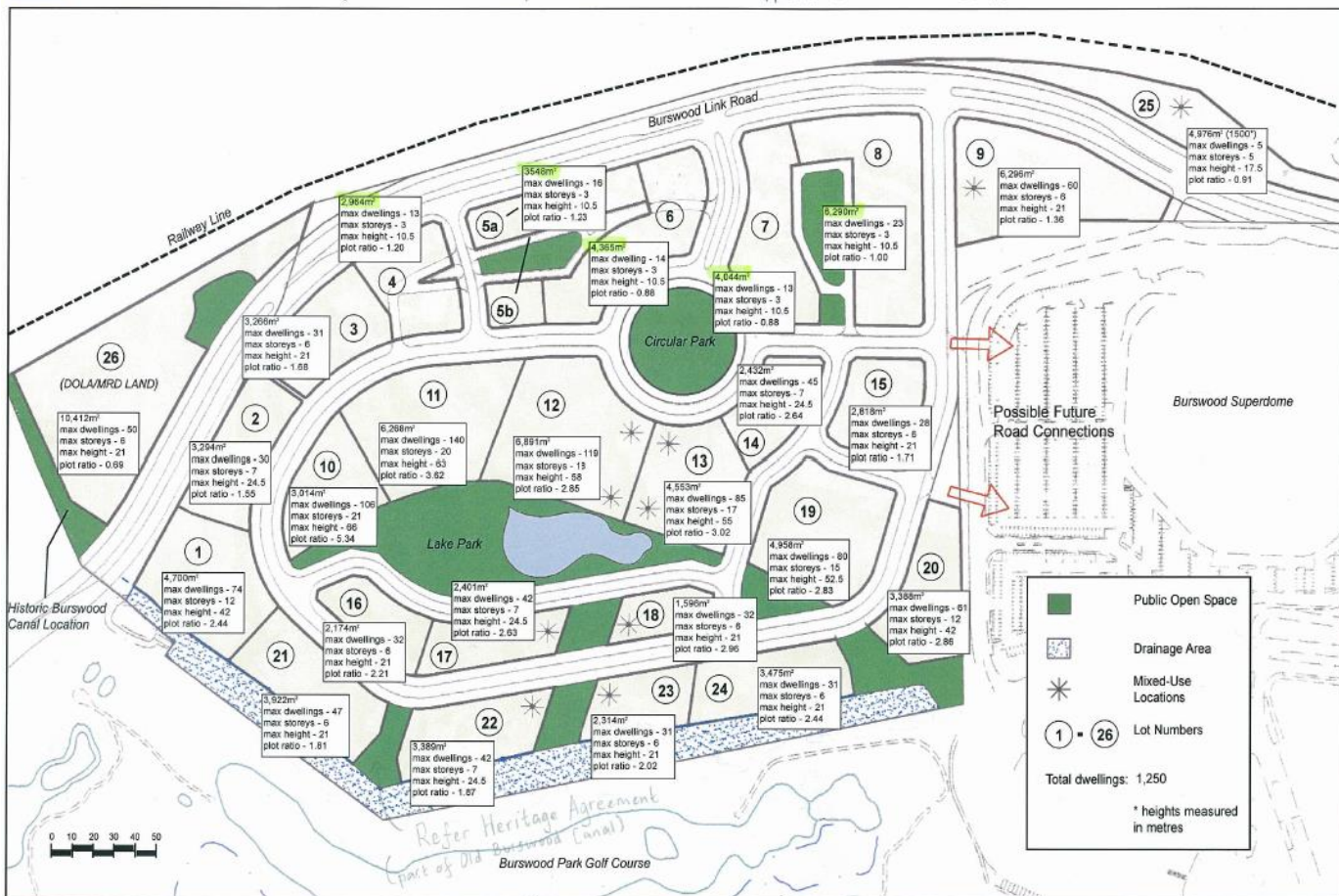
- Applicant's original application report received on 31 March 2016;
- Applicant original structure plan amendment documents received on 31 March 2016;
- Applicant's revised application report received on 29 July 2016;
- Applicant's revised structure plan amendment documents received on 29 July 2016;
- Submissions received during public advertising of original application from 12 April to 10 May 2016;
- Submissions received during public advertising of revised application from 22 August to 12 September 2016;
- Petition objecting to the application received by Council on 10 May 2016;
- Referral agency and utility service provider comments;
- Minutes of informal Design Review Committee Meetings held on 11 May 2016 and 17 August 2016;
- Minutes of formal Design Review Committee Meeting held on 19 October 2016;
- Approved Burswood Lakes Structure Plan;
- Burswood Peninsula District Structure Plan; and
- TPS No.1 Burswood Precinct Plan P2.

BACKGROUND:Existing Burswood Lakes Structure Plan

The Burswood Lakes Structure Plan was approved by Council on 17 December 2002 and by the Western Australian Planning Commission on 22 April 2003. The purpose of the Structure Plan is to guide the future subdivision and development of land within the Structure Plan area. The land subject to the Structure Plan, comprises primarily the land being developed by Mirvac known as 'The Peninsula', and other surrounding land parcels.

The Structure Plan depicts there being 26 superlots to be developed, as well as roads, easements, public open space and drainage areas. Figure 19 of the Structure Plan (below) outlines the primary development standards that apply to all of the superlots, being density, plot ratio and building height.

Lot areas amended - WAPC Ref. 121270 - Amended plan dated 12 Dec 2003 approved on 17 Feb 2004.



68 **Figure 19** Structure Plan Burswood Lakes Structure Plan

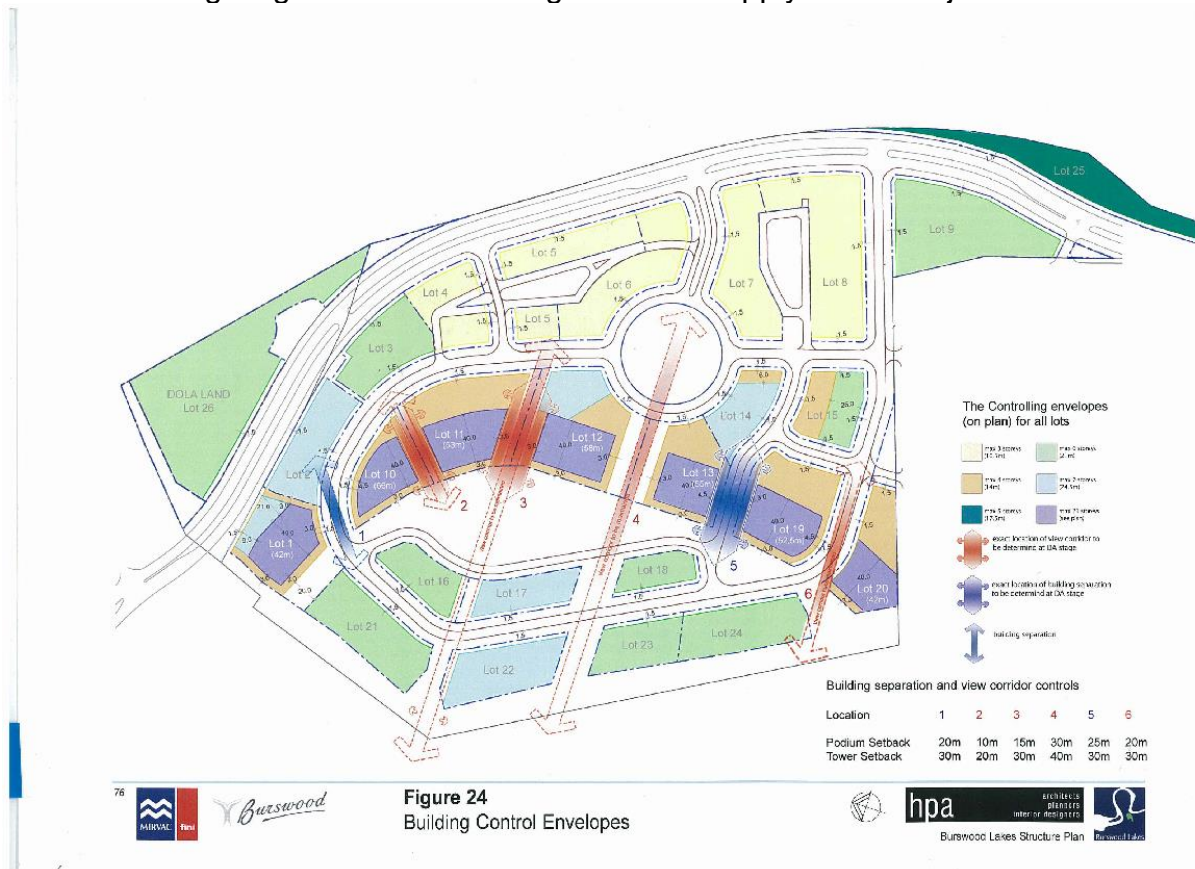
A significant extent of development has already occurred within the Structure Plan area, including the construction of residential towers on superlots 11, 12, 13, 19 and 20, medium rise apartments on superlots 23 and 24, and single residential dwellings on superlots 4, 5, 6, 7, 8, 14 and 18.

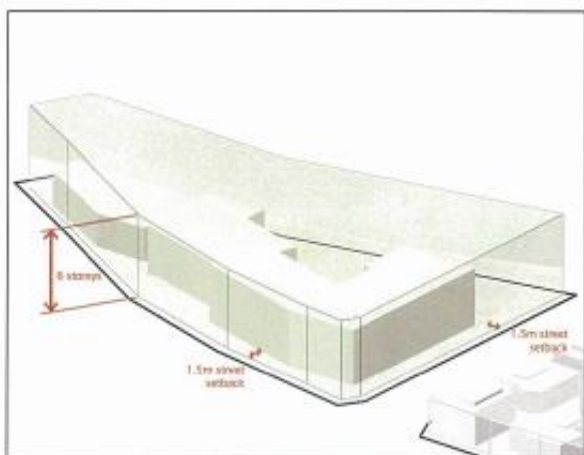
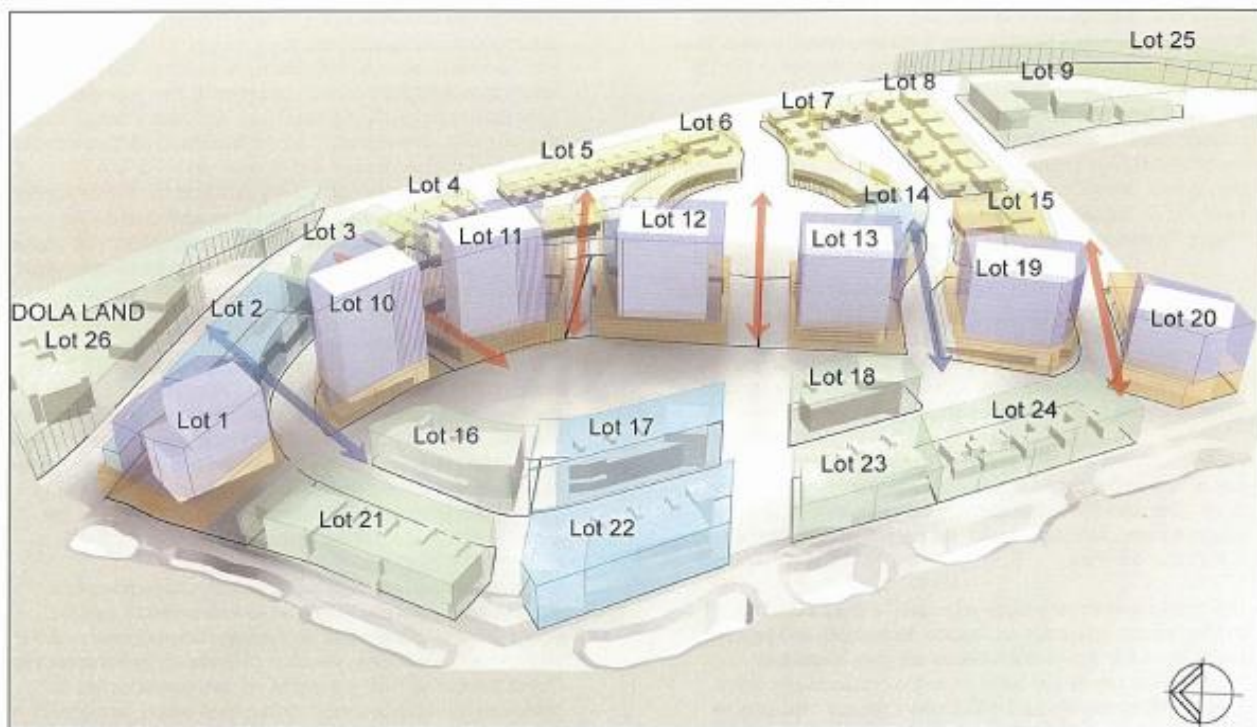
The lots, subject of this request for a variation to the Structure Plan are Lots 9 and 9525 (being those lots noted in the Structure Plan as superlots 9 and 25). The Structure Plan identifies these two lots as being located within the South-East Precinct, with the intent being :

“Forming a southern gateway to the development, this precinct will contain some mixed-use and retail components providing amenity to the residents of this new community. Four and five storey apartments on this site may further complement the eventual development of the Dome site.”

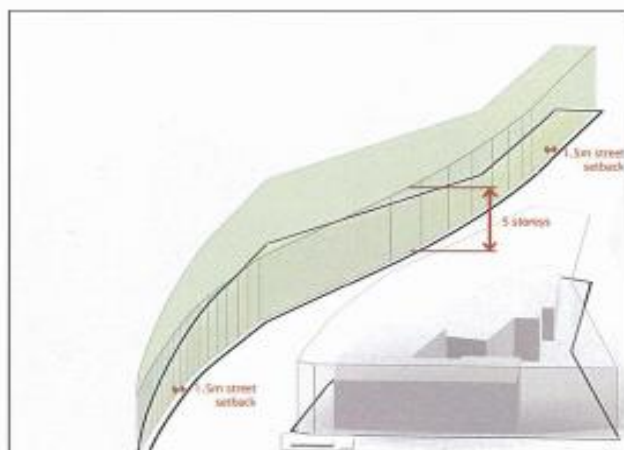


Figures 24-29 of the Structure Plan also outline building control envelopes that apply to each of the superlots. The purpose of the building control envelopes is to control the built form, mass and location of any building on each superlot, in addition to the permitted density, plot ratio and building height. The relevant Figures which apply to the subject lots are as follows:





LOT 9



LOT 25

The subject lots, Lots 9 and 9525, were previously owned by BL Developments, being a joint venture comprising Burswood Ltd and Mirvac. However in June 2007, ownership of these lots was transferred from BL Developments to EG Custodian Services, being the current landowners.

Change to Status of Local Structure Plans

Formerly, the Burswood Lakes Structure Plan was considered to comprise part of the Town of Victoria Park Town Planning Scheme No. 1.

The introduction of the *Planning and Development (Local Planning Scheme) Regulations* in October 2015 changed the weight and status afforded to Local Structure Plans such that they:

- No longer comprise part of the Local Planning Scheme; and are

- No longer given statutory significance, with decision makers to instead give “due regard” to Local Structure Plans (LSP) when determining development applications.

The authority of local governments to determine whether to initiate the creation or amendment of a LSP or to grant approval of the creation or amendment of a LSP has also been removed from local government.

Once a ‘sufficient’ application is received, the local government is bound to process and advertise the application, and make a recommendation to the Western Australian Planning Commission, which is ultimately responsible for determining an application for the creation or amendment of a LSP.

Previous Proposal to Amend Burswood Lakes Structure Plan

Council received a request from the landowner to vary the Structure Plan provisions relating to Lots 9 and 9525 Victoria Park Drive in July 2009.

The landowner sought approval for the following variations:

Lot 9	Lot 9525
228 dwellings in lieu of 60	127 dwellings in lieu of 5
18 storeys in lieu of 6	15 storeys in lieu of 5
63m building height in lieu of 21m	52m building height in lieu of 17.5m
Plot ratio of 3.3 in lieu of 1.36	Plot ratio of 2.75 in lieu of 0.91

Council refused the requested variations at its meeting in November 2009, principally due to concerns that the proposal was premature in advance of comprehensive strategic and structure planning being undertaken for the whole of the Burswood Peninsula as follows:

“TPG Town Planning and Urban Design, acting on behalf of EG Custodians Pty Ltd, be advised that the request for a variation to the Burswood Lakes Structure Plan for Lots 9 and 9525 Victoria Park Drive, Burswood, as outlined in correspondence and planning report dated received 10 July 2009, is Refused as it is considered that the proposal is premature in the absence of the guidance of an informed structure planning process for the land on both sides of the railway around the Burswood Station, particularly given :

1. *The importance of the development of the Burswood Station and its surrounds. DOP Transport Planning advised in May 2008 that “in our latest running of the TOD Assessment Tool, Burswood ranks 2nd (in the Metropolitan Area) in terms of potential for realising TOD”. In this respect it is worth noting that a draft Burswood Station Masterplan Project has now been prepared by the Public Transport Authority.*
2. *The variations are proposed prior to any detailed planning provisions to deal with density (minimum or maximum) or plot ratio, but more importantly, prior to any built form study to determine the best outcome for the whole area in recognition of the importance of this area to the development of this Precinct.*

3. *The variations are proposed without an understanding of Burswood Entertainment Complex's plans, the potential redevelopment of the Dome, gradients and finished levels for development to ensure best connectivity for the Precinct to the train station.*
4. *The proposed variations are being sought ahead of any coordinated view in regard to the servicing and infrastructure needs of the areas around the Burswood Station particularly given the densities sought, which particularly if replicated would have significant servicing requirements.*
5. *The possible loss of opportunity to secure view corridors between tower elements (eg. The Peninsula & Causeway Precincts) and retain opportunities for views from Goodwood Parade area.*
6. *Approval of the proposed variation would create an inequity in dealing with non-compliant applications for developers on Goodwood Parade seeking greater development potential for their land than have previously been approved by Council, but have been advised of the need to wait for the detailed structure planning to be undertaken for transit oriented development around Burswood Station.*
7. *Approval of the requested variations might drive the form of development around the Burswood Station particularly or even within the Precinct as a whole, which may not result in the optimum development outcome for the area thus prejudicing the progressive redevelopment of the area, given that strategic planning for the sites and surrounding areas is yet to be completed.*
8. *Council does not support significant variations to the approved Burswood Lakes Structure Plan.*
9. *Changes to the current Burswood Lakes Structure Plan in an ad-hoc manner, as proposed, would be detrimental to the orderly planning of the area.*
10. *The Council deems as flawed the decision of August 2005 which endorsed in principle the "Burswood Station Precinct Development Review Draft Final Report" as the reports presented to Council failed to outline in the textual material that this review impacted on the Burswood Lakes Structure Plan to the amount of over 5,000m².*
11. *The Council reaffirms its approval of the Burswood Lakes Structure Plan of 2002.*
12. *The Council is in favour of increasing the density around the Burswood railway station and adjacent lands in an orderly and structured manner incorporating appropriate infrastructure.*
13. *The Council is disappointed that the "Draft Burswood Peninsular Planning Framework" report has not been released as it could be a valuable reference in helping Council plan for future for this location and assist in determining variations to current plans."*

The landowner appealed Council's refusal to the State Administrative Tribunal, however the Minister for Planning ordered that the appeal be 'called in' and determined by himself due to the State and regional significance of the proposal.

In June 2011, the Minister determined that the requested variations to the Structure Plan be refused, on the basis that approval would be premature prior to completion of the structure planning for the area.

A number of the conclusions reached by the Minister are relevant to consideration of the current application and include the following:

- *"if I approved the Variation I will be permitting structure planning for the subject land to be completed independently of the structure planning for the area of which it forms a part. If I refuse to approved the Variation, development on the subject land will either be sub-optimal or have to await completion of the planning contemplated by the Review and the draft Framework.*
- *The relevant planning documents and, in particular, the Review and the draft Framework have emphasised the important role that comprehensive structure planning will play in maximising the area's potential, both in relation to transit oriented development and more generally. They have also emphasised the importance of adopting a coordinated approach. Approving the Variation would be inconsistent with those approaches.*
- *Moreover, a number of deficiencies have been identified in the information provided to support the Variation, such as in relation to traffic and parking, which flow from their focus on the subject land and the effect of the Variation when taken in isolation. Even where a more comprehensive approach has been taken, that approach is undermined by the uncertainty about how the area will be developed. The ongoing structure planning and investigations should remove that uncertainty.*
- *I accept, as I have said earlier, that what the Variation proposed is more consistent with local and regional planning trends than what the Structure Plan currently permits. However, the desirable outcomes which the Variation would foster will not become attainable because I refuse to approve it. They will be attained in the context of the greater certainty and coordination which the ongoing structure planning and investigations should bring.*
- *In light of the above, I consider that approval of the Variation would be premature."*

WAPC approval of Burswood Peninsula District Structure Plan

The WAPC released the Burswood Peninsula District Structure Plan for public comment in September 2014. The Structure Plan was approved by the WAPC on 24 February 2015. The District Structure Plan provides high level strategic direction for the future development of land across the peninsula and informs the master planning and local structure planning that is attended to occur for the various precincts identified within the District Structure Plan framework.

Lots 9 and 9525 are identified as areas for ‘High Density’ residential and mixed use development, and are captured within the ‘Burswood Station West’ neighbourhood which is:

“Planned as a comprehensive redevelopment of the land formerly occupied by the Burswood Dome and surrounding carpark, Burswood Station West is envisaged as a mixed residential, commercial and entertainment precinct that stitches together The Peninsula and Crown Perth with an upgraded Burswood Station.”



Relevant matters noted in the District Structure Plan for the precinct (Burswood Station West and East as a whole) include:

- “Developed around an upgraded Burswood Railway Station, the precinct will introduce a mix of medium to high density residential, office, retail and entertainment within the station’s walkable catchment.
- The redeveloped precinct will ‘stitch’ together the Peninsula, the Springs and Crown Perth as part of an integrated, legible and comfortable urban setting.
- A high quality network of local roads, pathways and public spaces will make the area more convenient, secure and enjoyable to move around.
- Provision of upgraded parking facilities to cater for existing and proposed development across the precinct.”

The District Structure Plan estimates that the combined Burswood Station West and East precincts will have a development yield of approximately:

- 4,500 dwellings
- 7,700 residents
- 160,000m² office/commercial; and
- 30,000m² retail.

The District Structure Plan does not define what level of density is contemplated by the term ‘high density’ on the basis that this will be determined by the relevant authorities responsible for undertaking the master planning and detailed local structure planning for the various precincts within the district structure plan area, to determine such matters as building heights, site densities/dwelling yields, building envelopes, etc.

Page 34 of the District Structure Plan states that its purpose is *“to establish the future land use and development intent for the Peninsula, and clearly identify areas that require additional detailed planning and investigation before development can proceed.”*

The implementation table at page 70 of the District Structure Plan indicates that the Department of Planning is expected to finalise the masterplan and local structure plan for the Burswood Station West precinct. Additionally, the 'Governance' section at page 76 indicates that the Town will "*consider whether the existing Precinct Plans require amendment or new plans prepared to accommodate the significant proposals identified in the Burswood DSP.*"

Inconsistency of precinct boundaries within local and district level structure plans

The existing Burswood Lakes Structure Plan now covers land across two precincts identified within the higher level Burswood Peninsula District Structure Plan, being "The Peninsula" and "Burswood Station East & West" precincts.

It would normally follow that a local structure plan would relate to each precinct identified within its parent (or higher level) District Structure Plan. This has not occurred in the case of the adoption of the Burswood Peninsula District Structure Plan, which effectively excises Lots 9 and 9525 from the remainder of the precinct identified as "The Peninsula" and places these lots within the "Burswood Station East & West" precinct.

DETAILS:

A formal request was submitted on 4 February 2016 from TPG Town Planning, Urban Design and Heritage on behalf of EG Property Management Pty Ltd, to vary the provisions of the Burswood Lakes Structure Plan applying to Lots 9 and 9525 Victoria Park Drive, Burswood. The request was deemed to constitute a formal application to amend the structure plan on 31 March 2016, following the submission of additional information, an amended report and diagrams to the satisfaction of Council Officers. The application was forwarded to the Western Australian Planning Commission (WAPC) on 6 April 2016, commencing the formal statutory assessment and processing of the application in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Lots 9 and 9525 are located at the southern end of the land subject to the Structure Plan.

Lot 9 has a lot area of 6441m². This lot is located on the western side of Victoria Park Drive and also has a street frontage to Bow River Crescent on its northern boundary. The site is adjoined to the west by the former Burswood Dome site.

Lot 9525 has a land area of 5013m². This lot is located on the eastern side of Victoria Park Drive, and has the Perth-Armadale railway line directly adjoining its eastern boundary. The Burswood Train Station is located directly to the south of this lot.

Submission of original and revised amendment proposals

The application seeks to amend the existing density/dwelling yield, land use, plot ratio, and building envelope controls applying to the land situated at Lots 9 and 9525 Victoria Park Drive, as contained within the Burswood Lakes Structure Plan. It should be made clear that notwithstanding that the applicant has submitted concept drawings of proposed buildings for the subject sites, this is not an application for development approval. Instead, this is a request to vary the development standards of density, plot ratio and building height that apply to the subject lots. To elaborate, this is a request to change the planning framework or standards applying to the land under the Structure Plan. In the event that approval was

to be granted by the Western Australian Planning Commission for the requested variations to the Structure Plan, then the applicants will still be required to submit an application for development approval for Council's (or the Metropolitan Central Joint Development Assessment Panel's) consideration.

The applicant's original submission proposed the following major changes for the sites:

Lot 9	Lot 9525
392 dwellings in lieu of 60	192 dwellings in lieu of 5
Up to 19 storeys in lieu of 6 storeys (2 storey podium with 2 towers above up to 19 storeys high)	Up to 14 storeys in lieu of 5 storeys (2 storey podium, with one tower up to 14 storeys high)
56m building height in lieu of 21m	41.5m building height in lieu of 17.5m
Plot ratio of 4 in lieu of 1.36	Plot ratio of 1.92 in lieu of 0.91
Land Use: To permit Hotel & Serviced Apartment uses with ground level retail uses	Land Use: To permit Hotel & Serviced Apartment uses with retail uses at pedestrian levels
Designated vehicular access from Bow River Crescent	Designated vehicular access from Victoria Park Drive (the only available)

In response to the issues and concerns raised throughout the application process by Council Officers, DRC Members, State Government agencies and members of the public following the initial advertising of the application, a revised proposal was formally submitted by the applicant on 29 July 2016, amending the proposal to the following:

Lot 9	Lot 9525
353 dwellings (including 13 townhouse units fronting Bow River Crescent)	208 units/hotel rooms in lieu of 5 dwellings
Up to 24 storeys in lieu of 6 storeys (2 to 4 storey podium with two towers, one up to 10 storeys (northern Tower 1) and one of 24 storeys (southern Tower 2) high)	Up to 16 storeys in lieu of 5 storeys (2 storey podium, with one tower up to 16 storeys high)
75m building height in lieu of 21m	51m building height in lieu of 17.5m
Plot ratio of 4 in lieu of 1.36	Plot ratio of 2.3 in lieu of 0.91
Land Use: Dwellings with ground ground level retail uses	Land Use: To permit Hotel & Serviced Apartment uses with retail uses at pedestrian levels
Designated vehicular access from Victoria Park Drive	Designated vehicular access from Victoria Park Drive (the only available)

Retail development is proposed for specialty retail and daily needs of residents with a total maximum area of 2,400m² net lettable area (NLA) being provided across the two sites, and a maximum single tenancy size of 400m² NLA.

The application proposes to amend Figures 2, 5, 6, 7, 8, 9, 10, 18, 19, 24, 25, 27 and 29 contained within the existing Burswood Lakes Structure Plan to effect the above changes.

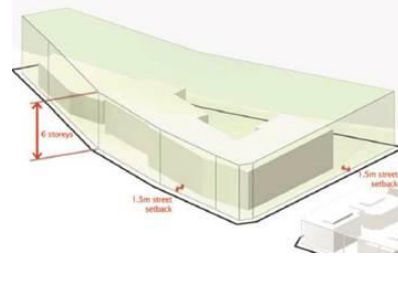

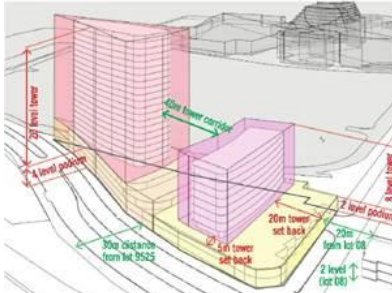
The applicants have acknowledged that if their application is approved by the WAPC, development of the sites as per the amended land use and building requirements would not be able to occur unless the Burswood Precinct Plan provisions for each of the sites are also amended such that they are consistent with the amended structure plan provisions by way of a formal amendment to Council's Town Planning Scheme No. 1.

Comparison to Previous and Current Proposals

Tables comparing the current proposal against the original application submitted in February 2016 and the refused 2009 application are provided below.


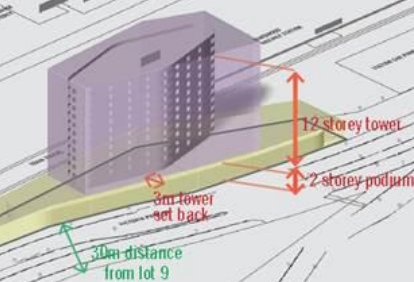
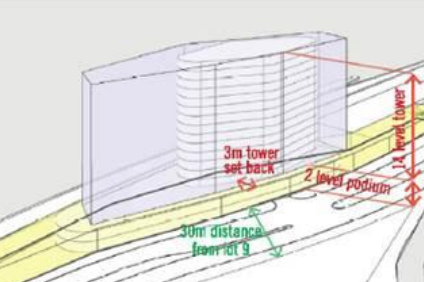
Summary of Previous and Current Proposals for Lot 9:

Requirements for Lot 9	Existing Structure Plan	Refused 2009 Amendment	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
Maximum dwellings	60 dwellings	228 dwellings	392 dwellings/units	353 dwellings (incl. 13 townhouses)
Maximum storeys	6 storeys	18 storeys	Podium – 2 storeys Tower 1 – 19 storeys Tower 2 – 19 storeys	Podium - 2-4 storeys Tower 1 - 10 storeys Tower 2 – 24 storeys
Maximum height	21 metres	63 metres	56 metres	75 metres
Plot ratio	1.36	3.3	4	4
Land Use	Dwelling permitted. Hotel & Serviced Apartment uses prohibited.	As per existing structure plan	To permit Hotel & Serviced Apartment uses	Dwellings (permanent accommodation)
Vehicular Access	Not designated	Not designated	Bow River Crescent	Victoria Park Drive

Proposed Changes to Lot 9 Building Envelope		
Existing Structure Plan	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
		

Summary of Previous and Current Proposals for Lot 9525:

Requirements for Lot 9525	Existing Structure Plan	Refused 2009 Amendment	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
Maximum dwellings	5 dwellings	127 dwellings in lieu of 5	192 dwellings/units	208 units/hotel rooms
Maximum storeys	5 storeys	15 storeys	Podium – 2 storeys Tower – 14 storeys	Podium – 2 storeys Tower – 16 storeys
Maximum height	17.5 metres	52 metres	41.5 metres	51 metres
Plot ratio	0.91	2.75	1.92	2.3
Land Use	Dwellings permitted. Hotel & Serviced Apartment uses prohibited.	127 dwellings in lieu of 5	To permit Hotel & Serviced Apartments uses	To permit Hotel and Serviced Apartments uses
Vehicular Access	Not designated	Not designated	Victoria Park Drive	Victoria Park Drive

Proposed Change to Lot 9525 Building Envelope		
Existing Structure Plan	Original Amendment (Feb 2016)	Revised Amendment (Jul 2016)
		

Applicant's Supporting Information

In support of the formal request to vary the Structure Plan, the applicant has submitted a detailed report with accompanying plans and consultant reports, which are tabled.

Part One of the report outlines implementation measures and the specific amendments to the existing Burswood Lakes Structure Plan that are proposed.

Part Two is an Explanatory Report providing support of the proposed changes, including background information and a response to the major reasons outlined by the then Minister for Planning's decision to refuse the applicant's 2009 structure plan amendment application.

An extract of the key reasons provided by the applicant in support of the proposed amendment is provided, as follows:

- The existing structure plan developed in 2002 was premised upon a population increase of 4,500 persons in the Central Perth area and a total of 10,100 residents, from 1996 to 2001. This is not considered to be an accurate reflection of current or projected housing demand.
- The Burswood Peninsula District Structure Plan has since been created to recognise the key inner city location of the Burswood Peninsula and to facilitate the objectives of key State and local planning policies that seek to take maximum advantage of transport and infrastructure provision and to provide high quality development.
- The Burswood Peninsula District Structure Plan establishes the overarching principles and settings within which the further structure planning activities (and indeed structure plan amendments such as this) can be progressed.
- The structure plan amendment application has been prepared in the context of this document and is considered to completely align with the scale, intent and strategic direction of the Burswood Peninsula as envisioned within the Burswood Peninsula District Structure Plan.

The applicant has also summarised and provided commentary against the reasons of the former Minister for Planning's decision to refuse the applicant's 2009 Structure Plan amendment application, arguing that the planning framework and context have progressed significantly since the decision of the Minister and should now be approved. The applicant's response to the key considerations of the Ministerial decision are provided below:

- *"The Proposed Structure Plan amendment is consistent with the principles of orderly and proper planning – this Structure Plan amendment request has been prepared in accordance with the Regulations, it relates to an operational structure plan and is completely aligned with all State level policies both specifically for the Burswood Peninsula and in more general terms for planning considerations such as maximising the efficiency of development land while not compromising amenity, and the provision of residential density in close proximity to established public transport nodes.*
- *The strategic planning issues for the relevant area to the subject sites have been resolved through the Burswood Peninsula DSP and the resolution of 'big ticket' items such as the decision on the location of the new Perth Stadium and associated*

infrastructure commitments that provide certainty for major infrastructure assets. Issues that relate to other areas within the Burswood Peninsula such as the areas to the east of the railway line are not considered to be directly relevant to the subject site, given its physical separation and unique characteristics.

- *As noted above, the proposed Structure Plan amendment is ‘presently’ consistent with the principles of orderly and proper planning – this amendment request has been prepared in accordance with the current Regulations, it relates to a current operational structure plan and is completely aligned with all current state level policies both specifically for the Burswood Peninsula and in more general terms. The proposed Structure Plan amendment addresses current planning considerations such as maximising the efficiency of developable land while not compromising amenity, and the provision of residential density in close proximity to established public transport nodes.*
- *Public comment has been sought, compiled and responded to at the district level strategic planning which was the subject of extensive consultation and lengthy comment periods. Further advertising and consultation will form part of both this structure plan amendment process and any development application that follows.*
- *Traffic consultants Flyt have analysed the usage of the station and the related capacity of trains moving to and from the station and have concluded that there is capacity within the train network to accommodate additional passengers from the proposed structure plan amendment. Whilst the PTA have advised that there are no specific station upgrades proposed for the station, the proximity of a large number of residents adjacent to the station will contribute to surveillance and activation of the station, which will maximise the efficiency of the infrastructure and reduce anti social behaviour.*
- *In addition the access to and from the station to the west will be totally reconfigured subject to study and approval, with a number of access options available through the site to facilitate connection and permeability through to the Crown complex and other residential areas of the Burswood Peninsula. The increased patronage accessing the train station as a direct result of this structure plan amendment will add to the justification for the PTA redeveloping the station sooner (if deemed necessary) to service better the increased catchment utilising the station.*
- *The development of high density residential development directly adjacent to an existing train station is entirely consistent with the objectives and theory of transit oriented design and planning principles. The concentration of residents and Serviced Apartments patrons, combined with limited parking will encourage the use of public transport – which will also comprise the easiest method of accessing the largest employment generator in the vicinity – the Perth CBD.*
- *The strategic planning issues raised before as they relate to the subject sites have largely been resolved. The subject sites form a discrete component – one of the last undeveloped pockets of an operational structure plan and the proposed structure plan amendment will bring the existing structure plan into line with the Burswood Peninsula DSP and the residential density aspiration contained within.*

- *The approval of the Structure Plan amendment is no longer premature. The new Perth Stadium is nearing completion, planning for the Belmont Park development is nearly complete, The Springs residential development is well underway and the district level planning for the whole peninsula has been completed. This proposal is entirely in harmony both with the surrounding contextual development and also the strategic intent of the district level planning. The issues which made the previous application premature have been resolved and the proposed Structure Plan amendment represents the clear application of orderly and proper planning principles.”*

Legal Compliance:State Government Legislation & Policy

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2, Part 4;*
- State Planning Policy 3.1 Residential Design Codes;
- State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning; and
- Burswood Peninsula District Structure Plan.

Local Government Planning Scheme & Policy

- Town Planning Scheme No. 1 (TPS1);
- TPS 1 Precinct Plan P2 – ‘Burswood Precinct’; and
- Burswood Lakes Structure Plan.

Submissions:Community Consultation:

The application was subject to an extensive consultation process, conducted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The statutory 28-day public advertising period for the applicant’s original proposal ran from 12 April to 10 May 2016 and involved the following:

- Two notices in the Southern Gazette newspaper at the commencement and middle of the advertising period;
- Notice on Council’s website with online access to the application documents;
- Copies of the application documents available for inspection at Council’s Administration Building and Library;
- Letters sent directly to all owners and occupiers of all properties within the locality (over 1,100 letters);
- Referral of the application to relevant public authorities and utility service providers;
- Display of signs on site (two on each lot); and
- Community Information Session run by Council Officers.

Readvertising for a further 21 days occurred for the applicant’s revised proposal received on 29 July 2016, from 22 August to 12 September 2016. This involved:

- Online access to the applicant’s original and revised application documents;
- Letters sent directly to all owners and occupiers consulted during the initial advertising period;
- Emails sent to all persons who made submissions in relation to the original application; and

- Referral to those relevant public authorities whose comments were deemed to be potentially impacted by the revisions made to the proposed structure plan amendment.

Community Information Session

Council Officers held a one-hour community information session regarding the proposal at the Town's Administration Centre on 27 April 2016.

The purpose and objectives of the information session were to:

- Provide background information regarding the previous proposal to amend the structure plan provisions relating to Lots 9 & 9525;
- Clarify the Council's role and the process to be followed in the assessment and determination of the application;
- Provide an overview of the changes proposed to the Burswood Lakes Structure Plan;
- Answer any general or technical queries regarding the changes, the processes involved or opportunities for involvement; and
- Receive feedback and record any concerns expressed by those attending the information session.

Approximately 25 community members as well as one of the Town's Elected Members attended the community information session.

A number of concerns were expressed at the meeting, notably in relation to overshadowing, visual impacts of the proposal on adjacent low-rise residential properties and traffic.

A summary of comments voiced by community members at the information session is provided below:

- Does the applicant's traffic study consider the whole of the precinct, and does it consider the outcomes of the full build out of the precinct, or only current levels of traffic?
- "Like death by 100 cuts". We as residents continually feel like the State Government and developers are ramming high density development into the area without consideration for the existing residents who bought into the area based on an agreed local structure plan that set our expectations and provided certainty about the future of the area.
- We continually voice our concerns and objections to deviations from the structure plan, however we feel unheard and that our concerns are continually dismissed at the expense of big business interests and the State Government.
- Cars and traffic feeding into the estate/The Circus. There will be too many people and visitor parking will flow over into the residential streets of the estate.
- There is very little open space available in the vicinity, residents of the proposals would be forced to utilise the open space at The Circus, which is small and heavily utilised already.
- The structure plan caps the total number of dwellings to 1,250. There are already approximately 600 dwellings within the estate, which is not yet fully built out. The application proposes to increase the number of dwellings on Lots 9 and 9525 from a total of 6 dwellings for both sites to almost 600!
- So almost half the entire number of dwellings supposed to be constructed in the area are now being proposed on two lots with this proposal! This is incredible! The Town should not support this!

- Have Crown provided a response to the proposed Hotel use/ Serviced Apartments?
- There are already residents parking in the streets as they own more than one vehicle but only have one car bay within their building. There is already a chronic undersupply of parking within the estate. This will get far worse if this is approved.
- There could be negative social impacts arising from having a Hotel use situated directly across from the train station. There will be more people, more drinking and potential for undesirable activities to occur.
- Could there be safety issues for road and train station users?
- There should be traffic control measures implemented to prevent traffic from these developments flowing into the estate by turning left into Bow River Crescent when exiting Lot 9. There are already many vehicles that park or utilise roads in the estate to cut through past congestion on Victoria Park during/after events held at Crown entertainment complex.
- Traffic in the local area is already set to increase substantially with the opening of the Crown Hotel and the Stadium when it becomes operational. This proposal will add more pressure and traffic to the area making an already bad situation much worse.

Similar comments/issues were submitted to Council by way of written submissions submitted during the community consultation period. These are summarised and responded to below.

Petition Objecting to Amendment

A 65 signature petition was received from surrounding Burswood residents and land owners objecting to the application to amend the Burswood Lakes Structure Plan. The petition states four grounds of objection, which are detailed in full and responded to, in the table below.

Grounds for Objection	Officer Comments
<p><i>TRAFFIC MANAGEMENT - The proponent proposes no setbacks. The traffic study does not take into consideration the sight lines from Bow River Crescent to traffic travelling north on Victoria Park Drive. On that basis alone the proposal should be rejected.</i></p>	<p>Not Supported. Traffic management is a relevant consideration, however vehicle sightlines are a development application consideration and dependent upon the location and setback of any proposed buildings and points of vehicular access in and out of the site which would be determined at development application stage. Lot 9 already incorporates a 6m by 6m corner lot truncation at the corner of Victoria Park Drive and Bow River Crescent, which will provide for adequate vehicle sightlines (as per standard requirements for all development) at this intersection.</p>

<p><i>GREEN SPACE - The application has very little or no green space, which is at odds with the current regulations and is not in keeping with the existing residential area.</i></p>	<p>Not Supported. Aside from the public open space reserves created through subdivision of the structure plan area, most green space in and around developed sites is provided by verge treatments and private front courtyards. The structure plan amendment does not seek to vary landscaping or open space requirements, which are matters to be considered and assessed at development application stage.</p>
<p><i>CRIME AND ANTISOCIAL BEHAVIOUR - Burswood train station is currently the worst in Perth for street crime, and a phalanx of one bedroom apartments will attract more crime, and there has been no recognition or proposed initiative's to control this increased antisocial behaviour.</i></p>	<p>Not Supported – Such notions imply that patrons of a hotel use on Lot 9525 would engage in antisocial activity in a visible and impactful way, that would harm the amenity of existing residents, and is conjecture only. Increased density, active land uses, and increased pedestrian movements and surveillance in and around Burswood Station is likely to deter crime and antisocial behaviour, and is consistent with established planning and CPTED (crime prevention through environmental design) principles.</p>
<p><i>PARKING - Parking is already a major problem within the estate and the impact of vehicles for 584 units brings to the estate will create chaos and result in damage to parks and road verges within the estate.</i></p>	<p>Not Supported – Provision of parking for any buildings on the sites will be determined at development application stage. The Burswood Station East and West Precinct is expected to deliver up to an additional 4,500 dwellings under the Burswood Peninsula District Structure Plan, and it would be unrealistic not to expect a significant level of high density development to occur on sites in close proximity to Burswood Station, consistent with the District Structure Plan, State Government Planning Policy and transit oriented development principles.</p>

Submissions in relation to original proposal

The applicant's original application was publicly advertised from 12 April to 10 May 2016. 90 submissions were received during the advertising period. Only one of the submissions was in support of the application with all others objecting. The majority of submissions came from persons who reside or own properties within The Peninsula estate developed by Mirvac Property Group.

The matters raised in the submissions are summarised in the table below, having regard to common themes concerning car parking, risk of antisocial behaviour, amenity and lifestyle impacts, land use, property values, size and scale of development, and infrastructure provision.

<p>Summary of Submissions in Support of Proposal (1)</p>		
<p>Issue</p>	<p>Specific Comments</p>	<p>Officer Comment</p>
<p>General Comments</p>	<ul style="list-style-type: none"> Support proposed change to allow development of better facilities. Good for the Town of Victoria Park and good for residents nearby. 	<p>Support for amendment noted.</p>

Summary of Objections (89)		
Issue	Specific Comments	Officer Comment
General Comments	<ul style="list-style-type: none"> We wish to register our strong objection to the proposal. 	Objection noted.
	<ul style="list-style-type: none"> We hope the Town will refuse such an outrageous proposal. 	Not supported. Whilst the amendment is considered premature in the absence of the preparation of a local structure plan for Burswood Station West, high density development surrounding Burswood Station in accordance with transit oriented development principles has been established as an appropriate outcome under the Burswood Peninsula District Structure Plan.
	<ul style="list-style-type: none"> No doubt the proposal is very appealing financially to investors but is bad news for current residents. 	Opinion noted, however financial interests are not relevant planning considerations.
	<ul style="list-style-type: none"> Burswood Peninsula residents will depend on support of the Town to protect their rights in the redevelopment of this community and deserve honesty and transparency in this process. 	Noted. Council Officers have consulted openly with the community and have advertised and processed the application in accordance with relevant statutory requirements.
	<ul style="list-style-type: none"> No alteration to the original structure plan should be permitted. 	Not supported. As noted in Council's refusal of the applicant's 2009 application, increased density for Lots 9 and 9525 is considered appropriate and consistent with the now established district structure planning framework for the Burswood Peninsula.
	<ul style="list-style-type: none"> The Council doesn't enforce its by-laws now. Imagine the mess this will create if approved. Council must look beyond the extra rates revenue that would be generated by the proposal. 	Not supported. Rates revenue and enforcement of Council by-laws are not relevant planning considerations and do not influence the position of Council Officers with respect to the proposed amendment application.
	<ul style="list-style-type: none"> The developer/owner have never built anything in WA so I assume their goal is to get the new plan approved and then sell the land to another builder and walk away with the profit. We are then left with the problems when the 	Not supported. These comments are unfounded and the intentions of the present owners are not known. Management and maintenance issues are not relevant to determining appropriate density and built form outcomes for the precinct.

Summary of Objections (89)		
Issue	Specific Comments	Officer Comment
	development is built and the Council washes their hands of the project as they have done with the Burswood Peninsula Estate.	
	<ul style="list-style-type: none"> Please consider your current constituents and the established community before agreeing to these unnecessary changes. 	Supported – Council Officers have considered the submissions received from the community and factored these into their consideration of the application.
	<ul style="list-style-type: none"> The owner, Council and local residents should work together to see the sites developed with a win-win outcome for all. The sites should be developed by an owner/developer who seeks to have a good community outcome, not one seeking to make top dollar. 	Supported in Part – Responsibility for local structure planning for Burswood Station West lies with State Government, however Council is willing to cooperate as a key stakeholder in this process and has requested the WAPC to progress this as a priority.
	<ul style="list-style-type: none"> The outcomes, particularly in terms of traffic, resulting from the Crown Tower and new Perth Stadium are unknown. Such a significant proposal should not be considered until the implications of these latest major developments are known. 	Supported – Whilst the traffic impact assessment makes mention of Crown Towers and the new Stadium it does not take into account the impact on traffic in the area once they are operational or during special events, AFL games, etc. The true impacts (even if modelled) are also ultimately unknown until they can actually be measured.
Traffic & Car Parking	<ul style="list-style-type: none"> Higher density living will result in increased vehicle traffic and parking requirements. 	Supported. The Burswood Station West precinct is envisaged to be redeveloped for high density mixed use development that will inevitably result in increased car parking and traffic in the locality. The application of appropriate car parking standards and densities for development throughout the precinct are matters to be determined through detailed local structure planning for the precinct.

	<ul style="list-style-type: none"> An acute parking problem currently exists in the precinct as parking demand from the adjacent Crown Casino exceeds available spaces. 	<p>Not supported. Overflow parking into the estate from Crown entertainment complex patrons is not a relevant factor in determining appropriate densities and built form for development on Lots 9 and 9525.</p> <p>Parking for residents and visitors will be assessed and considered as part of the development application process, and will have regard to the proximity of the sites to Burswood Train Station.</p>
	<ul style="list-style-type: none"> There is already an undersupply of visitors car bays for existing developments in the locality. 	<p>Not supported. Insufficient parking within The Peninsula estate is not relevant to determination of appropriate densities and built form for development on Lots 9 and 9525. Parking for residents and visitors will be assessed and considered as part of the development application process, and will have regard to the proximity of the sites to Burswood Train Station.</p>
	<ul style="list-style-type: none"> Proposed density will cause major parking problems and congestion, compounding existing traffic and congestion issues. 	<p>Not supported. Parking for residents and visitors will be assessed and considered as part of the development application process, and will have regard to the proximity of the sites to Burswood Train Station. Whilst The Peninsula is nearing full build out, the Burswood Peninsula is expected to undergo significant further development for high density mixed use development, in particular the Belmont Park, Burswood Station West and Burswood Station East precincts.</p> <p>The area is in transition and will continue to be so until full build out is reached as envisaged under the Burswood Peninsula District Structure Plan, which may take several decades.</p>

	<ul style="list-style-type: none"> Assuming each dwelling has 2 cars each, Bow River Crescent and the surrounding area cannot handle this additional traffic and amount of parking. 	<p>Not supported. The development concepts provided by the applicant provide an average of just over 1 bay per dwelling, and rely heavily on accessibility to the Burswood Train Station. Local structure planning for the Burswood Station East and West precincts will require reduced (and likely capped) car parking standards to ensure that traffic and transport outcomes can be appropriately managed, to allow for the full build out of the precincts as areas for high density transit oriented development to be realised.</p>
Antisocial behaviour	<ul style="list-style-type: none"> Proposed density implies a lower cost apartment availability which is likely to elevate the current and unacceptable level of antisocial behaviour. 	<p>Not supported. Dwelling diversity and increased housing choice is a beneficial outcome, that encourages a diverse mix of residents of differing socio-economic status to reside within the locality and form part of a diverse community of varying ages, employment types, households and family sizes.</p>
	<ul style="list-style-type: none"> The setbacks proposed are ridiculous. There is already a problem with bottle throwing residences now, what is this going to bring with short term accommodation? Burswood station has a bad enough reputation now. 	<p>Not supported. Such issues are capable of being managed through appropriate design measures at development application stage. Refer to comments above regarding antisocial behaviour.</p>
Amenity & Lifestyle Impacts	<ul style="list-style-type: none"> Decision to purchase was predicated on amenity of the area as prescribed in the Burswood Lakes Structure Plan as it stood in 2005. 	<p>Noted. However, the planning framework for the broader Peninsula and wider Perth Metropolitan Area has significantly shifted since this time and identifies the Burswood Peninsula as an area for major population growth.</p>
	<ul style="list-style-type: none"> Residents' entitlement to a lifestyle and amenity sold by Mirvac has already been overturned by the new Crown hotel development. 	<p>Noted.</p>

	<ul style="list-style-type: none"> Existing adverse amenity impacts attributable to the casino, railway station, stadium project and surrounds, namely antisocial behaviour, threats to security, noise, increased traffic, road closures, lack of parking for residents and friends due to parking of casino patrons and construction workers in their spaces, will be compounded and made exponentially worse by the proposal. 	<p>Not Supported. Insufficient parking within The Peninsula estate and overflow of parking by patrons of the Burswood Entertainment Complex are not relevant to the determination of appropriate densities and built form for development on Lots 9 and 9525. Parking for residents and visitors will be assessed and considered as part of the development application process.</p>
	<ul style="list-style-type: none"> Existing amenity will be further eroded if such unfettered development is approved at a scale previously considered unacceptable and out of kilter with community expectations. 	<p>Opinion noted. The Peninsula estate whilst largely an isolated community at present was never intended to stand alone as the only significant high density residential development on the Burswood Peninsula, with development around the Belmont Park Racecourse and the future redevelopment of the former Burswood Dome site already being flagged at this time. Since adoption of the structure plan, district structure planning for the whole of the peninsula has been completed which envisages The Peninsula as one of several connected precincts incorporating high density residential and mixed use development that takes advantage of excellent public transport links, recreational, entertainment and employment opportunities.</p>
	<ul style="list-style-type: none"> Taller buildings will obstruct views from existing towers of the Perth hills landscape. An increase from 6 to 19 storeys is very significant and will block views of the landscape. 	<p>Not supported. It is unrealistic to expect that views should be maintained only for existing residents of existing towers/developments, which themselves inhibit views from the subject lots and future development on other sites external to the Peninsula estate.</p>

	<ul style="list-style-type: none"> • Privacy will be impacted from the residents of the towers. 	<p>Not supported. The Peninsula development includes a number of large high density residential towers, which overlook surrounding lower density homes. Development of the subject sites will be subject to the visual privacy requirements of the Residential Design Codes as were developments approved within The Peninsula estate.</p>
	<ul style="list-style-type: none"> • There is no wind or shadow study provided. 	<p>Not Supported. The requirements for a wind study would be relevant at development application stage to determine whether a proposed development would cause unacceptable impacts due to wind on surrounding properties or the public realm. In relation to shadow, the applicant has provided an analysis based on the building envelopes proposed for the sites, which confirms that the majority of the building shadow will fall on or to the south of the sites, given their orientation and location south of existing development within the Mirvac estate.</p>
Land Use	<ul style="list-style-type: none"> • Hotel and Serviced Apartments will not be commensurate with existing dwellings in vicinity and will lower the status/image of the precinct. 	<p>Not supported. Refer to comments above regarding land use. Comments are unsubstantiated and the site is located in close proximity to a significant employment, entertainment and tourism generator, which lends itself to such a use.</p>
	<ul style="list-style-type: none"> • The retail/commercial tenancies on the ground floors of the proposals lack viability as Victoria Park Drive has no on-street parking, and risk being empty tenancies. 	<p>Supported. Whilst the applicant has undertaken to revise the retail floor space provided, it is unknown if the amount proposed would be viable or appropriate, in view of the orientation of the sites, their limited connectivity to passing pedestrians or parking motorists along the Victoria Park Drive frontage, and the lack of a retail or commercial needs analysis identifying key locations for commercial and retail floor space within the Burswood Station West Precinct.</p>

Property Values	<ul style="list-style-type: none"> If approved will have the effect of reducing overall investment value/ detrimentally impacting property values. 	Not supported. Comments are unsubstantiated and property values are not a relevant planning consideration.
	<ul style="list-style-type: none"> Existing property owners have already been subject to negative asset value growth over the term of the development. 	Not supported. Comments are unsubstantiated and property values are not a relevant planning consideration.
Size & Scale of Development	<ul style="list-style-type: none"> Amendment enlarges development on the site by an exponential factor. 	Noted. Refer to comments above regarding density and built form.
	<ul style="list-style-type: none"> A potential disaster of over-developing an area that is striving to be aesthetically pleasing yet still an attraction for visitors and locals alike. 	Concern noted. Refer to comments above regarding density and built form. There is no evidence to suggest that a high density development of the sites can not be of a high standard and appropriate design that facilitates positive urban design and activation outcomes for the precinct, as envisaged by the Burswood Peninsula District Structure Plan.
	<ul style="list-style-type: none"> The scale of the density increase proposed is enormous and beggars belief. It is so far removed from the existing structure plan requirements that it amounts to a new plan entirely, not an amendment, and is completely beyond community expectations for development of the sites, based on the existing structure plan. 	Concerns noted, having regard to the need for local structure planning to first be carried out for the entire Burswood Station West Precinct.
Infra-structure Provision	<ul style="list-style-type: none"> What additional infrastructure will be provided to accommodate such a huge increase in the number of residents? 	Concerns noted. Relevant utility providers have advised that where existing infrastructure is required to be upgraded to service the development of Lots 9 and 9525 the developer will be expected to fund these upgrades and/or provide a contribution for existing or planned future service upgrades. Various road and intersection upgrades are currently underway in support of major projects such as the new Perth Stadium, and these anticipate the future build out of the precinct as envisaged

		<p>under the Burswood Peninsula District Structure Plan. The issue of connectivity between Burswood Station East and West precinct remains to be resolved and it is the position of Council Officers that such matters should be dealt with by way of preparation of local structure plans for these precincts prior to any significant proposals (such as that proposed by the subject application) being progressed for individual sites.</p>
<p>Process & Structure Planning</p>	<ul style="list-style-type: none"> The whole premise of excellent urban planning is that a structure plan is developed taking into account visual impact, density, transportation, parking, mixed use, public open space, streetscape, landscape, irrigation, transport and traffic safety. Areas are then developed according to the plan, otherwise it can create massive issues in terms of haphazard development leading ultimately to ugly development and urban slums through poor design and development. 	<p>Supported. Council Officers share the view that local structure planning for the whole of the Burswood Station West Precinct should be completed before considering such a significant change to the potential development outcomes for the sites.</p>
	<ul style="list-style-type: none"> The Council should work with Stage Government to develop a plan to redevelop Burswood Station, including allowing appropriate height, density and mixed use near the station, which can help fund the redevelopment of the station. 	<p>Supported – Refer to comments above regarding view of Council Officers that local structure planning should be progressed as a priority by the WAPC, with the involvement of the Council and local community.</p>
	<ul style="list-style-type: none"> Lot 9525 could then be developed in accordance with that revised plan, however Lot 9 should be developed as per the existing structure plan to ensure development is in proportion to the surrounding neighbourhood. 	<p>Supported in Part. Development should occur in accordance with an aligned strategic and statutory planning framework. The outcomes for Lots 9 and 9525 are yet to be resolved through the local structure planning process required for the Burswood Station West Precinct.</p>

	<ul style="list-style-type: none"> The existing structure plan has a target of 1,250 dwellings. With this proposal the total is likely to exceed 2000. A change of this magnitude can not be entertained without a review of the entire structure plan occurring to consider the implications for the whole of the estate. 	<p>Supported. Any change to the provision and development outcomes for Lots 9 and 9525 as part of the local structure planning process for Burswood Station West should occur in a holistic manner that considers the implications and impacts on the Burswood Lakes estate, which has an interface with and will be connected to this precinct.</p>
	<ul style="list-style-type: none"> I am distressed that the existing structure plan is under threat and I no longer have certainty as to the final development and quality of the estate. 	<p>Concern noted. Council Officers agree that unexpected changes to the planning framework and currently unknown, yet to be determined outcomes for entire neighbouring precincts create an undesirable atmosphere of uncertainty for the community. However, it should be noted that the Structure Plan is able to be varied and its status has diminished to one of 'due regard' due to changes in State legislation.</p>
	<ul style="list-style-type: none"> We do not understand why this matter was not rejected outright by the Town of Victoria Park on the basis it grossly exceeds the existing approved structure plans for both lots in question. 	<p>Comments noted. The Council is bound to receive and consider an application made to it to vary or create a structure plan under the provisions of the <i>Planning and Development (Local Planning Scheme) Regulation 2015</i>. The application is then determined by the WAPC, once provided with Council's recommendation on whether or not to approve the application.</p>
	<ul style="list-style-type: none"> The proposal cannot be looked at in isolation without addressing all the issues that would stem from such a development. It will greatly affect the present lifestyle and adjoining properties and the Burswood Peninsula as a whole. 	<p>Supported. Refer to comments above and Conclusion below regarding the position of Council Officers with respect to the need to undertake local structure planning for the Burswood Station West precinct.</p>

Submissions in relation to revised proposal

Readvertising for the applicant's revised proposal occurred from 22 August to 12 September 2016. 41 submissions were received during the readvertising period. Only one of the submissions was in support of the revised application with all others objecting. The majority of submissions came from persons who made submissions during advertising of the original application, reiterating their previously raised concerns. There were relatively few additional issues raised in the revised application submissions, however these have been summarised and responded to below.

Summary of Submissions in Support of Proposal (1)		
Issue	Specific Comments	Officer Comment
General Comments	<ul style="list-style-type: none"> One of the reasons we purchased our property was we believed the locality was under-developed. We fully support the application. 	Support noted.

Summary of Objections (40)		
Issue	Specific Comments	Officer Comment
General Comments	<ul style="list-style-type: none"> The current economic climate has resulted in an oversupply of apartments for sale and rent close to the CBD. As the resource boom is over there is no need for such high density developments to be built on the sites. 	Not Supported. Economic or market arguments are not relevant to determining whether land use, built form and density outcomes are appropriate for the sites.
	<ul style="list-style-type: none"> It seems very strange that Council are even considering such a massive change to the plan, which must have been set out as it is currently for a reason. 	Refer comments above regarding statutory requirement to consider application.
	<ul style="list-style-type: none"> The motive for changing the plan is profit and greed on the part of the developer, they are not considering the current mix and ambience of the estate. 	Not Supported. The motive of the land owner can only be communicated and confirmed by the owner. The applicant, with the owner's consent, has revised the original proposal having regard to its impact and northern interface with existing development along Bow River Crescent.
	<ul style="list-style-type: none"> The applicant is just mucking around, do not let them build more than 6 storeys. 	Not Supported. Higher density and height is considered appropriate for the sites, however the level of increase should be appropriately determined through comprehensive investigations and detailed local structure planning for the Burswood Station West Precinct.
	<ul style="list-style-type: none"> Due to a multitude of factors including perceived neglect of the Council towards Burswood Peninsula residents, we reject the proposal for any multi unit developments on the sites. 	Not Supported. Issues of neglect or lack of consideration by Council regarding unrelated issues are not relevant planning considerations of relevant to the application.

	<ul style="list-style-type: none"> We feel that should the proposal be approved it would be very detrimental to our exclusive little suburb and we do not welcome these changes from what was originally planned for these lots. 	Not supported. Objections based on perceived exclusivity are not valid planning considerations. The Peninsula is to undergo significant population growth in current and future decades, with the Mirvac estate being part of a far broader and diversified future community.
Traffic & Car Parking	<ul style="list-style-type: none"> It is often difficult to pass cars on the street as it is. Additional cars from this development will cause more problems and the streets were not built for that many cars. 	Parking management and on-street parking within the existing estate are to relevant to the subject sites. Appropriate car parking requirements will be determined through the local structure planning required for the Burswood Station West Precinct to support such development and encourage public transport use, which would then be subject to more detailed, specific assessment at development application stage.
	<ul style="list-style-type: none"> An allowance of only 1.05 bays per dwelling is insufficient and will exacerbate existing parking problems and lack of visitor parking in the precinct. 	Opinion noted. Refer to comments above regarding determination of appropriate car parking requirements.
	<ul style="list-style-type: none"> The Traffic Impact Assessment does not address current or future parking shortages. 	Not Supported. It is not the responsibility for the development of the subject sites to resolve existing parking problems already experienced within the locality, although new proposals should aim to minimise any additional impact in terms of traffic or car parking within the locality.
	<ul style="list-style-type: none"> The thought that Council would benefit greatly by this huge increase in rateable properties indicates that Council supports the huge increase in density proposed. 	Not Supported. Rates revenue or property/asset value for any parties are not relevant planning consideration and have not been given any regard by Council Officers.
	<ul style="list-style-type: none"> We ask that Council takes the interests and concerns of Burswood Peninsula residents seriously and rejects this proposal. 	Request noted. Council Officers have undertaken community consultation in good faith and have considered the submissions received from the community.

	<ul style="list-style-type: none"> We have already had our amenity, security and liveability severely compromised by the Crown Towers, Stadium development and loss of the golf course. 	Noted.
	<ul style="list-style-type: none"> A sign should be erected stating “No Through Road – Local Residents Only” at the entry to Bow River Crescent, as numerous cars come and park on allocated residents’ parking, especially on weekend nights. 	Not Supported. Existing parking problems are not relevant to determining the subject application, and are the responsibility of Council’s parking management services and Street Life services to address.
	<ul style="list-style-type: none"> No mention has been made on existing traffic at the intersection of Bow River Crescent and Victoria Park Drive – this area needs traffic lights as it is dangerous and is difficult to access given the limited views of oncoming traffic due to the curvature of Victoria Park Drive either side of Bow River Crescent. 	Not Supported. Refer to comments above regarding relevance and responsibility for traffic signaling, signage, etc.
	<ul style="list-style-type: none"> The traffic analysis pays no heed to traffic associated with games and events at the new Stadium or traffic generated by the Burswood resort site. 	Supported. The report does not provide an estimate of the traffic impact cause during such times when these new significant development are operational. As they are soon to begin operations they are considered relevant to the consideration of the subject (or any similar) proposal.
	<ul style="list-style-type: none"> Having access entirely from Victoria Park Drive for both developments may result in a choke point at this section of road. 	Supported. However, this requires access from Bow River Crescent to be reinstated for Lot 9. Refer to comments from Main Roads and Council’s Engineering Officers below.
	<ul style="list-style-type: none"> The analysis ignores the developments – as yet unknown – for the Crown land surrounding for the former Dome and the former Dome site itself. 	Supported. Refer to comments above regarding need for detailed local structure planning to occur for entire Burswood Station West Precinct.

	<ul style="list-style-type: none"> To predict dramatically lower car use is unrealistic and will lead to extreme parking problems in the locality. 	<p>Not supported. Continuing to plan and provide for high rates of car ownership reinforces high car ownership rates and discourages transition to other modes of transport, such as walking, cycling and public transport. This is particularly the case for the subject sites which are located in direct proximity to a train station, and are close to the CBD and recreational opportunities along the Swan River.</p>
Antisocial behaviour	<ul style="list-style-type: none"> Burswood station is currently the worst in Perth for street crime. A phalanx of one bedroom apartments will attract more crime and there has been no recognition or initiative to control existing antisocial behaviour associated with the train station. 	<p>Not Supported. It is unlikely that residents would engage in antisocial behaviour in close proximity to their homes. The future potential residents of the area are not associated with existing levels of antisocial behaviour at Burswood Train Station.</p>
	<ul style="list-style-type: none"> The proposed hotel provides an alternative accommodation option for visitors to the casino, which therefore presents a risk of bringing anti-social behaviour closer to the residential area. 	<p>Not Supported. Lot 9525 is located on the southern periphery of the Burswood Lakes Estate and potential future guests of the hotel from the casino would be travelling the same or similar frequently used route that visitors take to and from Burswood Station and the casino.</p>
	<ul style="list-style-type: none"> The proposed hotel and serviced apartments will attract visitors who are attending the new Stadium, at events including games and concerts where alcohol is being consumed. Thus, this also represents a risk of attracting antisocial behaviour through and across the estate. 	<p>Not Supported. Whilst a hotel on Lot 9525 may accommodate Stadium patrons, it is likely that the more frequent passers-by after Stadium events will in fact be travelling to the Crown Entertainment Complex, on the same or similar route. If the proposed hotel use was abandoned it would mean visitors wanting to stay at a nearby Hotel would need to pass the same or similar routes to access the hotel accommodation at Crown.</p>
Amenity & Lifestyle Impacts	<ul style="list-style-type: none"> The level of noise, vibration and disruption during construction would be unbearable due to the proximity of the sites to existing dwellings. 	<p>Not Supported. Construction related issues are not relevant planning considerations and are capable of being managed in accordance with relevant regulatory requirements.</p>

<p>Land Use</p>	<ul style="list-style-type: none"> The Hotel and Serviced Apartment land uses proposed are prohibited under the town planning scheme and cannot be approved without an amendment to the scheme. To approve this proposal ahead of that process would constitute improper planning process. 	<p>Supported in Part. The applicant has acknowledged that a scheme amendment would be necessary to permit the uses, even if the structure plan amendment application is approved.</p>
	<ul style="list-style-type: none"> With the impending completion of Crown Towers we do not believe that further hotel accommodation would be needed in the area. Even if they are, they should not encroach on an area that is entirely residential, and should instead be confined within the Crown Perth area. 	<p>Not Supported. It is not the case that non-residential land uses are necessarily inappropriate for the sites, however this should be determined through detailed local structure planning for the whole of the Burswood Station West Precinct.</p>
<p>Size & Scale of Development</p>	<ul style="list-style-type: none"> Increasing the density and height allowed on the sites completely changes the nature and look of the development to its detriment. 	<p>Opinion noted.</p>
	<ul style="list-style-type: none"> We question the appropriateness of such a significant development on such narrow and irregular shaped sites. 	<p>Supported in Part. Council Officers are of the view that opportunities to rationalise Lot 9525 and the Burswood Station land should be explored and determined, as outlined in the Officer Recommendation.</p>
	<ul style="list-style-type: none"> The Mirvac estate has the advantage of a whole-of-estate planning approach. The application seeks only to maximise plot ratio without regard to amenity, traffic flows and privacy concerns. 	<p>Supported in Part. Refer to comments above regarding the need to undertake detailed local structure planning for entire Burswood Station West Precinct. The applicant has made efforts to address these issues, however they are not considered to adequately address the broader precinct-wide implications of such a proposal.</p>
	<ul style="list-style-type: none"> We reject the notion that these narrow, bulky, tall buildings will serve as a “gateway” along Victoria Park Drive to Burswood Lakes. 	<p>Opinion noted.</p>

	<ul style="list-style-type: none"> We understand the need for progress and development, however the explosion in proposed density is indeed mind-boggling. 	<p>Comments noted. It is acknowledged that a proposal that differs so markedly from the existing structure planning provisions would be concerning and potentially alarming to existing residents.</p>
	<ul style="list-style-type: none"> There seems to be little respect for existing structure plans and a push for developers to build more, build bigger and build taller. 	<p>Comments noted.</p>
Infra-structure Provision	<ul style="list-style-type: none"> Current infrastructure on Victoria Park Drive and the train station is highly unsuitable and unsustainable for the proposed number of dwellings on the sites. 	<p>Supported in Part. Adequacy or need to upgrade existing infrastructure can should be determined through the detailed local structure planning required for the Burswood Station West Precinct.</p>
	<ul style="list-style-type: none"> For the proponent to propose that no contribution be made for infrastructure cannot stand to any test of reasonableness. 	<p>Opinion noted. Such matters are appropriately dealt with through the detailed local structure planning process.</p>
Process & Structure Planning	<ul style="list-style-type: none"> The existing Burswood Lakes Structure Plan conflicts with the District Structure Plan, in that the documents claim the sites within different precincts/zones. This conflict must be resolved via a town planning scheme review and amendment before the proposal can be accepted. 	<p>Supported in Part. Refer to comments above regarding the need to undertake detailed local structure planning for entire Burswood Station West Precinct. This would require an associated review of the existing Burswood Lake Structure Plan, such that the local structure planning framework is then aligned with the higher level Burswood Peninsula District Structure Plan. These would then guide and inform the preparation of any amendments required to Council's town planning scheme or Precinct Plans to facilitate development in accordance with the local structure planning framework.</p>
	<ul style="list-style-type: none"> No review or amendment to Council's town planning scheme to give credence to the Burswood Station West Precinct, as envisaged under the District Structure Plan has been completed. This proposal must therefore be rejected. 	<p>Supported in Part. Refer to comments above regarding processes to align district and local structure planning frameworks and to then undertake amendments to Council's town planning scheme, as necessary.</p>

	<ul style="list-style-type: none"> The proposal has not been subject to proper planning procedure in that the TPS and Precinct Plan do not align with the proposal. Until such time as these are reviewed, the proposal must be rejected. 	<p>Supported in Part. Refer to comments above regarding processes to align district and local structure planning frameworks and to then undertake amendments to Council's town planning scheme, as necessary.</p>
	<ul style="list-style-type: none"> It is not in the public interest to fast track this approval given the need for orderly and proper planning of the Burswood Train Station area and the need to complete the orderly and proper current Burswood Lakes Structure Plan. 	<p>Supported. Refer to comments elsewhere regarding need to undertake detailed local structure planning for the Burswood Station West Precinct.</p>

Consultation with Public Authorities and Other Stakeholders

The original proposal was referred to the following external agencies for comment and recommendation due to the size and scale of the proposal and its close proximity to major road and rail infrastructure. The amended application was referred to Perth Airport, Department of Transport, the Public Transport Authority and Main Roads WA in view of the potential implications the revised proposal may have with respect to the original advice and recommendations provided by these organisations.

ATCO Gas Australia

No objection to the proposed amendment.

Water Corporation

The development of the Burswood Peninsula will require significant upgrades to existing water and wastewater infrastructure to occur throughout the area. The proposed water supply and wastewater strategies employed as part of the development of these sites will need to be confirmed by the developer's consultant engineers at subdivision or development application stage in consultation with Water Corporation's Land Servicing Branch. Reticulated water main and wastewater main extensions may be required for the development site. The developer is expected to provide all water and sewerage reticulation if required, and an additional contribution for water and sewerage headworks may be required, including the upgrade of existing works and protection of all works. Water Corporation may also require land being ceded free of cost for works.

Western Power

Western Power has reviewed the proposed amendment to the Burswood Lakes Structure Plan and has no further comment at this stage. At future stages of development it is recommended that the proponents contact Western Power to determine servicing and potential network augmentation requirements.

Department of Aboriginal Affairs

The lots are not within the boundary of any sites under the *Aboriginal Heritage Act 1972* as currently mapped on the Register of Aboriginal Sites. Notwithstanding, it is recommended that the applicant familiarise themselves with the State's Cultural Heritage Due Diligence Guidelines.

Department of Education

No objection to the proposed amendment.

Department of Health

The proposal is located in a region that experiences considerable nuisance problems from mosquitoes breeding in estuarine saltmarsh that borders the site to the north and west of the area. The amendment should consider the issue of mosquitoes and requirements for mosquito management programs, in particular the following:

- A clear agreement with the Town of Victoria Park which includes all relevant stakeholders responsible for managing the Swan River foreshore and wetlands regarding responsibility, funding and logistical arrangements for management of mosquitoes that will impact on the proposed development. This should include management in natural wetlands, control of vegetation and mosquitoes in onsite stormwater infrastructure and appropriate adult larval mosquito monitoring.
- The proponent must ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:
 - Changes to topography resulting from earthworks must prevent run-off from creating surface ponding as it may become mosquito breeding habitat; and
 - The *Chironomid midge and mosquito risk assessment guide for constructed water bodies* should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised.

State Heritage Office

It is noted that the site is adjacent to the *Old Burswood Canal* (Place No, 3570) listed in the State Register of Heritage Places. The proposed amendment is not considered to have a significant impact on the heritage significance of the Place due to the distance of the subject sites from the Place. No objection to the proposal.

Department of Tourism

No specific comments to make on the proposal. As a general observation it is noted that these sites serve as the northern gateway into the Crown complex which is a significant tourist destination. The resultant buildings on the site should be appropriately designed to reinforce this landmark status.

Department of Parks and Wildlife

No comments on the application.

Department of Environment Regulation

DER has no objection to the proposed amendment to the local structure plan. Lot 9 has been remediated for high-density and commercial land use, and limited information is available to indicate possible contamination of Lot 25 (9525).

The lots have not been reported or classified as known or suspected contaminated sites under the *Contaminated Sites Act 2003*. Lot 9 is located within an area formerly occupied by the Swan Portland Cement Factory. Numerous assessments in the 1990s identified contamination issues associated with the former industrial use of the site, characterised by widespread burial of asbestos waste materials and cement kiln dust as well as localised areas of hydrocarbon contamination. Remediation of the site was undertaken in accordance with the requirements of Ministerial Statement 526 under Part IV of the *Environmental Protection Act 1986* to allow the development of the site for mixed use, including high density residential land use. DER understands that all identified impacted soils have been remediated via the strategic burial of waste materials and coverage with a geofabric warning barrier and between one and two metres of clean fill.

Post-remediation groundwater and surface water monitoring is still being undertaken across the former cement factory site in accordance with conditions and proponent commitments stipulated in Ministerial Statement 526. DER anticipates that Lot 9, along with its adjacent lots, will be classified 'remediated for restricted use', at the conclusion of the ongoing monitoring. Restrictions on use will most likely relate to excavations within the vicinity of the warning barrier, groundwater abstraction and high-density residential land use. DER also notes that the majority of the former cement factory site has already been developed for high-density residential land use.

The lots are located within a high to moderate acid sulphate soil (ASS) risk area. The assessment and management of ASS is recommended at the development application/approval phase.

Metropolitan Redevelopment Authority (MRA)

Whilst not located within the MRA Redevelopment Area, the site is in proximity to the MRA's Riverside Project Area. The amendment is considered to have minimal impact on the MRA's project area. The MRA supports the proposed amendment as it is consistent with its objective to enhance connectivity through supporting development around public transport infrastructure.

Perth Airport

Original Proposal:

No objection to the proposed amendment. The Town should ensure that any specific development proposals at risk of infringing the Obstacle Limitation Surface (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) continue to be referred to Perth Airport for comment.

Revised Proposal:

A building with a proposed height of 75 metres will infringe upon the Terminal Area Radar protection surface, however this shouldn't pose any significant issues for potential buildings and will only require referral to Air Services Australia once a development application has been submitted. As stated previously, any proposals that may infringe controlled airspace (including cranes used to construct them) should continue to be sent to Perth Airport for assessment.

Public Transport Authority

Original Proposal:

No objections to proposed amendment subject to the following being taken into consideration:

- Development should not constrain ability to duplicate the Armadale/Thornlie line if required in future;
- Pedestrian and cyclist linkages to Burswood Train Station via a shared path network through the train station and surrounds;
- Development on the sites should include adequate end of tip facilities to encourage cycling by residents;
- WAPC's State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning' (SPP 5.4) is applicable to the development of the sites. A noise and vibration assessment should be undertaken as part of the structure plan process to identify opportunities to minimise noise through building design and consider the impacts of potential rail duplication. Noise to upper storeys is best addressed through appropriate building materials and design;
- The structure plan should include reference to the 'Guidelines for Working in and Around the PTA Rail Reserve'. Any development within 50m of the rail reserve will need to be undertaken in accordance with these guidelines.

Revised Proposal:

In regards to compliance with the WAPC's SPP 5.4, the PTA has reviewed the acoustic report and has no comments at this stage. More detailed assessment will be required at development application stage.

The amended structure plan proposes the creation of new pedestrian links around the development and connections to Burswood Station. The applicant should liaise with PTA's cycling coordinator to ensure pedestrian paths tie in with the PTA's pedestrian and cycling network.

Whilst the revised proposal has addressed most of the PTA's concerns with the inclusion of an acoustic report and pedestrian paths, the amendment should include reference to the PTA's *Guidelines for Working in and Around the PTA Rail Reserve*. These were attached to our previous comments.

Department of Transport

Original proposal:

There are concerns in relation to traffic constraints at the intersection of Great Eastern Highway and Griffiths Street, including the signalling of Victoria Park Drive and Great Eastern Highway. Further consultation should be undertaken with Main Roads and Town of Victoria Park to review the Traffic Impact Assessment provided to ensure that the assessment is in context with the strategic and regional planning undertaken for the overall Burswood Peninsula by the State Government Agencies and Town of Victoria Park.

It is noted that the application has been referred to Main Roads who will be responding in relation to the Traffic Assessment report provided by the applicant. The DoT would support any recommendations arising from the Main Roads assessment. These should be addressed prior to finalising the amendments to this Structure Plan.

Revised Proposal:

DoT wishes to advise of no changes to the comments provided in relation to the original proposal.

Main Roads WA*Original Proposal:*

Main Roads is unable to support the proposed amendment as currently presented. Before proceeding with this amendment consideration needs to be given to providing robust connectivity between Burswood Station East and Burswood Station West in order to alleviate the stress currently experienced at the Great Eastern Highway and Griffiths Streets intersections. This connectivity is considered essential for Burswood Station East to be developed to its full potential. Should the best option for this connectivity be an underpass a possible location could have an impact on any development on Lot 9525.

Revised Proposal:

Main Roads is unable to support this revised amendment as presented. As stated previously, consideration needs to be given to providing robust connectivity between Burswood Station East and Burswood Station West to alleviate the stress currently experienced at the Great Eastern Highway and Griffiths Streets intersection.

Whilst the Town of Victoria Park has commenced investigative works in this regard, it is considered premature to proceed with the current amendment to the structure plan until such time as the results of this investigation and any likely impacts to Lot 9525 in particular are known.

It is Main Roads view that all vehicle access to Lot 9 should be from Bow River Crescent. As to Lot 9525, access can only be from Victoria Park Drive, however it is our view that this lot should be removed from the structure plan amendment until such time as the connectivity between Burswood Station East and Burswood Station West has been resolved.

Crown Perth

Crown Perth has indicated that it is generally supportive of higher density and dwelling yields for Lot 9 and Lot 9525 subject to proper planning and ongoing consideration being given to co-existence of any future development with the long standing operation of Crown Perth as a 24 hours / 7 days a week integrated resort offering gaming, hotel accommodation and entertainment.

Specific consideration should be given to land use compatibility and the appropriate management of traffic (including the ongoing or alternative provision of public access to Victoria Park Drive which is currently provided through Lot 9), noise, waste and other such matters.

Risk Management:

The proponent has the right of review against the Western Australian Planning Commission's decision in respect to an application to amend an existing structure plan, including any modifications imposed therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

Sustainability Assessment:External Economic Implications:

The proposed changes to the Burswood Lakes Structure Plan, if approved and followed by associated amendments to Council's Town Planning Scheme No. 1, would enable development on Lots 9 and 9525 to deliver a broader range of commercial land uses than is currently permitted. These would include a possible hotel, serviced apartments and retail uses, which would increase the level of activation and activity adjacent to Burswood Train Station. The broader mix of uses would also generate employment and encourage passing pedestrians, visitors to the new Perth Stadium and Crown Entertainment Complex as well as train passengers to/from Burswood Train Station to frequent the commercial businesses on the sites.

Social Issues:

The development of the sites in accordance with the proposed changes to the Burswood Lakes Structure Plan would increase the level of activation and pedestrian activity in proximity to the sites and the Burswood Train Station. This would potentially enhance the perceived level of safety and discourage antisocial behaviour to occur due to the increased levels of surveillance facilitated by the development of the sites and the operation of their potential future uses.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Council is now in receipt of a revised application to amend the Burswood Lakes Structure in relation to Lots 9 and 9525 Victoria Park Drive, Burswood. If approved by the WAPC, the changes will have significant impacts on the Burswood Station West Precinct as a whole, influencing the build out of the remainder of the precinct. Significant concerns have been raised by Council Officers and DRC Members with respect to the appropriateness of the very large size and scale of the proposal, its traffic implications and its potential to prejudice the future planning of the precinct and compromise planning and amenity outcomes for the area, although the majority of concerns in relation to scale and built form have now been resolved to the general satisfaction of DRC Members.

Design Review Committee Meeting of 11 May 2016

The applicant's original proposal was informally considered by the Design Review Committee (DRC) at its meeting held on 11 May 2016. DRC Members questioned the objectives and outcomes to be delivered by the proposal and raised significant concerns in relation to the form, location and scale of the three towers proposed across the two lots and requested the applicant to reconsider the proposal. A summary of the concerns and issues raised by DRC Members is provided below:

- The 'gateway' concept of the towers serving as a landmark entry statement to the precinct is appreciated however the site is not without a context, and more regard should be given to the existing Mirvac development to the north of the site;

- Members are not convinced that the proposal will generate an 'ant trail' of pedestrians visiting the retail offering provided by the buildings as Victoria Park Drive is not a streetscape environment suited to fine-grain retail, which is the type of retail that would generate the urban design and activation outcomes being sought.
- Serious concerns are raised in relation to the sheer mass of development proposed, particularly on Lot 9, which appears monolithic in scale, with an extremely long, unbroken frontage.
- Need to create some kind of relief or break up the built form of Lot 9 completely to create two separate buildings at ground level and above. Do not believe that a single podium is the best outcome.
- Concerned that the approach taken has been to maximise yields without sufficient focus on delivering an excellent urban design response for the sites. This is particularly considered the case for the lower levels and the street level.
- The podium and tower relationship are not well-achieved and appear out of balance. The podium height doesn't reinforce pedestrian/urban scale and looks like a thin base plate of car parking on which the towers are stacked.
- There may be a 10m setback to the tower from Bow River Crescent, but the tower will appear huge with its long broad side facing existing residents to the north. This is the tower's worst/most impacting aspect to these residents.
- There is also the issue of half the units on the south face of the towers, which will have amenity and shadowing impacts as a result. The amenity of the podium (which is where any communal facilities would be located) is also compromised. The orientation and placement of the towers is therefore questionable.
- The western interface of Lot 9 with the former 'Dome' site requires further consideration. An outcome of grilles to the back of a carpark would not be appropriate, however there is uncertainty as to what the interface will be on this side of the building.
- The question of retention or relocation of the existing private road connection through Lot 9 should be considered. This could potentially serve as a significant opportunity to provide a pedestrian-oriented street environment and break up the massing of the proposal.
- In terms of the Hotel site (Lot 9525), it would seem opportune to seek a land swap with PTA to rationalise your respective land holdings to more regularly shaped lots to facilitate mutually beneficial development outcomes.
- The northern tower on Lot 9 fronting Bow River Crescent is of greatest concern and is a significant problem. Consideration should be given to lower-scale residential uses along the Bow River Crescent frontage.
- There is a need to consider the cumulative impact of the development on the whole of the Burswood Station West precinct, and consider whether the scale proposed is appropriate having regard to the intended future development of the precinct.

In response to the submissions received from referral agencies and community members during the consultation period, as well as the issues raised by DRC Members and Council Officers, the applicant undertook to review the proposal with the view of amending the application and responding to the issues raised. This led to the presentation of a preliminary concept to DRC Members at their meeting held on 16 June 2016.

The revised concept was positively received by DRC Members to the extent that it responded to a number of the issues raised in relation to the original proposal and could be further improved to arrive at an urban design driven outcome that takes advantage of the sites' prime location for transit-oriented development and delivers outcomes consistent with

the intent envisioned under the Burswood Peninsula District Structure Plan for the Burswood Station West precinct. Following further review by the applicant, a revised submission was formally submitted to the Council on 29 July 2016.

Design Review Committee Meeting of 17 August 2016

The applicant's revised proposal was informally considered by the Design Review Committee at its meeting held on 17 August 2016. The revised proposal was generally received positively with DRC Members acknowledging the significant changes made to the proposal, in particular the building envelope for Lot 9 and the altered positioning and height of the towers proposed for the site. A summary of the comments and issues raised by DRC Members at the meeting is provided below:

- The applicant has taken on board on a number of the recommendations of DRC Members and the proposal displays significant improvements from the original.
- It should be made clear to the applicant that Council Officers and the DRC Members expect further design level detail, street interface issues, etc. to be worked through and resolved at the Scheme Amendment and pre-DA stages, should the application be approved by the WAPC.
- The plot ratio and yields proposed for the lots in question are within a reasonable range for a TOD (transit-oriented-development) site.
- DRC Members are comfortable with the height, form and massing of the podia and towers for the sites.
- The lack of a defined tower setback to 'tower 2' was considered acceptable given the narrow, tapering shape of the lot in this location and as the transition between the tower and podium/street is capable of being dealt with architecturally by other means than a complete separation of tower from podium, as is proposed for towers 1 and 3, where this is more important. E.g. the 'Flat Iron' building in New York City.
- DRC Members are comfortable with the revised split and location of ground floor uses for the site, which reflect a more realistic scenario in terms of commercial opportunities for street-level activation.
- The nomination of Lot 9525 as a designated site for Hotel and/or Short Stay Accommodation/ Serviced Apartments is supported and considered appropriate.
- The amended vehicular access arrangement to Lot 9 is supported and should be integrated into the building envelope diagram for Lot 9 provided this works from a transport/engineering perspective.
- The pedestrian corridor between tower 1 and 2 on Lot 9 is supported and will serve to break up the building mass on this site, and the very long frontage to Victoria Park Drive.
- The applicant is strongly encouraged to consider at least a two-storey height pedestrian thoroughfare through the site or even a complete break in the podium (open to the sky above) to break up the buildings on Lot 9.
- The pedestrian corridor should be incorporated into the building envelope diagram for Lot 9, so that it forms a clearly articulated expectation for any future development on the site.
- The reduced height of 'tower 1' facing Bow River Crescent and its setback 20m from the street behind a row of two-storey townhouses/terraces is supported, and provides an improved interface with the residents of the existing two storey single houses along Bow River Crescent.

- The applicant's supporting information should not comprise part of the amending documents themselves, as there are still many detailed planning and design details that require resolution prior to any development applications being considered for the sites.
- The building envelope diagram for Lot 9 should be amended to detail the ground-level pedestrian corridor/thoroughfare through Lot 9 between towers 1 and 2, with a minimum width of 8 metres.
- The 20m set back of tower 1 from Bow River Crescent should be amended to state "minimum 20m tower set back".
- Replacement Figure 1 should be amended to ensure that the box containing the amended dwelling and building height controls for Lot 9525 is not 'cut off' by the boarder surrounding Figure 1.
- The asterisk (*) denoting Lot 9 as a 'mixed-use location' on replacement Figure 1 should be moved closer to the Victoria Park Drive frontage rather than along the Bow River Crescent frontage as it is currently, as a row of two-storey townhouses/residential uses are now proposed along the majority of the Bow River Crescent frontage.

Formal Design Review Committee Meeting of 19 October 2016

The applicant's revised proposal was formally considered by the Design Review Committee at its Meeting held on 19 October 2016. DRC Members acknowledged the significant revision of the proposal by the applicant and the improved design outcomes that have arisen through the modifications made to the proposal for Lot 9 in particular, which has an improved interface with low-rise development along Bow River Crescent and also reduced the previously overwhelming scale at pedestrian level of the podium.

Notwithstanding, DRC Members were of the view that opportunities to undertake a land swap/land rationalisation process, or joint venture proposal with the Public Transport Authority/State Government in relation to the development of Lot 9525 and the Burswood Train Station, such that the two sites could be rationalised into land parcels that are more conducive to better built form and urban design outcomes for the precinct should be explored.

DRC Members were also of the view that whilst the applicant's proposals for the sites in question could conceivably be a possible outcome that is consistent with the intended future development of the precinct, the broader context for the Burswood Station West Precinct is not yet known to any reasonable level of detail. Accordingly, DRC Members formed the view that the approval of the proposed structure plan amendment could potentially prejudice or undermine the detailed local structure planning that is yet to be completed for Burswood Station West.

In view of the above, DRC Members acknowledged and accepted the reasons provided as part of the Officer Recommendation not to support the proposed amendment, and resolved the following:

1. *The Design Review Committee is in favour of increasing the density around the Burswood railway station and adjacent lands in an orderly and structured manner incorporating appropriate infrastructure and via preparation and adoption of a local structure plan for the Burswood Station West precinct.*

2. *The Design Review Committee also acknowledges the significant revision of the proposal by the applicant and the improved design outcomes that have arisen through the modifications made to the proposal for Lot 9 in particular, which has an improved interface with low-rise development along Bow River Crescent and also reduced the previously overwhelming scale at pedestrian level of the podium.*
3. *Notwithstanding, the Design Review Committee resolves not to support the application submitted by TPG Town Planning, Urban Design & Heritage (LG Reference PLA/7/24) to amend the Burswood Lakes Structure Plan in relation to the density/dwelling yield, land use, plot ratio and building envelope controls applying to Lots 9 and 9525 Victoria Park Drive, Burswood, as indicated in the revised application documents received on 29 July 2016 for the following reasons:*
 - i. *The proposed amendment may prejudice the future planning and long-term objectives for the Burswood Station West Precinct and is contrary to the planning, governance and implementation framework outlined within the Burswood Peninsula District Structure Plan.*
 - ii. *The approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is fundamentally premature and inconsistent with the orderly and proper planning of the locality.*
 - iii. *The variations are proposed prior to any detailed planning provisions to deal with density (minimum or maximum) or plot ratio, but more importantly, prior to any built form study to determine the best outcome for the whole area in recognition of the importance of this area to the development of this Precinct.*
 - iv. *The variations are proposed without an understanding of Burswood Entertainment Complex's plans, the potential redevelopment of the former Dome site, gradients and finished levels for development to ensure best connectivity for the Precinct to the train station.*
 - v. *The proposed variations are being sought ahead of any coordinated view in regard to the servicing and infrastructure needs of the areas around the Burswood Station particularly given the densities sought, which if replicated would have significant servicing requirements.*
 - vi. *Approval of the requested variations may drive the form of development around the Burswood Station or within the Precinct as a whole, which may not result in the optimum development outcome for the area thus prejudicing the progressive redevelopment of the area, given that local structure planning for the sites and surrounding areas is yet to be completed.*
4. *The Design Review Committee also advises the applicant and relevant State Government agencies that opportunities to undertake a land swap/land rationalisation process, or joint venture proposal in respect to the development of Lot 9525 and the future redevelopment of Burswood Train Station should first be explored and determined, as the rationalisation of Lot 9525 and the Burswood Train Station land into more regularly shaped parcels, or their development as part of a single comprehensive redevelopment, would facilitate better built form and urban design outcomes for the Burswood Station West and Burswood Station East Precincts as a whole."*

Density of approved development on nearby sites

The equivalent R-Code densities of development proposed for Lot 9 (353 dwellings) and Lot 9525 (208 units/hotel rooms) equates to R560 and R386, respectively. This compares to the equivalent R-Code densities recently approved by the Metro Central Joint Development Assessment Panel (Metro Central JDAP) for development applications on nearby sites within the Burswood Station East precinct in close proximity to the Burswood Train Station (within 400m radius walkable catchment area), namely:

- 112-118 Goodwood Parade (182 dwellings; R777);
- 7-9 Riversdale Road (150 dwellings; R706); and
- 4-12 Riversdale Road (90 dwellings; R378)

It should be noted that these approvals were granted by the Metro Central JDAP with at least some understanding of the likely built form and urban design outcomes to be achieved for the Burswood Station East Precinct, having regard to the draft Master Plan prepared by Taylor Burrell Barnett Town Planning and Design in 2013 and the draft work undertaken by Council in preparation of a local structure plan for Burswood Station East. This contrasts significantly to the lack of any known preliminary investigations, built form modelling or draft local structure planning for the Burswood Station West Precinct.

JDAP Approval of 112-118 Goodwood Parade Development

The redevelopment of 112-118 Goodwood Parade was approved by the Metro Central JDAP on 13 April 2015. The initial concept plans presented for the site proposed a mid-level building of 8 storeys, which received a negative response from the Design Review Committee largely due to the substantial building envelope resulting in a broad and short building with limited apartment amenity. In addition to this, given the likely future development of the Burswood Station East area and the site's key location in the precinct adjacent to the train station it was considered an underdevelopment of the site.

The approved development proposed a substantial departure from the key development requirements most notably a plot ratio of 7.99:1 and building height of 68.33 metres (21 storeys). Council's Design Review Committee supported the proposal on the basis that the development was an exceptional design response to the site providing an excellent level of amenity to residents and beneficial outcomes for the streetscape and general community as well as setting a very high standard for future development in the Precinct. Importantly and with particular regards to the site's specific location, the building height, form and design quality were considered to accord with the desired future urban character and townscape of the Burswood East Precinct as an inner city Transit Oriented Development. The additional plot ratio and building height associated with the design were considered to result in an appropriate, site-specific critical mass to achieve increased activation directly adjacent to the Burswood Train Station.

The following comments, which should be read in the context that the subject application was submitted prior to the WAPC's approval of the District Structure Plan, were contained in the Responsible Authority Report for the application at 112-118 Goodwood Parade:

"It is acknowledged that it would be a more orderly planning process for the Burswood Station East Masterplan to be adopted and the Local Structure Plan to be finalised prior to consideration of this planning application. This process has been awaiting the finalisation of the Burswood Peninsula Structure Plan which has delayed development in this area with a process now exceeding 9 years.

The site is at a strategically important location, being opposite the Burswood train station, and the necessary further planning to be undertaken will still take some time. It would not be the best possible outcome for the site and the Precinct given its strategic importance, to either approve a development of lesser intensity in the meantime, or to delay development of the site until the necessary further planning has been completed. The proposed development provides much needed activation adjacent to a railway station that has ongoing safety and anti-social issues, and a building of a very high architectural standard that will set the bar for future development in the locality. It would be a short-term lost opportunity to not support the proposed development in order to await the further detailed planning to occur.

It is acknowledged that the cumulative impact of approving further significant developments in the Precinct in advance of completion of the Local Structure Plan would not be appropriate and may compromise the ultimate long-term planning for the Precinct. However the current proposal for the subject site presents an immediate opportunity and significant benefits for the Precinct (as outlined above) and approval of this development alone will not prejudice the future development of the Precinct.

While Council Officers support the current proposal for the reasons described above, it is intended that no new applications for significant developments on other sites will be entertained by Council prior to the Local Structure Plan being well progressed. Proponents of other proposed developments in this area have been advised that new applications for similar development will not be considered for approval prior to the Local Structure Plan being seriously entertained.”

Tower Setbacks and Building Envelope Changes

Adequate tower setbacks allow buildings to have a more slender, elegant appearance and assist in reducing the impacts of building bulk on surrounding areas. The original proposal sought approval of a tower elements which had very little (and in some places zero) setback behind the podia on which they sit and spanned almost the entire length and width of the sites, particularly in the case of the proposed northern tower (tower 1) on Lot 9, which had its long side facing the existing low rise residential development along Bow River Crescent with only a 10m setback from the street.

The envelopes for the towers in the amended proposal are now considered to locate them sufficiently behind all edges of the podium to achieve the slender, more elegant appearance expected of such development, and in combination with the reduced height of tower 1 is considered to substantially reduce the potential adverse impact of the development on residents of existing development along Bow River Crescent.

The inclusion of townhouse style units along the Bow River Crescent frontage of Lot 9 will provide an appropriately scaled interface with existing development along Bow River Crescent. The location of tower 1 at a minimum of 20 metres from Bow River Crescent is considered to provide an adequate transition in built form and preserve views and access to sunlight, without compromising the ability of the site to deliver a high density mixed use transit oriented development consistent with the intended future development of sites surrounding the Burswood Train Station.

An appropriate balance between the height, bulk and massing of the buildings is now considered to be achieved, however it remains the case that such a development outcomes have yet to be deemed appropriate through a local structure plan for the Burswood Station West precinct. It is acknowledged that the quality of amenity for adjoining sites and the impacts the development will have on the existing development along Bow River Crescent immediately opposite Lot 9 have been given consideration by the applicant in the development of the amended proposal.

Traffic and Vehicular Access Issues

A number of issues were identified with respect to the applicant's traffic impact assessment accompanying the original proposal, most significantly the need for the assessment to refer to the PACE (Peninsula and City East) traffic modelling undertaken for the Burswood Peninsula by Main Roads WA, and specifically that portion of the modelling dealing with the Burswood Station West precinct. The assessment by Council's Engineering Officers did not oppose vehicle access to Lot 9 being from Bow River Crescent.

The applicant has submitted a revised traffic impact assessment responding to these issues as well as the issues raised by Main Roads WA with respect to a potential future connection between the Burswood Station West and Burswood Station East precincts in the vicinity of Lot 9525. The traffic impact assessment was also amended to reflect the applicant's decision to remove vehicle access to Lot 9 from Bow River Crescent and propose it solely from Victoria Park Drive, in response to the traffic and congestion concerns raised by community members during the community consultation period.

Council's Engineering Officers have undertaken a further review of the revised traffic assessment and raised a number of issues with respect to various statements made in the report and the years referred to in the forecasted modelling undertaken for the project.

Notwithstanding, Council's Engineering Officers have arrived at the following conclusions with respect to the proposal and the amended traffic impact assessment:

"The BSW [Burswood Station West] development as a whole will have an impact on the Mirvac residents (though BSW has right of access on to Bow River Crescent) if a direct connection is provided on to Bow River Crescent. Street Improvement previously highlighted that PACE model demonstrates congestion and efficiency issues in this section of Victoria Park Drive and any additional increase to densities (and associated vehicular trips) from Lots 9 and 9525 (in BSW) will impact the network further and on Mirvac residents.

The Town's position was that having a direct connection from BSW onto Bow River Crescent (though BSW as a whole has an entitled access to Bow River Crescent) will affect the amenities of Mirvac residents and hence, had concerns on a direct connection of BSW onto Bow River Crescent.

Street Improvement had no objections with the original proposal of Lot 9's access on to Bow River Crescent as this development (Lot 9) will only represent a minor proportion of the BSW development. Hence, Lot 9's access should be facilitated from Bow River Crescent (as previously proposed). As illustrated and depicted in section 8.3, the Towers 1 and 2 (Lot 9) generate 110 and 151 trips in both AM and PM peak periods with their original proposed access west of Victoria Park having minimum impact on Mirvac residents

Lot 9 will enjoy full traffic movements at the intersection of Victoria Park Drive and Bow River Crescent (if connected via Bow River Crescent)

Recent transport modelling studies undertaken by the State Government for Perth Stadium on Pre and Post events (which include AFL, Cricket and Concerts for weekdays and weekends) demonstrate Level of Service issues along Victoria Park Drive

Furthermore, a connection to a lower order road is always preferred over a higher order road. Based on the utilisation, connectivity, forecasted volumes, surrounding land-use and IMNS outcomes for Victoria Park Drive, introduction of access points onto Victoria Park Drive is not supported by the Town.

Based on the above, for Towers 1 and 2 (Lot 9), the Town supports access only from Bow River Crescent

For Tower 3/Lot 9525 (as advised in the Flyt document), access arrangements should be left-in left-out onto Victoria Park Drive.”

Council has already determined (as part of its refusal of the applicant's 2009 application) that increasing density on the sites is appropriate and would be consistent with objectives for land surrounding the Burswood Station to be redeveloped for high density residential and mixed use development, in line with transit oriented design principles. However, the question remains as to how much additional density is appropriate, with a key consideration being traffic and transport issues arising from density increases and resultant impact on traffic flows throughout the area.

It has always been Council's position that such matters can only be determined with detailed traffic and built form modelling as part of the master planning and local structure planning processes occurring for each of the precincts identified for such development under the Burswood Peninsula District Structure Plan.

The sites (whilst still part of the existing Burswood Lakes Structure Plan) are being clearly sought for development at a scale in keeping with the high density mixed used development envisaged for the Burswood Station West Precinct under the Burswood Peninsula District Structure Plan. Accordingly, it is considered premature to amend the land use, height and building envelope controls for these sites in the absence of the local structure planning occurring for the remainder of the Burswood Station West precinct.

In relation to vehicle access to the lots, these matters are capable of being dealt with by conditions imposed on the approval of the structure plan amendment to modify the proposed vehicle access provisions. These changes are outlined below, in the event the WAPC determines to approve the structure plan amendment application.

Applicant's Agreement to Further Modifications

In response to the further issues identified by the Design Review Committee following the informal review of the revised proposal, the applicant has agreed to amending the structure plan amendment further by way of conditions of approval requiring modifications to occur prior to adoption of the amendment documents. This agreement was confirmed via an email from the applicant on 5 October 2016, following a meeting with Council Officers held on 27 September 2016 regarding the finalisation of the assessment process by the Council. These include the following:

- *The building envelope diagram for Lot 9 being amended to detail the ground-level pedestrian corridor/thoroughfare through Lot 9 between towers 1 and 2, with a minimum width of 8 metres;*
- *The 20m set back of tower 1 from Bow River Crescent should be amended to state “minimum 20m tower set back”;*
- *Replacement Figure 1 being amended to ensure that the box containing the amended dwelling and building height controls for Lot 9525 is not ‘cut off’ by the boarder surrounding Figure 1; and*
- *The asterisk (*) denoting Lot 9 as a ‘mixed-use location’ on replacement Figure 1 being moved closer to the Victoria Park Drive frontage rather than along the Bow River Crescent frontage as it is currently, as a row of two-storey townhouses/residential uses are now proposed along the majority of the Bow River Crescent frontage.*

In relation to vehicular access, the applicant has also agreed to modify wording of the vehicle access provisions contained within the amendment documents, conceding that primary full movement to Lot 9525 is not necessarily feasible and may need to be restricted to ensure minimal disruption to traffic flow along Victoria Park Drive. Access to Lot 9 (which Council’s Engineering Officers and Main Roads WA currently wish to be provided from Bow River Crescent only) has also been revised to include potential restricted access from Victoria Park Drive, in an effort to reduce some traffic flow along Bow River Crescent, which the applicant has agreed to be modified as the primary access point for Lot 9, as per their original application.

On balance, this is considered the most reasonable approach, given the strong community concerns in relation to access from Bow River Crescent and therefore the desire to maintain an option for access to Lot 9 via Victoria Park Drive (even in a limited ‘left in / left out only’ capacity) as a potential option, subject to detailed traffic and transport modelling occurring as part of the development application process. The applicant has advised that discussions between themselves and Department of Planning Officers has indicated that limited access to Victoria Park Drive could be considered and this could be further analysed at development application stage with supporting technical input.

In view of the above, the applicant has agreed to modify the proposed vehicle access provisions as follows:

Existing Wording	Proposed Wording
<p><i>4.0.1.6 Vehicle Access</i> <i>The following vehicle access points are provided to the subject sites:</i></p> <ul style="list-style-type: none"> • <i>Lot 9 - Primary full movement vehicle access is to be from Victoria Park Drive, with a potential secondary minor access from Bow River Crescent.</i> • <i>Lot 9525 - Potential primary full movement vehicle access is to be from Victoria Park Drive. Additional or varied access may form part of future development proposals where supported by traffic and intersection analysis.</i> 	<p><i>4.0.1.6 Vehicle Access</i> <i>The following vehicle access points are provided to the subject sites:</i></p> <ul style="list-style-type: none"> • <i>Lot 9 - Primary full movement vehicle access is to be from Bow River Crescent, with a potential secondary minor access from Victoria Park Drive.</i> • <i>Lot 9525 - Vehicle access is to be from Victoria Park Drive.</i> • <i>Detailed access arrangements for these sites will be determined as part of future development proposals. Modifications to the arrangements as set out above can be considered where supported by suitable traffic assessment.</i>

Progression of Masterplan and Local Structure Plan for Burswood Station West

It is understood that significant delays in progressing a Masterplan for the Burswood Station West area occurred due to the need to revise the Burswood Peninsula Draft District Structure Plan to reflect the inclusion of the Perth Major Stadium and new Crown Hotel developments. It is understood by Council Officers that the Department of Planning has undertaken master planning and detailed traffic modelling to feed into preparation of a draft Local Structure Plan for Burswood Station West, however this has not been made available to the Town.

Council is currently progressing with master planning and preparation of a draft local structure plan for Burswood Station East, with a key issue relating to both precincts being traffic. In this respect, a number of different development scenarios have been investigated by Council and state government agencies, which were largely premised upon there being a vehicle connection between the Burswood Station East and West precincts either under or over the railway line to connect Goodwood Parade to Victoria Park Drive. While such a proposal has merit, it is likely to be cost prohibitive and unrealistic, notwithstanding the views of some stakeholders (refer to referral agency comments above) that such options should remain on the table.

It has also become apparent that due to the significant development having now been completed or under construction in that part of the City of Belmont known as "The Springs", there is a traffic flow-on effect to the existing roads within Burswood Station East. This places additional pressure to alleviate congestion via connections across the railway line to Burswood Station West, which has connections to Graham Farmer Freeway and the major arterial road network via Victoria Park Drive.

The capacity of the surrounding roads/intersections to carry the additional traffic generated by redevelopment of land within the Burswood Station East and West precincts is likely to be a determinative factor in arriving at the ultimate densities to be determined for sites within both local structure plan areas.

Council is unaware of when or what priority the master planning for Burswood Station West has with Officers of the Department of Planning, or when this is envisaged to translate to preparation of a draft local structure plan for the precinct. Council acknowledges that the lack of any (known) recent progress in this regard is disappointing and places the owners of Lots 9 and 9525 in the unenviable position of awaiting the unknown outcomes of a local structure planning process without any known timeline. It is acknowledged that the major stakeholders for land within the Burswood Station West structure plan area are Crown Perth, who currently utilise the former Burswood Dome site and surrounding car park as a single open air car park which is State owned Crown land (and are not understood to have any immediate plans to redevelop this land or to cease use of it for car parking), and the owner of Lots 9 and 9525 Victoria Park Drive, Burswood. As such, the owner of Lots 9 and 9525 are minority landholders within the Burswood Station West precinct with limited ability to influence and drive coordinated master planning and local structure planning for the precinct.

The Masterplan, followed by the Local Structure Plan for Burswood Station West is expected to determine such matters as:

- Ultimate densities across the precinct;
- Appropriate building heights;
- Car parking standards;
- Setbacks; and
- Developer contributions (if any), etc.

Accordingly, progression and approval of the Masterplan and Local Structure Plan will provide certainty for Council and the community as to the ultimate building form within the Burswood Station West precinct and ensure that future development of land is co-ordinated across the area.

Community Consultation Submissions

Due to the sheer volume of submissions (which in some cases were very lengthy) it has proven necessary for Council Officers to summarise the submissions rather than address them individually. In doing so, the tone and level of concern expressed in many of the submissions was unable to be communicated as fully as the individual submissions themselves.

The objections express a very high level of concern and angst in relation to the proposal and the detrimental impacts that development of the sites in accordance with the applicant's proposal could potentially lead to. Significant frustration was also expressed that previously raised concerns and existing problems have not been heard or acted upon by the Council, which in their view would only worsen if the application is approved.

The views expressed by many in the community were that the proposal would represent improper and disorderly planning if approved, and would allow for a grossly oversized and extreme development outcome to be realised on the sites, to the detriment of existing residents' lifestyles, amenity, traffic conditions and property values. In summary, the majority of objections expressed a view that the proposal would further erode and harm the character of the community that existing residents have come to enjoy (and hope to be maintained or enhanced in the future), and which they feel has already been significantly impacted upon by the Crown Towers and Perth Stadium developments.

Notwithstanding the views of the community, the Officer recommendation must be based on sound planning considerations having regard to the metropolitan and local statutory and strategic planning policy framework. It would be unrealistic for residents to hold the view that the Burswood Peninsula (and by extension the existing Mirvac estate) will remain as is indefinitely given the very significant development potential of the area, its proximity to the Perth CBD and excellent accessibility to public transport. The reality is that the Peninsula, its visitors and the community that resides within it, will continue to change, diversify and grow over time. However, it is the view of Council Officers that such change and growth should occur in a coordinated, holistic manner through completion of the detailed local structure planning called for by the Burswood Peninsula District Structure Plan. This would provide both the community and decision makers with the confidence of understanding what the future context and character of the area is likely to comprise, and provide a sound framework to consider and assess the implications of large-scale development proposals.

Whilst the subject application seeks to vary the existing Burswood Lakes Structure Plan, it is essentially pre-empting the local structure planning for the Burswood Station West Precinct, as well as determining (in the negative) any likely prospect of the Burswood Train Station being redeveloped in coordination with the redevelopment of Lot 9525. The subject proposal also rules out potential connections or links to the Burswood Station East Precinct, however unlikely they may be. Such matters should be determined by local and State government decision makers, in consultation with the local and broader community, rather than on an ad hoc basis, at the request of an individual land owner.

CONCLUSION:

The proposal has significant potential to pre-empt planning outcomes for the Burswood Station West Precinct with significant potential to prejudice and compromise the orderly and proper planning of the locality, despite its acceptability from an urban design perspective and the ability to resolve vehicle access and other minor issues through conditions/required modifications being imposed on its approval. The proposed amendment is also contrary to the planning, governance and implementation framework outlined within the Burswood Peninsula District Structure Plan for the precinct.

The magnitude and scale of the proposal will impact the Burswood Station West precinct as a whole, with the potential to compromise development outcomes for sites elsewhere within the precinct. The proposal is aligned with the broad intent for the Burswood Station West precinct under the Burswood Peninsula District Structure Plan and should therefore only be considered following, or as part of, the local structure planning required for this precinct, which is yet to be completed. Accordingly, it remains unknown whether development of the scale proposed for these sites is appropriate or feasible.

Accordingly, it is considered that the approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is fundamentally premature and inconsistent with the orderly and proper planning of the locality.

In view of the above, it is recommended that the Council resolve to not support the application submitted by TPG Town Planning, Urban Design & Heritage (LG Reference PLA/7/24) to amend the Burswood Lakes Structure Plan in relation to the density/dwelling yield, land use, plot ratio and building envelope controls applying to Lots 9 and 9525 Victoria Park Drive, Burswood, as indicated in the revised application documents received by the Council on 29 July 2016, and recommend its Refusal by the Western Australian Planning Commission.

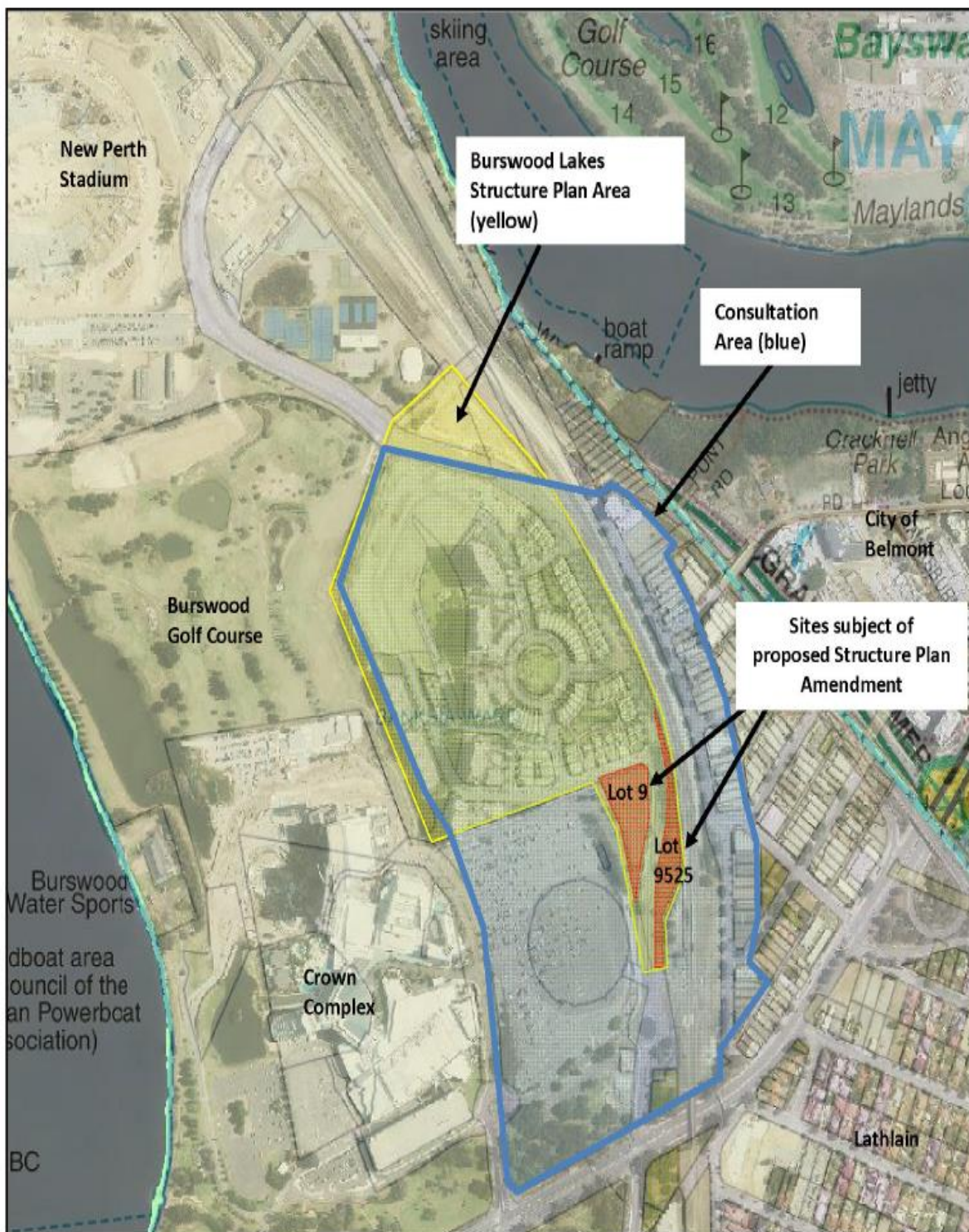
RECOMMENDATION:

- 1. The Council advises the Western Australian Planning Commission that it is in favour of increasing the density around the Burswood railway station and adjacent lands in an orderly and structured manner incorporating appropriate infrastructure and via preparation and adoption of a local structure plan for the Burswood Station West Precinct.**

- 2. The Council acknowledges the significant revision of the proposal by the applicant and the improved design outcomes that have arisen through the modifications made to the proposal for Lot 9 in particular, which has an improved interface with low-rise development along Bow River Crescent and also reduced the previously overwhelming scale at pedestrian level of the podium.**
- 3. The Council resolves to recommend that the Western Australian Planning Commission Refuse the application submitted by TPG Town Planning, Urban Design & Heritage (LG Reference PLA/7/24) to amend the Burswood Lakes Structure Plan in relation to the density/dwelling yield, land use, plot ratio and building envelope controls applying to Lots 9 and 9525 Victoria Park Drive, Burswood, as indicated in the revised application documents received on 29 July 2016 for the following reasons:**
 - 3.1 The proposed amendment may prejudice the future planning and long-term objectives for the Burswood Station West Precinct and is contrary to the planning, governance and implementation framework outlined within the Burswood Peninsula District Structure Plan.**
 - 3.2 The approval of such a significant uplift in development potential for Lots 9 and 9525 in the absence of an adopted Local Structure Plan for the Burswood Station West Precinct is fundamentally premature and inconsistent with the orderly and proper planning of the locality.**
 - 3.3 The variations are proposed prior to any detailed planning provisions to deal with density (minimum or maximum) or plot ratio, but more importantly, prior to any built form study to determine the best outcome for the whole area in recognition of the importance of this area to the development of this Precinct.**
 - 3.4 The variations are proposed without an understanding of Burswood Entertainment Complex's plans, the potential redevelopment of the former Dome site, gradients and finished levels for development to ensure best connectivity for the Precinct to the train station.**
 - 3.5 The proposed variations are being sought ahead of any coordinated view in regard to the servicing and infrastructure needs of the areas around the Burswood Station particularly given the densities sought, which if replicated would have significant servicing requirements.**
 - 3.6 Approval of the requested variations may drive the form of development around the Burswood Station or within the Precinct as a whole, which may not result in the optimum development outcome for the area thus prejudicing the progressive redevelopment of the area, given that local structure planning for the sites and surrounding areas is yet to be completed.**

- 4. The Council advises the applicant and relevant State Government agencies that opportunities to undertake a land swap/land rationalisation process, or joint venture proposal in respect to the development of Lot 9525 and the future redevelopment of Burswood Train Station should first be explored and determined, as the rationalisation of Lot 9525 and the Burswood Train Station land into more regularly shaped parcels, or their development as part of a single comprehensive redevelopment, would facilitate better built form and urban design outcomes for the Burswood Station West and Burswood Station East Precincts as a whole.**
- 5. That the 65 signature petition from Burswood residents and land owners objecting to the E.G Custodian Funds Pty Ltd application (reference PLA/6/24) to amend the Burswood Lakes Structure Plan in relation to Lots 9 and 9525 Victoria Park Drive, Burswood be Received by the Council.**
- 6. The Council respectfully acknowledges the concerns and issues raised by members of the community, as expressed at the Community Information Session, and as detailed within the individual written submissions and the petition objecting to the application.**
- 7. The Council expresses its disappointment to the Western Australian Planning Commission on the lack of commitment to progress the local structure planning for Burswood Station West and requests the Commission to progress this as a matter of priority.**
- 8. Those persons who lodged a submission regarding the structure plan amendment application and the lead petitioner be advised of Council's decision.**

CONSULTATION AREA – BURSWOOD LAKES STRUCTURE PLAN AMENDMENT



11.3 Amendment to Council Policy GEN3 ‘Community Consultation’ and Proposed Local Planning Policy 37 – Community Consultation on Planning Proposals

File Reference:	PLA/9/0001
Appendices:	Yes

Date:	25 October 2016
Reporting Officer:	N. Michael
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – Adopt Local Planning Policy 37 – Community Consultation on Planning Proposals’ without modifications	
<ul style="list-style-type: none"> • A review of Council Policy GEN3 ‘Community Consultation’ has been undertaken in respect to the Planning related matters contained in the Policy. • A draft Local Planning Policy has been prepared dealing with community consultation on planning proposals. • The proposed revisions amongst other things, provide greater clarity on the extent of consultation, who to consult, and the need for Council to inform submitters of how their submissions are being considered. • At the Ordinary Council Meeting on the 9 August 2016, the Council resolved to advertise draft ‘Local Planning Policy 37 – ‘Community Consultation on Planning Proposals’ for a minimum of 21 days by way of notice in the Southern Gazette newspaper for two consecutive weeks, and notice on the Town’s website. • At the end of the advertising period, one (1) submission was received. 	

TABLED ITEMS:

- Minutes of the Council Meeting dated 9 August 2016;
- Proposed Local Planning Policy 37 – Community Consultation on Planning Proposals; and
- Submission received.

BACKGROUND:

At the Ordinary Council Meeting on 9 August 2016, Council resolved the following:

“The draft ‘Local Planning Policy 37 ‘ Community Consultation on Planning Proposals’ be advertised for public comments for a minimum of 21 days by way of notice in the Southern Gazette newspaper for two consecutive weeks, and notice on the Town’s website for the duration of the consultation period”

At the end of the advertising period, one (1) submission was received.

DETAILS:

Council Policy GEN3 'Community Consultation' was adopted in September 1999, with amendments being made in July 2013 and August 2015. The purpose of the Policy is to outline the consultation requirements that will be followed by Council for a range of matters dealt with by Council, including the target public, extent, duration and manner in which consultation will be undertaken.

While a significant part of the Policy relates to consultation on development applications, the Policy outlines the consultation requirements for other matters including (but not limited to) road closures, property disposal, Council Meetings, finance matters.

The focus of this review has been upon the Planning related matters contained in the Policy. No changes are proposed to the non-Planning related parts of Policy GEN3, which will be separately reviewed at a future time.

The factors that have driven the need for the Policy review include:

- The IAP2 consultation framework and the Town's intent to improve community consultation;
- Some deficiencies have been identified through application of the current Policy;
- The introduction of the (*Planning and Development (Local Planning Schemes) Regulations 2015*); and
- The policy to reflect internal practices as to how submissions are assessed and how the community is kept informed of the process.

In this respect, the Policy review process has involved meetings with Urban Planning staff, reviewing consultation policies that exist for other local governments, and discussion at an Elected Members Workshop in March 2016.

Matters identified for consideration as part of the Policy review included:

- clarity on the extent of consultation on development applications, with the possible inclusion of some prescriptive criteria;
- whether to continue consulting occupiers of properties;
- assessing the value of consulting by way of newspaper notice;
- exempting some minor forms of development from consultation where the Council is of the view that the variation is minor and has no impact upon an adjoining property or the streetscape;
- the increased cost of community consultation, and the possibility of applicants being charged an additional fee for this;
- informing submitters of relevant meeting dates and times that an application will be determined, and the decision that is made; and
- the more significant the application, the greater the extent of consultation undertaken.

Following this initial feedback and review, a draft Policy was prepared for further discussions and testing by the Town's Urban Planning staff.

A copy of the draft Policy is contained in the Appendices for review by Elected Members.

The draft Policy is premised upon consultation being undertaken where a discretionary decision is involved, that may have an impact upon the amenity of adjoining or surrounding properties or the streetscape. Accordingly, under the terms of the Policy, consultation is not undertaken for an application that either complies, or one that varies requirements of a kind that have no impact upon adjoining or surrounding properties or the streetscape.

Legal Compliance:Planning and Development (Local Planning Schemes) Regulations 2015

Deemed Clause 4 (3) states as follows:

"After the expiry of the period within which submissions may be made, the local government must -

- (a) review the proposed policy in the light of any submissions made; and*
- (b) resolve to –*
 - (i) proceed with the policy without modification; or*
 - (ii) proceed with the policy with modification; or*
 - (iii) not proceed with the policy"*

Deemed Clause 4 (4) states as follows:

"If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area."

Submissions:Community Consultation:

The draft Policy was advertised for public comment in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of 21 days. The advertising period was intended to conclude on the 27 September 2016, however this was further extended until 14 October 2016 due to an incorrect version of the policy being available on the Town's Website.

Advertising was undertaken in the following manner:

- (i) A notice was published in the Southern Gazette on the 6 September 2016 and 13 September 2016;
- (ii) An advertisement was placed on the City's website for the duration of the advertising period; and
- (iii) Copies of documents explaining the Proposed Local Planning Policy were also made available for inspection at the Town's Administration Office.

At the conclusion of the public advertising period, one submission was received, as summarised below:

CONSULTATION SUBMISSIONS	
<i>Submission from Town of Victoria Park Resident</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> <i>“We are strongly of the view that any of the Town’s consultative processes will have minimal reach and impact if notification procedures are inadequate. Marked improvement is needed. Notification for this particular consultation is an appropriate example. No one in our household received any direct communication from the Town to alert us that the Community Consultation on Planning Proposals was pending. It would be hard to successfully argue that the proposed policy does not have Town-wide implications”.</i> 	<ul style="list-style-type: none"> The proposed Local Planning Policy 37 was advertised in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> which does not include advertising directly to each resident within the local government area. Advertising directly to each resident of the Town is a costly process and is not appropriate in every instance.
<ul style="list-style-type: none"> <i>“This consultation also does not make clear as to whether the Town proposes to simply shift the planning elements within GEN3 to a separate planning policy or to also consider the content.”</i> 	<ul style="list-style-type: none"> The Town proposes to remove the planning related items from Policy GEN3 ‘Community Consultation’ and prepare a new Local Planning Policy 37 ‘Community Consultation on Planning Proposals’. The proposed policy includes revisions amongst other things, provide greater clarity on the extent of consultation, who to consult, and the need for Council to inform submitters of how their submissions are being considered.
<ul style="list-style-type: none"> <i>“In our view, the extent and breadth of notification for a proposed planning change or action is the true indicator of the extent to which the Town sincerely wishes to engage with its ratepayers and residents.”</i> 	<ul style="list-style-type: none"> The Town supports community engagement where planning proposals potentially impact on adjoining properties, a nearby area or the Town in general. The draft Policy is premised upon the level and extent of consultation being increased as the significance and impact of the proposal increases.
<ul style="list-style-type: none"> General comments expressing concern regarding the level of consultation undertaken for Lathlain Precinct Redevelopment Project 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> <i>“The GEN3 and/or proposed Planning Policy 37 16-page document also does not adequately distinguish between what it considers notification versus consultation. It largely seems to address notification requirements with little attention paid to the actual consultative process that it notifies.”</i> 	<ul style="list-style-type: none"> The Policy guides the community consultation process for planning proposals. It outlines where consultation will occur, the means and the duration of the process. The suggestion that the policy deals with notification rather than consultation is not correct.

<ul style="list-style-type: none"> • <i>“I find it very difficult to place a proposed undertaking such as the Lathlain Park Redevelopment Project within the table, whether within Development Type, Land Use of Subject. It certainly fits the definition of a development exceeding \$1.5 million and is a land use occurring within a park or reserve, but in either case the proposed notification provisions are woefully inadequate. To be meaningful beyond possible local effects, the policy requires amendment in order to address proposals of size and scale that have the potential to impact a significant geographic area of the Town, have broad financial or budgetary implications or present similar issues of scale and scope.”</i> 	<ul style="list-style-type: none"> • The Lathlain Precinct Redevelopment Project is not a planning proposal that is covered by this policy, and is instead a major Council project that would be covered by the retained parts of Council Policy GEN3 which is intended to be further reviewed. Individual development applications within the Lathlain Precinct Redevelopment Project area will be the subject of this policy, with the significant development components such as, the West Coast Eagles and Perth Football Club facilities being subject of the consultation required of a ‘Significant Application’ within the policy.
<ul style="list-style-type: none"> • <i>“The Town cannot reasonably believe that, in the present world, placing notices in community or state newspapers ensures that a reasonable portion of residents and ratepayers are given the opportunity to participate in a process. Direct notification is required. As the Town well-knows, this does not require placing a notice in an envelope with a stamp. Auspost and private contractors regularly letter box fliers at a far lesser cost.”</i> 	<ul style="list-style-type: none"> • In the majority of instances, advertising by way of newspaper is in addition to direct mail notification. Newspaper notice as a primary means of consultation typically only occurs for planning proposals of either a general or administrative nature which don’t directly impact upon specific properties and for which direct notification is therefore not appropriate.
<ul style="list-style-type: none"> • <i>“The Town also needs to revisit the sensible opportunity to directly notify residents and ratepayers using an email server - when warranted. While use of social media can value-add, it first requires users to be aware of its existence and to then choose to join or participate, and then agree to receive notifications.”</i> 	<ul style="list-style-type: none"> • It is acknowledged that notification through email would be very effective, however personal email addresses can regularly change and Council does not have a record of the email address or every resident, and therefore cannot be solely relied on as an effective means of direct notification.

<ul style="list-style-type: none"> • <i>“Notification of a pending change and community consultation should therefore include at minimum a schedule or timeline indicating key dates for participation, and decision-making dates such as consideration by a Council process. The notification should also include an outline or overview of the consultative process, a description of the various interactive and communication tools that the process will and participants can utilise, and perhaps some commentary about the potential impact of the proposal.”</i> 	<ul style="list-style-type: none"> • The policy states: <i>“Council’s consultation letter shall contain details of the following:</i> <ul style="list-style-type: none"> i) <i>The site and general nature of the proposals;</i> ii) <i>The nature of the discretionary decision or concern involved;</i> iii) <i>The availability of plans/information for viewing and how to access the plans electronically through the Town’s website;</i> iv) <i>The last date by which any comments are to be lodged with Council, and</i> v) <i>An invitation to comment on that part of the proposed development being consulted on.”</i> • <i>In addition to this “all parties who have made a submission on a planning proposal that will be considered at a Council Meeting, will be notified in writing of the time, date and particulars of the Elected Members Briefing Session and Ordinary Council Meeting at which the item is listed on the meeting agenda as well as instructions on to how to access the agenda prior to the scheduled meetings.”</i>
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Policy Implications:

The adoption of the proposed Local Planning Policy will require Council Policy GEN3 to be modified and reviewed at a future time.

Risk management considerations:

The risk of not adopting the Policy is limited and would result in a continuation of the current Policy.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

A review of Council Policy GEN3 'Community Consultation' has now been completed in respect to the Planning related matters contained in the Policy.

The objectives of the revised Policy are:

- outline the process the Council will use when undertaking community consultation and considering submissions; and
- recognise the balance between the desire for the community to be informed and have reasonable opportunity for input into planning proposals and the administrative requirement to process planning proposals in an efficient manner and within prescribed statutory time frames.

Key features of the revised Policy include:

- The Planning related matters are to now be contained in a Local Planning Policy rather than an administrative policy of Council. As a consequence this will include advertising the Local Planning Policy for public comments and feedback;
- Describing the relationship of the Policy to the IAP2 Framework;
- Providing clarity on which properties are to be consulted, through defining the terms 'adjoining property' (with associated diagrams), 'directly adjoining property' and 'significant application' (for which a 200m radius applies). This will result in greater clarity and consistency in who is consulted, rather than leaving this to the judgement of a Council Officer;
- Insertion of a table (Table 2) outlining the consultation requirements for Scheme Amendments, Structure Plans and Local Planning Policies, although the methods and timing of consultation are set down in the Regulations;
- Providing scope for Council Officers to determine that specified variations will have no adverse impact upon an adjoining property or streetscape and therefore consultation is not necessary (refer to Notes within Table 1);
- Clarifying that in all instances where consultation is undertaken, that all owners and all occupiers of a potentially affected property will be consulted, whereas previously only the occupiers and the strata company or secretary, acting on behalf of the landowner, were consulted;
- There being discretion for the Director or Executive Manager to determine that in a certain circumstance, there is a need for additional consultation, alternative methods of consultation or a greater extent of consultation than would otherwise apply under the Policy; and

- Outlining that where public submissions are received, that Council will inform submitters of relevant meeting dates that the proposal is to be discussed, and will inform the submitter of the decision on the proposal.

Given that the revised Policy will result in an increase in the extent of consultation for most planning proposals, it is acknowledged that this is likely to result in Council incurring additional costs for undertaking such consultation, at a time when Australia Post have increased mailing charges. While any increased cost to Council is not preferable, in this instance this is a necessity for Council to undertake good governance and effective consultation processes.

The Policy review considered opportunity for Council to impose additional charges on applicants where community consultation is required, particularly for larger scale applications. Investigations have revealed that those local governments who did previously impose an additional fee for consultation so as to recover costs, have effectively abandoned this practice due to difficulties in administering. Responses from most surveyed local governments has confirmed that they do not charge an additional fee for consultation, and they just absorb this cost as part of the standard development application fee.

CONCLUSION:

While the submitter's comments are noted, based on the preceding response from Council Officers it is recommended to adopt the Local Planning Policy 37 without modifications.

RECOMMENDATION/S:

1. **Council adopts Local Planning Policy 37 'Community Consultation on Planning Proposals' without modifications, with the Policy taking effect upon the publication of a notice in the Southern Gazette newspaper.**
2. **Council Policy GEN3 'Community Consultation' be modified to remove all content relating to consultation on planning matters.**

12 RENEW LIFE PROGRAM REPORTS

12.1 WALGA E-quote VP56390 - Causeway Underpass Drainage Upgrade - McCallum Park Riverwall Renewal Project

File Reference:	ROA/8/0231
Appendices:	Yes

Date:	6 October 2016
Reporting Officer:	G. Wilson/T. Kariyawasam
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – That Council endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in WALGA e-quote 56390, with MMM WA Pty Ltd, under following contractual parameter:	
<ul style="list-style-type: none"> • Price Component; <ul style="list-style-type: none"> – Lump sum of \$244,896.96 (GST exclusive) inclusive of provisional sums; and – \$50,000.00 (GST exclusive) for incidental works and potential variations. • The Request for Quotation (RFQ) titled “Causeway Underpass Drainage Upgrade_Rev B” was released on the Western Australian Local Government Association’s (WALGA) eQuote tender exempt platform under reference number VP56390. • An evaluation of the eQuote submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission from MMM WA Pty Ltd and enters into a contract therewith. 	

TABLED ITEMS:

- The Request for Quotation (RFQ) document titled “Causeway Underpass Drainage Upgrade_Rev B” listed as reference number VP56390 in the WALGA eQuote platform.
- Schedule of Rates (SOR) and response to RFQ for Causeway Underpass Drainage Upgrade works submitted by MMM WA Pty Ltd and Densford Civil.
- Memorandum issue to Elected Members and SMT on 21 June 2016 regarding the progress on the Project.
- Quote evaluation and recommendation by GHD.

BACKGROUND:

The Town engaged MP Rogers and Associates in January 2014 to assess the condition of McCallum Park foreshore riverwall, foreshore structures and other erosion protection structures to come up with a renewal, repair and maintenance plan with associated cost estimates. The MP Rogers report prioritised the projects listed in the report. The section of vertical wall near the causeway underpass was listed as requiring works to be completed within 6 – 12 months. It was classed as the highest priority project, after works to the water ski pontoon area, which has since been repaired. Elected Members were provided with a memorandum on this matter on 21 June 2016.

The Town of Victoria Park has had ongoing flooding issues in the Causeway underpass for a number of years mainly during high tide periods. Frequent complaints have been received from pedestrians and cyclists.

This issue is mainly caused by river water bubbling up between the existing paving. While there are two (2) sump pumps installed to try to deal with the water infiltration, during periods of high tide they cannot cope with the volume of water flooding into the underpass.

The Town engaged a specialist Consultant, GHD, in order to design an engineering solution.

The project's aim is to address pathway flooding issues in the underpass area and repair the river wall in this section. This work will improve the cycling and pedestrian safety and intended use of the pathway at the causeway underpass section. The design solution has been finalised, and consultant GHD has completed detail design drawings and project specifications with the engagement of relevant stakeholders.

Main Roads Western Australia, Department of Water, Public Transport Authority and Department of Parks and Wildlife (DPAW) have been consulted during the detail design process, and relevant authorities have granted approvals.

The environmental protection permit has been obtained from DPAW relating to the drainage upgrade works adjacent to the Swan River. The permit remains valid until 2 May 2017. There are some strict guidelines that apply during construction including prior approval and implementation of a Construction Environmental Management Plan. In addition, adoption and implementation of a Dewatering Management Plan is required, should there be dewatering identified to comply with other Swan River protection conditions.

The works associated with the design solution for the drainage upgrade work are listed below -

- De-commission, demolish, remove and dispose of existing pumping infrastructure, limestone riverwall, surface treatments (including pavements) and surplus sub-surface materials;
- Dewatering as required in accordance with discharge requirements and conditions by relevant authorities;
- Supply, install and grade reinforced concrete, including base slab, walls, kerbs, joints, seals and sealed pre-cast sumps;
- Supply and install two (2) new submersible pumps, including associated civil, mechanical, electrical and control systems; and
- Supply and install surface cut-off drains and outlets.

DETAILS:

In order to procure the necessary services to deliver the project, staff invited civil contractors to quote on the project through WALGA eQuote platform under reference number VP56390. It opened on Thursday 11 August 2016 and closed 4pm Friday 9 September 2016.

The following contractors capable and experience on civil works of this nature listed on WALGA's panel were invited to quote for the project:

- Curnow Group (Hire) Pty Ltd (not responded);
- Densford Civil Pty Ltd (responded);
- Downer Infrastructure (not read);
- Marine & Civil Pty Ltd (declined to respond);
- West Coast Civil (declined to respond); and
- MMM (WA) Pty Ltd (responded).

Two (2) submissions were received from –

- MMM (WA) Pty Ltd; and
- Densford Civil Pty Ltd.

Details on pricing received through RFQ are in the table below (GST exclusive)

Quotations via WALGA eQuotes Platform	Price Excluding Provisional Sums	Price for Provisional Sums
MMM Pty Ltd	\$229,070.45	\$ 15,826.47
Densford Civil Pty Ltd	\$321,103.99	\$ 26,350.00

Selection Criteria	Criteria Weighting
Experience and performance: including; Previous experience and safety statistics	15%
Strategy & plan to deliver: Including; Project Management Plan	30%
Current Capability: Including; Organisation, Technical/ Commercial Skills, HSE and Quality Assurance Documentation, Tools/Machinery/ Assets	15%
Contract price: Including; Submitted fees including considerations of actual costs in consideration of potential variations.	40%
	100%

The evaluation of submission to the RFQ was undertaken by GHD consultant as per the prior arrangement in accordance to the selection criteria provided.

GHD has evaluated the submissions from MMM Pty Ltd and Densford Civil Pty Ltd, and scores were given against each criteria and final weighted scores are provided in the table below:

	Assessment Score				Total Score
	Experience 15% Max	Capability 15% Max	Strategy 30% Max	Price 40% Max	
Densford Civil	9.00	7.25	18.00	28.54	62.79
MMM	10.5	10.43	18.00	40.00	78.93

Legal Compliance:

Local Government Act 1995 Section 3.57.

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

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996* (“the Regulations”), tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$150,000.

Section 11(2) (e) of the Regulations advises that tenders do not have to be publicly invited if goods or services are supplied or obtained from the State Government or any of its agencies, or if the goods or services are procured through the WALGA Preferred Supplier Program Contracts.

Policy Implications:

Council Policy FIN5 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000 and has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be brought before Council for determination.

Risk management considerations:

Should the contract not proceed the risk to the Town will be high, likely to result in ongoing complaints from path users. The Town does not have the in-house resources to carry out the level of service prescribed in the specifications.

The value of the contract dictates it must be awarded by Council.

Strategic Plan Implications:

The Town’s Integrated Movement Network Strategy (IMNS) objectives and outcomes include “reduce transport cost for the community by providing better public transport services, improving pedestrian and cycling facilities and enhancing permeability throughout the Town”. The proposed works on Causeway Underpass pathway will significantly improve pedestrian and cyclist amenity and safety during wettest months of the year.

The Foreshore Access and Management Plan (FAMP) was created to develop a holistic approach to managing the Town’s foreshore areas. The aim of this framework is to take a coordinated and consistent management approach to the long-term ecological sustainability optimisation of access and utilization to the community. Repairs to the riverwall are listed as the highest priority in the McCallum Park/Taylor Reserve Precinct of the FAMP.

The Strategic Community Plan outcomes include “to provide an environment where the community can live a safe, healthy and active life with opportunities to participate in social and cultural activities” as well as “to preserve and maintain natural and built assets that provide a sustainable environment for the community.”

Improvements to access under the Causeway, and repairs to the river wall assist in delivering both these goals.

Financial Implications:Internal Budget:

A total allocation of \$383,900 (GST exclusive) is currently available for Work Order 1565-McCallum Foreshore Riverwall (GL 37757.3135). The Causeway Underpass Drainage Upgrade works by MMM Pty Ltd including provisional sums equate to \$244,896.96 plus contingency of \$50,000 does not exceed the current budget allocation.

Total Asset Management:

Maintenance of Causeway Underpass will be the responsibility of the Town and will form part of Town's asset maintenance program.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The flooding issue at this location has been reported numerous times in the past including on Australian Cycling Forums as well. It is now the time to resolve the flooding issue for the safety of the cycle users and pedestrian and improve the cycling amenity up to the standard.

Cultural Issues:

Nil

Environmental Issues:

The Town has obtained an environmental protection permit from DPAW relating to the drainage upgrade works adjacent to the Swan River. The works under the project will be managed to comply with the condition set under the permit P11716.

COMMENT:

Quote submissions evaluated by GHD has identified that MMM Pty Ltd has achieved the highest score on the evaluation of quotes. MMM Pty Ltd submission included documented comprehensive strategy and plan to deliver, previous relevant experience and safety statistics, and capability including organisation, technical/commercial skills, quality assurance documentation. GHD recommended contingency in place for construction contract variation of 20% (\$50,000) for internal funding approval to cover matters such as the cost of significant dewatering.

There is sufficient budget available under Work Order 1565 (GL 37757.3135).

Surplus funds will be allocated to the detailed design of the next section of the McCallum Park riverwall renewal as indicated in the FAMP.

Renew Life staff strongly recommend that the project be implemented in the 2016/2017 financial year. Furthermore, it is critical to address flooding issue at this location for the safety and improved amenity of path users given the history of flooding event recorded at this site including the office of State Transport Minister.

CONCLUSION:

The Council should accept GHD's recommendation for the submission of MMM WA Pty Ltd be accepted as the most advantageous to the Town.

RECOMMENDATION/S:

That Council endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in WALGA e-quote 56390, with MMM WA Pty Ltd, under following contractual parameter:

- **Price Component;**
 - **Lump sum of \$244,896.96 (GST exclusive) inclusive of provisional sums; and**
 - **\$50,000.00 (GST exclusive) for incidental works and potential variations.**

12.2 Tender TVP/16/11 - Air Conditioning System Replacement Tender – Main Administration Building

File Reference:	TVP/16/11
Appendices:	Yes

Date:	25 October 2016
Reporting Officer:	G. Wilson
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That Council endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in tender TVP/16/11, with Mechanical Project Services Pty Ltd, under following contractual parameter:

- **Price Component**
 - Lump sum price;
 - **Schedule of Rates as provided by the tenderer in tender submission; and**
 - **Contract value approximately \$800,000.**
- A tender was called for the replacement of the Air-conditioning system at the Town’s Administration Building, 99 Shepperton Road.
- The tender will cover the replacement of the existing system with a more efficient cold water system.
- Based on a lump sum price, with a schedule of rates for any possible variations.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the tender submission from Mechanical Project Services Pty Ltd and enters into a contract therewith.

TABLED ITEMS:

- Tender assessment documents and report from BCA Consultants.

BACKGROUND:

The Town of Victoria Park has previously sought to replace the aging air-conditioning system at the administration building, 99 Shepperton Road, Victoria Park. Due to the technical nature of the works required, a heating, ventilation and air-conditioning specialist (HVAC) consultant was engaged. A tender was advertised on Saturday 18 April 2015, closing at 2pm on Tuesday 12 May 2015 to replace the majority of the system (TVP/15/01), with the existing air conditioning system servicing the Executive Office area initially to be retained, as it was installed more recently than the rest of the building’s air conditioning system.

When the tenders were received the submissions were not of the quality expected and all the submitted prices were over the allocated budget. At its Ordinary Council Meeting on 15 June 2015, Council resolved the following –

“That Council resolve to accept no tender in relation to Tender TVP/15/01 for the Administration building air conditioning renewal project at 99 Shepperton Road, Victoria Park.”

The above resolution was in response to a recommendation from staff not to progress the project, given concerns regarding time, quality and project cost estimates. The unspent project funds (\$723,000) were carried forward into the 2015/2016 budget.

Elected Members memorandums (tabled) of 4 June 2015 and 29 February 2016 provide further background information on the matter.

Subsequent to this, staff have continued to maintain the existing air conditioning system whilst exploring other options for renewal of the infrastructure including a staged approach, partial renewal, obtaining detailed life cycle costings, comparing air conditioning systems and the like. In addition, the Executive Office area air-conditioning system became problematic and experienced reliability issues. It was decided that the Town would engage BCA Consultants to investigate other options including the renewal of the entire building's air conditioning system. BCA Consultants had provided all the specifications for the previous tender documents.

DETAILS:

In January 2016 the Town's mechanical services consultants (BCA Consultants) were engaged to provide a detailed Life Cycle Cost Analysis of two options for the renewal of the entire air conditioning systems at the Administration Building, these being –

Option 1 - Chilled Water Cooling Systems comprising:

- 2-off 150kW Air Cooled Chillers;
- 1-off 100kW Gas Boiler;
- 5-off Roof mounted CHW/HW AHU's;
- 8-off CHW/HW In ceiling FCU's; and
- 1-off Wall mounted DX Split.

Option 2 – Combination of Package DX units and VRV system to serve the Western Executive Offices comprising:

- 5-off Roof mounted DX AHU's;
- 1-off DX Split In ceiling FCU;
- 1-off Wall mounted DX Split;
- 2-off Roof mounted VRF Condensers; and
- 7-off VRF In ceiling FCU's.

The options were assessed according to the capital, energy, maintenance and replacement costs of the proposed systems. The benefit of the life cycle cost analysis is that it provides the Town with potential costs associated with running and replacing the systems in present terms within the parameters of the study. The life cycle costs were presented in real terms, that is, future costs were normalised to present values, to account for effects of inflation and increases in energy tariffs.

The life cycle costs over the life of the building were established using standard Net Present Value formulas and include the following components:

- Initial Capital Cost - the initial capital outlay at the present year;
- Replacement Cost - the cost of replacing the system at the end of the economic life intervals; Costs are presented in real terms for the interval years that the system is replaced;

- Salvage Value - the value of replaced systems at the end of the building life. A linear depreciation was assumed to estimate the salvage value; and
- Estimated Energy Cost - the cost of energy over the life of the building taking into account increases of electricity and gas tariffs, compounded annually.

Based on a service life of 20 years **Option 1** was found to be most economical with the life cycle cost amounting to approximately 80% of that of Option 2 over the life of the system. Tender documents were then prepared for a cold water system.

The estimated cost for renewing the air conditioning at the Administration Building as per Option 1 was \$1,232,150 (ex GST), accordingly at the time of setting the 2016/20167 budget an additional \$500,000 was allocated to the previously carried forward funding allocation for this project.

Subsequent to endorsement of the 2016/2017 budget and finalisation of the project scope, Tender TVP/16/11 was advertised in the West Australian on Saturday 6 August 2016. As part of the tender process, a mandatory briefing session was held on 15 August 2016 for any interested parties.

The tender closed at 2 pm on the 13 September 2016 with five (5) submissions being received from –

- Burkeair Pty Ltd (BSA);
- CMS Pty Ltd;
- Jako Industries Pty Ltd;
- Mechanical Project Services Pty Ltd (MPS) ; and
- WA Mechanical Services Pty Ltd.

Description of compliance criteria

Compliance criteria for TVP/16/11 included submissions being able to answer the questions, which are listed below –

- Tenderer has attended the tender briefing in accordance with Clause 6 of “Part 1 – Invitation & conditions of Tendering”;
- Tenderer has executed and provided details of at least two projects in the last two years of value (HVAC only) greater than \$500,000 each, of which at least 1 of the projects was a refurbishment project;
- Tenderer has provided **all information** including information sought in Selection Criteria (clause 3.2 of ‘Part 4 – Form of Tender’) as requested in this RFT document, enabling the Principal to evaluate the tender submission; and
- Tenderer has completed and provided following **signed** documents
 - ‘Form of Tender’ as provided in clause 1 of ‘Part 4 – Form of Tender’; **and**,
 - ‘No Deviation Form’ as provided as Schedule 1 of ‘Part 4 – Form of Tender’.

In addition to the above, the Tenderer was required to provide responses to all following questions:

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

- Will you be able to fulfill the requirements from your own resources or from resources readily available to you to pay all your debts in full as and when fall due?

Description of qualitative selection criteria

Selection criteria for TVP/16/11 included each submission being assessed against four criteria, which are listed below.

SELECTION CRITERIA	WEIGHTING (%)
<p>Past Experience of Tenderer in supplying/completing recent similar projects:</p> <ul style="list-style-type: none"> - Description and relevance to the tendered project; Project Name; - Role of the tenderer; Tender price, variations and final cost; - Project cost; Completion date and extensions granted; - Duration of the project; - Details of OHS&R record as required in ‘Schedule 2 of this document’. 	20
<p>Strategy & Project Delivery Strategy: Project understanding; Project Management Plan (Concept level) & delivery strategy; Contingency plan; Project Schedule;</p> <ul style="list-style-type: none"> - Technical Details: Technical Details as required in “part 2 – Specifications”; - Project Team structure, Names; Functions Departments; - Technical Skills & Expertise (CV’s to be provided); - Tenderers must address the enquired information in an attachment and label it. 	20
<p>Current Capability:-</p> <ul style="list-style-type: none"> - Organization’s capacity and capability - Organization’s structure; - Organization’s vision and mission alignment; - Tools and assets available; - Demonstrated Corporate Social Responsibility. 	20
<p>Tendered Price/s: The price to supply the goods or services as provided by Tenderer in Cl. 4 (Price Schedule) of this document.</p>	40

The assessment of the submissions was formally undertaken by BCA Consultants on behalf of the Town.

After assessing the tenders against the compliance and selection criteria, BCA Consultants provided a report and recommendation to the Town. The recommendation was further reviewed by the Acting Manager Assets, Building Assets Officer and Building Officer.

Legal Compliance:

Local Government Act 1995 Section 3.57

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

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 ("the Regulations")*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$150,000.

Policy Implications:

Council Policy FIN5 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000 and has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be brought before Council for determination.

Risk management considerations:

Should the contract not proceed the risk to the Town will be high, as the office facilities will not be able to be maintained to the high standard that is required. Maintenance costs and repairs to the current system are increasing due to its age. The Town does not have the in-house resources or expertise to carry out the works prescribed in the tender documents.

The value of the contract dictates it must be awarded through a public tender process.

Strategic Plan Implications:

Town of Victoria Park Strategic Community Plan 2013 – 2028 (SCP)

One of the key projects of the SCP includes the provision of *planning, management and maintenance services for the Town's facilities*.

Financial Implications:Internal Budget:

The 2016/2017 Assets Capital budget has an allocation of \$1,338,200 for Administration Centre Replacement of Air-conditioning (Work Order 1004; General Ledger number 37771.3089).

Approximately \$33,000 of these funds have been committed for consultancy and professional services in developing the project scope, and assessing the tender submissions.

The pricing contained within the preferred submission is within the allocated budget.

Total Asset Management:

The Town's Strategic Community Plan 2013-2028 includes the following objectives that relate to the management of Assets –

- Effectively manage, maintain and renew the Town's assets.

Replacing the existing air-conditioning system assists in extending the useable life of the facilities and management of our property assets, ensures compliance with statutory health and public building requirements, and provides a comfortable environment for our staff and visitors.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The Administration Building provides community access and workplace for staff who provide various services throughout the Town.

Cultural Issues:

Nil

Environmental Issues:

The replacement of the existing Air-conditioning with the cold water system will increase the efficiency and reduce the power usage in the building. A reduction in temperature differences will also allow for a more pleasant environment for the staff and visitors.

COMMENT:

BCA Consultants has independently assessed the tenders based on the compliance and selection criteria provided in the tender documents. While it commented on the overall high standard of the submissions, two (2) submissions were considered to be of a higher standard and very price competitive.

- Burkeair Pty Ltd (BSA); and
- Mechanical Project Services Pty Ltd.

Burkeair Pty Ltd (BSA), has a history of servicing the air-conditioning system at the Administration Building, as well as doing other installation projects for the Town.

Mechanical Project Services Pty Ltd is the company which recently upgraded the Town of Victoria Park Library system. The installation at the Library was carried out within the timeframe provided and to a high standard. The firm managed to facilitate the work with minimal inconvenience to the staff and the Library remained open during the process. Both contractors are considered to have the resources and experience to carry out the contract.

BCA Consultants has recommended Mechanical Project Services Pty Ltd as the most advantageous to the Town. Mechanical Project Services Pty Ltd also submitted the lowest price out of these five (5) submissions.

The anticipated costs for this project has come in well below the budget estimates derived from the Town's consultants and the price indications from the previous tender submissions. A surplus in excess of \$450,000 is expected.

Council may wish to consider the reallocation of any surplus funds from this project, or may consider referring the matter to the Finance and Audit Committee for determination.

Surplus funds could be reallocated to the Assets Business Unit's budget and be used to progress one or a number of priority projects as listed in the Two Year Priority Project list endorsed by the Finance and Audit Committee including -

- Administration additional service elevator (approximately \$150,000);
- Revamp of basement showers and toilet (approximately \$100,000); and
- Recarpeting of the Administration (approximately \$250,000).

Alternatively there may be some economies of scale and other advantages in progressing the following project, given the synergies between the two –

- Administration roof replacement - due in 2020/2021, however may be advantageous to do while A/C units are being replaced on the roof (approximately \$150,000).

It should be noted that this financial year the Assets Business Unit has a number of complex and high value capital works projects to deliver, including \$1.5M worth of works at the Aqualife Centre. The Assets Business Unit capacity to deliver additional projects in the 2016/2017 financial year is minimal, with a total of \$3.8M budgeted works. Staff dealing with the projects are at close to capacity.

Consideration of the abovementioned projects as a priority for next year's Capital Works budget may be more realistic.

Accordingly, it is recommended that any surplus funds from the air conditioning renewal project be allocated to the Buildings Renewal Reserve and drawn upon in subsequent financial years to progress capital works as required.

ADDITIONAL OFFICER'S COMMENT

At the EMBS of 1 November 2016 a question from an Elected Member centred on part two (2.) of the Officer's Recommendation to allocate surplus funds from this project to the Buildings Renewal Reserve. There was general consensus from Council to the suggestion that the matter of surplus funds from this project be referred to the Finance and Audit Committee for consideration. The Officer's Recommendation has subsequently been amended to reflect this request.

Questions have also been raised regarding the necessity to renew the entire air conditioning systems throughout the building, in particular the Executive Offices to the northern aspect of the building. Whilst these offices are newer, having been constructed circa 2005, and their air conditioning systems are lesser in age, it is actually these systems which are less functional than air conditioning services in other parts of the building. The failure and poor performance of the air conditioning systems in these offices have been raised as occupational safety and health matters by the staff.

CONCLUSION:

It is concluded that Council should accept BCA Consultants' recommendation for the submission of Mechanical Project Services Pty Ltd as being the most advantageous to the Town.

RECOMMENDATION/S:**That Council:**

1. **Endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in tender TVP/16/11, with Mechanical Project Services Pty Ltd under following contractual parameter:**
 - **Price Component;**
 - **Lump sum price;**
 - **Schedule of Rates as provided by the tenderer in tender submission;**
and
 - **Contract value approximately \$800,000.**
2. **Refers the matter of surplus funds from this project to the Finance and Audit Committee for consideration**

12.3 WALGA e-quote VP 59035 – Lathlain Precinct Redevelopment Project – Zone 5 - Rayment Park Installation of Playgrounds and Picnic Area

File Reference:	PAR/4/0034~01
Appendices:	No

Date:	17 October 2016
Reporting Officer:	G. Wilson
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – That Council endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in WALGA e-quote 59035, with Forpark Australia, under following contractual parameter:	
<ul style="list-style-type: none"> • Price Component <ul style="list-style-type: none"> - Lump sum of \$290,007.00 (GST exclusive); and - Contingency of \$15,000(GST exclusive) for quality soft fall and flying fox mounding modifications. • The Request for Quotation (RFQ) titled “Rayment Park installation of Playgrounds and Picnic Area” was released on the Western Australian Local Government Association’s (WALGA) eQuote tender exempt platform under reference number VP59035. • An evaluation of the eQuote submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission from Forpark Australia and enters into a contract therewith. 	

TABLED ITEMS:

- The Request for Quotation (RFQ) document titled “Rayment Park Installation of Playgrounds and Picnic Area” listed as reference number VP59035 in the WALGA eQuote platform.
- Response to RFQ for “Rayment Park Installation of Playgrounds and Picnic Area” submitted by Forpark Australia.
- Rayment Park design Plans.
- Quote evaluation and recommendation by panel.

BACKGROUND:

The redevelopment of Rayment Park is development Zone 5 of the Lathlain Precinct Redevelopment Project (LPRP). The Zone 5 project was initiated to offset the reduction in passive open space on Lathlain Park due to the requirements for two Ovals thereon by the West Coast Eagles Football Club.

The Town of Victoria Park has been developing a design for the revamp of Rayment Park as part of the LPRP since May 2015. Initially, a concept bubble plan was done, which then went out to the public for feedback. Feedback via the website, open days, surveys and letter drops was obtained.

The Town commissioned further designs to be done by two (2) external companies and one (1) in-house design, for the upgrade of Rayment Park, based on the feedback received from the public.

The three (3) designs were loaded onto the Town’s website. Through surveys, both on the website and at the In-fun-mation Day in May 2016, correspondence, e-mails, phone and face to face contact, the most popular design was selected.

The final design (tabled) was endorsed by the Lathlain Precinct Redevelopment Project Team on 13 September 2016 with instruction to commence the upgrade project.

While there are separate areas to the overall Zone 5 redevelopment, the works associated with this contract are listed below –

- Supply and installation of a junior Playground;
- Supply and installation of a senior playground;
- Removal of existing playground;
- BBQ and Picnic area incorporating seating and shelters; and
- Revamp of existing Gazebo.

DETAILS:

In order to procure the necessary services to deliver the project, staff invited playground suppliers to quote on the project through WALGA’s eQuote platform under reference number VP59035. It opened on Friday 16 September 2016 and closed 5pm Friday 14 October 2016.

The following contractors capable and experience on playground supply and installation of playgrounds listed on WALGA’s panel were invited to quote for the project:

- Forpark Australia;
- Miracle Recreation Equipment;
- Playmaster Pty Ltd;
- PlayRight Australia Pty Ltd;
- Playrope Pty Ltd; and
- Playscape Creations.

One (1) submission was received from –

- Forpark Australia

Details on pricing received through RFQ are in the table below (GST exclusive)

Quotations via WALGA eQuotes Platform	Price Excluding GST
Forpark Australia	\$290,007.00

Selection Criteria	Criteria Weighting
<ul style="list-style-type: none"> • Access and inclusion principals: for playgrounds and picnic areas 	20%
<ul style="list-style-type: none"> • Warranty offered: on components and spare parts availability 	20%
<ul style="list-style-type: none"> • Timeline and methodology: for installation 	10%
<ul style="list-style-type: none"> • Overall design: 	20%
<ul style="list-style-type: none"> • Contract price: Including all sections of the project as per RFQ documents 	30%
	100%

The evaluation of the submission to the RFQ was undertaken by an Assessment Panel of three, the Acting Business Unit Manager Assets, Reserves Supervisor and Parks Technical Officer.

The panel assessed the submission and its suitability against each criteria. The submission received from Forpark was very detailed.

Legal Compliance:

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996* (“the Regulations”), tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$150,000.

Section 11(2) (e) of the Regulations advises that tenders do not have to be publicly invited if goods or services are supplied or obtained from the State Government or any of its agencies, or if the goods or services are procured through the WALGA Preferred Supplier Program Contracts.

Policy Implications:

Council Policy FIN5 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000 and has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be brought before Council for determination.

Risk management considerations:

Should the contract not proceed the risk to the Town will be high, likely to result in ongoing complaints from residents who are awaiting the park upgrade. The Town does not have the in-house resources to carry out the level of service prescribed in the specifications. The value of the contract dictates it must be awarded by council.

Strategic Plan Implications:

Community Life Program

- Create a vibrant town that is a place of social interaction, creativity and vitality.

Renew Life Program

- Effectively manage, maintain and renew the Town's assets.

Financial Implications:Internal Budget:

A total allocation of \$600,000 (GST exclusive) is currently available in the 2016/2017 Parks Capital budget - Rayment Park Upgrade (Work Order 1726; General Ledger 37757.3097).

The pricing contained within the preferred submission is within the allocated budget.

Total Asset Management:

Maintenance and upgrade of the Parks is the responsibility of the Town and will form part of Town's asset maintenance program.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Upgrading and maintaining passive open spaces and recreation areas is for the well-being of residents and visitors to the Town as well as delivering an aesthetically pleasing liveable environment and enhancing the streetscape. It also provides community meeting places and offers exercise and recreation opportunities.

Cultural Issues:

Nil

Environmental Issues:

Public Open Spaces provide a range of environmental benefits including but not limited to; being a food source and natural habitat for numerous fauna, thermal insulation and temperature modification, humidification of the air, filtration of polluted air, interception of rainfall and reduced water runoff, reduced soil erosion, shade and cooling, carbon dioxide and oxygen exchange, visual and noise screening.

COMMENT:

Forpark Australia has provided the only submission out of the six (6) WALGA approved suppliers contacted through the eQuotes process.

Forpark Australia were one of the external companies which provided a design for the Rayment Park concept plan and it was their design the public selected as most popular. Forpark has previously supplied and installed playgrounds for the Town, to a high standard. It has extensive experience throughout local government.

The selection panel has reviewed its submission, and it rates well against the selection criteria. A great deal of detail was provided in their submission as well as some options for different rubber soft fall products. The design for the junior playground was also modified to include ramps, allowing for more universal access. The price it has provided is consistent with expected budget estimates for this part of the project.

CONCLUSION:

The Council should accept the submission of Forpark Australia as the most advantageous to the Town.

RECOMMENDATION/S:

That Council endorses the Chief Executive Officer entering into a contract, via General Conditions of Contract as advertised in WALGA e-quote 59035, with Forpark Australia, under following contractual parameter:

- **Price Component;**
 - **Lump sum of \$290,007 (GST exclusive); and**
 - **Contingency of \$15,000 (GST exclusive) for better quality soft fall and flying fox mounding modifications.**

12.4 Endorsement and Adoption of the Amended Deed of Variation Constitution Agreement of the Mindarie Regional Council

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

Date:	12 October 2016
Reporting Officer:	J. Wong
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council endorses the amended Deed of Variation Constitution Agreement of the Mindarie Regional Council.

- Mindarie Regional Council (MRC) is considering future plans involving the Waste Precinct and the Energy Precinct located in the City of Wanneroo.
- The current Constitution Agreement needs to be amended, or a new Establishment Agreement formalised, to enable these initiatives to be undertaken by the MRC.
- Council at the OCM of 14 July 2016 endorsed the first proposed amendment of the draft Constitution Agreement.
- MRC advised Member Councils on 6 October 2016 that the second proposed amendment of the draft Constitution Agreement requires formal endorsement from the respective Councils.
- Council's endorsement of the second proposed amendments to clauses 5.1(a) of the draft Constitution Agreement is sought.

TABLED ITEMS:

- Minutes of OCM dated 14 June 2016 (item number 12.2) confirming Council's endorsement of the first proposed amendments of the draft Constitution Agreement of MRC.
- Deed of Variation - Constitution Agreement of the MRC.
- Current Constitution Agreement of MRC.

BACKGROUND:

The current Constitution Agreement (CA) was originally made between the Cities of Perth, Stirling and Wanneroo (constituent municipalities) undated, but stamped 21 December 1988. Over time, the CA has been amended to include the Cities of Joondalup and Vincent and the Towns of Victoria Park and Cambridge as constituent municipalities along with other operational amendments.

Since the CA (referred to in the *Local Government Act 1995 [LGA95]* as an Establishment Agreement) was made, the provision of waste management services, and the broader waste management industry has changed in complexity requiring a broader range of services to accommodate the varying needs of the constituent municipalities. The MRC has developed a strategic action plan to ensure it maintains pace with the developing waste industry; central to which is the development of the Waste Precinct within the City of Wanneroo.

DETAILS:

The current CA prohibits the provision of a number of critical future services currently being considered by MRC, including the Waste Precinct, and as it was formed under the repealed *Local Government Act 1960* (LGA60) the rules for holding elections are different and are therefore causing administrative confusion with the constituent municipalities.

One major weakness of the current Constitution Agreement is that it prohibits the outsourcing of waste treatment and processing on properties owned and operated by parties external to the MRC. This restriction prevents MRC from considering more sustainable waste treatment options that are or will become available in the private sector when the current landfill and processing facilities of MRC in Tamala Park and Neerabup have reached their operational capacities.

Mindful of the strategic initiatives being explored by the MRC, a report to the Council of the MRC was presented on 14 April 2016 (tabled item), at which the following resolution was passed - .

That the Council:

1. *confirm its support for the development of a Waste Precinct and the associated projects/contracts required to accommodate the Waste Precinct as detailed in this report.*
2. *be presented with further reports on each of the projects and consultant engagements associated with the Waste Precinct as detailed in this report.*
3. *confirm that the projects and engagements detailed in (2) above will be managed in line with the requirements of the "Proposals and Projects" clause detailed in the Legal Compliance section of this report.*
4. *write to the member councils informing them of its decision to support the development of the Waste Precinct and impress on them the need to either;*
 - i) *approve, in a timely manner, the draft Establishment Agreement as presented to them in correspondence, from the MRC, dated 15 February 2016; or*
 - ii) *adopt amendments to the current Constitution.*

as the changes are required to enable the MRC enter into negotiations and contracts associated with the infrastructure required for the Waste Precinct.

The Strategic Working Group (SWG) of the MRC, which consists of directors or executives from each of the constituent municipalities and the MRC, has for a number of years been developing a new Establishment Agreement (EA) to address the shortfalls of the existing CA. This is mentioned at item 4 i) above.

A final draft of the EA (tabled item) has been prepared by the MRC's solicitors, Castledine Gregory but further negotiations and modifications are required before it can be finalised.

In regards to the abovementioned item 4 of the MRC Council's resolution of 14 April 2016, it is acknowledged that a new Establishment Agreement will not be finalised in the short term. Subsequent correspondence from MRC dated 29 April 2016 seeks Council's endorsement and adoption of the Deed of Variation (tabled item) for the Constitution Agreement of the MRC, in particular clauses 5.1(a) and 5.1(b).

At its Ordinary Council Meeting of 14 June 2016, Council resolved the following –

1. *That Council endorses and adopts the Deed of Variation Constitution Agreement of the Mindarie Regional Council as tabled; and*
2. *Supports the development of a new Mindarie Regional Council Establishment Agreement as soon as practicable.*

The abovementioned amendments resulted in the following changes to the wording of Clauses 5.1 (a) and 5.1 (b) -

- *In clause 5.1(a), delete the words 'delivered to a building or place provided, managed or controlled for those purposes by the regional council'.*
- *In clause 5.1(b), delete the words 'which is delivered to a building or place provided, managed or controlled for those purposes by the regional council'.*

On 6 October 2016, MRC advised Member Councils that a further amendment to the draft Constitution Agreement of MRC has been proposed and that a formal endorsement by all Member Councils is required.

The second proposed amendment involves the following:

- 1.1 Clause 5.1(a)
At the end of clause 5.1(a), insert the words 'or such other building or place as agreed from time to time between the regional council and all municipalities'.
- 1.2 Clause 5.1(b)
At the end of clause 5.1(b), insert the words 'or such other building or place as agreed from time to time by the parties to the contract'.

Once formal endorsement of the Deed of Variation has been secured from all seven MRC Council members, the amended Deed will be presented to the Minister of Local Government for his approval.

Legal Compliance:

Local Government Act 1995.

Local Government (Administration) Regulations 1996.

The CA was drafted using Part XXIX - Regional Councils of the LGA60. The relevant clauses from the LGA60 as they relate to Regional Councils are retained by virtue of the transitional provisions contained in Schedule 9.3; Division 1; Clause 10 of the LGA95.

The process for amending the CA is provided for in Division 4 of the LGA95, which requires all the Participants (formally referred to as constituent municipalities) to agree on the amendments to the existing agreement and obtain the Minister for Local Government's (the Minister) approval to the changes.

Policy Implications:

Nil

Risk management considerations:

If the proposed variations to the Constitution Agreement of MRC are not supported and adopted by any one of the Member Councils, MRC will not be in a position to invest further efforts in securing services from service providers of alternative waste processing or treatment plants to accommodate the waste materials collected by MRC beyond the point when the Tamala Park landfill site has reached its capacity and the Neerabup Resource Recovery Facility (RRF) is no longer viable. It is noted that the diversion rate afforded by the current RRF has been around 55%. This is significantly below the required 2020 target of 65% by the Waste Authority.

Strategic Plan Implications:

Town of Victoria Park Strategic Community Plan 2013 – 2028.
Environment Plan 2013 – 2018.

Financial Implications:Internal Budget:

Any decisions and non-decisions affecting the operations of the MRC will affect the gate fee chargeable to the seven Member Councils including the Town. Based on the proposed gate fee of \$165 per tonne for the 16/17 financial year, the Town's estimated cost of disposing and processing its general waste is estimated to be \$2.26 million. This gate fee is anticipated to continue to increase annually due to the annual increase of landfill levy while MRC relies on a landfill site to dispose of its general waste.

Total Asset Management:

The Town has a 1/12 share of the assets current held by the MRC. By continuing to be a Member Council of MRC formalised by the new Establishment Agreement, the Town will retain its share of these assets and the associated liabilities including the future cost of rehabilitating the Tamala Park landfill site.

Sustainability Assessment:External Economic Implications:

MRC's services are available to members of the public and other organisations beside the seven Member Councils and as such, there is an annual revenue stream expected for its operations. The current operational works and any future infrastructure works required by the MRC will result in business opportunities for the suppliers of plants, materials and services in the private sector.

Social Issues:

Potential employment opportunities for people involved in the delivery of the services offered by MRC.

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%). The endorsement of the Establishment agreement by all seven Member Councils will facilitate the long term planning works required by MRC.

COMMENT:

Background information on requirement to amend the existing Constitution Agreement of MRC was presented to the Council by the MRC's Chief Executive Officer, Mr Brian Callander at the Elected Members workshop of 19 April 2016.

The MRC needs to comply with the Waste Authority's target of diverting 65% of municipal solid waste from landfill by 2020 in a cost effective, efficient manner. The existing MRC landfill site in Tamala Park and the Resource Recovery Facilities in Neerabup will be reaching their designed service lives within the first half of the next decade.

The only practical option to achieve the 65% target is through the adoption of improved treatment alternatives other than the current heavy reliance on metropolitan area landfilling practices.

The MRC's "Waste Precinct Planning" strategic action plan identifies the development of a Waste Precinct as the key to the MRC meeting the abovementioned targets. The current Constitution Agreement limits the MRC from undertaking development of the Waste Precinct and outsourcing its major services to external contractors and as such minor modifications thereto are required.

The Town, in June 2016, endorsed the original proposed amendments to the CA which staff felt would enable the MRC to embark on the initiatives proposed in the abovementioned strategic action plan. Unfortunately, not all seven Member Councils endorsed the wording of the CA amendments at that time.

Further negotiation on the wording of the CA amendments has ensued amongst the member Councils, with the proposed amendments again referred to Council for endorsement.

The amended CA will enable MRC to facilitate improvements required for its business operations including the planning for the future service provision for member Councils and the potential waste treatment and material recycling infrastructures required before the end of service life of the current Tamala Park landfill site and the Neerabup Resource Recovery Facilities

With a view to the future operations of the MRC, it is suggested that a new Establishment Agreement needs to be finalised and agreed upon by all constituents, however it is noted that this process has been protracted and will require further time to finalise amongst the constituents.

CONCLUSION:

The endorsement and adoption by the Council of the Town of Victoria Park of the Deed of Variation as detailed in the body of this report is recommended.

RECOMMENDATION/S:

That Council –

- 1. Endorses and adopts the Deed of Variation Constitution Agreement of the Mindarie Regional Council which incorporates the following variations:**
 - 1.1. Clause 5.1(a)**

At the end of clause 5.1(a), insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’.
 - 1.2. Clause 5.1(b)**

At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’ ; and
- 2. Maintains its support for the development of a new Mindarie Regional Council Establishment Agreement as soon as practicable**

12.5 Request for Quote QTVP/16/24 - Purchase of 55 to 75kW Mini Road Sweeper

File Reference:	QTVP/16/24
Appendices:	No

Date:	18 October 2016
Reporting Officer:	D. Lau
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That Council endorses the Chief Executive Officer to purchase the road sweeper offered by T-Quip Pty Ltd (T-Quip) based on the General Conditions of Contract as advertised in the request for Quotation of reference number QTVP/16/24.

- The Request for Quotation (RFQ) – QTVP/16/24 titled “Trade-in and Purchasing of 55-75kW mini road sweeper” was released through the Western Australian Local Government Association’s (WALGA) eQuote tender exempt platform.
- The quotation received from the recommended supplier is very close to the \$200,000 Delegations Limit of the CEO.
- The approved allocation for this plant item in the 2016-2017 budget under fleet renewal is \$270,000 (ex GST).
- An evaluation of the quotation submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by T-Quip and enters into a contract to purchase the Hako Citymaster 2000 mini road sweeper.

TABLED ITEMS:

- Request for Quotation (RFQ) document of internal records reference number QTVP/16/24 titled “Trade-in and Purchasing of 55-75kW mini road sweeper” which is also listed as reference number VP59885 in the WALGA eQuote platform.
- Quotations submitted by T-Quip, Tennant Company and Bucher Municipal Pty Ltd.
- Tender Analysis Worksheet. .
- Mini Road Sweeper Final Assessment.

BACKGROUND:

The Town’s existing mini road sweeper is a Johnston C200. The Johnston C200 was purchased in 2011 and has over 5,540 hours of operation. The old sweeper had done more than the expected number of work hours for its age and regularly requires repairs. This item of plant was identified for changeover in the 2016/2017 financial year.

During the month of September, the Town’s Waste Services staff and Fleet Services Manager visited a number of suppliers and local councils to road test several sweepers. This has also assisted in finalising the specifications of the sweeper most suited for the Town’s requirements.

DETAILS:

The Town posted a request for quotation (RFQ) QTVP/16/24 titled “Trade-in and Purchasing of 55-75kW mini road sweeper” through WALGA’s eQuote platform on 28 September 2016 with the WALGA eQuote reference number of VP59558.

The following road sweeper suppliers, which are listed on WALGA’s approved panel of suppliers, were invited to quote. The companies are:

- Hako Australia Pty Ltd (responded);
- Tennant Company (responded); and
- Bucher Municipal Pty Ltd (responded).

The above listed companies are currently the main dealerships of quality road sweepers in Western Australia.

The quotation submissions received on the closing date were evaluated and assessed by an approved Evaluation Panel of the Town’s Officers.

The evaluation of this RFQ was undertaken by Evaluation Team Members as listed below in accordance with the following governance structure:

- Evaluation Team Leader: Acting Manager Street Operations;
- Evaluation Member 1: Manager Fleet Services;
- Evaluation Member 2: Waste Services Maintenance Operator; and
- Evaluation Member 3: Waste Services Maintenance Operator

Following receipt of the responses, the Evaluation Panel undertook assessment of the submissions in accordance with the Qualitative and Price criterion nominated in the RFQ documents. These criteria were point scored according to a weighting system which indicated the relative degree of importance for each criteria.

Quotations were assessed against the following weighted criteria:

Price	25%
Conformance to specifications	20%
Parts’ costing and availability	15%
Noise and dust management (Environment)	20%
Total	100%

Specific details of the evaluation and assessment process for the RFQ submissions are documented in the RFQ Evaluation Worksheet which is provided as a Tabled Item.

All four (4) submissions received by the Town were shortlisted and deemed compliant.

In making this conclusion, the Evaluation Panel determined the nominated Tenderers to have:

- An organisational structure, experience and capability of the tenderer in the supply, servicing and ongoing technical support provision of the road sweeper;

- Experience and work history for the supply of road sweepers to other Local Governments and private organisations;
- Ability to provide technical, maintenance support and spare parts in a timely manner;
- A price structure which demonstrated competitiveness with the average prices for the nominated tender;
- Optional services and materials offered which provide value for warranty service, maintenance, functionality and technological advances; and
- Demonstrated an understanding of specification requirements and clarity/relevance of the Tenderers’ proposal (inclusive of supplying all requested items in the format required).

RFQ QTVP/16/24 – Purchasing of 55-75kW mini road sweeper	Score Ranking Overall
T-Quip - Hako CityMaster 1600	2
T-Quip - Hako City Master 2000	1
Tennant - Green Machine 636HS or 500ZE	4
Bucher Municipal - Johnston CN201	3

Based on the summary of the scores produced by the assessment panel, T-Quip - Hako City Master 2000 achieved the highest weighted score in the evaluation process.

Legal Compliance:

Local Government Act 1995 Section 3.57.

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

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 (“the Regulations”)*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$150,000.

Section 2.7 of the *Local Government Act 1995* (Role of Council) requires the Council to be responsible for the performance of the local government’s functions, to oversee the allocation of the local government’s finances and resources and determine the local government’s policies.

Section 11(2) (e) of the *Local Government (Functions and General) Regulations 1996* advises that tenders do not have to be publicly invited if goods or services are supplied or obtained through the State Government or any of its agencies, or if the goods or services are procured through the WALGA Preferred Supplier Program Contracts.

Policy Implications:

Council Policy FIN5 Purchase of Goods and Services requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or expected to exceed \$150,000.

Council Policy FIN4 - Purchase of Goods and Services permits the use of WALGA Preferred Supplier Program Contracts and has been complied with.

Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be brought before Council for determination. The use of the WALGA Preferred Supplier Program Contract removes the Tender requirement on the Town, which makes this procurement technically not a Tender. However, as the total value of the contract is very close to \$200,000, this item is brought before Council for its endorsement.

Risk management considerations:

Should the purchase not proceed, the risk to the Town will be medium to high as the Town will not be able to sweep its roads and car parks effectively and efficiently. The Town's current Hako CityMaster 600 sweeper is primarily suited to footpath sweeping and the Johnston 650 road sweeper is currently used for the sweeping of streets within the City of South Perth and the Town on an equal basis. Without this purchase, the Town may have to outsource the required road sweeping works to a contractor and reduce the number of work hours for the current full-time employed (FTE) staff while increasing staff resource level required to appropriately manage and supervise additional contract works.

The value of the contract dictates that it must be awarded through a public tender process or through WALGA's eQuote platform.

Strategic Plan Implications:

Asset Management Plan.

Financial Implications:

Internal Budget:

The purchase as identified in the RFQ is to be funded from work order number WO1641 – Vehicle Purchase – Waste – Sweeper (177 VPK) which has a budget of \$270,000. The submitted price of the recommended supplier is within the nominated budget.

Total Asset Management:

The ongoing maintenance and operational costs for the mini road sweeper is allocated in the approved operating budget of 2016/17.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The Town's community will benefit from a high level of service in the area of road and car park cleanliness through the latest technological advances on board the Hako City Master 2000 which will greatly improve road sweeping efficiency and effectiveness when compared to the Town's current sweeper which is due for replacement.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Council, through the adoption of the annual budget, has endorsed the Vehicle Purchase – Waste – Sweeper under work order number WO1641.

The offer accompanying the supply of the Hako Citymaster 2000 mini road sweeper includes an extended warranty of three (3) years, scheduled maintenance up to and including 1,000 hours, spare wheel, hand held vacuum hose and a high pressure cleaner.

T-Quip has demonstrated that they are able to meet the specifications and conditions as contained in the RFQ. Staff have identified T-Quip - Hako City Master 2000 as being the most advantageous offer suited to the Town's requirements.

CONCLUSION:

It is recommended that Council endorses the purchase of the Hako City Master 2000 as offered by T-Quip.

RECOMMENDATION/S:

That Council endorses the Chief Executive Officer purchasing the Hako Citymaster 2000 mini road sweeper as offered by T-Quip Pty Ltd (T-Quip) based on the General Conditions of Contract as advertised in the Request for Quotation of reference number QTVP/16/24 at the cost of \$199,332.00 (ex GST).

12.6 Mindarie Regional Council Joining the Eastern Metropolitan Regional Council’s Resource Recovery Facility Tender and Tonnage Commitment from the Town’s General Waste Stream

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

Date:	27 October 2016
Reporting Officer:	J. Wong
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – that Council endorses:

1. The Town committing 7,000 tonnes of its general waste; and
2. Mindarie Regional Council (MRC) committing 50,000 tonnes of the residue waste from its Resource Recovery Facility to the future waste treatment or processing facilities that may be established under agreement between the MRC and the Eastern Metropolitan Regional Council (EMRC) at the conclusion of the EMRC’s tendering process to procure waste disposal services.

- Council at its ordinary Council meeting on 11 October 2016 resolved to endorse the Town and MRC joining the EMRC tender for the procurement of waste disposal services, which will include a waste to energy facility.
- The above arrangement requires MRC to commit at least 100,000 tonnes of waste annually to be supplied to future waste treatment or processing facilities.
- The Town currently delivers approximately 13,000 tonnes of general waste to MRC annually for processing.

TABLED ITEMS:

Nil

BACKGROUND:

Since 2014 the Eastern Metropolitan Regional Council (EMRC) has been working with consultants and solicitors in reviewing the most beneficial Resource Recovery Facility/s to manage its Municipal Solid Waste (MSW) stream and developing a tender that will encourage a strong response from the resource recovery market.

In 2013 the MRC endorsed its Strategic Community Plan (the Plan) setting a 20 year vision for waste management from 2013 to 2033. In part, the Plan determined that an Alternative Waste Treatment Facility would be required in 2020 to enable the member councils to meet the Waste Authority target of 65% diversion of Municipal Solid Waste (MSW) from landfill by 2020.

In 2014, Hyder Consulting Pty Ltd were engaged to produce a report that provided the most appropriate infrastructure mix that would enable the MRC and its member councils to meet or exceed the target set by the Waste Authority. The report entitled “Waste Processing Infrastructure Options Assessment” (the Report) reviewed a combination of different infrastructure solutions using a multi criteria approach. The Report considered that only two combinations of infrastructure would enable the diversion target to be met.

Both of these combinations included Waste to Energy (W2E) as the most effective process. Based on waste data provided by the member councils the Report indicated that as much as 250,000 tonnes of waste per annum by the year 2022 can be committed to a W2E facility. It was noted in the report that this tonnage could vary depending on the recycling strategies put in place by the member councils going forward.

In February 2015 the MRC adopted the Report and the member councils have subsequently agreed through their representative on the Strategic Working Group (SWG) to adopt and/or use the Report when considering infrastructure solutions for the region.

The MRC continues to keep abreast of developments in the W2E market and has previously advised the member councils that there are a number of W2E facilities currently under development in Western Australia (WA). A brief overview of these facilities follows:

Waste to Energy (W2E)

Since 2013 the MRC has kept informed on the different W2E solutions available in the market, both internationally and in Australia. It is clear from this information that the incineration of waste is the most popular, proven, reliable and appropriate solution to deal with MSW.

Currently in WA there are three commercial W2E proposals at varying stages of approval, being:

1. Phoenix – Incineration Waste To Energy Project In Kwinana (400,000 tonnes per annum)
 - EPA part IV Environmental Approval;
 - Development Approval by JDAP;
 - DER part V Works Approval;
 - Ministerial Approval for Exemption of a Generator License;
 - Building Permit exemption for main building;
 - Completion of the Early Engineering Works and Basic Design;
 - Submission and acceptance of application to connect to the grid; and
 - Registration of generation on the SWIS.

This project has been developed in response to a tender released by the Rivers Regional Council and is arguably the most advanced project in WA, offering incineration as a W2E solution.

The information available to date indicates that the Phoenix project team will know if it has achieved Financial Close by early 2017. On behalf of its members the MRC is currently discussing the terms of a possible short term waste supply agreement with Phoenix aimed at assisting the member councils in meeting the Waste Authority's diversion target of 65% by 2020. The MRC has distributed a Waste Delivery Participation Agreement to its members. This agreement, if approved and executed by the member councils, will enable the MRC to enter into a separate short term waste supply agreement with Phoenix.

In addition the Waste Supply Agreement (WSA) contract model for this venture reduces the risk for the principal as the contractor takes on the responsibility for developing and operating the facility, including the capital cost. The principal's only real responsibility is to supply the committed waste and pay an agreed gate fee for the waste.

2. New Energy Corporation - Gasification Waste Projects
New Energy currently has two project sites in development.

i) Boodarie - Pilbara

(70,000 to 130,000 tonnes per annum)

- Location: Boodarie Industrial Estate, Port Hedland;
- EPA & DA approval (2013);
- Waste;
- City of Karratha signed 20 year WSA & Lease to build Transfer Station at 7 Mile landfill (July 2015);
- Town of Port Hedland signed 20 year WSA & PPA (June 2016);
- Power;
- Draft ETAC agreement with Horizon Power;
- Negotiations on PPAs well progressed with several counterparties;
- Financing;
- Funding support by CEFC;
- Term sheets from major international lenders; and
- Expected FC by Q1 2017, Operations by Q1 2019.

ii) East Rockingham

(up to 200,000 tonnes per annum)

- Location: Office Rd, East Rockingham;
- EPA & DA approval (2015);
- Waste;
- C&D residual waste contract signed with IWM;
- Negotiating waste with local councils & commercial customers;
- Power;
- PPAs being negotiated with major power retailers (Synergy & Perth Energy;)
- Connection to Western Power in progress;
- Financing;
- Term sheets from major international lenders; and
- Expected FC by Q2 2017, Operations by Q2 2019.

The MRC has continued to work with the member councils through the SWG to ensure that every opportunity to be involved in W2E in WA is presented. As indicated above the EMRC are well advanced in developing a tender for the provision of Alternative Waste Treatment Facilities for the waste produced in its region.

The MRC, on behalf of the member councils, entered into discussion with the EMRC to determine if there was an opportunity for the MRC to join the tender on the basis of aggregating the tonnes of the two regions to achieve economies of scale that would reduce the cost of W2E for their member councils. The SWG has been kept informed of this opportunity as it progresses.

These discussions resulted in the EMRC agreeing to amend the tender to allow a regional local government to join the tender. The tender was advertised on Saturday 13 August 2016.

In order to achieve the required level of economy of scale, EMRC requires MRC to commit at least 100,000 tonnes of waste annually. MRC working with its Strategic Working Group determined that 50,000 tonnes can be sourced from the residue of the MRC's Neerabup Resource Recovery Facility and the remaining 50,000 tonnes would need to be sourced through the general waste stream of Member Councils. This report seeks Council's commitment of 7,000 tonnes to the project.

DETAILS:

The EMRC's Tender documents provide the ability for the MRC to join the tender process. The relevant parts of the tender have been reproduced below to demonstrate how the MRC (identified in the tender as an 'Other Regional Local Government') has been included in the Tender.

Part 1.3 – Project

The EMRC has resolved to issue this Request for Tender (RFT) to acquire Resource Recovery Services for its Member Councils. The EMRC is seeking to either:

- establish a Resource Recovery Facility (RRF) to process Wastes from its Member Councils at Red Hill Waste Management Facility (WMF) through a Design Build Operate and Maintain (DBOM) contract model; OR*
- enter into a Waste Supply Agreement (WSA) under which it would deliver Wastes to a RRF that will be a privately established Merchant Facility and would process waste from multiple sources. The Merchant Facility may be located at the Red Hill WMF or on an alternative site proposed by the Tenderer.*

The preferred approach will be determined through the Tender evaluation process, based on what proposal(s) provides the best value for money for the EMRC and the Participants.

The EMRC has been conducting discussions with Other Regional Local Governments that have expressed an interest in participating in the tender process for the resource recovery services.

One Other Regional Local Government is interested in participating in a WSA contract separate to that of the EMRC and will not enter into a DBOM contract. In the event that an Other Regional Local Government enters into a WSA, it will have Other Local Government Participants that participate in their WSA contract.

Therefore, this is a joint tender process with the EMRC and Other Regional Local Government each seeking to enter into separate contracts for the Services within their District as the Principal. The EMRC and the Participants, and the Other Regional Local Government and the Other Local Government Participants may choose to enter into separate contracts with different contractors, or separate contracts with the same contractor.

The Other Regional Local Government and its respective Other Local Government Participants are currently going through the approvals processes that would be necessary for them to participate. Further clarification will be provided to tenderers during the tender period regarding their details and confirming their involvement.

The current scope of the RFT includes options for the involvement of the Other Regional Local Government and its Participants. Tenderers are invited to submit proposals to process Wastes for the EMRC only (DBOM or WSA) and for the EMRC and Other Regional Local Government (WSA) singularly or in combination, with each having separate contracts.

More than one tender may be accepted from this tender process.

The EMRC and Other Regional Local Government will individually determine the Successful Tenderer with whom they will enter into a Contract. The EMRC and the Other Regional Local Government may choose to enter into Contracts with the same Tenderer or separate Tenderers. The EMRC may choose to enter into one or more Contracts with separate Tenderers for different components of its Waste. The EMRC and Other Regional Local Government reserve their rights to not accept any Tender.

Tenderers are invited to submit a Tender or Tenders for one or more of the contract options listed in Table 1-1 for a DBOM contract and Table 1-2 for a WSA contract. Tenders are to clearly state the design annual capacity of the RRF that is offered and the degree to which the RRF can be scaled up to increase capacity to cater for future growth.

Details of the available waste streams are shown in clause 1.5. The inclusion of some of the waste streams will be subject to agreement from the Participants, which will be largely determined by the cost of treatment. A final decision on these waste streams is not likely to be made until after the assessment of Tenders.

Table 1-2: Contract Options – WSA

Contract Options	Waste Type & Collection System	Sources & Quantities of Waste (tpa)		Estimated Annual Tonnes Year 1
		EMRC	ORLG	
WSA 1	Mixed Waste (2 bin system)	120,000	-	120
WSA 2a	Source Separated Organic Waste (3 bin system)	48,000	-	48,000
WSA 2B	Mixed Waste (3 bins system)	106,000	-	106,000
WSA (2a+2b)	Source Separated Wastes (3 bin system)	WSA 2a+2b	-	154,000
WSA 3	ORLG Mixed Waste	-	150,000	150,000
WSA (1+3)	Mixed Waste (2 bin system + ORLG Mixed Waste)	120,000	150,000	270
WSA (2b+3)	Mixed Waste (3 bin system + ORLG Mixed Waste)	106,000	150,000	256,000

1.5.1 PROCESSIBLE WASTE

Processible Waste is the component of Wastes that meets the Waste Acceptance Criteria, as defined by the Contractor within the Waste Acceptance Protocol, agreed by the Principal and which the Principal shall deliver to the Contractor and the Contractor shall receive and process in accordance with the Contract.

Processible Waste must be delivered by the Participants to the Contractor when it is generated (i.e. received or collected by or on behalf of a Participant).

If less Processible Waste is generated than estimated in the Contract, and all of that waste is delivered to the Contractor, then the Participant will only be required to pay for the amount of Processible Waste that is delivered.

Details of Processible Waste requirements are detailed in clause 2.6 for a DBOM contract model and clause 3.5 for a WSA contract model.

1.5.2 NON-DELIVERED WASTE

Processible Waste that is generated and not delivered by a Participant to the Contractor under a WSA contract is deemed to be Non-Delivered Waste. The Participant shall pay and the Contractor shall receive a Non-Delivery Fee for any Non-Delivered Waste.

1.6 IMPLEMENTATION TIMETABLE

The table below provides details of the Project Procurement implementation timetable currently proposed by the Principal. This timetable, except for the closing date for submissions, may be changed without notice from the Principal. Any change to the closing date for submissions will be communicated by the EMRC.

Table 1-3: Implementation Timetable

Task	Date
Closing date for submissions	18 January 2017
Completion of Submissions Assessment	February 2017
Selection of Preferred Tenderer(s)	February 2017
Briefing of Participants	March 2017
Conditional Award of Contract	April 2017
Finalise Contract	July 2017

The timetable for implementation of the RRF and the commencement of waste processing services will be detailed in the finalised Contract, based on the timetable proposed by the successful Tenderer in their Tender and agreed by the Principal.

The Contractor will commence treating waste on the day following the Date of Practical Completion in accordance with the Contract. Tenderers shall nominate in their Tender the Scheduled Date of Practical Completion. The Tender Selection Criteria will favour Tenders that propose an early Scheduled Date of Practical Completion (See Clause 1.16.2).

1.7 DETAILS OF THE TENDER PROCESS

The EMRC and Other Regional Local Government are seeking Tenders based on the following tender options:

1. DBOM Contract Option (EMRC Only):

Services:

- *The Contractor shall Design and Construct a RRF that meets the DBOM Minimum Technical Requirements as detailed in clause 2.4. The Contractor shall receive and process in the RRF Wastes from the EMRC. In so doing the Contractor will be responsible for Operation and Maintenance of the RRF, production and sale of Products, management and disposal of solid and liquid Residue Waste throughout the Term. The Contractor may, with the prior written approval of the Principal, receive and process waste of an equivalent composition as Processible Waste from sources other than from the Principal or Participants (Contractor Supplied Waste) (see clause 2.10). The Contractor shall be responsible for the production and sale of Products and management and disposal of solid and liquid Residue Wastes throughout the Term.*

Location:

- *The RRF will be located at the Red Hill WMF (only).*

Technology:

- *Acceptable technologies for the RRF are:*
 - *Gasification (including any pre-sorting process); or*
 - *Anaerobic Digestion (including a pre-sorting process if propose by the Tenderer); and/or*
 - *Mechanical recovery and sorting.*

2. WSA Contract Option (EMRC and/or Other Regional Local Government):

Services:

- *The Contractor shall receive and process Wastes from one or more of the Principals at a RRF owned and operated by the Contractor as a Merchant Facility. It is expected that Wastes from sources other than from the Principal will be processed at the RRF. The Contractor will be responsible for the production and sale of Products and management and disposal of solid and liquid Residue Waste throughout the Term.*

Location:

- *The location of the RRF is to be proposed by the Tenderer and may include Red Hill WMF or a site nominated by the Tenderer.*

Technology:

- *The technology used in the RRF and its Effective Treatment Capacity are to be nominated by the Tenderer in their Tender. The Waste Acceptance Criteria for Processible Waste are also to be proposed by the Tenderer.*

Full statements of the services required under the two proposed contract options appear in the Tender Specification and Technical Requirements in Parts 2 and 3 of this RFT.

1.15 EVALUATION PROCESS

This is a Request for Tender (RFT).

The evaluation of Tenders will be based on which provides the best value for money for each of the proposed Principals and their respective Participants.

The assessment of Tenders will be undertaken in three stages:

- *Assessment against Compliance Criteria;*
- *Assessment against Qualitative Criteria; and*
- *Value for Money Assessment.*

Evaluation of the Tenders will be undertaken by a Tender Evaluation Panel (TEP) supported by specialist sub-groups as required. Each of the EMRC and Other Regional Local Government will undertake an assessment of the TEP's evaluation outcomes through its own committee to determine which Tender(s) provides it and its Participants with best value for money and to determine its acceptability.

Tenderers:

- *may be asked to provide clarification in support of their Tender;*
- *may be asked to attend clarification workshops;*
- *may be asked to nominate reference sites in support of their Tender and to arrange inspections of those reference sites by the Tender Evaluation Panel;*
- *may have referees contacted by the Principal;*
- *will be evaluated using information obtained from some or all of the following sources:*
 - *provided in the Tender;*
 - *obtained by the Principal from other sources;*
 - *clarification provided by the Tenderer;*
 - *interviews with referees; and*
 - *reference site inspections.*

The member councils have been provided, in confidence, a complete copy of all documents that relate to the Tender under separate cover.

The following table provides the steps required to get involved in the tender.

STEPS	TIMING (DATES)
<p><i>Each member council would need to approve the minor amendments to the Constitution.</i></p> <p><i>Note: This will allow the MRC to continue to provide a range of services not anticipated at the time the Constitution was constructed, including infrastructure solutions like waste to energy.</i></p>	<p><i>End of October 2016</i></p>
<p><i>Each member council has to resolve whether or not it will commit to the tender. This commitment can take the following forms:</i></p> <ul style="list-style-type: none"> <i>A. Commit to the tender as a participant, but not commit any waste; or</i> <i>B. Commit to the tender as a participant and commit the specified waste stream.</i> <p><i>The MRC will need to be advised of the member councils' decisions.</i></p>	<p><i>End of October 2016</i></p>
<p><i>The Council of the MRC will be provided with a report detailing the decisions of the member councils and based on the responses, determine if it will join the EMRC tender.</i></p> <p><i>NOTE: The MRC's determination to join the tender will be based on the indicative amount of tonnes being committed by the member councils. It may be that a number of councils resolve not to commit any waste, but there may still be sufficient tonnage committed to warrant the MRC joining the tender.</i></p> <p><i>For instance, if the member councils' combined committed tonnes:</i></p> <ul style="list-style-type: none"> <i>i) is around 50,000 tonnes, the MRC could join the tender on the basis of aggregating the tonnes with the EMRC; or</i> <i>ii) is around 150,000 tonnes the MRC could join the tender collectively with the EMRC or individually.</i> 	<p><i>Mid November 2016</i></p>
<p><i>If the decision is made to join the tender the MRC will form part of the Tender Evaluation Panel (TEP) and will, with other panel members selected from the MRC's Strategic Working Group, make a determination of the tenders submitted using the qualitative criteria detailed in the Request for Tender.</i></p>	
<p><i>Discuss with the EMRC the outcome of tender assessment and determine if the parties:</i></p> <ul style="list-style-type: none"> <i>i) will join together in one tender;</i> <i>ii) will independently progress individual tenders; or</i> <i>iii) together or independently not accept any tenders.</i> 	
<p><i>The assessment of the TEP will be presented to a meeting of the SWG for consideration.</i></p>	

<i>The outcome of the TEP and the meeting of the SWG will be presented to the MRC Council for consideration.</i>	
<i>The EMRC be advised accordingly of the MRC’s decision.</i>	

Through the process, the MRC will work within the following parameters:

- processible waste (waste from its green or red lidded bins) will be committed as a waste stream rather than a specified number of tonnes. This commitment does not require a guaranteed amount of waste which still allows the member councils to divert material from the waste stream prior to sending it to Waste to Energy;
- a minimum required diversion rate (greater than 90%) and an acceptable facility gate fee (less than \$160 per tonne initial facility gate fee, indexed appropriately); and
- the MRC will favour sites beneficial to the MRC (the MRC considers that Neerabup is a preferred site, but would not rule out other sites).

The following table provides an overview of the benefits and risks associated with joining the EMRC tender and a commentary prepared by the MRC.

MRC TO JOIN EMRC IN ALTERNATIVE WASTE TREATMENT TENDER (AWTT) RISK/BENEFIT ANALYSIS	
BENEFITS	COMMENTARY
Ability to enter the waste to energy market in a timely manner	Joining the tender will save up to two years on the MRC’s estimated timing to enter the W2E market (the time required to develop, advertise and assess the tender responses)
Ability to test the market’s response to varying commitment of waste tonnages	<p>The tender as it is currently written requires the tenderer to respond to various capacity plants, providing clarity in the assumed benefits of a reduced gate fee for a larger facility.</p> <p>The joint tender would allow the MRC to go to market with a greater pool of tonnes than if it simply went to tender on its own. While not participating in the EMRC tender does not preclude the MRC from going to tender on its own, it would mean that any solution the MRC could procure on its own would likely be at a more expensive rate per tonne than would be available under the EMRC tender.</p>
Savings on the cost of developing the tender	The EMRC have used credible consultants (Mr John King – Talis Consulting) and solicitors (Ms Melanie Cave – Partner in Herbert Smith Freehills) to develop an understanding of the W2E market and design the tender documentation aimed at obtaining the best market response. T

	The MRC would have to pay a proportion of the tender development costs to the EMRC but it will be far less than the cost of the MRC funding the tender development on its own.
Improving waste diversion	Joining this tender will enable the member councils to meet the Waste Authority's target of diverting 65% of MSW from landfill by 2020
Lack of involvement in the tender process and lack of visibility of the content of the tender document may result in the MRC being exposed to some risk	The EMRC have advised that they would be willing to release the tender to the member councils as long as a confidentiality statement is signed by each recipient
Lack of involvement in the tender process means that the commercial market may not have been tested properly, resulting in a sub optimal outcome for the MRC and its members	<p>The tender documentation has been structured in such a way that it is broad enough to allow industry players to respond in the most commercial way they see fit, including the location of transfer stations and other infrastructure that is required.</p> <p>The MRC would not accept any tender that did not meet the predetermined gate fee rates and waste diversion outcomes. This in essence protects the member councils from being drawn into a facility which does not yield a market related service at a market related price.</p>
<p>The EMRC have indicated that it would require to be reimbursed for a portion of the consultant/legal costs relating to the development of the tender.</p> <p>Concerns were raised that the MRC could end up funding a disproportionately large portion of the tender development costs.</p>	The MRC will be provided with a detailed breakdown of the development costs and will only pay an amount commensurate with its involvement in the tender, which will include a share of the costs associated with the Waste Supply Agreement part of the tender
The timeframes are too tight to get a decision from the councils of the member councils	The MRC could assist in the drafting of the report to Councils and attending Council briefing sessions/workshops (possibly along with Mr King) to fully inform the Councillors of the opportunity on offer

If the MRC joins the tender it will automatically be involved in the assessment of the tenders and will independently be able to decide whether to accept or reject any tender or join with the EMRC in the tender.

Concerns have been expressed by members of the SWG around the fact that the tender process is being led by the EMRC, rather than the MRC, which might result in a less beneficial or optimal outcome for the MRC and its members. If there were any material additional obligations that arose, other than those agreed to by the member councils, the MRC would have to seek consideration of these changes by the member councils prior to finalising its consideration of the tender

The MRC is confident that any risks which may exist are outweighed by the potential benefits which would flow as a result of joining the EMRC tender process.

The MRC has consulted with the Strategic Working Group (working group set up to communicate strategic and operational issues to the member councils of the MRC) on this project.

Legal Compliance:

MRC Constitution Agreement.

The Tender process will be conducted by the EMRC in accordance with the *Local Government (Functions and General) Regulations 1996*.

Policy Implications:

Nil

Risk management considerations:

The risk of not joining EMRC in this tendering process include a delay of the procurement process for W2E treatment services for Member councils and a higher cost involve in the procurement process.

The risk of MRC not committing the required minimum amount of 100,000 tonnes of general waste is that it will disqualify MRC from joining this tendering and procurement process.

Strategic Plan Implications:

Town of Victoria Park Strategic Community Plan 2013-2028.

Environmental Plan 2013-2018.

Financial Implications:

Internal Budget:

The process of tendering will not have any financial implication on the member councils however the MRC will have to fund a share of the consultancy costs incurred by the EMRC in developing the tender. The outcome of the tender will not have any financial impact on the budget in 2016/2017.

The MRC's initial disposal cost threshold (gate fee) prescribed in the tender is \$160 per tonne. This is less than the current MRC gate fee of \$165 per tonne. Thus for the Town to enter into a WSA as party to the EMRC tender, it is expected that the gate fee will need to be less than what we currently pay.

Total Asset Management:

The W2E facilities will be managed by the contractor and will not be owned by MRC.

Sustainability Assessment:External Economic Implications:

As the W2E facilities will be located within close proximity of the MRC and EMRC, employment generated by the new facilities would benefit residents in Western Australia.

Social Issues:

Depending on the location of the W2E facilities and the sensitivity of any nearby communities there would be potential impacts to residents caused by additional truck traffic and, potentially, some level of chemicals emission from the W2E facilities.

Cultural Issues:

Nil

Environmental Issues:

Potential emission of trace chemicals by W2E facilities. Energy in the form of electricity will be generated by incinerating waste materials.

COMMENT:

The service life of MRC's landfill site and the RRF is limited. The State Government's Landfill Levy is anticipated to continue to increase at a significant rate year on year, ensuring the cost of disposing waste to landfill becomes more expensive. Joining with the EMRC is an opportunity for MRC to fast track the procurement and participation in the disposal of waste via alternative means; an increase in the waste diversion rate is also a key derived outcome of this process.

The opportunity exists to secure more attractive contract rates by joining forces with EMRC in its tendering process to secure services via a W2E facility which will be managed and maintained by a third party.

In addition to the 50,000 tonnes of residue waste available from MRC's Neerabup Resource Recovery Facility, if the MRC has secured from all seven Member Councils a total commitment of 50,000 tonnes of waste, MRC will be able to proceed to join the tendering process with EMRC and it will automatically be involved in the assessment of the tenders and will independently be able to decide whether to accept or reject any tender that does not meet their requirements.

Should the Town proceed in the near future to allow the free upgrade of the normal residential recycling bins to the new and larger 360 litre recycling bins in future, the expected tonnage of waste materials being delivered to MRC will be reduced and the corresponding saving due to reduced transport cost and MRC gate fees will be realised. There will still be sufficient waste stream tonnage available post introduction of the free 360 litre recycling bin upgrade, should it be adopted by Council, to allow the Town to commit 7,000 tonnes of its general waste to the future waste treatment or processing facilities to be provided through EMRC.

CONCLUSION:

Council has already endorsed the MRC to join EMRC in its tendering process associated with the provision of waste treatment or processing services.

MRC is required to commit at least 100,000 tonnes of waste materials to be delivered to future waste treatment or processing facilities currently being considered by EMRC.

The Town's staff have considered the options available to MRC through the meetings and discussions held between members of the MRC Strategic Waste Group.

The Town's staff recommend that Council supports MRC committing at least 50,000 of its residue sourced from the MRC's Neerabup Resource Recovery Facility and another 7,000 tonnes of general waste from the Town subject to the remaining member Councils committing the balance of the required tonnage.

RECOMMENDATION/S:

That Council endorses:

- 1. The Town committing 7,000 tonnes of its general waste; and**
- 2. Mindarie Regional Council (MRC) committing 50,000 tonnes of the residue waste from its Resource Recovery Facility to the future waste treatment or processing facilities that may be established under agreement between the MRC and the Eastern Metropolitan Regional Council (EMRC) at the conclusion of the EMRC's tendering process to procure waste disposal services.**

13 COMMUNITY LIFE PROGRAM REPORTS

There are no reports from the Community Life Program

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 30 September 2016

File Reference:	FIN/11/0001~09
Appendices:	Yes
Date:	26 October 2016
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation - That Council confirms the schedule of Accounts paid for the month ended 30 September 2016.	
<ul style="list-style-type: none"> • The Accounts Paid for 30 September 2016 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		
Automatic Cheques Drawn	607761-607784	137,023
Creditors – EFT Payments		2,268,692
Payroll		907,958
Bank Fees		26,551
Corporate MasterCard		4,047
		3,344,271
Trust Account		
Automatic Cheques Drawn	3303-3318	17,265
		17,265

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

Risk Management considerations:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

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

RECOMMENDATION/S:

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

1. The Accounts Paid for 30 September 2016 as contained within the Appendices; and
2. Direct lodgement of payroll payments to the personal bank accounts of employees.

14.2 Financial Statements for the Month ending 30 September 2016

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

Date:	26 October 2016
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation - The Council accepts the Financial Activity Statement Report – 30 September 2016 as contained within the Appendices.

- The Financial Activity Statement Report is presented for the Month ending 30 September 2016. 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 – 30 September 2016.

Please note -

The financial information as shown in this report 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 30 September 2016.

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

–

Revenue

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

Expense

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

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

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

Legal Compliance:

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

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

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

(5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Policy Implications:

Nil

Risk management consideration

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

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

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – 30 September 2016 be accepted.

RECOMMENDATION/S:

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 September 2016 as contained within the Appendices noting that this Report does not represent the Town’s final financial position for the period ended 30 September 2016.

15 COMMITTEE REPORTS

Finance and Audit Committee

15.1 Recommendation from Finance and Audit Committee – Conference Policy Review for Elected Members

File Reference:	TAT/15/0003~2
Appendices:	Yes

Date:	27 September 2016
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – That the Council adopts a new conference policy EM5 for Elected Members	
<ul style="list-style-type: none"> • A review has been undertaken of the Elected Members and staff conference polices. • It is proposed to revoke Council Policy ADM3 (for staff attending conferences) and Council Policy EM5 (for Elected Members attending conferences). • It is recommended that a new Policy EM5 be adopted for Elected Members. 	

TABLED ITEMS:

Nil

BACKGROUND:

The Council at its meeting held on 11 August 2015 when considering sending an Elected Member to attend the Parking Australia Outlook Conference 2015 in Sydney from 19 – 20 August 2015, at an estimated cost of \$3,125 resolved:

“That Council don’t send an Elected Member to the Parking Australia Outlook Conference 2015 in Sydney.”

The reason for the abovementioned decision was that:

“This is an Election year and some Councillors terms of office are due to expire. Council need to be mindful when using ratepayers money and approving travel within two (2) months from an election date.”

Taking cognisance of the above decision and reasoning, the Administration was requested to review the policy EM5 for Elected Members attendance at conferences. In reviewing the Policy it was considered appropriate to also review Policy ADM3 for staff attendance at conferences.

DETAILS:

Proposed new Polices EM5 dealing with attendance at conferences is contained within the Appendices.

Policy EM5 Conference Attendance – Elected Members

In relation to Elected Members, a caveat has been placed on their attendance at a conference where an Elected Member, at the date of the conference, has an electoral term of less than three (3) months to complete. Such an Elected Member shall be ineligible to attend, unless it is determined by the Council that attendance by an Elected Member who is within three (3) months of completion of his or her term of office would be of specific benefit to the Town/Council and approval is granted by the Council.

Elected Members will also be required to submit a report upon returning from any conference, where registration and other associated costs are met by the Town of Victoria Park, the attending Elected Member is required to either:

- Prepare a written report on their attendance and benefits to them and the Town, to be circulated to all Elected Members within one month;

Or

- Present a verbal report on their attendance and benefits to them and the Town, at the next available Elected Member's Workshop

The Chief Executive Officer (CEO) acting within delegated authority may approve Elected Members attendance at intrastate conferences the majority of which are held within the Perth Metropolitan Area.

The Mayor shall be entitled to attend the following conferences without seeking Council approval:

1. Annual Western Australian Local Government Association;
2. Annual National Australian Local Government Association; and
3. Annual National Congress of the Local Government Managers Australia.

In addition all Councillors shall be entitled to attend the Annual Western Australian Local Government Association (WALGA) Conference without seeking Council approval (intrastate – delegated to the CEO).

Policy ADM3 Conference Attendance - Staff

It is considered that the attendance of staff at a conference is an operational matter and as such should be determined by the Strategic Management Team. This could then become a staff policy administered by Human Resources Section and not by the Council.

Currently, in accordance with Delegation 12.3 dealing with staff attendance at conferences the CEO has sub-delegated the administration of policy ADM3 to all Directors to enable them to determine their own Program staff attendance at conferences.

Taking cognisance of the above it would naturally follow that the management of this policy best sits with the administration and that the Council Policy ADM3 should be revoked.

Legal Compliance:

Nil

Policy Implications:

Current Policy *EM5 – Conference Expenses – Elected Members* needs to be revoked and replaced with a new policy. Policy *ADM3 Conference Training and Council Representation - Attendance Intrastate or Interstate* needs to be revoked and become a policy administered by Human Resources.

Risk Management Considerations:

There is a low risk if the Council does not amend policy EM5 or revoke policy ADM3.

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Administration was requested to review the policy for Elected Members attendance at conferences. In reviewing the Policy it was considered appropriate to consider ADM3 Policy for staff attendances at Conferences.

CONCLUSION:

It is recommended that policies ADM3 and EM5 be revoked and Policy EM5 be replaced with a new Policy entitled Conferences contained within the Appendices.

DISCUSSION AT FINANCE AND AUDIT COMMITTEE MEETING:

At the Finance and Audit Committee meeting held on 10 October 2016 the view was expressed that:

1. Elected Members should not have the option to submit a verbal report and therefore should be required to submit a written report on their attendance and benefits to them and the Town, to be circulated to all Elected Members within one month upon returning from any conference.

2. The Mayor should only be entitled to attend the Annual Western Australian Local Government Association (WALGA) State Conference without seeking Council approval; and
3. The Town's two (2) representatives on WALGA's South East Metropolitan Zone should only be the Elected Members entitled to attend the Annual WALGA State Conference without seeking Council approval.

The above amendments to the proposed new Policy were supported unanimously by the Committee.

Taking cognisance of the above, the Administration has made the changes to the proposed policy as contained within the Appendices.

RECOMMENDATION FROM THE FINANCE AND AUDIT COMMITTEE:

That the Council:

1. REVOKES the following Polices:

1.1 "ADM3 Conference Training and Council Representation - Attendance Intrastate or Interstate"; and

1.2. "EM5 – Conference Expenses – Elected Members";

2. ADOPTS a new Policy "EM5 Conference Attendance – Elected Members" as amended by the Finance and Audit Committee and contained within the Appendices.

**15.2 Recommendation from the Finance and Audit Committee -
Proposed Disposal by Sale of 6A (Lot 41) McMaster Street, Victoria
Park**

This item has been withdrawn from the agenda.

15.3 Recommendation from the Finance and Audit Committee - Adoption of the Town of Victoria Park Risk Management Framework

File Reference:	GOR/15/0003
Appendices:	Yes

Date:	5 October 2016
Reporting Officer:	T. Mbirimi
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That the Council adopts the Town of Victoria Park Risk Management Framework as contained within the Appendices.

- The Risk Management Framework will assist the Town to integrate risk management into its enterprise-wide risk management systems.
- The framework needs to be adopted in order for it to be embedded within the Town’s overall strategic and operational policies and practices.

TABLED ITEMS:

Nil

BACKGROUND:

Amendments to the *Local Government (Audit) Regulations 1996* came into effect on 8 February 2013 and introduced the following provisions:

“16. Audit committee, functions of

An audit committee –

- a) is to provide guidance and assistance to the local government –
 - i. as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - ii. as to the development of a process to be used to select and appoint a person to be an auditor; and
- b) may provide guidance and assistance to the local government as to –
 - i. matters to be audited; and
 - ii. the scope of audits; and
 - iii. its functions under Part 6 of the Act; and
 - iv. the carrying out of its functions relating to other audits and other matters related to financial management; and
- c) is to review a report given to it by the CEO under the regulation 17(3) (the CEO’s report) and is to –
 - i. report to the council the results of that review; and
 - ii. give a copy of the CEO’s report to the council.

17. CEO to review certain systems and procedures

- 1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management ; and
 - (b) internal control; and
 - (c) legislative compliance.
- 2) The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- 3) The CEO is to report to the audit committee the results of that review."

DETAILS:

In 2014, the Town of Victoria Park ("The Town") Administration enlisted the assistance of Local Government Insurance Scheme ("LGIS") to develop a Policy and Procedures which would form the Risk Management Framework for The Town.

The framework, as contained in the appendices, was developed but the establishment phase did not progress further enough for presentation of the draft framework to Council for adoption. It includes the following;

1. Governance Framework

- Policy (includes Risk appetite);
- Procedures (Standards & Guidelines); and
- Tools & Templates.

2. Risk Data

- Risk Registers / Themes / Profiling Risks;
- Issues (Risk / Control); and
- Allocation of owners and Review Frequency.

3. Risk Reporting (Monitor & Review)

- Frequency and Detail; and
- Commentary on insights and Recommendations.

The framework was developed; however; the establishment phase did not progress further enough for presentation of the draft framework to Council for adoption.

Notwithstanding the above, the documentation that was produced is still relevant, of a good standard and has provided a useful resource to the Town as it attempts to revitalise its risk management approach. As such, one of the first activities required is to review the documented framework and have this considered and endorsed by Council (with or without amendments). This is a vital element in setting an organisation's "risk context". In accordance with As per the AS/NZS ISO 31000:2009 standard for risk management, establishing the organisation's risk management context is an essential first step in implementing sound risk management practices.

Once the risk context has been established, it is proposed that basic risk management training be rolled out followed by the five activities mentioned below, to move forward the risk management program at the Town.

1) Develop and Measure Key Indicators

Identify for each risk theme at least one lead and lag indicator, with a set tolerance level, that can be monitored over time to provide an indication of the effectiveness of the Town's risk management, existing controls and implementation of treatment plans.

2) Risk Acceptance Decision

When undertaking the review of the Town's risk profiles, a note will be made of any commentary based on the Town's risk acceptance criteria if that risk is acceptable or not. Any unacceptable risks will then need to have identified some treatment plans for consideration and implementation.

3) Assurance Plan

In conjunction with the Town's internal audit program, develop a program of assurance activities that can be reported to the Finance and Audit Committee to further demonstrate that the Town is doing what is appropriate and effective in relation to the risk management system and procedures.

4) Strategic Risk Register

As part of building a comprehensive risk profile, it is proposed that the Town capture its strategic risks. LGIS can assist in facilitating the development of a strategic risk register with a typical work scope being;

- a. Meet with the Council, Strategic Management Team (SMT), Executive Management Team and other relevant personnel to scope specific project objectives, strategic direction, strategic planning documentation, risk appetite and risk assessment criteria.
- b. Presentation (1hr) to SMT on Strategic Risks to agree on strategic risk definition and strategic risk assessment process.
- c. Facilitate a workshop (3hrs) to establish the Strategic Context and Identify Strategic Risks.
 - o Strategic risks will be identified through the analysis of environmental factors, stakeholder expectations and strategy development / implementation.
- d. Facilitate Workshop (3hrs) to Analyse, Evaluate and if required Treat Strategic Risks.
 - o The Town's Risk Management Framework, including Risk Assessment and Acceptance Criteria will be applied to analyse and evaluate strategic risks.
- e. Provide a Strategic Risk Register Report for inclusion in Local Government's risk information and decision making.

5) Develop Project Risk Methodology

Develop and ensure consistency of risk management practices within major projects with appropriate escalation and reporting processes aligned with the Town's risk appetite / tolerance.

Legal Compliance:

Section 16 & 17 of the Local Government (Audit) Regulations 1996

Policy Implications:

Nil

Risk Management Considerations:

As outlined in this report, adoption of a Risk Management Framework will assist the Town to integrate risk management into its enterprise-wide risk management systems.

Strategic Plan Implications:

The adoption of a Risk Management Framework will align with the Town's objective to have an effective development of systems and processes that support the organisation achieve optimum performance.

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:

In November 2009, AS/NZS ISO 31000:2009 ("the standard") replaced the previous Australian and New Zealand risk management standard AS/NZS 4360:2004. The standard provides Fund Member agencies with principles and general guidelines to be considered when developing risk management frameworks and programs. Some of the significant changes or enhancements of AS/NZS ISO 31000:2009 include:

1. A change to the definition of risk -The definition of risk changed from the 'chance of something happening that will have an impact on objectives' to 'the effect of uncertainty on objectives';
2. The introduction of eleven principles for the management of risk;
3. Five attributes of an enhanced risk management framework; and
4. A recommended approach to developing an enterprise-wide risk management framework.

Concerning the five attributes to enhance risk management, the Standard stipulates the following:

1. An agency should fully accept accountability for their risks and develop comprehensive controls and treatment strategies.
2. There is now an increased emphasis on continuous improvement in risk management. Agencies should set its performance goals, its measures, and then review and modify processes as required. An agency should also review and modify its systems, resources and capability/skills to ensure continuous improvement.
3. Individuals with accountability for risk management are identified. These individuals should be appropriately skilled, have adequate resources to check and improve controls, monitor risks, and the ability to communicate effectively with all stakeholders.
4. Decision making within the agency, whatever the level of importance and significance, should include consideration of risks and the application of the risk management process as appropriate.
5. Frequent reporting to all stakeholders should be included in the agencies governance processes. This reporting would be ongoing and highly visible.

It is for the above reasons that the Town is committed to developing and implementing a Risk Management Framework in accordance with the risk management standard AS/NZS ISO 31000:2009, which will include systems to identify, treat, monitor, review and report across all of its operations.

CONCLUSION:

The Policy and Procedures form the Risk Management Framework for the Town. It sets out the Town's approach to the identification, assessment, management, reporting and monitoring of risks. All components of this document are based on AS/NZS ISO 31000:2009 Risk Management.

It is essential that all areas of the Town adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant legislation, regulations and internal policies.
- Integrated planning and Reporting requirements are met.
- Uncertainty and its effects on objectives is understood.

This framework aims to balance a documented, structured and systematic process with the current size and complexity of the Town along with existing time, resource and workload pressures.

RECOMMENDATION FROM THE FINANCE AND AUDIT COMMITTEE:

That the Council adopts the Town of Victoria Park Risk Management Framework as contained within the Appendices.

15.4 Recommendation from the Finance and Audit Committee - Caretaker Period Policy – Town of Victoria Park Elections

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

Date:	12 October 2016
Reporting Officer:	T. Mbirimi
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – That the Council adopts the Caretaker Period Policy as contained within the Appendices	
<ul style="list-style-type: none"> • Adoption and implementation of this policy would ensure the Town’s activities and those of Elected Members who are candidates in the Town of Victoria Park elections, are undertaken in a manner that supports a high standard of integrity during local government election periods. 	

TABLED ITEMS:

Nil

BACKGROUND:

During the lead up to the 2015 Local Government Elections, the Department of Local Government and Communities (‘DLGC’) issued a number of Election Bulletins highlighting issues for local government consideration during and post the election. One of the matters the DLGC raised was for individual local governments to consider the implementation of a Caretaker Period Policy. The policy can help to protect both the reputation of a local government’s administration and its elected members.

The DLGC further advised that for local governments that implement such a policy, it can help to protect both the reputation of a local government’s administration and its Elected Members. The objectives of such a policy would be:

- to avoid making major decisions prior to an election which would bind the incoming council;
- to prevent the use of public resources in ways seen to be advantageous to, or promoting current councillors seeking re-election; and
- to ensure staff act impartially in relation to candidates.

The DLGC recommends that the policy could cover:

- decisions made by the Council;
- materials published by the local government;
- attendance and participation in functions and events;
- use of the local government’s resources; and
- access to local government information.

DETAILS:

There are a number of matters to be considered in order to clarify the processes involved to enable the Town to fulfil its role and functions as the Town of Victoria Park ('The Town'), during a caretaker period. The matters include:

- Start date for the Caretaker Period;
- Role of the CEO in implementing the Caretaker Period;
- Scheduling of Major Policy Decisions;
- Exemptions in Extraordinary circumstances;
- Council Publications, including website, Facebook and Twitter;
- Candidate and Elected Member Publications;
- Public Consultation during the Caretaker Period;
- Attendance and participation in Functions and Events;
- Use of the City's Resources; and
- Access to Information and Assistance.

Implementation of a Caretaker Period Policy would provide for better decision making and greater transparency and accountability in Council as prescribed by section 1.3 of the *Local Government Act 1995*.

Legal Compliance:

Section 1.3 of the Local Government Act 1995

Policy Implications:

Nil

Risk management considerations:

The following risks could materialise if the Town does not adopt a Caretaker Period Policy.

1. The current Council may make decisions that would bind the incoming Elected Members;
2. There may be a misuse of local government resources during the election period; and
3. There would be a lack of clarity for employees and Elected Members during the election period with regards to decision making, impartiality, use of resources and release of information.

Strategic Plan Implications:

The adoption of a Caretaker Period Policy will be in line with the Town's objective to set strategic direction that provides a clear vision and purpose.

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed Caretaker Period Policy, as contained within the Appendices, considers all the criteria and provisions that are consistent with the guidance from the DLGC and other metropolitan local governments that have adopted a Caretaker Period Policy.

CONCLUSION:

There is no legal or statutory requirement for Council to adopt a Caretaker Period Policy. However, it is good and recommended practice to adopt one as it will provide guidance to the Town's Administration and Elected Members when considering various matters during the Caretaker Period. The Town is committed to the principle of fair and democratic elections and therefore recommends the adoption and endorsement of the practices within this policy in addition to legislative requirements.

RECOMMENDATION FROM THE FINANCE AND AUDIT COMMITTEE:

That the Council adopts the Caretaker Period Policy as contained within the appendices.

Economic Development Committee

15.5 Recommendation from the Economic Development Committee - Adoption of Strategic Marketing Policy

File Reference:	CMR/16/2
Appendices:	Yes
Date:	25 October 2016
Reporting Officer:	S. Browne
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – That Council adopts the Strategic Marketing Policy, as contained within the Appendices.	
<ul style="list-style-type: none"> • The Strategic Marketing Policy aims to guide the consistent marketing of the Town of Victoria Park. 	

TABLED ITEMS:

Nil

BACKGROUND:

At the Economic Development Committee meeting, held on 5 May 2016, the Committee requested that a Strategic Marketing Policy be developed.

Since then the Committee members have been invited to brainstorm the content of the policy, particularly the policy statement, to assist with its creation. The draft policy was presented as a workshop topic to the Economic Development Committee meeting on 8 September 2016, with feedback from this session forming the finalisation of the proposed policy.

At its 6 October 2016 meeting, the Economic Development Committee endorsed the Policy and requested it be submitted for recommendation by Council.

DETAILS:

The Strategic Marketing Policy aims to guide all marketing of the Town of Victoria Park, and will ensure that consistent messaging is used.

The Policy sets the Council’s position in regards to marketing the Town, and guides the Administration to ensure that it:

- develops and implements strategic marketing plans that sell the Town and highlight the features and benefits of spending time in the Town using engaging methods, with a fresh and knowledgeable tone, through various channels;
- conveys key messages clearly and accessibly to target audiences;
- works with key partners located in the Town to increase the reach of the messaging; and
- identifies opportunities to partner with other organisations or groups to market the Town.

Legal Compliance:

The *Local Government Act 1995* – Section 2.7 applies.

Policy Implications:

If adopted this will be a new policy to be utilised within the Town's operations as a guiding strategy.

Risk management considerations:

Managing reputational risk is an operational task of the Communications & Marketing Unit. Having a coordinated approach to the strategic marketing of the Town will minimise the likelihood of reputational risk by providing the Unit with overarching guidance on its approach to marketing the Town.

Strategic Plan Implications:

The proposed Strategic Marketing Policy has been written to connect with one of the key objectives in the Town's Strategic Community Plan and Corporate Business Plan. This objective reads 'grow the connection between Council, business and the community', and includes the support, advice and delivery of marketing, branding and image materials for the organisation.

Financial Implications:Internal Budget:

There will be minimal budget implications however some future activities may require additional funds.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

The Policy will have a positive impact on the local economy and aims to result in attracting people to spend time in the Town.

Social Issues:

Additional numbers of people spending time in the Town will increase the area's vibrancy.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Strategic Marketing Policy is a high-level document that ensures that the Council, community and administration have an understanding of what guides all marketing of the Town. Operationally, a marketing strategy is being developed, which will go in to more detail to outline why, how and when marketing of the Town will occur. The marketing strategy will also be used to inform communications plans that are created for specific events, projects, initiatives and engagement.

CONCLUSION:

The proposed Strategic Marketing Policy provides a best practice approach to marketing the Town of Victoria Park.

RECOMMENDATION FROM THE ECONOMIC DEVELOPMENT COMMITTEE:

That Council adopts the Strategic Marketing Policy as contained within the Appendices.

Future Planning Committee

15.6 Recommendation from Future Planning Committee - Petition Requesting Town Planning Scheme and Precinct Review and Amendment for Burswood Lakes Structure Plan

File Reference:	PLA/7/0022
Appendices:	No
MRS Zoning:	Urban
TPS Zoning:	Special Use
TPS Precincts:	P2 – Burswood Precinct

Date:	25 August 2016
Reporting Officer:	R.Lavery
Responsible Officer:	R.Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation –

1. That the 202 signature petition from Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment for the Burswood Lakes Structure Plan area be Received by the Council.
2. The Burswood Residents Action Group be advised that whilst Council acknowledges the concerns of the Burswood residents and landowners, it does not believe the requested course of action will resolve those concerns and it intends to take no further action in regard to the petition, however it will continue to consult with residents and landowners and take their concerns into consideration on any development application within the Structure Plan area and engage with them on any future planning the Town is involved in for the Burswood Peninsula.
3. The Burswood Residents Action Group be provided with additional information on planning processes, including determining authority jurisdiction, as it relates to the Burswood Peninsula.
 - A 202 signature petition has been received from surrounding Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment.
 - The petition was considered at the Ordinary Council Meeting of 13 September 2016 at which time Council resolved to defer consideration, forward it to the Future Planning Committee for consideration in October and have it returned to the 8 November 2016 Ordinary Council Meeting with a recommendation from the Future Planning Committee

TABLED ITEMS:

- Petition received by Council’s administration on 12 July 2016 requesting a Town;
- Planning Scheme and Precinct Plan Review and Amendment for Burswood Lakes Estate;
- Extract of Minutes of Ordinary Council Meeting of 13 September 2016 relating to Item 11.5; and

- Local Planning Policy 33 - Guide to Concessions on Planning Requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments.

BACKGROUND:

The Town has received a petition signed by 202 residents and landowners of the "Burswood Lakes Estate" the area the subject of the Burswood Lakes Structure Plan adopted under Town Planning Scheme No. 1.

The Burswood Lakes Structure Plan was developed to guide the future subdivision and development of the land and was approved by Council on 17 December 2002 and by the Western Australian Planning Commission on 22 April 2003.

Since that time most of the development of the area has been generally in accordance with the provisions of the Structure Plan with the most notable exceptions being the fourth tower at 96 Bow River Crescent which included an increase in density and height from that identified in the Burswood Lakes Structure Plan albeit within the parameters for exercise of discretion identified in the Precinct Plan and Town Planning Scheme No. 1 generally; and the request for variations to the Structure Plan requested by the owners of Lots 9 and 9252 Victoria Park Drive on two separate occasions, one of which is still to be determined.

DETAILS:

A 202 signature petition has been received from Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment. The petition states the following:

TO: His Worship, Mr Trevor Vaughan, Mayor of the Town of Victoria Park

BY: Electors of the district of Victoria Park.

Background:

The Burswood Lakes Estate (our Estate), approved Structure Plan 2003 is a document endorsed by the State of Western Australia and the Town of Victoria Park (TOVP) and a document whose integrity many of us relied upon in acquiring properties within the Estate. Recently, the State Government endorsed the Burswood Peninsula District Structure Plan and has also stripped Structure Plans of Statutory status. This means we now have two documents to 'guide' development at our Estate; and our original, approved, Structure Plan is not binding on the developer.

This, along with Mirvac's departure from the Burswood Lakes Estate Structure Plan (government approved major uplift in density) combined with EG Funds Managements proposal for high density developments on Victoria Park Drive and Bow River Crescent entry, has left owners and residents of our Estate in a state of "planning limbo" with no the Perth metropolitan region.

Two plans guiding development on our estate is a ridiculous state of affairs and can only be resolved via a ToVP Town Planning Scheme 1 review and amendment along with a Precinct Plan. We urge you to support this petition to call the Town of Victoria Park into action to implement the Town Planning Scheme 1 review and amendment along with a Precinct Plan.

Request:

On behalf of owners and occupiers of properties within the Burswood Lakes Estate (BLE) we wish to request a full public review and amendment of the Town of Victoria Park Town Planning Scheme 1 (TPS1), as it relates to the land contained within, and surrounding, the Burswood Lakes Estate, and preparation of a new Precinct Plan.

The Petition was received under cover of correspondence dated 12 July 2016 from Mr Neil Kidd on behalf of the Burswood Residents Action Group as follows:

Request:

On behalf of owners and occupiers of properties within the Burswood Lakes Estate (BLE) we wish to request a full public review and amendment of the Town of Victoria Park Town Planning Scheme 1 (TPS1), as it relates to the land contained within, and surrounding, the Burswood Lakes Estate, and preparation of a new Precinct Plan.

Reasons for the request:

At page 17, Section 2 of the Approved Burswood Lakes Structure Plan and Precinct Plans (BLE ASP), dated 22 April 2003, Mirvac claimed:

"This Structure Plan constitutes the complete set of documents that will guide the development of the land in the Town of Victoria Park's Town Planning Scheme No 1 Burswood Precinct Plan P2 (Town Plan) as Special Use Zone and known as Burswood Lakes"

The document includes

- *Part A - The Structure Plan Rationale*
- *Part B—The Structure Plan*
- *Part C - Precinct Plan Amendment*

Mirvac also stated, at page 8 Section 3.3, that:

"Burswood Lakes will be developed by one developer- Mirvac Fini (now Mirvac). Unlike other developments in Perth, Mirvac Fini will design, construct, project manage and market the entire built form project from start to finish."

"The Structure Plan and its Design Guidelines, along with the amendments to the Precinct Plan and its Development Standards have been carefully considered so that the integrity of the development would not be diluted through second generation development."

At page 9, of the Approved 2003 Burswood Lakes Estate Structure Plan, Mirvac also committed:

"The Town of Victoria Park can be confident that Burswood Lakes will be developed as indicated in this Structure Plan document."

Mirvac has since resiled from these fundamental commitments by selling at least 4 significant parcels of land within the BLE and seeking density and other amendments on Lot 10. To date, at least 3 development applications have been received by the Town which ignore the BLE ASP and seek to dilute the integrity of the development within this first generation of development.

The BLE ASP is a document endorsed by the State of Western Australia and the Town of Victoria Park, and a document whose integrity many of us relied upon in acquiring properties within the BLE.

Recently, the State Government endorsed the Burswood Peninsula District Structure Plan (BDSP) and has also stripped Structure Plans of Statutory status.

All this combined, has left owners and residents of BLE in a state of "planning limbo" with no certainty of development outcome. This in turn has affected confidence in the planning regime, broader community perception of BLE and, more significantly, property values; currently BLE ranks amongst the lowest sale values 'per square metre' across new apartment developments in the Perth metropolitan region.

The 2003 Approved Burswood Lakes Structure and Precinct Plans (BLE ASP) and the Governments Burswood Peninsula District Structure Plan 2015 (BDSP) are both "must have due regard" documents when it comes to determining any application. The BDSP is in significant conflict with the BLE ASP in that both claim Lots 9525 and 9 to be within their boundaries. In reality these lots are in differing "zones" with differing objectives under each Structure Plan. See Burswood Station East and West Development zones in the (BDSP); see also the boundaries within the BLE ASP.

Two documents relating to the same land parcels, and neither in accord with the controlling Statutory document, is a ridiculous state of affairs; and this conflict must be resolved via a ToVP Town Planning Scheme 1 review and amendment along with a Precinct Plan.

In the interim, it is incumbent upon the Town not to consider any application under the Town of Victoria Park's Town Planning Scheme No.1, which does not conform to the BLE ASP and Precinct Plans. To do otherwise would be bottom up planning and would not constitute a, proper, formal planning process; and may well be subsequently proven "Ultra Vires."

A partition (sic) in support of this submission, signed by 202 residents of Burswood Lakes Estate, has been hand delivered to the Town care of the CEO."

A report of the Director Future Life and Built Life in regard to the petition was considered at the Ordinary Council Meeting of 13 September 2016 at which time Council resolved to defer consideration, forward it to the Future Planning Committee for consideration in October and have it returned to the 8 November 2016 Ordinary Council Meeting with a recommendation from the Future Planning Committee as follows:

REASON:

There are many strategic issues in this item and should be put in front of the Future Planning Committee for their input. It will give the petitioners the opportunity to make a delegation to the Planning Committee on this matter."

The petitioner has been advised that this item will be considered at the Future Planning Committee of 19 October 2016 and invited to make a delegation to the Committee at that meeting.

Legal Compliance:

Council's Elected Members are required to formally acknowledge and resolve how they will consider the receipt of any petition received from residents or land owners within the Town at their forthcoming Ordinary Meeting.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Residents are concerned about ad hoc development outside approved scheme and structure plan provisions and how they might impact on them.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Council's Director Future Life and Built Life and Executive Manager Built Life met with the petition representative on Monday 22 August 2016 to ensure clarity of objectives of the Burswood Residents Action Group in its request. At that meeting it was confirmed that the two major objectives are:

1. To seek some certainty and input into the future planning direction for the Burswood Lakes Structure Plan Area and development on the Burswood Peninsula; and
2. To stop ad hoc development that doesn't comply with the current planning requirements from being approved until such time as there is a clear future planning direction for development on the Burswood Peninsula.

The representative also suggested that an amendment to Precinct Plan P2 Burswood Precinct to remove the following clause would be appropriate to assist in achieving these objectives:

VARIATION OF DEVELOPMENT STANDARDS

When considering an application for planning approval under Clause 36 of the Scheme, the Council may allow variation to any development standard or requirement in the Scheme, the Council may allow variation to any development standard or requirement in the Scheme, this Precinct Plan or a Planning Policy. In doing so, the Council may require the application to be advertised in accordance with Clause 35 (2) and only allow the variation if, in its opinion;

- (a) *the development would be consistent with:*
- *the orderly and proper planning of the locality;*
 - *the preservation of the amenities of the locality; and*
 - *the statement of intent set out in this Precinct Plan.*
- (b) *the variation would not have any undue adverse effect upon:*
- *the occupiers or users of the development;*
 - *the property in, or the inhabitants of, the locality; or*
 - *the likely future development of the locality.*

At the meeting the Director Future Life and Built Life explained that with the current planning system, there were a number of processes that ensured that there was the opportunity to vary provisions, including this clause, and an overriding Clause 38 of Town Planning Scheme No. 1, which provides a general discretion that may be exercised over any development application, by the determining body. It states:

38. DETERMINATION OF NON-COMPLYING APPLICATIONS

(1) *In this clause -*

- (a) *An application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in relevant Precinct Plan), where that standard or requirement does not provide for variation, is called a “non-complying application”;*
- (b) *An application involving a prohibited use, and an application for residential development in a Residential zone, are not non-complying applications for the purpose of item (a) of this subclause (1); and*
- (c) *In the case of development in a Non-Residential zone, notwithstanding that a relevant standard or requirement may provide for variation, an application for such development is to be treated as, and shall be considered always to have been, a non-complying application so as to attract the discretion in this clause 38.*

(2) *Subject to subclause (3), the Council may refuse or approve a non-complying application.*

(3) *The Council cannot grant planning approval for a non-complying application unless –*

- (a) *if so required by the Council under clause 35 (2), the application has been advertised; and*

- (b) *the Council is satisfied by an absolute majority that -*
- (i) *if approval were to be granted, the development would be consistent with -*
 - . *the orderly and proper planning of the locality;*
 - . *the conservation of the amenities of the locality;*
 - . *the statement of intent set out in the relevant Precinct Plan; and*
 - (ii) *the non-compliance would not have any undue adverse effect on -*
 - . *the occupiers or users of the development;*
 - . *the property in, or the inhabitants of, the locality; or*
 - . *the likely future development of the locality.*

In an effort to provide some consistency in the application of discretion for mixed use and multi dwelling development the Town adopted a *Local Planning Policy 33 - Guide to Concessions on Planning Requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments*.

Regardless of how the Town might seek to provide some certainty of development outcome through the scheme and local planning policies, many development applications now fall within the jurisdiction of the Metropolitan Central Joint Development Assessment Panel (JDAP) that will determine any application for development that falls within the following thresholds under the Planning and Development Act 2005, Planning and Development (Development Assessment Panels) Regulations 2011:

19. *Determination of certain development applications may be delegated to DAP*

- (1) *A development application is an application of a class prescribed for the purposes of this regulation if —*
- (a) *the application is for approval for development that has an estimated cost of \$2 million or more; and*
 - (b) *the application is one of the following —*
 - (i) *an application that is not an excluded development application;*
 - (ii) *an application for approval for the construction of less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;*
 - (iii) *an application for approval for the construction of less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development.*

Whilst the JDAP is bound by the same regulatory provisions in regard to development approvals as the Town, it has the ability to exercise discretion and has done so in a different manner to that exercised by the Town, in a number of cases, thus again diminishing the level of certainty offered by planning instruments.

As such whilst the concerns of the residents are acknowledged, it is considered there is little if nothing to be gained by amending the Structure Plan or Precinct Plan to remove the provisions regarding the exercise of discretion in regards to the Burswood Lakes Structure Plan area and it is considered that such an amendment which limits the exercise of discretion is unlikely to be supported by the Western Australian Planning Commission or the Hon Minister for Planning.

RECOMMENDATION FROM THE FUTURE PLANNING COMMITTEE:

- 1. That the 202 signature petition from Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment for the Burswood Lakes Structure Plan area be Received by the Council.**
- 2. The Burswood Residents Action Group be advised that whilst Council acknowledges the concerns of the Burswood residents and landowners, it does not believe the requested course of action will resolve those concerns and it intends to take no further action in regard to the petition, however it will continue to consult with residents and landowners and take their concerns into consideration on any development application within the Structure Plan area and engage with them on any future planning the Town is involved in for the Burswood Peninsula.**
- 3. The Burswood Residents Action Group be provided with additional information on planning processes, including determining authority jurisdiction, as it relates to the Burswood Peninsula.**

16 APPLICATIONS FOR LEAVE OF ABSENCE

17 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.1 Notice of Motion from Councillor Hayes – Residential Crossovers and Removal of Redundant Crossovers

Notice of Motion

That the CEO be instructed to provide a report to the February 2017 Ordinary Council Meeting which assesses the practicality, costs and benefits to the streetscape and broader environment of:

1. *Restricting, where practicable, the maximum width of residential crossovers to that of three (3) metres;*
2. *Introducing a program to remove all redundant bituminous or other hard standing residential crossovers throughout the Town; and*
3. *Planting at least one street tree in the verge from which the redundant crossover is removed and backfilling with a suitable mulch.*

Report from Administration on Notice of Motion from Councillor Hayes – Residential Crossovers and Removal of Redundant Crossovers

File Reference:	ROA/27/0004~08
Appendices:	No

Date:	2 November 2016
Reporting Officer:	W. Bow
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:	
Recommendation – The Council gives consideration to the Notice of Motion submitted by Cr Hayes.	
<ul style="list-style-type: none"> • Cr Hayes has submitted a Notice of Motion requesting the Chief Executive Officer (CEO) to prepare a report on crossovers in residential areas. • The Notice of Motion seeks an assessment of the practicality, costs and benefits to the streetscape and broader environment of altering the way the Town deals with crossovers. • Following investigation, it is recommended a report will be prepared and the matter referred to the future Planning Committee for consideration. 	

TABLED ITEMS:

Nil

BACKGROUND:

Cr Hayes has submitted a Notice of Motion requesting the Chief Executive Officer (CEO) to prepare a report on crossovers in residential areas which reads as follows:

Notice of Motion

That the CEO be instructed to provide a report to the February 2017 Ordinary Council Meeting which assesses the practicality, costs and benefits to the streetscape and broader environment of:

- 1 *Restricting, where practicable, the maximum width of residential crossovers to that of three (3) metres;*
- 2 *Introducing a program to remove all redundant bituminous or other hard standing residential crossovers throughout the Town; and*
- 3 *Planting at least one street tree in the verge from which the redundant crossover is removed and backfilling with a suitable mulch.*

DETAILS:

Cr Hayes has submitted the following justification for raising this Notice of Motion –

- *With increasing infill development, green space on private property is being significantly reduced;*
- *Subsequently there is an increasing need to develop the potential for expanding additional planting within the public realm;*
- *The location of the removed crossover affords an opportunity for the Town to plant a street tree which will increase tree canopy within;*
- *Removing redundant crossovers affords an ability for the Town to install kerbing, where appropriate, which may address on-street parking shortfalls; and*
- *Through freeing up the street verges of hardstand this objective will be enhanced.*

Legal Compliance:

The Local Government Act 1995.

Town of Victoria Park Standing Orders Local Law 2011.

Policy Implications:

West Australian Local Government Association (WALGA) Crossover Guidelines 2016 (draft).

Town of Victoria Park Crossover Specifications.

Risk Management Considerations:

Nil

Strategic Plan Implications:

Town of Victoria Park Strategic Community Plan 2015 – 2018 (SCP).

The intent of Cr Hayes' Notice of Motion addresses the following objectives of the SCP –

- Ensure residents have safe, clean and attractive streetscapes;
- Provide leadership on environmental, transport and infrastructure solutions; and
- Implement projects to achieve the desired future character of the Town.

Financial Implications:Internal Budget:

Nil – however further budget implications will be integral to the subsequent report on this Notice of Motion.

Total Asset Management:

Nil – however further asset management implications will be integral to the subsequent report on this Notice of Motion.

Sustainability Assessment:External Economic Implications:

Any program to remove redundant crossovers may afford an economic opportunity to local contractors. The additional planting of street trees will positively impact on the Town's street tree maintenance contractor.

Social Issues:

More activation and utilisation of the verge by adjacent residents and or community may occur on the recovered space. Additional on street car parking may be facilitated via the removal of redundant crossovers.

Cultural Issues:

Nil

Environmental Issues:

Affecting the planting of additional street trees upon removal of redundant vehicular crossovers is anticipated to deliver environmental benefit.

COMMENT:

Cr Hayes has submitted a Notice of Motion and justification requesting the Chief Executive Officer to provide a report to the February 2017 Ordinary Council Meeting which assesses the practicality, costs and benefits to the streetscape and broader environment of restricting the size of residential crossovers and taking advantage of the space such removal creates on residential street verges by undertaking tree planting thereon.

Brief internal consultation indicates a level of support for the progressive removal of redundant crossovers and the planting of street trees in the freed up verge space.

The proposal to restrict the width of residential crossovers warrants further investigation.

It is intended that a cross functional working group comprising engineering, planning, parks and assets staff be formed to review this matter.

It is recommended that a report from the abovementioned group be prepared for the February 2017 Future Planning Committee meeting and that, subject to that Committee's deliberations, the matter be referred to Council for consideration thereafter.

CONCLUSION:

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

RECOMMENDATION/S FROM THE ADMINISTRATION:

The Council requests the CEO to provide a report to the February 2017 Future Planning Committee meeting which assesses the practicality, costs and benefits to the streetscape and broader environment of:

- 1. Restricting, where practicable, the maximum width of residential crossovers to that of three 3 metres.**
- 2. Introducing a program to remove all redundant bituminous or other hard standing residential crossovers throughout the Town.**
- 3. Planting at least one street tree in the verge from which the redundant crossover is removed and backfilling with a suitable mulch.**

18 QUESTIONS FROM MEMBERS WITHOUT NOTICE

19 NEW BUSINESS OF AN URGENT NATURE

20 PUBLIC QUESTION TIME

21 PUBLIC STATEMENT TIME

22 MEETING CLOSED TO PUBLIC

22.1 Matters for Which the Meeting May be Closed

22.2 Public Reading of Resolutions That May be Made Public

23 CLOSURE



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

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

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

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

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

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

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

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

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

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

Note: Motions to Stand Alone

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

Reason:

Note: Explanation for changes to Recommendations

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