

minutes

Ordinary Meeting of Council



Please be advised that the Ordinary Meeting of Council was held at **6.30pm** on **Tuesday 11 September 2012** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

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

ATHANASIOS (ARTHUR) KYRON
CHIEF EXECUTIVE OFFICER

14 September 2012

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	5
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	5
3	ATTENDANCE	5
	3.1 Apologies	6
	3.2 Approved Leave of Absence	6
4	DECLARATIONS OF INTEREST	6
5	PUBLIC QUESTION TIME	7
6	PUBLIC STATEMENT TIME	7
7	CONFIRMATION OF MINUTES	8
8	PRESENTATIONS	8
	8.1 Petitions	8
	8.1.1 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 1	8
	8.1.2 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 2	8
	8.1.3 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 3	9
	8.1.4 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 4	9
	8.1.5 Ms Michelle Colthart, 44 Jupiter Street, CARLISLE WA 6101	10
	8.2 Presentations (Awards to be given to the Town)	11
	8.3 Deputations (Planning / External Organisations)	11
9	METHOD OF DEALING WITH AGENDA BUSINESS	11
10	CHIEF EXECUTIVE OFFICER REPORTS	12
	10.1 Delegations Register – Annual Review	12
	10.2 Freedom of Information Act – 2012/2013 Information Statement	21
	10.3 Adoption of Value for Reporting Material Variances	24

(To be confirmed on the 9 October 2012)

11	FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS	27
11.1	1C (Strata Lot 2 on Lot 8) Hampton Street, Burswood – Retrospective Approval for Change of Use from Grouped Dwelling to Residential Building for Short Term Accommodation	27
11.2	3 (Lot 4) Claude Street, Burswood – Retrospective Approval for Change for Change of Use from Office/Warehouse to Office and Residential Building (Lodging House)	43
11.3	21 (Lot 521) Kent Street, Victoria Park – Change of Use from Grouped Dwelling to Unlisted Use (Display Home)	44
11.4	1 (Lot 106) Savill Place, Carlisle – Retrospective Approval for Unlisted Use (Open Air Storage Yard)	59
11.5	22 (Lot 156) Westminster Street, East Victoria Park – Demolition of Existing Single House and Replacement Single House	67
11.6	Belmont Park Racecourse Redevelopment – Final Approval of Structure Plan	84
11.7	Amendment 57 to Town Planning Scheme No. 1 – Belmont Park Racecourse Redevelopment – Final Approval	113
12	RENEW LIFE PROGRAM REPORTS	126
12.1	Glenn Place Road Reserve – Road Closure	126
13	COMMUNITY LIFE PROGRAM REPORTS	137
13.1	Recommendation from the Written History Project Team	137
14	BUSINESS LIFE PROGRAM REPORTS	141
14.1	Accounts Paid – July 2012	141
14.2	Financial Activity Statement Report – July 2012	144
14.3	13th Australian Parking Convention, Sydney NSW 11-13 November 2012	148
14.4	Objection To Dangerous Dog Declaration	151
14.5	Review of Parking Local Law	156
15	APPLICATIONS FOR LEAVE OF ABSENCE	163
16	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	163
17	QUESTIONS FROM MEMBERS WITHOUT NOTICE	163

(To be confirmed on the 9 October 2012)

18	NEW BUSINESS OF AN URGENT NATURE	163
19	PUBLIC QUESTION TIME	163
20	PUBLIC STATEMENT TIME	164
21	MEETING CLOSED TO PUBLIC	164
	21.1 Matters for Which the Meeting May be Closed	164
	21.2 Public Reading of Resolutions That May be Made Public	164
22	CLOSURE	164

(To be confirmed on the 9 October 2012)

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 both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Mayor announced that on the 19 September 2012 marks the 60th Anniversary of the Perth Causeway Bridges – the entry from the city to Victoria Park. Originally built in 1843, it was largely rebuilt after floods in 1862 and reopened in 1867. The current causeway was completely rebuilt from 1947 to 1952. The bridges were the first in WA to use steel composite construction and have been entered on the WA Register of Heritage Places.

3 ATTENDANCE

Mayor:	Cr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr K (Keith) Hayes Cr R (Rowena) Skinner
Jarraah Ward:	Cr D (David) Ashton Cr D V (Vin) Nairn Cr V (Vicki) Potter Cr A (Adam) Vilaca
Chief Executive Officer:	Mr A (Arthur) Kyron
Directors:	Mr (N) Nathan Cain Mr A (Anthony) Vuleta Ms T (Tina) Ackerman
Acting Director:	Mr R (Robert) Cruickshank
Acting Executive Manager Built Life:	Mr L (Leigh) Parker
Secretary:	Ms K (Kathleen) Highfield
Public:	18

3.1 Apologies

Banksia Ward: Cr J (John) Bissett (Deputy Mayor)

Directors: Ms R (Rochelle) Lavery

3.2 Approved Leave of Absence

Nil

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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	Robert Cruickshank, Executive Manager Built Life
Item No/Subject	11.3 - 21 Kent Street, Victoria Park
Nature of Interest	Financial Interest
Extent of Interest	Is currently undertaking building works with the Applicant.

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	Councillor Keith Hayes
Item No/Subject	11.6 - Belmont Park Racecourse Redevelopment
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Development assessment panel, Deputy Member

(To be confirmed on the 9 October 2012)

Name/Position	Councillor Keith Hayes
Item No/Subject	11.7 - Amendment 57 to Town Planning Scheme No. 1 – Belmont Park Racecourse Redevelopment
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Development assessment panel, Deputy Member

Name/Position	Councillor Keith Hayes
Item No/Subject	12.1 - Glenn Place Road Reserve – Road Closure
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Member Burswood Park Board

Name/Position	Councillor David Ashton
Item No/Subject	11.6 – Belmont Park Racecourse Redevelopment
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Member of development assessment panel

Name/Position	Councillor David Ashton
Item No/Subject	11.7 – Amendment 57 to Town Planning Scheme No.1
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Member of development assessment panel

5 PUBLIC QUESTION TIME

Nil

6 PUBLIC STATEMENT TIME

Mr Leon Bearman, Burswood

Mr Bearman made a statement against the short term parking accommodation policy.

Mr David Crann, 443 Albany Highway, Victoria Park

Mr Crann made a statement on not having a Town Hall within in the Town of Victoria Park.

Mr Josh Preston

Mr Preston made a statement in relation to Item 12.1 Glenn Place Road Reserve, Road Closure

Ms Natasha Henry, East Victoria Park

Ms Henry made a statement in relation to Item 14.4 Objection to Dangerous Dog Declaration

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Councillor Hayes

Seconded: Councillor Anderson

That the minutes of the Ordinary Council Meeting held on Tuesday, 14 August 2012 be confirmed.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

8 PRESENTATIONS

8.1 Petitions

8.1.1 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 1

Mr Crann submitted a 6 signature Petition requesting that the Mayor and Councillors invite families and descendants of the men on the Victoria Park Roll of Honour to 99 Shepperton Road (The Town Hall) and Edward Millen House to the Centenary Function on Sunday 11th November 2012 at 12pm attended by Mayor and Councillors.

RESOLVED:

Moved: Councillor Ashton

Seconded: Councillor Vilaca

The Petition inviting families and descendants of the men on the Victoria Park Roll of Honour to 99 Shepperton Road (the Town Hall) and Edward Millen House to the Centenary Function on Sunday 11th November 2012 at 12pm attended by Mayor and Councillors be referred to the Director of Community Life Program for action.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

8.1.2 Mr David Crann, 443 Albany Highway, Victoria Park WA 6100 – Petition 2

Mr Crann submitted a 6 signature Petition requesting that support to Councillor Nairn's proposal for the establishment of a Men's Shed in Victoria Park in Edward Millen, Schools or Colleges before December 2012. The Proposal has the support and expertise of similar Men's Sheds in the City Metro Members of Historic Victoria Park and concerned citizens.

(To be confirmed on the 9 October 2012)

RESOLVED:

Moved: Councillor Ashton

Seconded: Councillor Vilaca

The Petition dealing with requesting the Mayor and Councillors rotating appearances and conducting tours of 99 Shepperton Road (the Town Hall) on successive Sundays with entertainment and refreshments with illustrative talks to the attached list of residents, ratepayers, citizens, invited guests and celebrities. To be advertised in circulars, local papers, members bulletin, website and posters commencing 7th October 2012 be referred to the Director of Community Life Program for action.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

8.1.5 Ms Michelle Colthart, 44 Jupiter Street, CARLISLE WA 6101

Ms Colthart submitted a 139 signature Petition requesting that Mayor and Councillors of the Town of Victoria Park consider the impact this is having on the school and wider Town of Victoria Park Community, and would like assistance in keeping this issue alive in the appropriate forum.

RESOLVED:

Moved: Mayor Vaughan

Seconded: Councillor Hayes

In accordance with Standing Orders, Section 5.10(3) the Petition from Ms Michelle Colthart of 44 Jupiter Street be accepted, forwarded to the appropriate officer for action and submit a report back to Council at the October Ordinary Council meeting.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

8.2 Presentations (Awards to be given to the Town)

The Mayor presented Council the award that was received by Youth Care recognising the Town for its school care and chaplaincy.

8.3 Deputations (Planning / External Organisations)

Nil

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Delegations Register – Annual Review

File Reference:	CVC0013 & POL008
Appendices:	YES

Date:	17 August 2012
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Kyron
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – The new Register of Delegation of Authority contained within the Appendices be approved.

- The Register of Delegations (Council to CEO) requires an annual review.
- A new user friendly Register has been prepared with a contemporary numbering system.
- It is recommended that Delegations 121, 424, 509 and 538 as contained in the former Register be revoked as they are no longer required.
- It is recommended that new Delegations 29.11 and 19.6 be approved and Delegations 19.4 and 19.5 previously approved by Council be incorporated into the Register.

TABLED ITEMS:

Nil

BACKGROUND:

The Council pursuant to the provisions of Section 5.46 of the *Local Government Act 1995* (the Act), is required to review its Register of Delegations at least once every financial year. Traditionally, the Town conducts the review in August each year.

DETAILS:

In accordance with the Act an annual review is required of the Delegated Authority Register. Since the last review in 2011, 2 new delegations have been authorised by Council and there are a further 2 new Delegations that require Council approval. There are also 4 Delegations that can be revoked as they are no longer required.

New Delegations – 2:

The Administration is seeking a new delegation to enable the Chief Executive Officer (CEO) to determine the rights of hirers to sell goods/services on Council owned property.

This delegation will enable the CEO to allow hirers to sell goods or services on Council owned property, for example conducting a craft fair at the Leisurelife Centre.

(To be confirmed on the 9 October 2012)

The proposed delegation in the new format is shown below:

29.11 DETERMINE RIGHTS OF HIRERS TO SELL GOODS/SERVICES COUNCIL OWNED PROPERTY	
Date Adopted	New
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	HALL & RESERVE HIRE FEES
Delegation	Determine rights of hirer to sell goods or services on Council owned property they have hired
Conditions	No
Sub-delegation	Yes

The second new Delegation relates to administering Policy PLNG 18 which was adopted by the Council on 13 March 2012. The purpose of this Policy is to provide clarification for landowners, developers, builders and Council staff, in relation to those minor developments which do not require planning approval from Council. In this regard a new delegation is now sought from Council for the CEO to administer this Policy.

19.6 MINOR RESIDENTIAL DEVELOPMENT	
Date Adopted	13 March 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	PLNG 18
Delegation	Administer Policy “Minor Residential Development”
Conditions	No
Sub-delegation	Yes

Delegations Previously Approved to be included in the Register – 2:

Delegations 19.4 and 19.5 were previously approved by the Council at its meetings held on 19 July and 10 April 2012 respectively and need to be included in the Register.

For Delegation 19.4 below, the purpose of Policy PLNG 16 is to prescribe reduced parking standards for Shops and Restaurants in certain areas along Albany Highway, in order to encourage such uses which add to the vibrancy of the area.

19.4 CAR PARKING STANDARDS FOR DEVELOPMENTS ALONG ALBANY HIGHWAY	
Date Adopted	19 July 2011
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	PLNG 16
Delegation	Administer Policy “Car Parking Standards for developments along Albany Highway”
Conditions	No
Sub-delegation	Yes

(To be confirmed on the 9 October 2012)

For Delegation 19.5 below, the purpose of Policy PLNG 17 is to provide guidance on the appropriate location, design and management of Residential Buildings, including the use of existing buildings for bed and breakfast accommodation, short term accommodation and lodging houses.

19.5 SPECIALISED FORMS OF ACCOMMODATION OTHER THAN DWELLINGS	
Date Adopted	10 April 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	PLNG 17
Delegation	Administer Policy “Specialised forms of Accommodation other than Dwellings”
Conditions	No
Sub-delegation	Yes

Delegations to be Revoked – 4:

There are four delegations that can be revoked which are formatted in the style of the current Register.

The first deals with the appointment of persons as Caretaker/Booking Officers for the hire of tennis courts and the determination of the period of appointment, remuneration and other conditions. This delegation which is number 538 in the current Register, as shown below, is not required as the Town no longer has tennis courts that are booked or hired:

Del. No	Reference	Delegation	Council to CEO Assignee
538	Tennis courts	Appoint persons as Caretaker/Booking Officers and determine the period of appointment, remuneration and other conditions	Yes

The second delegation shown below that needs to be revoked is authorising parking in a pedestrian mall. This related to a clause in the old repealed *Parking Local Law 2000* which has been replaced with a generic clause in the new *Parking and Parking Facilities Local Law 2009* and is therefore no longer relevant or required.

Del. No	Reference	Delegation	Council to CEO Assignee
121	Clause 2.5(2)(d) <i>Parking Local Law 2000</i>	Permit parking in a pedestrian mall	Yes

The third delegation shown below that needs to be revoked is the approval of overtime worked by staff and the permission to take and accrue annual leave. The Manager HR/Executive Support has advised that the power to approve and take leave is provided to senior staff in the *Town of Victoria Park Enterprise Agreement 2011* and therefore this delegation is no longer required.

(To be confirmed on the 9 October 2012)

Del. No	Reference	Delegation	Council to CEO Assignee
509	Human resources	Approve overtime worked by staff, permit to take annual leave and permit the accrual of annual leave	Yes

The fourth delegation shown below that also needs to be revoked deals with administering the Policy for approving a Building Licence for pergolas. This is now covered by the new *Building Act 2011* which specifies where a Building Licence can be approved for a pergola.

Del. No	Reference	Delegation	Council to CEO Assignee
424	BLDG4	Administer Policy "Pergolas - Requirements for Building Licence"	Yes

New Register of Delegation of Authority

In reviewing the Delegations Register, it considered that it should be reformatted into a more user friendly document to assist staff and Elected Members identify a particular delegation from a table of contents under specific legislation, policy and or management practice. The new format also contains a contemporary numbering system to enable new delegations to be easily inserted and revoked ones removed.

Legal Compliance:

Sections 5.16 through to 5.18 of the *Local Government Act 1995*;
Sections 5.42 through to 5.46 of the *Local Government Act 1995*.

The relevant sections of the Act are as follows:

5.42 Delegation of some powers and duties to the Chief Executive Officer

(1) *A local government may delegate* to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43.*

** absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation*

5.43 Limits on delegations to Chief Executive Officer

A local government cannot delegate to a Chief Executive Officer any of the following powers or duties:

- (a) *any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*

(To be confirmed on the 9 October 2012)

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in Section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or Governor; or*
- (ha) *the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government; and*
- (i) *such other duties or powers that may be prescribed by the Act.*

5.44 Chief Executive Officer may delegate powers and duties to other employees

(1) *A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than the power of delegation.*

5.45 Other matters relevant to delegations under this Division

- (2) *Nothing in this Division is to be read as preventing –*
- (a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
 - (b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The use of delegations facilitates the effective operation of the Council as it is unable to deal with all the numerous issues and duties concerning its local government. As far as possible and reasonable, councils should be predominantly concerned with dealing with higher level policy matters for their local governments. Those duties and powers which are operational in nature but exercise discretion should be delegated to the CEO.

Continuing with the Delegations listed in the Register is an invaluable administrative mechanism for ensuring the staff can continue to provide a consistent and timely service to the community. The extent to which Council is willing to provide delegations is a measure of the trust it places in the Administration and is appreciated.

This formal review process will ensure that the Council has a *'Register of Delegation of Authority'* that reflects the focus of the Council. This Register will continue to be reviewed on an annual basis in accordance with the Act, with items submitted to the Council where necessary.

CONCLUSION:

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its statutory responsibilities under the Act. It is therefore recommended that the Council approves the new Delegations and those to be revoked. It is also recommended that the new format be endorsed and the Delegations Register as contained within the Appendices be approved.

ADDITIONAL INFORMATION:

Two additional new Planning delegations are proposed which were not included in the Agenda and Appendices for the Elected Members Briefing Session. These new delegations are as follows:

Delegation 9.10 is proposed to enable Council Officers to determine Form 24 and Form 26 applications for built strata subdivisions (a strata plan for existing dwellings or buildings, or a building which is proposed to be constructed, and where there are no vacant lots). Local Governments are delegated to determine built strata applications on behalf of the Western Australian Planning Commission, which create any non-residential lots or more than 5 residential lots.

(To be confirmed on the 9 October 2012)

9.10 DECISIONS RELATING TO BUILT STRATA SUBDIVISIONS	
Date Adopted	11 September 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	Town Planning Scheme No. 1; Strata Titles Act 1985;
Delegation	Approve or refuse Form 24 and Form 26 applications for built strata subdivisions, acting on behalf of the Western Australian Planning Commission.
Conditions	No
Sub-delegation	Yes

Delegation 9.11 will enable Council Officers to determine requests for Section 40 Certificates. Section 40 Certificates provide confirmation from a local government as to whether the granting of a liquor licence for a specific premises is in compliance with the approved use of the premises under the Town Planning Scheme.

9.11 SECTION 40 LIQUOR LICENCE APPLICATIONS	
Date Adopted	11 September 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	Liquor Control Act 1988.
Delegation	Approve or refuse requests for Section 40 ‘Certificate of Local Planning Authority’
Conditions	No
Sub-delegation	Yes

RESOLVED:

Moved: Councillor Vilaca

Seconded: Councillor Anderson

That the Council:

- 1. REVOKES Delegations 121, 424, 509 and 538 (from the former Register) as shown below;**

121	Clause 2.5(2)(d) <i>Parking Local Law 2000</i>	Permit parking in a pedestrian mall
424	BLDG4 - Policy	Administer Policy "Pergolas - Requirements for Building Licence"
509	Human Resources	Approve overtime worked by staff, permit to take annual leave and permit the accrual of annual leave
538	Tennis Courts	Appoint persons as Caretaker/Booking Officers and determine the period of appointment, remuneration and other conditions

(To be confirmed on the 9 October 2012)

2. **APPROVES** the inclusion of Delegations 19.4 and 19.5 previously approved by Council in the ‘Register of Delegation of Authority’ as contained in the Appendices;
3. **By an ABSOLUTE MAJORITY;**

3.1 APPROVES the new Delegated Authority 29.11 as shown below:

29.11 DETERMINE RIGHTS OF HIRERS TO SELL GOODS/SERVICES COUNCIL OWNED PROPERTY	
Date Adopted	New
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	HALL & RESERVE HIRE FEES
Delegation	Determine rights of hirer to sell goods or services on Council owned property they have hired
Conditions	No
Sub-delegation	Yes

3.2 APPROVES the new Delegated Authority 19.6 as shown below:

19.6 MINOR RESIDENTIAL DEVELOPMENT	
Date Adopted	13 March 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	PLNG 18
Delegation	Administer Policy “Minor Residential Development”
Conditions	No
Sub-delegation	Yes

3.3 APPROVES the new Delegated Authority 9.10 as shown below:

9.10 DECISIONS RELATING TO BUILT STRATA SUBDIVISIONS	
Date Adopted	11 September 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	Town Planning Scheme No. 1; Strata Titles Act 1985;
Delegation	Approve or refuse Form 24 and Form 26 applications for built strata subdivisions, acting on behalf of the Western Australian Planning Commission.
Conditions	No
Sub-delegation	Yes

3.4 APPROVES the new Delegated Authority 9.11 as shown below:

9.11 SECTION 40 LIQUOR LICENCE APPLICATIONS	
Date Adopted	11 September 2012
Date Reviewed	
Authority	Local Government Act 1995 – s.5.42
Reference	Liquor Control Act 1988.
Delegation	Approve or refuse requests for Section 40 ‘Certificate of Local Planning Authority’
Conditions	No
Sub-delegation	Yes

(To be confirmed on the 9 October 2012)

- 3.5 ENDORSES the review of the Register of Delegation of Authority in accordance with section 5.46 of the *Local Government Act 1995* and APPROVES the new 'Register of Delegation of Authority' as detailed in Appendices with the inclusion of new Delegations 9.10 and 9.11 shown in clause 3.3 and 3.4 above.**

The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

10.2 Freedom of Information Act – 2012/2013 Information Statement

File Reference:	FOI0008
Appendices:	Yes

Date:	24 August 2012
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Kyron
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – The 2012/2013 Information Statement prepared in accordance with the requirements of the *Freedom of Information Act 1992*, as detailed in the appendices be adopted.

- The FOI Act requires each agency (local government) to publish and update annually an Information Statement.

TABLED ITEMS:

Nil

BACKGROUND:

Section 96(1) of the *Freedom of Information Act 1992* (the Act) requires each agency to publish and update annually, an Information Statement. Local Governments are agencies according to Act. Agencies are to comply with Section 97 of the Act by forwarding a copy of their Information Statement to the Information Commissioner and have copies available for inspection or available free of charge to the public.

DETAILS:

The 2011/2012 Information Statement has been reviewed, updated and retitled the 2012/2013 Information Statement as contained within the Appendices.

The general approach taken with “*Freedom of Information*” is to make available to the public as much information as possible on the workings of Council so as to avoid the need for residents and citizens to use the provisions of the Act to obtain information. This approach is consistent with the underlying principles of the Act and the *Local Government Act 1995*, for Councils to be more open, responsive and accountable for their actions and decisions.

Legal Compliance:

The publication and distribution of the Information Statement complies with Sections 96(1) and 97 of the *Freedom of Information Act 1992*.

“96. *Publication of information statements*

- (1) *An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —*

(To be confirmed on the 9 October 2012)

- (a) *within 12 months after the commencement of this Act; and*
- (b) *at subsequent intervals of not more than 12 months.*

97. *Information statements and internal manuals to be made available*

- (1) *An agency (other than a Minister or an exempt agency) has to cause copies of —*
 - (a) *its most up-to-date information statement; and*
 - (b) *each of its internal manuals,**to be made available for inspection and purchase by members of the public but may delete any exempt matter from those copies.*
- (2) *An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is proposed that copies of the Information Statement be made available at the Reception Counter in the Administration Building and at the Victoria Park Library for reference purposes and also provided free of charge to members of the general public should they wish to retain a copy. A copy will also be posted on the Town's Internet Page under the publications section.

CONCLUSION:

It is recommended that the Council adopt the Information Statement for 2012/2013 and forward a copy to the Information Commissioner.

(To be confirmed on the 9 October 2012)

RESOLVED:

Moved: Councillor Skinner

Seconded: Councillor Vilaca

1. **The 2012/2013 Information Statement prepared in accordance with the requirements of the *Freedom of Information Act 1992*, as detailed in the appendices be adopted;**
2. **A copy of the 2012/2013 Information Statement be forwarded to the Information Commissioner; and**
3. **Copies of the 2012/2013 Information Statement be made available for reference or free of charge to the general public at the Administration Centre, the Victoria Park Library and also be posted on the Town's Internet Page.**

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

10.3 Adoption of Value for Reporting Material Variances

File Reference:	FIN0475
Appendices:	No

Date:	21 August 2012
Reporting Officer:	N Cain
Responsible Officer:	N Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council adopt values to be used in monthly Statements of Financial Activity for reporting material variances of (+) or (-) \$25,000 for each Business Unit for the 2012-2013 financial year.

The value that has been chosen will offer sound financial management, provide for quality reporting of the real issues and also allow management the opportunity to deliver on the outcomes expected without fear of persecution for minor budgetary infractions.

TABLED ITEMS:

Nil

BACKGROUND:

Each year Council is required to adopt a percentage or value for the purposes of reporting material variances in the Monthly Financial Activity Statement. This value or percentage is then used throughout the financial year to identify potential areas in Council's actual revenues and expenditures that may not be in keeping with Council's budget. The early identification of these potential issues can assist in better utilisation and allocation of scarce Council funds and resources. The values chosen should provide a good indication of variances that would not normally be able to be covered through Council's normal operations and should, therefore, be assessed to identify if a potential issue exists or not.

DETAILS:

The adoption of the material variances percentage or value is designed to report on areas within Council's budget versus actual revenues and expenditures where potential financial issues may be occurring.

Outcome Sought

The Statement of Financial Activity is broken down into five financial reporting sections –

1. Operating Revenue
2. Operating Expense
3. Capital Expense
4. Non-Operating Revenue
5. Non-Operating Expense

(To be confirmed on the 9 October 2012)

Each of these sections, under the new Business Unit Accounting Reporting Structure, will then be broken down into Business Units.

For each of these sections, it is proposed to recognise material variances where, for each Business Unit, for the period being reported, the actual revenue or expense varies to budget by an amount of (+) or (-) \$25,000.

The value that has been chosen will offer sound financial management, provide for quality reporting of the real issues and also allow management the opportunity to deliver on the outcomes expected without fear of persecution for minor budgetary infractions.

Legal Compliance:

The *Local Government (Financial Management) Regulations 1996* – Regulation 34 Clause 5 – states:

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

AAS (Australian Accounting Standards) relate to the issue of materiality. Whilst there are a number of factors associated with materiality, the notion of materiality guides the margin of error that is acceptable in the amount attributed to an item or aggregate of items and the degree of precision required in estimating the amount of an item or an aggregate of those items.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

The adoption of the material variances percentage or value is designed to report on areas within the Town's budget versus actual revenues and expenditures where potential financial issues may be occurring. As such, there is no budget or financial implications associated with this item.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

(To be confirmed on the 9 October 2012)

Environmental Issues:

Nil

CONCLUSION:

Taking into account the commentary held in AASB 1031 (Materiality) and the understood intent for which the material variances values are intended to serve the values, as outlined in the details section of this agenda item, it is recommended that Council adopt values of (+) or (-) \$25,000 for each of the revenue and expenditure areas included in the Statement of Financial Activity.

RESOLVED:

Moved: Councillor Ashton

Seconded: Councillor Potter

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, adopt values, to be used in monthly Statements of Financial Activity, for reporting material variances of (+) or (-) \$25,000 for Revenues and (+) or (-) \$25,000 for Expenses for each Business Unit being reported on for the 2012-2013 financial year

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS**11.1 1C (Strata Lot 2 on Lot 8) Hampton Street, Burswood – Retrospective Approval for Change of Use from Grouped Dwelling to Residential Building for Short Term Accommodation**

File Reference:	HAMPT1C
Appendices:	No
Landowner:	LT & NM Bowman
Applicant:	LT & NM Bowman
Application Date:	8 August 2012
DA/BA or WAPC Ref:	12/0368
MRS Zoning:	Urban
TPS Zoning:	Residential R40
TPS Precinct:	Precinct P6 'Victoria Park'
Use Class:	Residential Building
Use Permissibility:	'AA' use

Date:	28 August 2012
Reporting Officer:	C. Buttle
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:**Recommendation – Refusal**

- Application for Retrospective Approval for Change of Use from Grouped Dwelling to Residential Building for the purpose of Short Term Accommodation.
- A Residential Building is an 'AA' (discretionary) use under the Council's Town Planning Scheme No. 1.
- Consultation undertaken for 14 days with surrounding owners / occupiers in accordance with Council Policy GEN 3 'Community Consultation' with 14 written submissions and 1 petition received.
- Non-compliant with various provisions contained within Council Policy PLNG17 'Specialised Forms of Accommodation other than Dwellings'

TABLED ITEMS:

- Application forms dated 12 & 18 June 2012;
- Applicants supporting documentation comprising:
 - Covering letter;
 - Plans;
 - Management Plan;
 - Guest Information;
 - Holiday Rental Code of Conduct;
 - Photographs of the subject premises; and
 - Media Articles relating to tourist accommodation shortages.

(To be confirmed on the 9 October 2012)

- Correspondence from the Town dated 27 April 2012 and 31 May 2012.
- Consultation letters sent to surrounding property owners and occupiers dated 6 July 2012;
- Photograph of site notice taken 9 July 2012; and
- Submission letters and petition from surrounding owners and occupiers.

BACKGROUND:

In April 2012, the Town received a complaint regarding the operation of the subject property as a Residential Building for Short Stay Accommodation. The complainant indicated that:

- The dwelling was being used in the manner of a hotel / motel with regular turnover of guests;
- On weekends, the property became a 'party' house;
- There were commonly 3 – 4 cars parked at the subject premises, increasing parking congestion within Hampton Street; and
- The use of the building was causing severe disruption to local residents.

The Town's Compliance Officer investigated the complaint and confirmed that the premises were being advertised on the "stayz.com.au" website for short term rental (minimum 3 night stay) for up to 8 persons. This conflicted with the approved 'Grouped Dwelling' use of the property which permits occupation on a permanent basis (6 month minimum period) by a single person, a single family, or no more than six persons who do not comprise a single family.

By way of a letter dated 27 April 2012, the Town wrote to the owners of the subject property and highlighted the planning breach and invited submission of an application for planning approval or a change in the method by which the property was let (i.e. to occupancy periods of not less than 6 months and for no more than 6 persons).

On 31 May 2012, having had no response to the Town's original letter, the Town once again wrote to the owners of the subject property inviting submission of an application for planning approval within a 14 day period or cessation of the Residential Building land use.

An application for planning approval was subsequently received by the Town on 12 June 2012.

The application was considered at the Ordinary Council Meeting on 7 August 2012, with Council resolving to defer the application to enable consideration of the information provided by the applicant in support of their application, including a Management Plan. This information has now been provided to Elected Members, and the matter is returned to Council for consideration.

(To be confirmed on the 9 October 2012)

DETAILS:

The lot upon which the premises are situated is on the corner of Hampton Street and Teague Street and is developed with four Grouped Dwellings which were approved in 1994. The dwellings are arranged with one facing Teague Street (No. 8 Teague Street), one (the corner most dwelling) with frontage to Teague and Hampton Streets (No. 8B Teague Street) and two with frontage to Hampton Street (Nos. 1B and 1C Hampton Street). The building which is the subject of the application for planning approval sits between the dwelling at No. 1B Hampton Street to its right hand side, the dwelling at No. 8B Teague Street to its left hand side and the dwelling at No. 8A Teague Street to its rear.

The layout of the building which is the subject of the application comprises:

Ground Floor

Single Garage with driveway space to accommodate parking of a second vehicle;
Lounge / Family / Dining / Kitchen / Laundry / Powder Room.

Upper Floor

Bed 1 with Ensuite / Beds 2, 3 and 4 / Bathroom and Balconies to front and rear.

The Council's recently adopted Planning Policy PLNG17 'Specialised Forms of Accommodation other than Dwellings' applies to proposals of this kind. Following receipt of the application, the first matter which had to be resolved was how the proposal would be classified – as Short Term Accommodation or as a Lodging House. Which classification would apply largely turns on the number of people that a building is designed to accommodate, with Short Term Accommodation being a Residential Building occupied on a short term basis by no more than 6 persons at any one time, and a Lodging House being a Residential Building providing accommodation for 7 or more persons.

A Lodging House is subject to registration under the provisions of the Town of Victoria Park Health Local Law which includes the requirement for a keeper / manager to reside on the premises at all times.

The building has four bedrooms which are furnished in the following manner:

- Bed 1 – Queen Size Bed;
- Bed 2 – Queen Size Bed;
- Bed 3 – Two Long Single Beds or One King Size Bed; and
- Bed 4 – Double Bed.

Although the property has the capacity to sleep eight people based upon bedding configuration, the advertisements for the property have subsequently been changed to specify a maximum accommodation of 6 persons, as the property owner wishes to have the proposal considered as Short Term Accommodation rather than a Lodging House. The applicant has provided the following supporting information:

(To be confirmed on the 9 October 2012)

"I appreciate the town's planning policy PLNG17 and the requirement to only accommodate 6 or less people in a residential building. I would appreciate if you could please note in your consideration of our application that we do not wish to be considered under lodging house guidelines as the property is not set up to allow for a caretaker to live onsite and as such we have changed the maximum number of permissible guests to 6 on our website. We will also add into our terms and conditions a clear statement that the maximum number of guests allowed at the property is 6 as per the Town of Victoria Park's planning scheme. We will enforce the maximum number of 6, which has in fact always been our preferred maximum occupancy.

The current bedding configuration of two queen beds, two single beds and one double bed, is however important to many of our guests and is the reason many of them come to stay with us. Our main target group is families, particularly those with 3 or 4 children, as these are the groups that often come from the country and find accommodation in Perth particularly hard to find. Many of our guests are repeat guests and have indicated that they return because of the high standard of accommodation, the fantastic location (close to public transport, shopping) and the bedding configuration allowing their children to have their own space and beds.

A family with four children do require all of the five beds we currently have. If we have to change this bedding configuration then we will no longer be able to cater for these groups. We also often get bookings from extended family groupings (e.g., mum, dad, adult children and grandchildren) who come to Perth mostly for a family member's wedding. Apart from larger families, these extended family groupings would make up the majority of our bookings. These mixed family groups also require the use of all five of the beds we can provide.

The two single beds that we provide in room 3 can be zipped together to make a king size bed - this configuration is often requested even though there is a single person in the room. Another large number of bookings we receive are coming from Singapore, Hong Kong and Malaysia, usually visiting relatives living in the area. These groups of people seem to have a preference for individuals sleeping in a double or queen bed. Our research earlier on included speaking to a variety of hotels and motels regarding their most commonly requested bedding arrangements and by far they were queen and king size beds. Single bed rooms are in very low demand unless they were attached to a queen room as a family unit.

I have looked through our bookings in the past 12 months and the majority of them have been 6 or less people, using all four rooms and four or five of the available beds. I believe this is because we represent very good value accommodation for more than two people and can provide much more room and amenity than staying in separate motel rooms. Our entertaining space and separate lounge area enables family groups to holiday together whilst still enjoying their own space.

(To be confirmed on the 9 October 2012)

It is for these reasons that we would like to request that we be able to retain the current bedding configurations - but will be firmly enforcing the maximum number of guests at 6. The stayz website now clearly shows the maximum number of guests is 6 and a property search for properties catering for more than 6 guests will not bring up our property as an option.”

For the purposes of enabling the application to be advertised for public comment, the proposal was described as a Residential Building for the purpose of Short Term Accommodation (i.e. 6 or less persons).

Council Policy PLNG17

The following table summarises the relevant provisions of Policy PLNG17 ‘Specialised Forms of Accommodation other than Dwellings’ and compliance of the proposal with those particular provisions:

Policy Provision	Compliance	Comment
<p><u>Location</u> Applications will be more favourably considered where located:</p> <ul style="list-style-type: none"> i. On a Primary, District or Local Distributor Road; ii. Within 400m of a train station or high frequency bus route; iii. Within 400 metres of an area of tourist potential; iv. In or within 400 metres of a District Centre zone or Commercial Zone providing convenience shopping and access to everyday goods and services; and v. Within 800 metres of a higher education provider, where the Short Term Accommodation is proposed to house students. 	<p>Part Compliance Achieved</p>	<p>Although the property is located within 400 metres of a high frequency bus route stop (subject property is within 400m of Shepperton Road and Albany Highway) and is also located within 400m of land zoned District Centre which provides for convenience shopping and access to everyday goods and services, it is not located on a Primary, District or Local Distributor road, and is not located within 400 metres of an area of tourist potential.</p> <p>As the accommodation is not directed towards students, proximity to a higher education provider is not of relevance in this instance.</p>
<p><u>Design</u> Existing Buildings – there are a maximum of 6 rooms designed for and / or capable of use as bedrooms and the existing building is approved by Council as a Single House or Grouped Dwelling</p>	<p>Yes</p>	<p>The existing building comprises 4 rooms which are designed for use as bedrooms and the existing building is approved as a Grouped Dwelling.</p>

(To be confirmed on the 9 October 2012)

<p><u>Car Parking</u> Applications for Short Term Accommodation shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual.</p>	<p>No</p>	<p>Prescribed parking ratio is 1 bay for every bedroom or 1 for every 3 beds provided whichever is the greater.</p> <p>Having regard to number of bedrooms in premises (4), the prescribed number of car parking bays is 4 whereas only 2 car parking bays are provided.</p>
<p><u>Management Plan</u> The policy specifies a need for a management plan to be submitted which covers a range of matters, supporting application information and maintenance of an on-site register.</p>	<p>Part compliance achieved</p>	<p>Although a management plan has been provided, it does not address all of the matters identified within the Council's policy; inadequate written supporting information has been provided in an attempt to demonstrate that the location of the accommodation is appropriate in relation to its compatibility with the adjoining area; and no information regarding the provision and maintenance of an on-site register has been provided.</p>

Legal Compliance:

The application proposes to change the use of the approved Grouped Dwelling to a Residential Building for the purpose of Short Term Accommodation for up to 6 people.

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of the Scheme Text - Determination of Application - General Provisions; and
- Statement of Intent contained in Precinct Plan P6 'Victoria Park Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan; and
- Residential Design Codes (R Codes).

Apart from providing the following definition for a Residential Building:

(To be confirmed on the 9 October 2012)

“A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporarily be two or more persons; or*
- *Permanently by seven or more persons who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

The Residential Design Codes do not prescribe specific development standards for development of this kind.

Accordingly, apart from the requirement for four car parking spaces to be provided for the building in lieu of the two car parking spaces originally required for the approved Grouped Dwelling, the development requirements which originally applied to matters such as boundary setbacks, open space visual privacy etc. remain unchanged.

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the proposal was the subject of community consultation for a period of 14 days, with letters sent to owners and occupiers within close proximity of the development site (55 letters) and placement of a sign on site during the advertising period.

During the advertising period, 15 submissions were received, summarised as follows:

- 3 letters in support of the proposal;
- 1 letter which offered a conditional ‘no objection’;
- 10 letters which objected to the proposed development; and
- 1 petition, with 13 signatories, objecting to the proposed development.

CONSULTATION SUBMISSIONS (14 letters and 1 petition)	
Letter of Support from Occupier of No.1A Hampton Street	Officer’s Comments
<p>The occupier of No. 1A Hampton Street writes in support of the application and states that:</p> <ul style="list-style-type: none"> • The property is well managed; 	<p>The submitter does not declare that they are the owner / director of ‘Select Stays’, an on-line short stay accommodation business that lists properties for rental on a short stay basis.</p> <ul style="list-style-type: none"> • Acknowledged. There is no question that the property is well managed from a physical or appearance perspective; however there is differing views (which the Town is unable to fully qualify) which have been made from submitters in relation to the management of the property from a social perspective.

(To be confirmed on the 9 October 2012)

<ul style="list-style-type: none"> • There are a large number of people coming and going at all hours within the vicinity of the development site in any case due to the large number of units within the locality; • The use has not caused any problems to the submitters knowledge; and • Short Term accommodation contributes significantly to the development of Victoria Park as an inner city suburb. 	<ul style="list-style-type: none"> • Agreed – given the large number of units within proximity of the development site and the tendency of such occupants to be in non-traditional family households, it is probable that there would be a higher number of people coming and going generally, and possibly also at varying hours of the day, than would be found in a locality which was comprised of lower density housing and occupied by people in traditional family groupings. • Acknowledged. There is no reason to dispute that this resident is unaware of any concerns having been raised in relation to the operation of the premises. There are, however, a number of submitters who have presented an opposing position. • The basis for this submission (i.e. economic / social) is not clear, so a response to this point is not made.
<p>Form Letter of Objection from:</p> <ul style="list-style-type: none"> • Owner of U1, Nos. 2-4 Hampton St; • Owner of U2, Nos. 2-4 Hampton St; • Owner of U3, Nos. 2-4 Hampton St; • Owner of U4, Nos. 2-4 Hampton St; • Owner of U5, Nos. 2-4 Hampton St; • Owners of U6, Nos. 2-4 Hampton St; • Owners of U7, Nos. 2-4 Hampton St; • Owner of U8, Nos. 2-4 Hampton St; & • Owner of U9, Nos. 2-4 Hampton St. 	<p>Officer’s Comments</p>
<p>The objectors make the following comments in relation to the proposed development:</p> <ul style="list-style-type: none"> • Development site is not located on a Primary, District or Local Distributor road; • Development site is not located within 400 metres of an area of tourist potential; 	<ul style="list-style-type: none"> • Supported – Hampton Street is classified as an Access Road within the Town’s Functional Road Hierarchy. • Supported – the site is approximately 900m from the Swan River Foreshore, Burswood Casino and Brownes Stadium.

(To be confirmed on the 9 October 2012)

<ul style="list-style-type: none"> • Development site is not within 800 metres of a higher education provider; • Insufficient car parking provision – only 2 bays in lieu of required 4 bays; • Inability to monitor or manage behavior or tenants or how many tenants will stay at the premises; and • Noise impacts from tenants arriving and departing at various hours and ‘partying’. 	<ul style="list-style-type: none"> • Not Supported – There is no evidence to suggest that the accommodation is targeted toward students. • Supported – 2 parking bays are provided in lieu of the 4 required. • Acknowledged. As there is no on site management, guests are essentially left to regulate themselves, although it is acknowledged that there is a management plan, a code of conduct and adjoining neighbours on either side of the development site have been provided with contact details of the property owners in the event that contact needs to be made to report anti-social behaviour. • Supported – as the accommodation is targeted toward people on holiday, there is a higher probability that people staying in the premises will be coming and going at hours which differ from those of permanent residents within the locality, and that there will be a higher probability that they will be engaging in social events.
<p>Petition Objecting to from Owners of Bella Vista – No. 6 Hampton Street</p>	<p>Officer’s Comments</p>
<p>The petitioners make the following comments in relation to the proposal:</p> <ul style="list-style-type: none"> • Not enough parking; • Inadequate supervision of guests; and • General opposition to short term accommodation 	<p>In response to the petitioners comments, the following Officer responses are provided:</p> <p>Supported. The application does not provide the number of car parking bays specified within Council Policy.</p> <p>Acknowledged. As previously mentioned, this is a particularly difficult matter for Officers to comment upon definitely, as times which are presumably of greatest concern are after hours and on weekends.</p> <p>Acknowledged. Through Policy PLNG17, Council has formalised its position in relation to accommodation of this kind and has stipulated particular circumstances and criteria, which if satisfied, may render a</p>

(To be confirmed on the 9 October 2012)

	<p>particular property suitable for the provision of accommodation of this kind. Accordingly, while ‘blanket’ opposition to such accommodation cannot be supported, having regard to Council’s adopted policy position, it is acknowledged that there are various areas where this particular application does not satisfy Council’s Policy requirements.</p>
<p>Letter of Conditional No Objection from Owners of No. 6A Teague Street</p>	<p>Officer’s Comments</p>
<p>The owners of No. 6A Teague Street have stated that they <i>“would not oppose the application, albeit only with restrictive self-regulating controls put in place to ensure that we can continue the peaceful enjoyment of our own property”</i>.</p> <p>In their submission, these owners make reference to a dwelling at unit 6, No. 26 Harvey Street (directly opposite their residence), which has also been let as short term accommodation, and which is known as the “Lucky House”. The submitter lists various ways by which the “Lucky House” has caused them disturbance in the past, but which has been the subject of fewer causes for concern in recent times, having regard to revised management arrangements and provision of a number which can be called 24 hours a day to make complaints.</p> <p>In summary, the submitters state that:</p> <p><i>“If the property’s use was self-regulated by conditions of hire that are the same or similar as to that of the “Lucky House” and surrounding residents were given a legitimate 24hr contact number to use when problems do occur then we would not oppose the application. However, if no such controls are put in place, then, because we do not want to be put in a position of having to approach prospective offending residents ourselves, and also because the Police and the Town of Victoria Park do not have the resources to pro-actively respond to such</i></p>	<p>Acknowledged. Officers do not have detail on the conditions of hire which apply to the ‘Lucky House’ (which is separately the subject of compliance action).</p> <p>The applicant has verbally indicated that they would be willing to have their contact details distributed to surrounding property owners.</p>

(To be confirmed on the 9 October 2012)

<p><i>instances when they do occur, we would oppose the application based on our experience with the “Lucky House”. That is, with regard to continual infringement of our right to peaceful enjoyment of our own property through noise and disturbance outside of hour 8pm to 7am and, also with regard to their being insufficient off-street parking.”</i></p>	
<p>Letter of Support from Owners of No. 7 Teague Street</p>	<p>Officer’s Comments</p>
<p>The owners of No. 7 Teague Street have provided a letter in support of the application and make the following comments:</p> <ul style="list-style-type: none"> • Short term accommodation is expensive and extremely hard to find in Perth; • Location has benefits in relation to proximity to public transport, restaurant strip, shops, parks and Perth; • Parking demand for short stay accommodation is less than the parking demand for ordinary dwellings; and 	<p>It should be noted that these submitters have also made enquiries with the Town about the potential to establish accommodation which would also be controlled by PLNG17 ‘Specialised Forms of Accommodation other than Dwellings’ from the premises which they own at No. 7 Teague Street.</p> <ul style="list-style-type: none"> • Acknowledged it is acknowledged that shortages of tourist accommodation have been reported in the media, however this has only limited relevance for the consideration of this specific application. When dealing with any application of this kind, it is important to ensure that it is appropriately located and that any potential adverse impacts on surrounding properties are mitigated to the greatest extent possible. • Supported in part. The location has generalised benefits of the kind described, although it is noted that the siting does not satisfy all of the locational requirements which are advocated within Council’s adopted policy. • Not supported. For ordinary dwellings, the R-Codes specify a parking requirement of two car bays, but for commercial accommodation, the Town’s Policy specifies a parking requirement of four bays. The

(To be confirmed on the 9 October 2012)

<ul style="list-style-type: none"> It is preferable for the dwelling to be occupied rather than left vacant (which is a possible alternative in situations like this where the owner’s primary place of residence is in the country). 	<p>property provides on-site capacity for the parking of only two vehicles.</p> <ul style="list-style-type: none"> Supported in part. While it is acknowledged that there may well be benefit in having a building occupied rather than left vacant, the method by which the building is occupied, and any potential associated adverse impacts that such accommodation may hold, must also be considered.
<p>Letter of Objection from Owner of No. 12A Teague Street</p>	<p>Officer’s Comments</p>
<p>This submitter makes reference to the objection letters presented by the owners of Nos. 2-4 Hampton Street, and objects on the same basis.</p>	<p>Refer to responses provided in relation to objection letters from owners of Nos. 2-4 Hampton Street.</p>
<p>Letter of No Objection from Chief Executive Officer and Founder of iHOSTS Inc. (independent Hosts and Operators of Short Term Stays)</p>	<p>Officer’s Comments</p>
<p>This submission is made primarily in support of such uses generally, as opposed to making a submission that provides specific comment on the application that is before Council for determination.</p> <p>The following comments in support of short stay accommodation generally are made:</p> <ul style="list-style-type: none"> The majority of short stay guests are families, family groups and couples; Short stay properties must be well presented and have good street appeal; Short stay accommodation adds to the residential amenity of a neighbourhood; There is a misconception surrounding issues such as parties, parking and excess rubbish; The occurrence of anti-social behavior is statistically miniscule; Short stay accommodation compares favourably to standard residential accommodation in terms of impact on residential amenity; and There is financial benefit to the local economy. 	<p>Acknowledged, albeit that the submission is made in relation to Short Stay Accommodation generally, and is not specific to the application which is the subject of consideration.</p>

(To be confirmed on the 9 October 2012)

Sustainability Assessment:External Economic Implications:

The proposal may have positive benefit to the local economy, but as indicated in the submission made by iHOSTS, the extent of any such benefit is hard to quantify.

Social Issues:

Local residents have raised concern in relation to the proposed development from a social perspective; however, such concerns have also be disputed by submitters such as iHOSTS. Once again, it is difficult to accurately quantify potential impacts of the development from a social perspective.

Cultural Issues:

No impact

Environmental Issues:

No impact

COMMENT:

The application seeks retrospective approval for use of the approved Grouped Dwelling as a Residential Building.

Existence of the operation was brought to the Town's notice by way of a complaint from a neighbouring resident, as the operations were said to be having a negative impact on their residential amenity.

Consultation undertaken in relation to the proposal resulted in the receipt of 14 written submissions and 1 petition, the majority of which object to the application.

As a result of the growing demand for accommodation of the kind provided by this property, Council recently adopted Policy PLNG17 'Specialised Forms of Accommodation other than Dwellings'.

Although the proposal satisfies a number of provisions contained within the Policy, there are areas of non-compliance including:

- The property being located on a local access road rather than a higher order road;
- Proximity to areas of tourist potential;
- Insufficient car parking provision; and
- Inadequate information to address all required management arrangements.

CONCLUSION:

A Residential Building is an 'AA' (discretionary) use within the Residential zone. In considering whether or not to approve an application of this kind, it is necessary to have regard to compatibility with the surrounding locality and consideration of any potential adverse amenity impacts which may result.

(To be confirmed on the 9 October 2012)

Although it is evident that the proponents have gone to significant effort to establish a well-run business, it is telling that notice of the operations were brought to the Town's attention by way of a complaint and that public consultation has resulted in the receipt of a reasonably large number of submissions, the majority of which have objected to the proposal.

Additionally, while it is evident that the proposal satisfies a number of relevant policy provisions, there are a number of Council requirements which are not satisfied. Accordingly, on balance, it is recommended that the application be refused.

Additionally, it is appropriate that the property owner be instructed to cease the Short Term Accommodation operations, and that the Town be authorised to commence formal enforcement action, should the need arise.

Further Comments:

In response to some of the matters raised at the Elected Members Briefing Session on 7 August 2012:

- There is only sufficient space on-site for two compliant car bays, being one in the garage and one in tandem between the garage and the front boundary.
- Contact has been made with the WA Police Service, Council's Rangers and Environmental Health. No complaints have been received in relation to noise emanating from the subject dwelling. Rangers have advised that while there have been traffic issues within Hampton Street; none have been directly attributable to the subject dwelling.
- Council's Planning Officer has endeavoured to contact all 3 adjoining landowners, however only the owner of 8B Teague Street has responded by advising that he has had no issues with the use of the subject dwelling.

RESOLVED:

Moved: Councillor Nairn

Seconded: Mayor Vaughan

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 LT & NM Bowman (DA Ref: 12/0368) for Retrospective Approval for Change of Use from Grouped Dwelling to Residential Building for the purpose of Short Term Accommodation at 1C (Strata Lot 2 on Lot 8) Hampton Street, Burswood as indicated on the plans dated received 12 June 2012 be Refused for the following reasons:

1.1 Non-compliance with Town Planning Scheme No. 1 Clause 36, with respect to the following:

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

1.2 The proposal being non-compliant with the parking requirements specified by Town Planning Scheme No. 1 for 'Commercial Accommodation'.

(To be confirmed on the 9 October 2012)

- 1.3 The proposal being non-compliant with the provisions of adopted Council Policy PLNG17 'Specialised Forms of Accommodation other than Dwellings' in relation to the siting of the dwelling on a local access road, proximity to areas of tourist potential, and the application not addressing all of the management requirements specified within the Policy.**
- 2. The property owner be instructed to immediately cease operation of the building in the manner of a Residential Building for the purpose of Short Term Accommodation, and reinstate the approved Grouped Dwelling use.**
- 3. The Council delegate to the Chief Executive Officer the authority to instruct its solicitors to initiate legal action in respect to the unauthorised use of the site under Clause 54 of the Town of Victoria Park Town Planning Scheme No. 1 and Section 218 and 222 of the Planning and Development Act 2005 and that legal action be taken against the owners and occupiers of the property if and when necessary, should the matter of the unauthorised use of the site remain unresolved, to the satisfaction of the Chief Executive Officer.**
- 4. The petitioners and other persons who made individual written submissions regarding the application be advised of Council's decision.**

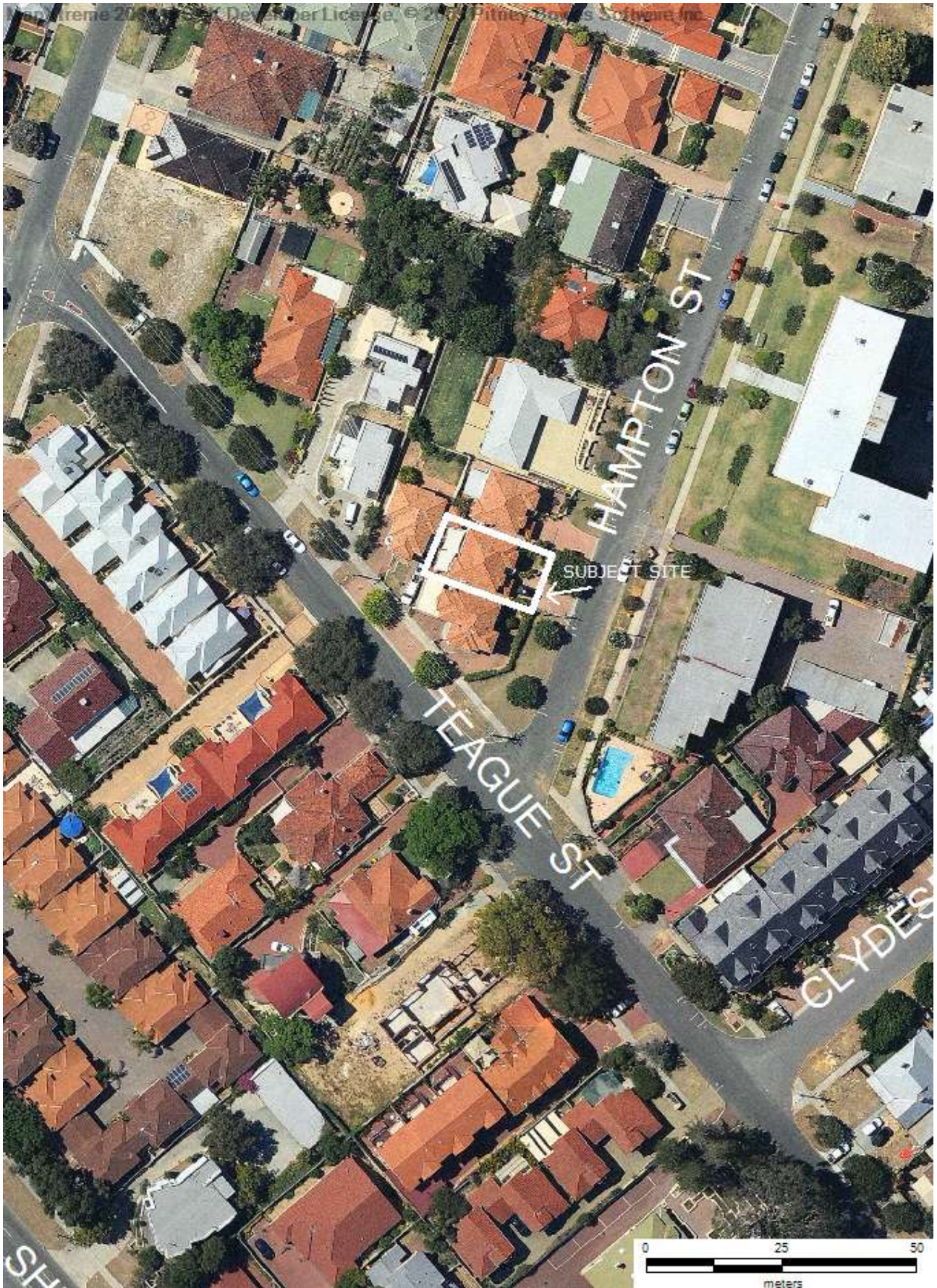
The Motion was Put and

CARRIED: (6-2)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter

Against the Motion: Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)



11.2 3 (Lot 4) Claude Street, Burswood – Retrospective Approval for Change for Change of Use from Office/Warehouse to Office and Residential Building (Lodging House)

Application withdrawn at the request of the applicant.

(To be confirmed on the 9 October 2012)

Mr Cruickshank left the meeting at 7.05pm

11.3 21 (Lot 521) Kent Street, Victoria Park – Change of Use from Grouped Dwelling to Unlisted Use (Display Home)

File Reference:	KENT21
Appendices:	No
Landowner:	L & C D'Amrogio
Applicant:	Summit Projects
Application Date:	3 July 2012
DA/BA or WAPC Ref:	12/0418
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	Unlisted Use
Use Permissibility:	At Council's discretion

Date:	28 August 2012
Reporting Officer:	L. Parker
Responsible Officer:	R. Lavery
Voting Requirement:	Approval - Absolute Majority

Executive Summary:**Recommendation – Temporary Approval by Absolute Majority**

- The site is occupied by two recently constructed grouped dwellings. The application proposes the use of the rear dwelling as a Summit Projects 'Display Home'.
- Consultation was undertaken for 21 days to surrounding property owners and occupiers in accordance with Council Policy GEN3 'Community Consultation'. One (1) objection was received during the consultation period.
- The proposed Unlisted Use is considered to be consistent with the objectives and purposes of the 'Residential Zone' in which it is located and is not considered to pose any significant risk of adverse impacts on adjoining properties or the surrounding locality, provided appropriate conditions are imposed on its approval.
- Recommended that the proposed 'Display Home' be Approved for a temporary approval period of one year.

TABLED ITEMS:

- Development application form received 3 July 2012;
- Plans and elevations received 3 July 2012;
- Applicant's written statement received 3 July 2012;
- Correspondence to applicant (advertising process letter) dated 18 July 2012;
- Consultation letter to adjoining owners and occupiers dated 30 July 2012;
- Objection from owner of 23A Kent Street received 20 August 2012;
- Preliminary advice to applicant dated 7 May 2012; and
- Applicant's additional supporting statement and photographs received 3 September 2012.

(To be confirmed on the 9 October 2012)

BACKGROUND:

An application to construct a grouped dwelling to the rear of the original weatherboard dwelling formerly existing on the site was approved by the Council in May 2010 under delegated authority.

The Council at its Ordinary Meeting held on 9 November 2010 resolved to approve an application for the demolition of the original circa 1921 dwelling on the site and its replacement with a new grouped dwelling of traditional design consistent with the design requirements of Council's Local Planning Policy – Streetscape. Whilst the design was considered acceptable by Council's administration the application was recommended for refusal as there was not considered sufficient justification to warrant demolition of the intact and structurally sound original dwelling.

The applicant (Summit Projects) undertook the construction of both of the new grouped dwellings on the site.

The applicant sought preliminary advice from Council's Urban Planning Business Unit in May 2012 regarding the possible use of the rear dwelling as a 'Display Home', resulting in submission of the subject application.

DETAILS:

An application has been received proposing the change of use of the rear Grouped Dwelling at 21 Kent Street to a 'Display Home' open for public inspections by the developer responsible for its construction. The site is located opposite the Town of Victoria Park Bowling Club and Public Car Park No. 8. As a 'Display Home' is not a use listed within the Zoning Table of Town Planning Scheme No.1 it is classified as an 'Unlisted Use'.

The proposed trading hours for the 'Display Home' are as follows:

- Mondays & Wednesday – 2pm to 5pm;
- Saturdays & Sundays – 1pm to 5pm;
- Public Holidays – 1pm to 5pm; and/or
- by appointment as required.

Parking for the use is proposed to be catered for by the double garage of the dwelling, on-street or within the public car park (Public Car Park No. 8) immediately opposite the site.

The application also proposes the installation of a free-standing pylon sign (2.0m high by 0.5m wide) to be setback 2.2m from the Kent Street boundary. The sign is proposed to be located along the right-hand-side of the internal driveway to the property and display the applicant's name and contact details, along with the proposed opening times of the 'Display Home'.

The applicant has stated that they seek to operate the proposed 'Display Home' for an initial period of twelve months, with potential to extend its operation for a further three, six or 12 months in total.

(To be confirmed on the 9 October 2012)

The applicant's statement accompanying the application argues that the existing building from which the 'Display Home' is proposed to operate demonstrates sensitivity towards conserving the elements and character of the dwelling previously existing on the site through its incorporation of traditional design features and materials in its construction. The applicant also contends that the use of the building as a 'Display Home' would benefit both 'Summit Projects' and the Council as it acts as an excellent example of a development that has been designed in sympathy with the existing cultural heritage, scale and character of housing within the locality.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 16 'Unlisted Uses'
- Clause 35 'Advertising Procedure'
- Clause 36 'Determination of Application – General Provisions'
- Clause 37 'Determination of Application for an Unlisted Use'
- Clause 39A 'Determination of Application for Advertisement'
- Clause 42 'Temporary Planning Approval'

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan
- Statement of Intent contained in Precinct Plan P12 'East Victoria Park Precinct'
- Policy 3.5 'Non-Residential Uses in or Adjacent to Residential Areas'
- Policy 5.1 'Car Parking'

Car Parking

Car bays for non-residential development should be provided at the rate specified under Council's Policy 5.1 'Parking Policy' unless otherwise approved by the Council. The Policy also states that where the number of bays proposed for a non-residential use or residential development is less than the number required, the Council may approve the development, if it can be demonstrated that nearby off-street parking facilities are available to cater for the parking requirements (or a portion of that required) for the proposed use.

The existing dwelling is currently served by an enclosed garage providing car parking for two vehicles on the site. The applicant has stated that the proposed 'Display Home' is anticipated to generate visitation by approximately five parties per week, which according to the applicant is significantly less than the 56 weekly vehicular traffic movements associated with an average domestic household (eight movements per day).

In view of the low traffic generation of the use, and the availability of car parking on-street and within Council Car Park No. 8, the existing on-site provision of two car parking bays is considered acceptable. It is also noted that additional public car parking is located within walking distance at the LeisureLife Centre and at 4 Kent Street, at the Albany Highway end of Kent Street.

(To be confirmed on the 9 October 2012)

Submissions:

Community Consultation:

In accordance with Clauses 16, 35 and 37 of Town Planning Scheme No. 1 and Council Policy GEN3 ‘Community Consultation’, the proposed change of use was advertised for a period of 21 days, including letters to surrounding owners and occupiers and the installation of a sign at the Kent Street frontage of the site. The consultation period commenced on 31 July 2012 and closed on 20 August 2012.

One letter of objection was received during the consultation period from the adjoining property owner at 23A Kent Street. The concerns raised in the submission are summarised and responded to in the table below.

Submissions	
Submission from owner of 23A Kent St	Officer Comments
<ul style="list-style-type: none"> The use will generate unwanted traffic and parking to an area that is already busy. The double garage will be insufficient as the sales person will use one bay leaving only one bay for visitors. 	<p>Not Supported - The expected number of visits to the site per week are expected to be low in number and significantly less than that associated with an average household, with the nominated opening times occurring during the afternoon when the majority of surrounding residents are at work and car parking is widely available within the public car parks in close proximity to the site.</p>
<ul style="list-style-type: none"> The use will attract persons from outside the local community, with risk of invasion of privacy and safety issues. 	<p>Not Supported – The proposed ‘Display Home’ will attract visitation by persons interested in constructing a new home or settling in the local area much as a dwelling for sale would, which otherwise occurs in residential areas. The expected number of visits to the site per week are expected to be low in number and significantly less than that associated with an average household, which can have any number of visits by persons from any manner of background or location.</p>
<ul style="list-style-type: none"> Concerns regarding public liability and insurance costs, should visitors visit the wrong site and enter my adjoining property and injure themselves. 	<p>Not Supported – It is highly unlikely that this would occur given a sign is proposed/will be required to identify the ‘Display Home’, which will be visible from Kent Street. The expected number of visits to the site per week are expected to be low in number and significantly less than that associated with an average household, and there are not considered to be any significant hazards that would pose a safety risk to visitors.</p>
<ul style="list-style-type: none"> Increase in noise pollution from the volume of people attending during the proposed trading hours or as by appointment when required. 	<p>Supported in Part - The expected number of visits to the site per week are expected to be low in number and significantly less than that associated with an average household.</p>

(To be confirmed on the 9 October 2012)

	<p>This is not considered to generate any significant noise or other form of pollution during the nominated afternoon trading hours, however there may be potential for some impact outside of these times should appointments be arranged outside standard business hours (i.e. early morning and at night). Accordingly a condition is recommended restricting the business hours to those proposed by the applicant with appointments permitted to occur outside of these times between 8am and 6pm only.</p>
<ul style="list-style-type: none"> • A free-standing sign harms the residential “character” of the subject side of Kent Street and its 2.0m height is too large. 	<p>Supported – The scale and design of the sign is not considered to be in keeping with the residential character of the streetscape and it is considered inappropriate for the signage to remain displayed outside of the opening hours of the proposed ‘Display Home’, as it will effectively act as commercial advertising rather than for identification purposes, which should be its primary purpose. A condition has therefore been recommended restricting signage on site to a single low height temporary sign that is only to be displayed during opening hours or inspections.</p>

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

Environmental Issues:

No impact

COMMENT:

Clauses 36 and 37 of Town Planning Scheme No. 1

Under Clause 37 ‘Determination of Application for an Unlisted Use’, if the Council is not satisfied by an Absolute Majority that the proposal is consistent with the matters listed in Clause 36(5), the Council cannot grant planning approval for the development. Taking each element of subclause 5 into consideration, the following applies:

(To be confirmed on the 9 October 2012)

Clause 36(5) provisions:	Officer Comments
a) Provisions of Scheme and any other written law applying to Scheme area	Refer to comments below regarding Precinct Plan P12 'East Victoria Park Precinct' and Policy 3.5 of the Scheme Policy Manual. Accordingly, the proposed development is considered to be consistent with the objectives and purposes for the 'Residential Zone' and to not pose any significant risk of adverse harm on adjoining properties or the surrounding locality. The Council is therefore recommended to exercise its discretion under Clause 16 of the Scheme to determine that the proposed Unlisted Use (Display Home) is permissible for an initial temporary approval period of one year.
b) Any relevant Planning Policy	<u>Policy 3.5 of Scheme Policy Manual</u> Policy 3.5 'Non-Residential Uses in or Adjacent to Residential Areas' seeks to ensure the compatibility of non-residential development in close proximity to residential areas and that such uses will not cause undue conflict though the generation of traffic and parking or the emission of noise or any other form of pollution. As noted in the car parking assessment above the use is not expected to generate the same numbers of vehicle movements to the site as the residential occupation of the existing building otherwise would. The proposed operating hours and recommended condition restricting appointment times, will ensure that traffic and car parking associated with the use will occur during standard business hours during the week and otherwise on weekends during the day-time only, when the majority of surrounding residents are at work and/or when public car parking facilities within close proximity to the site are widely available.
c) Any relevant Precinct Plan	The Statement of Intent contained in Precinct Plan P12 'East Victoria Park Precinct' seeks to retain the majority of the precinct as a low to medium density residential area, with some specialised forms of accommodation and a limited number of non-residential uses, to serve the needs of the local population. The proposed 'Display Home' will serve as an example of infill residential development within the Town, that has been designed in accordance with the standard design requirements of Council's Local Planning Policy – Streetscape for development within the Residential Character Study Area. The promotion and display of the building may benefit and serve the needs of the surrounding community by serving as an acceptable standard of infill development that could be constructed elsewhere within the locality.
d) Any Statement of Planning Policy of the WAPC	No policies of the Western Australian Planning Commission were identified as having relevance to the Council's consideration of the application.
e) Any planning study approved by the Council	No planning studies approved by the Council were identified as being of relevance to the Council's consideration of the application.

(To be confirmed on the 9 October 2012)

<p>f) Any submission accompanying or related to the application</p>	<p>Whilst part of the concerns raised in the objection received in relation to the application have merit, these have not been weighed or qualified against the noise, traffic and car parking associated with the typical occupation of the building for residential purposes. If the subject building were occupied as a grouped dwelling as per its current approval, an increase in the level of traffic, car parking and noise generation on site would occur given the building has remained vacant since completion of construction. The potential impacts of the use are not anticipated to be significantly greater than those associated with a typical residential dwelling and the proposed operating hours (and recommend conditions) restrict such impacts occurring to the daytime and/or during standard business hours only, when they are likely to have the least potential for adverse impact. With the exception of the proposed signage, which is considered to negatively impact upon the residential character of the streetscape and is considered inappropriate on residential zoned land, the concerns raised in the submission are not considered to warrant refusal of the proposed 'Display Home'.</p>
<p>g) Orderly and proper planning of the locality</p>	<p>The proposed 'Display Home' is intended to serve as an example of a residential development which potential Summit Projects customers may be interested in building in the local area or similar established areas where infill development is occurring. Whilst not an exemplary standard of design or materials, the existing building has been designed in accordance with Council's planning requirements, and in particular the building design provisions of Council's Local Planning Policy – Streetscape. Accordingly, the proposed 'Display Home' is considered to represent a satisfactory example and standard of residential development within the Residential Character Study Area, where it does not involve demolition of an original dwelling. In view of the above, the approval of the 'Display Home' is considered to be consistent with the orderly and proper planning of the locality.</p>
<p>h) Conservation of the amenities of the locality</p>	<p>Having regard to noise and traffic generation the proposed 'Display Home' is not considered to generate any greater impacts than those associated with a typical domestic household. Indeed, the subject site will be associated with little to no noise or traffic generation outside of its proposed afternoon trading hours, and will therefore not cause any impacts on surrounding properties or the locality during morning hours or at night, when residents are more likely to be at home, and where any noise or traffic generation would be of greater significance and impact.</p>
<p>i) Design, scale and relationship to existing buildings and surroundings</p>	<p>No physical changes are proposed to the existing approved dwelling. The only physical changes on site relate to the proposed signage which is considered to be at odds with the residential zoning and character of the locality and streetscape. Accordingly it is recommended that the proposed sign be excluded from the approval and that a condition be applied restricting any signage associated with the use to a single low height temporary sign to be displayed during the approved operating hours and inspections times only.</p>

(To be confirmed on the 9 October 2012)

Proposed Signage

Council generally does not support the erection of commercial signage within the residential zone or on properties used for residential purposes given its impacts on the quality and amenity of the streetscape, which are inconsistent with the residential character that the Council wishes to maintain and enhance within residential areas. The applicant's proposed free-standing pylon sign, whilst revised from a larger design proposed prior to submission of the application has a strong commercial character and an appearance at odds with the residential zoning and character of the streetscape in which it is proposed to be located. Accordingly, the concerns raised in the submission from the adjoining property owner at 23A Kent Street in relation to the signage are considered relevant and the proposed sign is considered to adversely impact upon the residential character and appearance of this portion of Kent Street.

Whilst it is recommended that the applicant's proposed signage not form any part of the approval of the application, it is considered appropriate that some form of small, temporary signage be placed on the site, for the purposes of identifying the 'Display Home' to avoid potential disruption to surrounding residential properties. It is considered that such signage should consist of a single, temporary sign to be located on the site visible from Kent Street, of no more than 750mm in height (i.e. small in scale and to avoid sightline issues for vehicles and pedestrians) to be displayed during opening/inspection times only, and removed outside of these times to restore the site to a residential appearance and character consistent with its surroundings. Appropriate conditions of approval relating to the provision of this signage have been recommended to be applied to the approval of the application.

Temporary Approval Period

The applicant intends to operate the proposed 'Display Home' for an initial period of twelve months, with potential to extend its operation for a further three, six or twelve months. The proposed use is not considered to pose any significant risk of adverse impacts by way of noise, traffic or other factors they may affect the use or enjoyment of surrounding properties or the amenity of the locality, subject to the imposition of appropriate conditions to restrict its operations. Nevertheless, it is considered appropriate to grant approval for a temporary approval period of one year given an application of this kind has not been previously considered by the Council, and as conventional 'Display Homes' are usually found in new subdivisions or estate type developments, rather than the scenario of infill development in established areas where the impacts of the use may be greater if not managed/operated appropriately.

The recommended temporary approval of the use will enable the Council to reconsider the acceptability of the use upon its expiry, in the event that negative or unanticipated impacts do occur or if the use is operated in a manner inconsistent with the intent of the original application or the terms of the approval.

(To be confirmed on the 9 October 2012)

CONCLUSION

Having regard to the above, it is considered that the proposed Unlisted Use (Display Home) is consistent with the objectives and purposes of the 'Residential Zone' and is therefore permitted, in accordance with Clause 16 of Town Planning Scheme No. 1, provided it is managed and operated in accordance with the applicant's written information accompanying the application and as otherwise required by the planning conditions recommended below. It is therefore recommended that the application be Approved by an Absolute Majority for a temporary approval period of one year.

Further Comments:

In response to the Officer Recommendation to exclude the applicant's proposed free-standing pylon sign from any forthcoming approval, the applicant emailed a further supporting statement and photographs of a similar sign located at a display home within the City of Melville, and located opposite the Booragoon Shopping Centre, on 3 September 2012.

The statement requested reconsideration of the proposed signage and the removal of Conditions 1.8 and 1.10 of the Officer Recommendation on the following basis:

- Display of signage to create awareness of the display home is paramount to its success;
- Compromises have already been adopted in relation to the size and scale of the sign;
- The purpose of the display is to make the public aware of a development solution that has been endorsed by the Town of Victoria Park;
- The scale and design of the sign is not inconsistent with the streetscape in view of the signs associated with the arts centre, leisure centre and bowling club opposite the site;
- There will be little option other than to withdraw the application or not proceed with the proposal if the signage restrictions are applied.

This additional statement was forwarded to the Elected Members for their consideration prior to the Elected Members Briefing Session held on 4 September 2012, with copies of the statement also being provided at that meeting.

OFFICER 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 Summit Projects on behalf of L & C D'Ambrogio for Change of Use from Grouped Dwelling to Unlisted Use (Display Home) at 21 (Lot 521) Kent Street, East Victoria Park, as indicated on the plans and written information dated received 3 July 2012 be Approved by an Absolute Majority subject to the following conditions:

(To be confirmed on the 9 October 2012)

- 1.1 This approval is for the temporary use of the rear building located on the subject site, and approved as a Grouped Dwelling as part of Planning Approval DA No. 10/0242 on 24 May 2012, as a 'Display Home' until 11 September 2013, only. At the culmination of this temporary approval period, the subject building will revert to its original approval as a Grouped Dwelling, and the applicant/owner/operator must cease use of the building as a 'Display Home'. A fresh application for planning approval will be required to be submitted to and approved by the Council should the applicant/owner/operator wish to continue operation of the 'Display Home' after the expiry of the temporary approval period.
- 1.2 The owner entering into a legal agreement with the Town, prepared by the Town's solicitors at the owner's cost, limiting the use of the subject building as a 'Display Home' until no longer than 11 September 2013 with an agreement to cease the temporary use at that time should Council not grant a further planning approval for the use. The Legal Agreement is to be executed by all parties and to be secured by Absolute Caveat on the title of the property within 90 days of the date of this approval. (Refer related advice note)
- 1.3 Operation of the use described in Conditions 1 and 2 above to be in accordance with the applicant's correspondence accompanying the application dated received 3 July 2012, except as otherwise required or authorised by the conditions of this approval. Any changes to the approved operations of the use will require lodgment of a new application for planning approval for consideration by the Council.
- 1.4 General operating hours/opening times of the approved 'Display Home' are restricted to the following hours:
 - Mondays & Wednesdays – 2pm to 5pm;
 - Saturdays & Sundays – 1pm to 5pm; and
 - Public Holidays – 1pm to 5pm.
- 1.5 Inspections of the approved 'Display Home' by customers/clients/visitors are permitted to occur outside the general operating hours/opening times specified in Condition No. 4 of this approval by appointment only, and shall only occur between the hours of 8am to 6pm, however all reasonable and practical efforts should be made to arrange for the inspection of the 'Display Home' during its approved general operating hours/opening times.
- 1.6 The vehicular access leg providing common vehicular and pedestrian access to the existing buildings on the site is to remain clear and free of obstructions at all times. No vehicle parking, loading or unloading is permitted to occur within the access leg, which must provide for the ability for vehicles to exit onto Kent Street in forward gear at all times.

(To be confirmed on the 9 October 2012)

- 1.7 The garage of the approved 'Display Home' is to be made available for the parking of two vehicles for staff and customers/clients/visitors to the 'Display Home' at all times that it is open for public inspection or inspection by appointment.
- 1.8 The signage detailed on the approved plans does not form any part of this planning approval and is not permitted.
- 1.9 The applicant/owner/operator of the 'Display Home' shall erect/place a single, temporary sign on the site at all times the 'Display Home' is operating or open for inspection for the primary purpose of identifying the site to visitors. The required sign is to meet all of the following requirements:
- (i) be visible from Kent Street and located inside of the property boundary, within one of the soft landscaping strips either side of the formed driveway serving the existing buildings on the site;
 - (ii) is not to be located within any part of the exclusive site area of the front dwelling fronting Kent Street;
 - (iii) have a maximum width of 500mm and a maximum height of 750mm to the top of the sign above the natural/finished ground level;
 - (iv) not be illuminated or contain any flashing or pulsating light; and
 - (v) be removed from the site and not be displayed at any time outside of the restricted operating hours/inspection times permitted by Conditions 4 and 5 of this approval.
- 1.10 No signage associated with the approved 'Display Home' is permitted to be erected/displayed other than that required by Condition 9 of this approval.

Advice to Applicant:

- 1.11 In order to ensure compliance with Condition No. 2 of this approval, the applicant/owner should contact the Town's Administration as soon as possible to request the Town to instruct its solicitors to prepare the legal agreement and providing their agreement to pay any and all costs associated with its preparation and execution.
- 1.12 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
- 1.13 Any modifications to the approved plans and information forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
2. Those persons who made a submission in respect to the application being advised of the Council's decision.

ALTERNATIVE MOTION**Moved: Councillor Hayes****Seconded: Councillor Anderson**

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 Summit Projects on behalf of L & C D'Ambrogio for Change of Use from Grouped Dwelling to Unlisted Use (Display Home) at 21 (Lot 521) Kent Street, East Victoria Park, as indicated on the plans and written information dated received 3 July 2012 be Approved by an Absolute Majority subject to the following conditions:
 - 1.1 This approval is for the temporary use of the rear building located on the subject site, and approved as a Grouped Dwelling as part of Planning Approval DA No. 10/0242 on 24 May 2012, as a 'Display Home' until 11 September 2013, only. At the culmination of this temporary approval period, the subject building will revert to its original approval as a Grouped Dwelling, and the applicant/owner/operator must cease use of the building as a 'Display Home'. A fresh application for planning approval will be required to be submitted to and approved by the Council should the applicant/owner/operator wish to continue operation of the 'Display Home' after the expiry of the temporary approval period.
 - 1.2 The owner entering into a legal agreement with the Town, prepared by the Town's solicitors at the owner's cost, limiting the use of the subject building as a 'Display Home' until no longer than 11 September 2013 with an agreement to cease the temporary use at that time should Council not grant a further planning approval for the use. The Legal Agreement is to be executed by all parties and to be secured by Absolute Caveat on the title of the property within 90 days of the date of this approval. (Refer related advice note)
 - 1.3 Operation of the use described in Conditions 1 and 2 above to be in accordance with the applicant's correspondence accompanying the application dated received 3 July 2012, except as otherwise required or authorised by the conditions of this approval. Any changes to the approved operations of the use will require lodgement of a new application for planning approval for consideration by the Council.
 - 1.4 General operating hours/opening times of the approved 'Display Home' are restricted to the following hours:
 - Mondays & Wednesdays – 2pm to 5pm;
 - Saturdays & Sundays – 1pm to 5pm; and
 - Public Holidays – 1pm to 5pm.

(To be confirmed on the 9 October 2012)

- 1.5 Inspections of the approved 'Display Home' by customers/clients/visitors are permitted to occur outside the general operating hours/opening times specified in Condition No. 4 of this approval by appointment only, and shall only occur between the hours of 8am to 6pm, however all reasonable and practical efforts should be made to arrange for the inspection of the 'Display Home' during its approved general operating hours/opening times.
- 1.6 The vehicular access leg providing common vehicular and pedestrian access to the existing buildings on the site is to remain clear and free of obstructions at all times. No vehicle parking, loading or unloading is permitted to occur within the access leg, which must provide for the ability for vehicles to exit onto Kent Street in forward gear at all times.
- 1.7 The garage of the approved 'Display Home' is to be made available for the parking of two vehicles for staff and customers/clients/visitors to the 'Display Home' at all times that it is open for public inspection or inspection by appointment.
- 1.8 The free-standing sign detailed on the approved plans shall be installed and displayed in accordance with the following requirements:
 - (i) be setback a minimum distance of 1.5 metres from the Kent Street boundary;
 - (ii) not be located within any part of the exclusive site area of the front dwelling fronting Kent Street; and
 - (iii) not be illuminated or contain any flashing or pulsating light.
- 1.9 No signage associated with the approved 'Display Home' is permitted to be erected/displayed on the site other than the free-standing sign detailed on the approved plans, to be displayed in accordance with Condition 8 of this approval.
- 1.10 All signage associated with the approved 'Display Home' is to be taken down and removed from the site upon the expiry of planning approval to use the subject building as a 'Display Home'.
- 1.11 Compliance with Council's Building requirements.

Advice to Applicant:

- 1.12 In order to ensure compliance with Condition No. 2 of this approval, the applicant/owner should contact the Town's Administration as soon as possible to request the Town to instruct its solicitors to prepare the legal agreement and providing their agreement to pay any and all costs associated with its preparation and execution.

(To be confirmed on the 9 October 2012)

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

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

2. Those persons who made a submission in respect to the application being advised of the Council's decision.

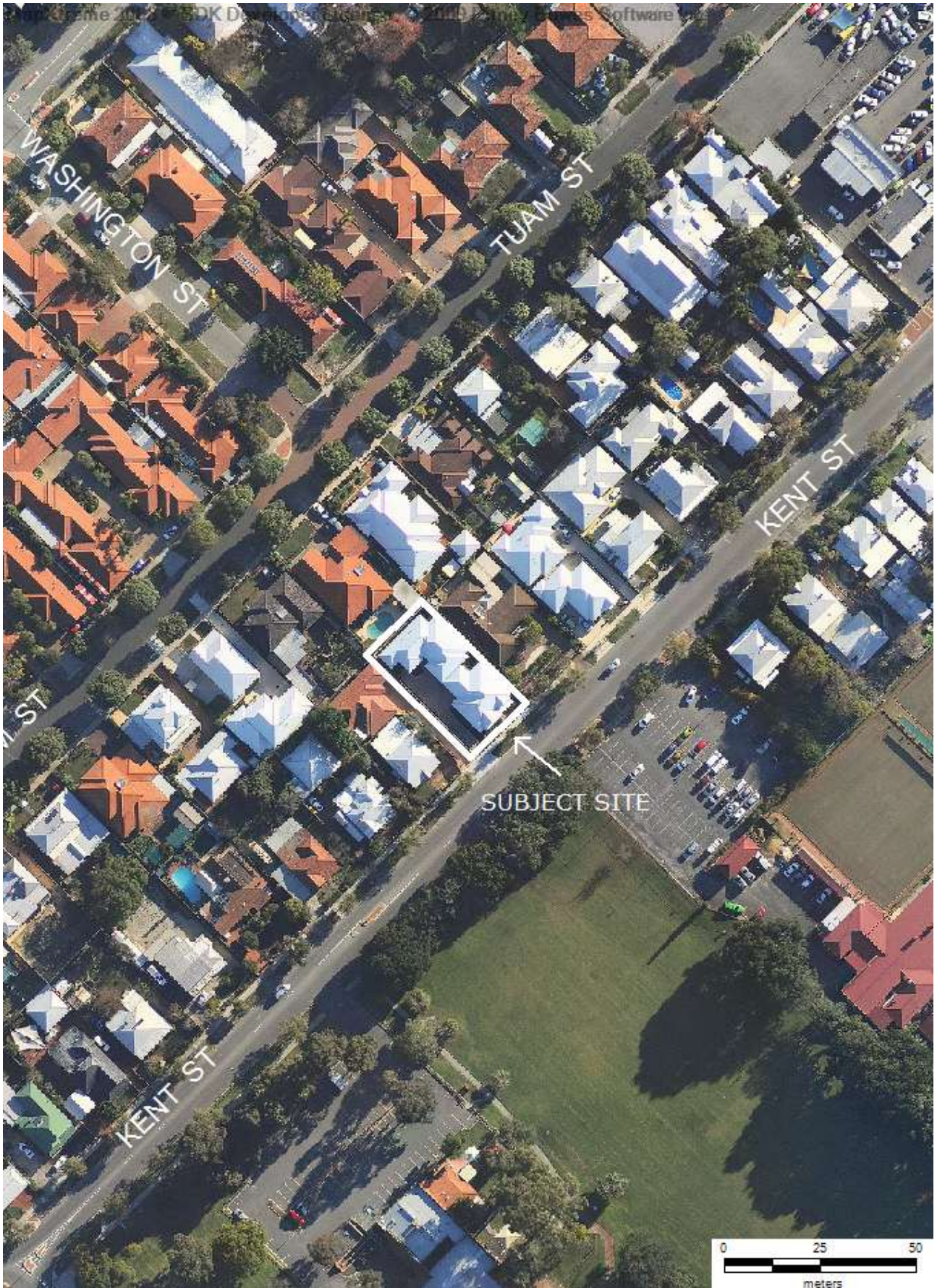
The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

Reason: considered that the proposed sign, being for a 12 month period, would have no adverse impact upon the amenity of the area.

Mr Cruickshank returned to the meeting at 7.06pm

(To be confirmed on the 9 October 2012)



11.4 1 (Lot 106) Savill Place, Carlisle – Retrospective Approval for Unlisted Use (Open Air Storage Yard)

File Reference:	SAVI1
Appendices:	No
Landowner:	M and C Barr
Applicant:	M and C Barr
Application Date:	7 June 2012
DA/BA or WAPC Ref:	12/0359
MRS Zoning:	Industrial
TPS Zoning:	Industrial 1
TPS Precinct:	Precinct P9 - 'Welshpool Precinct'
Use Class:	Unlisted Use
Use Permissibility:	N/A

Date:	5 September 2012
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:
Recommendation – Approval by Absolute Majority

- Application seeks retrospective approval for an Unlisted Use (Open Air Storage Yard).
- The Open Air Storage Yard is being used by the adjoining business located at 3 Savill Place.
- The Unlisted Use (Open Air Storage Yard) was the subject of consultation for 21 days in accordance with Council’s Policy GEN3 – Community Consultation, with letters to owners/occupiers of affected surrounding residential and industrial properties, sign on site and notice in the newspaper.
- During the consultation process only one submission of no objection was received.
- Unlisted Use (Open Air Storage Yard) will not have any detrimental impact on the surrounding industrial properties and not further impact on the residential area across the road.
- Recommended that the application be Approved by Absolute Majority.

TABLED ITEMS:

- Application form dated 7 June 2012;
- Plans dated 7 June 2012;
- Correspondence from applicant dated 7 June 2012 and 17 July 2012;
- Correspondence from Council dated 5 July 2012;
- Consultation with adjoining owners and occupiers dated 17 July 2012;
- Submission received dated 1 August 2012.

(To be confirmed on the 9 October 2012)

BACKGROUND:

The Council in 1997 granted approval for a 'Factory with Incidental Office' on the property at 3 (Lot 107) Savill Place, Carlisle. After the building completion, a civil contracting business started operating on the property at 3 (Lot 107) Savill Place for their office plus warehouse, storage and parking of vehicles, and started using the subject property at 1 (Lot 106) Savill Place for parking of plant, equipment, vehicles and material storage yard. During all these years different owners have been using both properties for the same purposes and uses.

On 20 April 2012 following receipt of a complaint and correspondence from Council's Compliance Officer, the current owners of the property were advised that the operation of the Open Air Storage Yard on the subject property did not have an approval from the Council and that an application for planning approval had to be submitted to the Council for consideration, which is now the subject of this report.

DETAILS:

The application seeks retrospective planning approval for an Open Air Storage Yard, after a complaint was received in relation to the use of the site without any valid planning approval from the Council. Open Air Storage Yard is not a Use Class listed within the Zoning Table of the Town of Victoria Park Town Planning Scheme No. 1 and it is therefore considered as an "Unlisted Use",

1 (Lot 106) Savill Place has an area of 862 m², it is located within the 'Industrial 1' zone on the corner of Cohn Street and Savill Place and its south eastern common boundary adjoins 3 (Lot 107) Savill Place to which it is associated. Both properties belong to the same owners. Although the two properties have a common boundary there is not a physical connection in between and their connection/access is only through the street. The subject property is fully enclosed with a combined cyclone security and colorbond fence of approximately 2.1 metres height along the Cohn Street front boundary and along the Savill Place front boundary. A double gate for access to the site is located along Savill Place, next to the boundary with 3 Savill Place.

The applicant has submitted correspondence in support of the proposal, which in summary states:

- 1 (Lot 106) and 3 (Lot 107) Savill Place were originally purchased by R Rowles following subdivision.
- Rowles leased the two properties to 'Ruminous Contracting' a civil contracting company that used Lot 106 for parking of plant, equipment, vehicles and material storage.
- In 2004 MA and C Barr purchased the two properties and Keslake Nominees Pty Ltd, a civil contracting company, continued the use of Lot 106 for parking of plant, equipment, vehicles and materials storage.
- On 31 December 2011 MA and C Barr retired from the business and sold it to their son F Barr.
- F Barr operates a contracting business as Keslake Group Pty Ltd, leasing the properties from MA and C Barr and continues using the subject property for parking of plant, equipment, vehicles and materials storage.

(To be confirmed on the 9 October 2012)

Further correspondence from the business operator, F Barr at 1 Savill Place, was received on 17 July 2012, which in summary states:

- Materials stored on site depend on the types of works to be carried out: these materials may include: fill sand, crushed limestone, road base, bitumen emulsion, drainage products, sealing aggregates, geofabrics, etc.
- Depending on the type of work, the storage may include 100% of the area for storage of materials (mix) or no material storage at any particular time.
- Trucks and light vehicles access the storage yard 24 hours a day 7 days per week. As this is mainly a storage area, actual works involving loading and unloading of equipment is usually carried out between the hours of 6.00am to 6.00pm.
- Washing equipment and trucks is not part of the application. They are currently in the process of having a dedicated wash bay designed and a separate application will be submitted in the future.

Legal Compliance

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 16 of the Scheme Text – Unlisted Uses;
- Clause 36 of the Scheme Text - Determination of Application – General Provisions;
- Clause 37 of the Scheme Text - Determination of Application for an Unlisted Use;
- Statement of Intent contained in Precinct Plan P9 ‘Welshpool Precinct’

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the ‘Unlisted Use (Open Air Storage Yard)’ was the subject of community consultation with letters being sent by the Council’s Urban Planning Unit to owners and occupiers of affected residential and industrial surrounding properties giving them 21 days to comment on the application. The applicant was requested to place a sign on site for 21 days on 17 July 2012 and also to place a notice of the proposal in the Southern Gazette and Victoria Park Examiner newspapers once a week for three consecutive weeks starting on 17 July 2012. On closing of the consultation period on 6 August 2012, only one submission was received.

CONSULTATION SUBMISSIONS	
<i>Submission from owner of No. 74 Jupiter Street, Carlisle.</i>	
Comments Received	Officer’s Comments
No objection to the Open Air Storage Yard.	Acknowledged.

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

(To be confirmed on the 9 October 2012)

Environmental Issues:

No impact

COMMENT:

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

- Town Planning Scheme No. 1 - Precinct Plan

The Statement of Intent of the Precinct Plan 9 – 'Welshpool Precinct' in part states, "*The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre..... Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use.*" In this regard it is considered that the Open Air Storage Yard located on 1 Savill Place is incidental to the civil contracting business located on the property next door at 3 Savill Place (same owner), where several civil contracting businesses have been operating in that property for several years since 1997. Due to the nature of the civil contracting business, an area for open storage of materials used in the construction of roads and associated works is required. In addition, area for the storage of plant, equipment and parking of vehicles used in the construction of roads is also required. It should be noted that some vehicles are also parked on the property at 3 Savill Place. It is considered that the Open Air Storage Yard is in accordance with the Statement of Intent of the Welshpool Precinct when it is used in association with the civil contracting business on the abutting adjoining property.

- Planning Policies

The 'Non-Residential Uses in or Adjacent to Residential Area' Policy in the Council's Town Planning Scheme No. 1 Policy Manual, states "*Non-residential development on land which abuts land which is or may be used for residential purposes shall only be permitted where the nature of the non-residential use will not cause undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable in residential areas.*" The subject property is abutting a residential area across Cohn Street. The same use (Open Air Storage Yard) has been operating on the premises since approximately 1997 without complaint until 2012. Furthermore, the Unlisted Use (Open Air Storage Yard) was the subject of consultation, with letters sent to the affected owners and occupiers of abutting residential and industrial properties, plus signs on site and notice for three consecutive weeks in the community newspapers and only one submission was received no objecting the Unlisted Use (Open Air Storage Yard).

The Parking and Access Policy in the Council's Town Planning Scheme No. 1 Policy Manual, Clause 5.2 refers to 'Loading and unloading'. As above, the property has been used as an open storage yard for years with materials and equipment being loaded and unloaded inside the property with no issues.

(To be confirmed on the 9 October 2012)

It is therefore considered that the Open Air Storage Yard does not have any adverse impact on the existing residential area across the road.

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

The Open Air Storage Yard is not affecting the current character of the area as it is located within an Industrial zone, it is incidental to the business located on the adjoining property to the southeast and it has been carrying on the same activity for about 15 years. As only one submission was received and is not objecting to the proposal, it is considered that there are no significant adverse impacts on the occupiers and owners of the adjoining residential properties in relation to noise or any other form of pollution that may be generated from the Open Air Storage Yard. For any future residential development within the locality, the potential owner/developer should be aware that there is an industrial zone nearby. The property is fully fenced and its appearance is similar to any other business within the industrial area that requires storage for equipment and building materials. As the business operator is considering access to the yard 24 hours per day, seven days per week, which may cause some disruption to the amenities of the adjoining residential area, due to loading and unloading and the movement of trucks, a condition will be recommended to restrict the hours of these activities.

- Submissions

During the Community Consultation period only one submission was received stating no objection to the Open Air Storage Yard.

The Precinct Plan P9 – ‘Welshpool Precinct’ describe some ‘Development Standards’ which in general are not applicable as no building is proposed for this retrospective application for Unlisted Use – Open Air Storage Yard.

It should be noted that the reason this retrospective application was submitted was due to an external complaint received expressing concerns mainly in relation to the washing down of trucks and bulk storage tankers on a loose gravel area with a lack of drainage or recovery systems. A site inspection was carried out by the Council’s Compliance Officer and an Environmental Health Officer.

A meeting was held at the Town of Victoria Park Administration Centre between the Council’s Compliance Officer and the property owner where the owner was advised to submit a retrospective application for planning approval for the storage yard. The owner was also advised to stop any washing within the property and to construct a hard stand area with a pit to capture any bitumen/chemical. At a later date the owner advised that they have stopped the washing down of truck/trailers on site and the washing is being done on another industrial site outside of the Town of Victoria Park industrial area. The owner also advised that they are currently preparing a design for a dedicated wash bay on the subject site which will be submitted later to the Council for approval. However a condition will be recommended in relation to this matter.

CONCLUSION:

It is considered that the Unlisted Use for Open Air Storage Yard will not have any adverse detrimental impact on the surrounding industrial areas and no further adverse detrimental impact on the residential area and being incidental to the civil contracting business on the adjoining property, the application is recommended for Approval by an Absolute Majority of the Council.

Further Comments:

At the Elected Members Briefing Session on 4 September 2012, a query was raised by an Elected Member in relation to recommended condition 1.3 which read "*The movement of vehicles and activities of the Open Air Storage Yard are to be limited to the hours of 7.00am to 7.00pm Monday to Fridays and 8.00am to 5.00pm Saturdays.*" Noting that the applicant proposes the business to operate 24 hours a day 7 days a week, and being of industrial nature, albeit not likely to generating excessive noise, dust etc. it is now considered that a 6am start Monday to Friday, and operation on a Sunday from 8am to 5pm, are both acceptable. Accordingly condition 1.3 has been amended to reflect this.

RESOLVED:**Moved: Councillor Skinner****Seconded: Councillor Hayes**

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 M and C Barr (DA Ref: 12/0359) for Retrospective Approval for Change of Use to Unlisted Use (Open Air Storage) at 1 (Lot 106) Savill Place, Carlisle as indicated on the plans dated received 7 June 2012 be Approved by Absolute Majority subject to:**
 - 1.1 **This approval is for the use of the premises as an Open Air Storage Yard only. Any alternative use of the premises will require the submission of an application to Council for a change of use.**
 - 1.2 **Washing down equipment and trucks within the property is not permitted without approval from the Council.**
 - 1.3 **The movement of vehicles and activities of the Open Air Storage Yard are to be limited to the hours of 6.00am to 7.00pm Monday to Fridays and 8.00am to 5.00pm Saturdays and Sundays.**
 - 1.4 **All fencing to be installed, modified and/or maintained at all times such that it is in accordance with the requirements of Council's Fencing Local Laws, including Parts 4 and 5 in relation to barbed wire and electrified and razor wire fencing.**

(To be confirmed on the 9 October 2012)

- 1.5 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.**
- 1.6 All stormwater is to be contained on site.**
- 1.7 Compliance with Council's Building, Environmental Health and Renew Life requirements.**

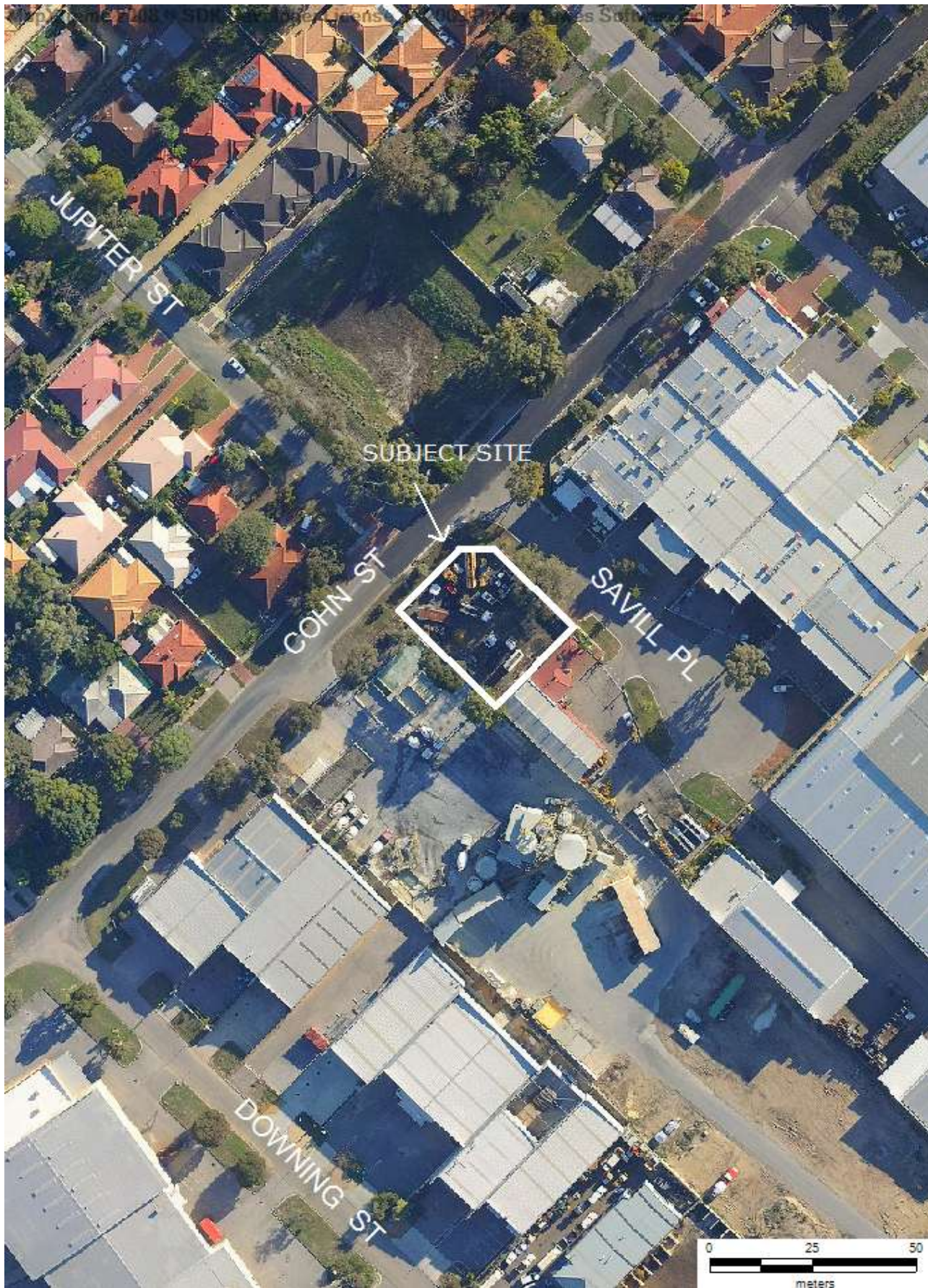
Advice to Applicant

- 1.8 Any proposed wash down bay is to be designed in compliance with the requirements of the Water Corporation, the Department of Environment and Environmental Health Services.**
 - 1.9 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
- 2. Those persons who lodged a submission regarding the application be advised of Council's decision.**

The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)



(To be confirmed on the 9 October 2012)

11.5 22 (Lot 156) Westminster Street, East Victoria Park – Demolition of Existing Single House and Replacement Single House

File Reference:	WEST22
Appendices:	No
Landowner:	J. Bain
Applicant:	Dale Alcock Homes
Application Date:	28 February 2012
DA/BA or WAPC Ref:	12/0146
MRS Zoning:	Urban
TPS Zoning:	Residential R30
TPS Precinct:	Precinct P12 'East Victoria Park'
Use Class:	Single House
Use Permissibility:	'P' use

Date:	5 September 2012
Reporting Officer:	C. Buttle
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:**Recommendation – Approval**

- Application for a Single House involving demolition of an 'original' dwelling located within both the Residential Character Study Area and the Weatherboard Precinct.
- Non-compliant with Council's Local Planning Policy, Streetscape in relation to front setback averaging requirements and width of proposed 'carport'.
- Consultation undertaken for 14 days with property owners on either side of development site in accordance with Council Policy GEN3 'Community Consultation'. During the consultation period, one submission was received which did not object to the proposed development.

TABLED ITEMS:

- Development application form dated 28 February 2012.
- Amended plans and elevations dated 31 July 2012.
- Consultation with adjoining property owners and occupiers dated 20 March 2012;
- Submission from adjoining property owner; and
- Photographs of existing dwelling and adjacent properties along Westminster Street.

DETAILS:

Council has received a development application for a Single House which involves the demolition of an 'original' dwelling on the subject property. The subject property is situated within both the Residential Character Study Area and the Weatherboard Precinct.

(To be confirmed on the 9 October 2012)

The proposed development is largely compliant with requirements stipulated within the Residential Design Codes (R-Codes) and Council policies. However, the application does not comply with the ‘Acceptable Development’ (AD) provisions of Council’s Local Planning Policy – Streetscape with respect to the proposed primary street setback and width of the proposed ‘carport’.

Subject to recommended conditions of approval, the application is seen to satisfactorily address the relevant Policy Performance Criteria in relation to the proposed street setbacks and width of the proposed double ‘carport’. The basis for support associated with the primary street setback and carport design are covered in further detail within the body of this report.

In addition to support for primary street setback and carport width components of the design, the overall building design is seen to represent an appropriate replacement for the existing original dwelling, and having regard to all of these factors; the application is recommended for approval.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of the Scheme Text;
- Clause 39 of the Scheme Text and
- Statement of Intent contained in Precinct Plan P12 ‘East Victoria Park Precinct’.

Compliance with Development Requirements

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

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

Item	Relevant Provision	Requirement	Proposed	Compliance
Primary Street Setback (Westminster St)	Clause 3.2.1 of LPPS	3.0m minimum	Over 3.0m minimum	Non-compliant (refer to comments section below)
		6.0m average	5.24m average	
Boundary Setbacks	Clause 6.3.1 of R-Codes	1.0m and 1.5 m setbacks to walls and zero setback to boundary walls.	1.0m and 1.5 m setbacks to walls and zero setback to boundary walls.	Yes
Open Space	Clause 6.4.1 of R-Codes	45% minimum of site area	45% open space	Yes

(To be confirmed on the 9 October 2012)

Access and Parking	Clause 6.5.1 of R-Codes	2 parking spaces	2 parking spaces	Yes
Site Works	Clause 6.6.1 of R-Codes	Excavation or filling between the street alignment and building not exceeding 0.5m Filling behind street setback line and within 1.0m of a common boundary not exceeding 0.5m.	Levels altered less than 500mm within front setback area. Filling of up to 390mm along left hand side property boundary.	Yes
Building Height (measured from the natural ground level)	Clause 6.7.1 of R-Codes	6.0m maximum wall height (2 storeys) and 9.0m maximum ridge height	Single storey dwelling	Yes
Visual Privacy	Clause 6.8.1 of R-Codes	Specified setbacks for openings to major openings raised more than 500mm above natural ground level.	No portions of the dwelling raised more than 500mm above natural ground level.	Yes
Building Design	Clause 3.2.11 of LPPS relating to Weatherboard precinct	Compliance with design elements such as roof form and shape, pitch, wall height, eaves detailing, window design, materials and colours, carport design identified in clause 3.2.11 of LPPS relating to dwellings within a Weatherboard Precinct.	Compliance with design elements identified in clause 3.2.11 of LPPS relating to dwellings within a Weatherboard Precinct with the exception of the width of the proposed 'carport'.	Non-compliant (refer to comments section below)

(To be confirmed on the 9 October 2012)

<p>Demolition of existing dwelling</p>	<p>Clause 3.1.6.1 of Scheme Policy 3.1 'Residential Design Guidelines' and Clause 3.2.9 of LPPS</p>	<p>Retention of existing dwelling where possible or demolition may be considered where proposed replacement development is of a suitable standard.</p>	<p>Demolition of existing dwelling and replacement with new Single House.</p> <p>Demolition of existing Single House is acceptable in this instance as the brick and tile construction and general design is not representative of traditional weatherboard dwellings within the street block.</p> <p>The proposed replacement dwelling is seen to contribute positively to the character of the street within which the development is set and be an appropriate replacement for the original dwelling which is being replaced.</p>	<p>Yes</p>
--	---	--	--	------------

Submissions:

Community Consultation:

As the proposed development incorporates setbacks to Westminster Street of less than the 6.0 metre average specified by Council's Local Planning Policy – Streetscape, the proposed development was the subject of neighbour consultation for a period of 14 days in accordance with the provisions of Council Policy GEN3 "Community Consultation". This included letters to the owners of dwellings on either side of the development site at Nos. 20 and 24 Westminster St. The neighbour consultation period commenced on 20 March 2012 and concluded on 3 April 2012 and during the consultation period, one submission was received which indicated general non-objection to the proposed development, but which made specific comment on particular components of the proposed development as described below.

(To be confirmed on the 9 October 2012)

CONSULTATION SUBMISSIONS	
No Objection from Owner of No. 20 Westminster St	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> If a reduced street setback to the building is approved, a condition should be imposed on the approval specifying that this should not translate into an ability to erect solid full height boundary fencing forward of an alignment which would normally be expected. 	<ul style="list-style-type: none"> Submitter's comments supported and a recommended condition of approval requires the submission of an application for planning approval for any fencing forward of a 6.0 metre setback line from the front property boundary.
<ul style="list-style-type: none"> The installation of, or retrofitting of a garage door should not be allowed. 	<ul style="list-style-type: none"> Submitter's comments supported and recommended conditions of approval prohibit the installation of a door on the proposed carport.
<ul style="list-style-type: none"> The construction of the retaining wall along the common boundary with No. 20 Westminster St 'blend in' as much as possible with the limestone retaining walls which already exist on No. 20 Westminster St. 	<ul style="list-style-type: none"> Submitter's comments noted. There is no planning control over the type of material which can be used in the construction of a retaining wall. Notwithstanding, Planning Services have written to the owner of the development site and encouraged them to liaise with the adjoining owner with respect to the construction materials and finishes for retaining walls and fencing along the common boundary between Nos. 20 and 22 Westminster Street.

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

Having regard to the comments that have been made regarding the status of the existing building and the proposed replacement building, there are no cultural issues associated with the proposed development.

Environmental Issues:

No impact

(To be confirmed on the 9 October 2012)

COMMENT:**Demolition and Replacement of 'Original' dwelling**

The application proposes the demolition of an 'original' dwelling and its replacement with a single storey Single House. Council's Town Planning Scheme No. 1 and Local Planning Policy – Streetscape both have a presumption against the demolition of an 'original' dwelling or pre-1945 dwelling, unless there are compelling reasons to justify demolition. However, for the reasons identified below, it is recommended that demolition of the existing dwelling and replacement with the proposed dwelling be supported in this instance.

Existing Dwelling

The Town's records indicate that the existing dwelling was constructed by the State Housing Commission in 1952. It is identified as an 'original' dwelling within the Town's 'Residential Character Study Report'.

The development site is situated within both the Residential Character Study Area and Weatherboard Precinct. The street block within which the development site is located runs between Albany Highway and Berwick Street and this street block sits centrally within the Town's main Weatherboard Precinct. The streetscape is characterised by single storey weatherboard cottages, many of which date from the 1920's and 1930's.

Although the existing dwelling is identified as an original place, it is somewhat anomalous in that it is brick and tile construction, whereas the predominant character of original dwellings within the section of Westminster Street between Albany Highway and Berwick Street is timber framed cottages with walls which are weatherboard clad and roofed in corrugated iron.

The following design features of the existing dwelling are not representative of traditional design features commonly found in the original timber dwellings within Westminster Street and the Weatherboard Precinct generally:

- Salmon brick and tile construction compared to predominant timber and iron construction;
- Roof pitch appears to be shallower than traditional 30 degree minimum;
- Window size, shape and general proportions are not characteristic of those which would ordinarily be found on dwellings within a Weatherboard Precinct (windows of the existing dwelling are larger, wider and extend to floor level);
- Wall heights, although taller than the minimum required, are lower than those which would be characteristically be found in an original weatherboard dwelling;
- The dwelling has a flat roof verandah which is not characteristic of the verandah design found on other original dwellings within the locality;
- Lack of exposed rafter tails to eaves; and
- Lack of ornamental detailing.

Accordingly, although identified as an original dwelling, the existing house does not contribute strongly to the existing or desired character of the 'Weatherboard Precinct' within which it is located.

(To be confirmed on the 9 October 2012)

The following criteria have been assessed to determine the acceptability of demolition of the dwelling:

Criteria	Comment
(a) The architecture of the existing building; and	As identified above, the architecture of the existing dwelling is not representative of that which is predominant or desired within the Weatherboard Precinct.
(b) The degree of intactness of the original building fabric of the dwelling; and	Although the original plans for the existing dwelling could not be located, it would appear that there is a high level of intactness of the original building fabric of the existing dwelling. However, as described above, this construction is brick and tile and the dwelling sits within a Weatherboard Precinct.
(c) The condition of the existing dwelling; and	Externally, the existing dwelling appears to be in sound condition. The interior of the dwelling has not been inspected.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling; and	Streetscape context is one of the major factors lending support to the demolition of the building. The brick and tile dwelling is anomalous within its immediate surrounds.
(e) The location of the existing dwelling on the site; and	The subject property is of a size that only accommodates the construction of one dwelling. Accordingly, any proposal to construct a replacement dwelling would necessarily involve the demolition of the existing dwelling.
(f) The effect of retention of the existing dwelling upon the development potential of the site; and	If the existing dwelling were to be retained, development would be limited to additions and alterations only. The outcome of any such development would not be as desirable as the outcome achieved by approval of the proposed replacement dwelling.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements; and	As stated above, the existing dwelling could be retained, but the streetscape outcome would not be as desirable as that which would be achieved by approval of the proposed dwelling.

(To be confirmed on the 9 October 2012)

Criteria	Comment
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished.	For the reasons identified below, the proposed new development is seen to contribute positively to the character of the streetscape within which the development is set and be an appropriate replacement for the original dwelling which is proposed to be demolished.

Proposed Dwelling

The proposed dwelling represents an appropriate design for the streetscape within which it is located and addresses the areas of incompatibility demonstrated by the existing dwelling as follows:

- Predominantly weatherboard clad (as viewed from the street) walls with a custom orb zincalume roof;
- 30 degree roof pitch;
- Windows of traditional size, shape and overall proportion (a condition of approval has been recommended which requires windows visible from the street to be either timber frame construction or wide frame powder coated aluminium);
- Wall heights of 2.75 metre minimum on street facing elevations;
- Verandah of traditional design which sits under the main roof and which extends across the front elevation and a portion of the side elevation of the dwelling;
- Exposed rafter tails to eaves; and
- Ornamental detailing by way of incorporation of paired timber posts to carport and verandah, finials and dutch gables within the main roof.

The front elevation of the proposed dwelling demonstrates an appropriate ‘fit’ within the context of the existing streetscape. In addition to the specific design features of the dwelling which have been described above, its single storey nature demonstrates a building scale which sits comfortably amongst the other original workers cottages within the street.

Primary Street Setback

Council’s Local Planning Policy, Streetscape – specifies a requirement for a 6.0 metre average setback from Westminster Street with a 3.0 metre minimum setback, and a setback which is generally consistent with the street setback pattern.

When the application was originally submitted, the proposed dwelling incorporated an average primary street setback of approximately 3.5 metres, with a minimum setback of 1.74 metres to the proposed carport and 4.1 metres to the verandah. As the proposed setbacks demonstrated neither compliance with the 6.0 metre average specified in Council Policy nor compatibility with the established street setback pattern, the applicant was asked to amend the drawings to provide an increased primary street setback to the proposed dwelling.

Revised drawings received 31 July 2012 incorporate a 3.38 metre setback to the proposed ‘carport’, and a 5.835m setback to the verandah with an overall average street setback of 5.24 metres.

(To be confirmed on the 9 October 2012)

Dwellings on either side of the development site have minimum setbacks of approximately 7 metres, with no parking structures situated forward of the building. It is noted, however, that the owner of each of these dwellings, has an 'as of right' entitlement to the construction of an open carport with a 1.5 metre setback from the street alignment, and that pursuant to Council's Local Planning Policy, such structure would not be assessed for the purpose of calculating compliance with required front setback averaging for those dwellings.

Having regard to the existing setback of dwellings on either side of the development site, and the opportunities which exist for further development in relation to each of these dwellings, particularly in relation to the addition of a carport within the street setback area, it is recommended that the following changes be required to setbacks for the dwelling which is the subject of this application for planning approval:

- Dwelling other than carport – setback of dwelling other than carport be increased from 5.835m to minimum of 6.0 metres.
Reason: Such a setback has greater regard for the setbacks of the dwellings on either side of the development site, noting Council's Policy provision which calls for setbacks which are "generally consistent with the street setback pattern"; and
- Carport – setback of carport be reduced from 3.38 metres as proposed to a setback closer to 1.5 metres.
Reason: Council's Local Planning Policy – Streetscape permits the owners of houses on either side of the development site to construct a carport with a minimum primary street setback of 1.5 metres. Such siting would be consistent with the likely built form and siting of parking structures on the adjoining properties. Additionally, the proposed setback of 3.38 metres is undesirable as it 'reads' as a suitable place for visitors to park, however it provides an insufficient space for cars to park without overhanging the property boundary and obstructing the footpath. A lesser setback of around 1.5 metres gives a clear impression to visitors that there is insufficient space behind the carport for parking of another vehicle, thus being less likely to result in a situation where a visitors car would park behind the carport and block the footpath.

This matter has been discussed with both the property owner and the builder, and the property owner has indicated their acceptance of the recommended change.

A condition of approval has been included within the recommendation which calls for both the setback of the dwelling other than the carport to be increased, and the setback of the carport to be decreased, for the reasons explained above.

Setback and Width of 'Carport'

In the Weatherboard Precinct, Council's Local Planning Policy – Streetscape limits the proportion of a lot frontage that can be occupied by a carport to 5.0 metres for lots with a frontage of greater than 12.0 metres but not more than 14.5 metres. The subject property has a width of 12.07 metres and the carport has an overall width of 5.56 metres.

The 5.0 metre overall width allowed by Council policy permits a carport of minimum dimensions, being bay widths of 2.4m with 100mm support columns on either side of the parking structure.

(To be confirmed on the 9 October 2012)

The carport design which is the subject of the current application for approval incorporates an opening of 5.0 metres in width (as opposed to the 4.8 minimum) and incorporates low height brick piers of around 350mm in height and 280mm in width to the base of the carport columns. It is the incorporation of an opening width which is 200mm greater than the minimum as well as the low height brick piers which results in the non-compliant carport width.

The proposed carport width is supported, noting that:

- The overall appearance of the carport structure is enhanced by the incorporation of the low height brick piers;
- It is predominantly as a result of the brick piers that the non-compliant carport width arises. Given their low height, the brick piers are a subtle design element which do not read strongly within a streetscape context, and do not add significantly to an impression of bulk and scale;
- The proposed development meets the policy intent of allowing a double carport on a block of at least 12 metres in width.

In addition to the width requirements identified above, the Local Planning Policy – Streetscape states that a carport structure is not to project more than 1.0 metre forward of the façade of the dwelling, and be set back no closer than 4.5 metres to the primary street boundary. Although the current application incorporates a carport which projects more than 1.0 metre forward of the façade of the dwelling and is set back less than 4.5 metres from the primary street, the proposed arrangement is supported in this instance as the overall design ‘reads’ more as a dwelling with a separate carport forward of the main dwelling which is a compatible form of development with other dwellings in the street where an original dwelling has been retained and a carport has been constructed within the front setback area. Once again, this is a form of development which is accommodated by Council Policy for the dwellings on either side of the development site.

The internal width of the carport is deficient of the required 5.4 metre width. Compliance with the minimum internal width can be achieved by re-locating or removing central columns within the carport structure without the need for any further increase in the overall width of the carport and this matter has been addressed via a recommended condition of approval.

CONCLUSION:

Having regard to the information which has been presented within the report, and in particular noting the nature of the replacement dwelling compared to the nature of the existing ‘original’ dwelling, and subject to compliance with recommended non-standard conditions of approval relating to the need for an increased setback to the dwelling (other than the carport) and a reduced setback to the carport, which are both intended to further increase the level of design compatibility of the proposed dwelling beyond that which the drawings currently demonstrate, it is recommended that the application be supported, and that the aspects of the development which require determination against the Performance Criteria of Council’s Local Planning Policy – Streetscape; notably front setback averaging, overall width of carport and projection of the carport forward of the alignment of the dwelling be approved.

(To be confirmed on the 9 October 2012)

Further Comments

In an attempt to address design changes advocated in the report which was presented to the Elected Members Briefing Session, the applicant has forwarded an amended sketch which:

- Reduces the front setback of the Carport in the manner that Officers had contemplated; but which
- Maintains a section of roof between the rear of the Carport and the Study, in a manner that had not been contemplated by Officers.

This design change will reduce open space provision from 45% to 44%. Having regard to the circumstances associated with the application, Officers are satisfied that an acceptable outcome results, noting that:

- An improved arrangement results in relation to car parking, both in terms of setbacks which are more likely to achieve consistency with the built form which may eventuate on adjoining properties compared to that which had originally been proposed, and avoiding a situation where a Carport setback is provided which encourages the parking of cars behind the structure and obstructing the Westminster Street footpath; and
- From an open space perspective, the variation is small in size and Officers are satisfied that the relevant performance criteria relating to provision of sufficient open space to complement the building, providing for attractive streetscapes and providing open space which suits the future needs of residents are satisfied.

In order to accommodate the modification which is shown in the applicant's revised sketch, recommended condition 1.2 has been modified from:

"The primary street setback of the carport only shall be reduced from the currently proposed setback of 3.38 metres, to a setback where the rear alignment of the carport does not project beyond the alignment of the front wall of the Lounge Room. The space behind the carport which results (behind the rear of the Carport and in front of the Study) shall not be roofed. The overall length of the carport shall remain consistent with that which is shown on the approved drawings."

To

"The primary street setback of the carport shall be reduced from that which is currently proposed, to a setback which is generally consistent with that shown on the sketch drawing provided under the cover of the e-mail from Dale Alcock Homes dated 30 August 2012, and which is attached to the approved drawings."

RESOLVED:**Moved: Councillor Vilaca****Seconded: Councillor Nairn**

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 Dale Alcock Homes on behalf of J Bain (DA Ref: 12/0146) for Demolition of Existing Single House and Replacement Single House at 22 Westminster Street, East Victoria Park as shown on amended plans dated 31 July 2012 be Approved subject to the following conditions:
 - 1.1 The setback of the dwelling, other than the carport, shall be increased from the proposed minimum setback of 5.835 metres to a minimum setback of 6.0 metres. The depth of the verandah at the front of the dwelling shall not be reduced to facilitate provision of the required increased setback.
 - 1.2 The primary street setback of the carport shall be reduced from that which is currently proposed, to a setback which is generally consistent with that shown on the sketch drawing provided under the cover of the e-mail from Dale Alcock Homes dated 30 August 2012, and which is attached to the approved drawings.
 - 1.3 The internal width of the carport shall be modified in order that its width complies with the minimum prescribed dimensions of 2.4 metres per bay plus an additional 300mm width on either side that a bay is obstructed (i.e. 5.4 metre internal width where obstructions exist on either side of the bays), without increasing the overall width of the carport beyond that shown on the approved drawings. The required additional width can be achieved through either deleting centrally located column(s) or re-locating columns in order that they are situated clear of the door opening zone identified within the diagram "Preferred Parking Envelope Around Parked Vehicle to be kept clear of Columns, Walls and Obstructions" contained within Australian Standard AS2890.1 – Parking Facilities – Part 1: Off Street Parking.
 - 1.4 A photographic record of the existing dwelling to be prepared by a registered Heritage Architect and submitted for the Town's approval prior to the submission of a demolition permit for the existing dwelling or a building permit for the subsequent development, whichever occurs first.
 - 1.5 The street verge between the kerb and the property boundary is to be landscaped with water wise planting and reticulated prior to occupation of the building and thereafter maintained to the satisfaction of the Director Renew Life Program. (Refer related Advice Note)

(To be confirmed on the 9 October 2012)

- 1.6 With the exception of areas shown on the approved site plan to be paved, the remainder of the front setback area of the dwelling is to be softly landscaped. Landscaping is to be installed prior to occupation of the building and subsequently maintained to the satisfaction of the Executive Manager Park Life Program.
- 1.7 This approval does not include the fencing forward of a 6.0m setback from the front property boundary. A separate planning application is to be submitted for any fence forward of a 6.0m setback line.
- 1.8 The use of sheet fencing, such as Colorbond or fibro cement sheeting, in front of the building line is not permitted.
- 1.9 All fencing to be provided in accordance with the Dividing Fences Act and all boundary fencing behind the front building line to be a minimum of 1.8 metres and a maximum of 2.4 metres in height (or such other height agreed to in writing by the relevant adjoining land owners) at any point along the boundary, measured from the highest retained ground level.
- 1.10 The existing boundary fencing shall not be removed, until such time as the required new fencing is to be erected.
- 1.11 Any letterbox, structure, wall or fence located within a 1.5 metre x 1.5 metre visual truncation at the intersection of any driveway and the front property boundary, is not to exceed a height of 750mm with the exception of:
- (i) one brick pier (maximum dimensions 350mm by 350mm); and/or
 - (ii) wrought iron or similar metal tubing style infill fencing.
- 1.12 During excavations, all necessary precautions to be taken to prevent damage or collapse of any adjacent streets, right-of-way or adjoining properties. It is the responsibility of the builder to liaise with adjoining owners and if necessary obtain consent prior to carrying out work.
- 1.13 All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Manager Urban Planning.
- 1.14 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge shall be reinstated to the satisfaction of the Director Renew Life Program.
- 1.15 A roll-a-door or similar carport door is not permitted on the carport structure.
- 1.16 No enclosure of the carport will be supported in the future.
- 1.17 The carport is not to be enclosed and no rolladour or similar carport door

(To be confirmed on the 9 October 2012)

will be permitted on the carport structure in the future.

- 1.18 External colours, finishes and materials to be used in the construction of the building are to be in accordance with the colour schedule date stamped approved 11 September 2012, attached with the approved plans, unless otherwise approved in writing by the Manager Urban Planning.**
- 1.19 All roof pitches to be a minimum of 30 degrees.**
- 1.20 External fixtures, including but not restricted to air-conditioning 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.**
- 1.21 All windows visible from the street to be either of timber frame construction or wide frame powder coated aluminium. Details are to be submitted to the satisfaction of the Manager Urban Planning prior to the submission of an application for building permit.**
- 1.22 A zero lot gutter to be provided for the boundary wall adjoining the common boundary with No. 24 Westminster Street.**
- 1.23 The surface of the boundary wall on the common boundary with No. 24 Westminster Street to be the same finish as the approved external wall finish for the remainder of the dwelling, unless otherwise approved.**
- 1.24 External clothes drying facilities are to be screened from view from the street or any other public place.**
- 1.25 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.**
- 1.26 All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot.**
- 1.27 In order to confirm compliance with this planning approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:**
- Urban Planning;**
 - Street Life;**
- Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).**

Advice to Applicant

- 1.28 Failure to maintain the verge by current or future owners or occupiers will render the offender liable to infringement under Section 2.9 of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law – Modified penalty \$100.**
- 1.29 With regards to Condition No. 1.13 the following are minimum requirements of the Town of Victoria Park: Brick paving 60mm minimum thick clay or concrete pavers laid on 30mm bedding sand and Base of 100mm compacted limestone.**
- 1.30 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.**
- 1.31 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**
- 1.32 The planning approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the Strata Titles Act 1985 or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.**
- 1.33 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.**
- 1.34 In regards to Condition No. 1.7 any fencing forward of the building line is to comply as follows:**
- (a) where the overall fence height is greater than 1.2 metres, the fencing is to be open style above a height of 600mm above natural ground level; or**
 - (b) not exceed an overall fence height of 1.2 metres above natural ground level.**

(To be confirmed on the 9 October 2012)

1.35 In regards to Condition No. 1.27, where a Council Building Surveyor is issuing the Certificate of Design Compliance (Application Form TVP1 to be submitted) then the approval of Council Business Units will be obtained by the Council Building Surveyor. Where a private certifier is engaged to issue the Certificate of Design Compliance, then it is the responsibility of the owner/builder/certifier to submit a separate application (Form TVP2) for the approval of Council Business Units. This form is available on the Town's website and at the front counter of Council's Offices.

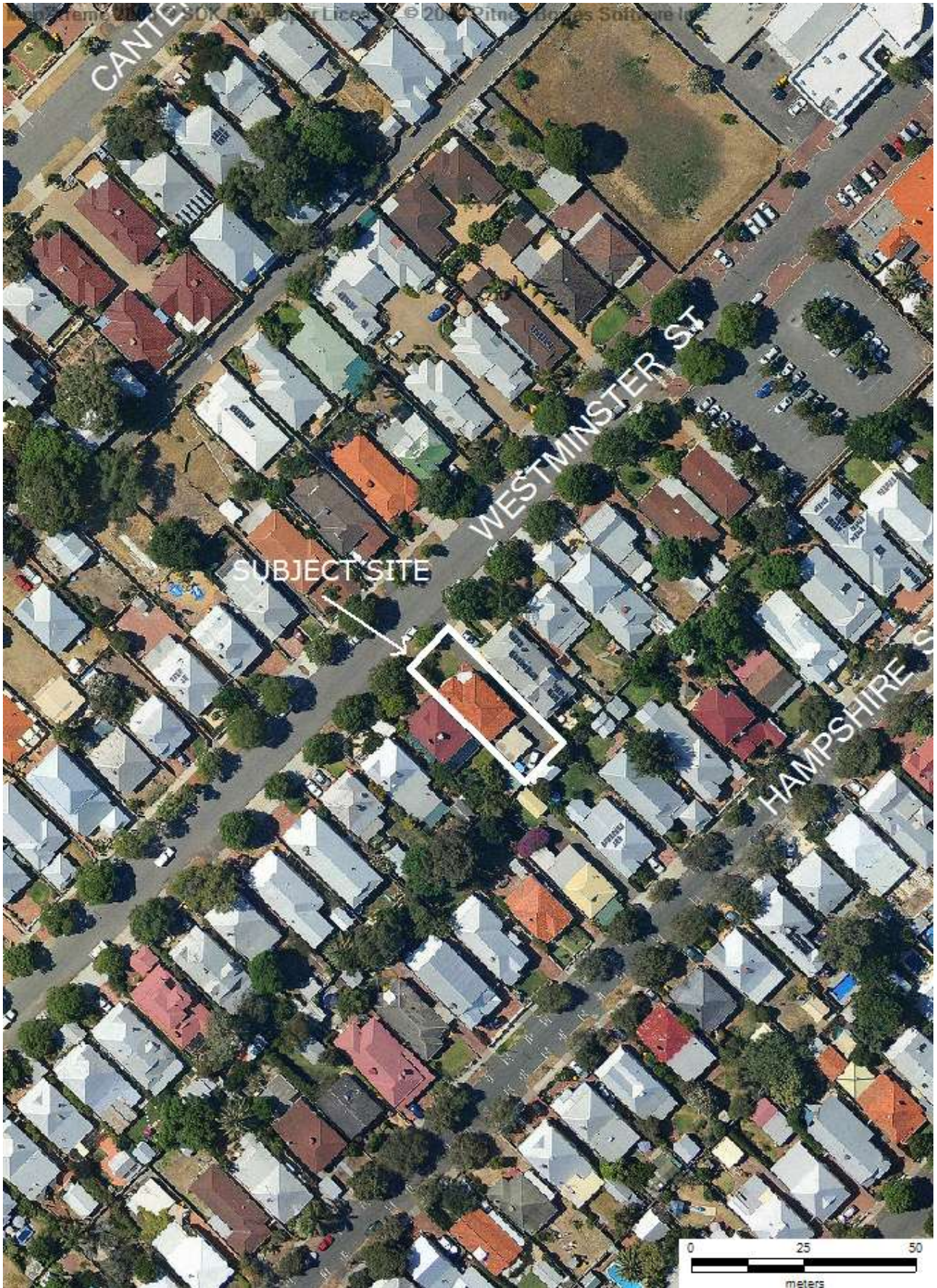
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)



11.6 Belmont Park Racecourse Redevelopment – Final Approval of Structure Plan

File Reference:	GRAH1, BURS
Appendices:	No
Landowner:	Chairman of the WA Turf Club
Applicant:	Development Planning Strategies
Application Date:	22 March 2012
DA/BA or WAPC Ref:	N/A
MRS Zoning:	Urban, Parks and Recreation, Primary Regional Roads
TPS Zoning:	Special Use – Racecourse, Parks and Recreation, Primary Regional Roads
TPS Precinct:	Precinct P1 ‘Burswood Peninsula Precinct’
Use Class:	N/A
Use Permissibility:	N/A

Date:	24 August 2012
Reporting Officer:	J. Birmingham
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Final Approval of the Structure Plan and Recommendation for Approval to WAPC

- A draft Structure Plan was adopted by Council for community consultation on 10 April 2012.
- Community consultation was carried out in accordance with the Council Resolution from 12 June 2012 to 24 July 2012.
- A total of 18 submissions were received, with 11 submissions being received during the consultation period, and seven (7) late submissions.
- The submissions were generally in support of the proposed development with some concerns raised with regard to traffic and transport issues. These issues have been resolved with the relevant State Government agencies.

TABLED ITEMS:

- Draft Structure Plan - Belmont Park Racecourse Redevelopment, dated March 2012, including appendices;
- Town Planning Scheme No. 1 – Scheme Text;
- Town Planning Scheme No. 1 – Precinct Plan P1 ‘Burswood Peninsula Precinct’ Sheet A;
- Attachment 1-8 detailing the changes to be made to the Structure Plan based on the Council Resolution dated 10 April 2012;
- Submissions received as part of the community consultation;
- Belmont Park Racecourse Traffic Discussion Meeting - Workshop Summary - 21 August 2012;
- Excerpt of the Minutes of the Ordinary Council Meeting dated 10 April 2012 pertaining to the Structure Plan for the redevelopment of the Belmont Park Racecourse site.

(To be confirmed on the 9 October 2012)

- Correspondence from Department of Transport dated 4 September 2012 being the consolidated response of the State government Transport Portfolio of Department of Transport, Public Transport Authority and Main Roads WA.
- Golden Rover Pty Ltd response dated 5 September 2012 to correspondence from Department of Transport dated 4 September 2012.

BACKGROUND:

Council adopted the draft Structure Plan for the purpose of carrying out community consultation at its meeting on 10 April 2012 where it resolved the following:

- “1. *The draft Belmont Park Structure Plan dated 22 March 2012 is to be amended as follows:*
- 1.1 *Confirmation is to be obtained from Main Roads WA that they have no objection to the draft Structure Plan prior to final endorsement of the Structure Plan.*
 - 1.2 *A commitment to provide a shuttle bus service to the closest public transport link at least until such time as the Public Transport Authority provides a regular bus service on site is to be inserted into the structure plan prior to final adoption of the Structure Plan.*
 - 1.3 *A commitment by the developer to construct community facilities, with the specific uses and timing to be agreed with Council, is to be inserted into the Structure Plan prior to final adoption of the Structure Plan.*
 - 1.4 *A Parking Management Plan is to be provided prior to final adoption of the Structure Plan.*
 - 1.5 *An Emergency Access Plan is to be included in the Structure Plan prior to final adoption of the Structure Plan.*
 - 1.6 *Staging principles are to be included within Part 1 of the Structure Plan prior to final adoption of the Structure Plan.*
 - 1.7 *The Foreshore Management Strategy is to be amended prior to final adoption of the Structure Plan to state that Foreshore Management Plans are to be prepared with the Detailed Area Plan for each stage of development.*
 - 1.8 *The noise report provided by Herring Storer is to be amended to include noise associated with the operation of the race course prior to the preparation of the first Detailed Area Plan for the site.*
 - 1.9 *Section 8.2 of Part 2 to be amended in accordance with the comments by the Design Review Committee prior to final adoption of the Structure Plan.*

(To be confirmed on the 9 October 2012)

- 1.10 *A table is to be inserted into the Structure Plan referencing the older names given to Precincts in the Appendices to the Precinct names in the Structure Plan document prior to final adoption of the Structure Plan.*
- 1.11 *The gradient of the underpass under the racetrack is to be resolved in detail as part of the Detailed Area Plan for Precinct C (Racing Precinct).*
2. *The advertising period for the Belmont Park Racecourse Structure Plan be forty two (42) days in accordance with the following at the expense of the applicant.*
 - 2.1 *Two copies of the Structure Plan and all appendices for of the Structure Plan for Belmont Park Racecourse to be placed on public display at the Council Administration Centre and Council Library for public information during the forty two (42) days advertising period and for two (2) months following the closing date of the advertising period. One copy of the Structure Plan and all appendices for the Structure Plan be displayed either at the Administration Centre or a Library located within the Cities of Perth, Bayswater, Belmont and Vincent.*
 - 2.2 *A display advertisement be placed in the Southern Gazette on the first day of the advertising period and the subsequent three weeks (3) providing the details of the advertising period, that information is available for viewing and the Executive Summary of the document is on the Town website and that written submissions may be lodged with the Council. During the advertising period the Council notify in writing the relevant statutory authorities and the Cities of Perth, Bayswater, Belmont and Vincent.*
 - 2.3 *Council notify in writing the owners and occupier of all the properties within the Cities of Perth, Bayswater, Belmont, Vincent and Town of Victoria Park as depicted on the plans attached to this report and tabled. That notification be subject to those Local Authorities providing the requested information in respect to details of owners and occupiers.*
 - 2.4 *The WATC be required to erect signs on the site displaying notice of the proposal for the duration of the advertising period.”*

The draft Structure Plan was advertised in accordance with the Council Resolution for 42 days from 12 June 2012 to 24 July 2012.

(To be confirmed on the 9 October 2012)

DETAILS:

The proposed redevelopment of the Belmont Park Racecourse site is intended to create a vibrant mixed use transit oriented development focused on both the Swan River and its foreshore and the existing racecourse facility. The proposal includes a minimum of 3000 dwellings with a proposal to create approximately 4500 dwellings, up to 31,000m² of retail floorspace and up to 60,000m² of office floorspace. A public marina is proposed on the western side of the peninsula.

The proposed development includes restoration of the foreshore reserve to provide for a variety of uses including recreation areas and conservation areas. Aboriginal heritage will be recognised with an interpretive centre on the foreshore which is to be combined with a boatshed to create a further tourist attraction on the site.

At the Ordinary Council meeting on 10 April 2012 Council endorsed the draft Structure Plan for the purpose of community consultation. The Council Resolution contains a number of matters that needed to be resolved prior to final adoption of the Structure Plan. The applicant has addressed these matters as follows:

Item	Amendment	Applicant's Response
1.1	Confirmation to be obtained from Main Roads WA that they have no objection to the draft Structure Plan.	Matter in the process of getting resolved. Refer to outcomes of the 2 workshops with MRWA.
1.2	A commitment to provide a shuttle bus service to the closest public transport link at least until such time as the PTA provides a regular bus service on site to be inserted into the STP.	The following text has been inserted into Part 2 , section 8.7.5 – <i>Public Transport</i> : <i>“The final location for the revised and enlarged Railway Station or future plans for PTA to provide a bus service to the site have not as yet been confirmed. Ultimately, these will serve both Belmont Park redevelopment and the AFL Stadium.</i> <i>When the first phase of residential at Belmont Park is completed, and until such time as the PTA provides a regular bus service on site, GRD, the proponent, will survey all future residents, commencing with the completion of stage 1 residences, to better understand their needs in terms of accessing transport to either the Railway Station or nearest bus stop. Based on that feedback, GRD will provide a private commercial shuttle bus service, at daily agreed times. It is envisaged that residents would pay a commercial fee to access transport to agreed locations, based on the cost of that service, and such fees would be levied through a differential rating structure, agreed to by the Developer and ToVP”</i>

(To be confirmed on the 9 October 2012)

<p>1.3</p>	<p>A commitment by the developer to construct community facilities , with the specific uses and timing to be agreed with Council, is to be inserted into the STP.</p>	<p>The following text has been inserted into Part 2, section 8.11.1: <i>“Belmont Park Redevelopment will provide an amenity base for the residential and future office and retail second to none in Perth. The planned overall community facilities are very comprehensive and will include the Sporting Club /Recreation building in the Grandstand, the upper level recreation decks of the Marina and TOD riverfront residential precincts (comprising over 1.5ha of upper level recreation space and facilities). Staging of the residential phases will be largely driven by market demand. The development of the TOD area (Precinct D), including initial sporting/recreation club construction, could potentially precede the development of the northern part of the site (Precinct A), thus bringing facilities on site early on. In the event that residential development precedes the development of the community facilities as part of the planned Grandstand Redevelopment, temporary space will be made available by the developer in the initial residential phase of the project, to accommodate community facility needs of residents until such time as the planned sporting /recreational club facilities are built. This will include facilities such as children’s crèche and meeting rooms, Community facilities needs will be further assessed at a Detailed Area Plan stage for the various Precincts.”</i></p>
<p>1.4</p>	<p>A Parking Management Plan to be provided.</p>	<p>The following principles have been included in section 8.7.6 – Car Parking : “PARKING MANAGEMENT PRINCIPLES: The following principles will apply to management of parking in the Structure Plan Area:</p> <ul style="list-style-type: none"> • <i>All parking associated with various components of the development would be accommodated off public roads except on-street public parking.</i> • <i>The parking details of each component of the development would be addressed as part of the Development Application process.</i> • <i>It is intended that a separate Development Application would be submitted with each component or stage of the development.</i> • <i>As part of each Development Application, the Parking Management Plan (PMP) will be developed which will address the use and management of each car park facility proposed.</i>

(To be confirmed on the 9 October 2012)

		<ul style="list-style-type: none"> • <i>It is intended that each off-street parking facility will have effective management and control systems in place to prohibit parking by patrons from outside Belmont Park area such as patrons of the proposed stadium.</i> • <i>The visitor parking component of each development will be accommodated on site and an appropriate management system such as “ticket validation” will be implemented to prohibit people who are not visiting the development from parking within the visitor parking area of the development.</i> • <i>Appropriate time restrictions will be applied to all on-street parking within the retail and commercial areas as well as the Transit Oriented Development (TOD) precinct to prohibit the use of on-street parking for non-intended purposes.</i> • <i>Appropriate management measures such as “time restrictions” or “resident permits” will be implemented within the low to mid-rise residential precincts to prohibit the use of on-street parking for non-intended purposes.”</i>
<p>1.5</p>	<p>An Emergency Access Plan to be included in the STP.</p>	<p>The following text and Figures have been inserted into Part 2, section 8.7.1 - Access: <i>“Due to the location of the site on the tip of Burswood Peninsula access is limited to Graham Farmer Freeway. The location of the racetrack on the eastern portion of the site limits access even further and the northern parts of the development can only be accessed from the western site. As a result, emergency access will be provided in the following locations:</i></p> <ul style="list-style-type: none"> • <i>On the eastern edge of the site, via a 3m wide cycleway and pedestrian boardwalk (suitable for light vehicles) and emergency access across the racetrack (Figure 37).</i> <p><i>The 3m wide cycle and pedestrian path would accommodate emergency vehicles such as a fire truck except for the section on the eastern side which is immediately adjacent to the race track. In that portion, it is envisaged that the emergency vehicles will have to travel inside the 6m in the existing race track (eastern edge).</i></p> <p><i>Gate access is already in place at both points on the race track located adjacent to the 1600m starting area and the 1400m starting area with keys/or wireless/punch key access board arrangements proposed for emergency vehicles.</i></p>

(To be confirmed on the 9 October 2012)

		<ul style="list-style-type: none"> On the western side of the site under the Windan Bridge (Figure 38). <p>Diagrams (Figure 37 and Figure 38) will be inserted into the Structure Plan indicating the emergency access arrangements. The diagrams have been tabled.</p> <p>In addition, amendments to page 94 of the document have been undertaken to ensure consistency.</p>
1.6	Staging principles are to be included within Part 1 of the STP.	<p>A general principle of staging has been inserted in Part 1, section 9 – General Subdivision and Development Requirements, (j) to state:</p> <p><i>“Services and infrastructure need to be provided in an appropriately staged manner as development proceeds. Staging of the development needs to be linked to the provision of vehicular and pedestrian access, adequate provision of infrastructure services and access to the foreshore”.</i></p>
1.7	The Foreshore Management Strategy is to be amended to state that Foreshore Management Plans are to be prepared with the Detailed Area Plan for each stage of development.	<p>Foreshore Management Strategy pp.55-56 have been amended to state:</p> <p><i>“The preparation of a FMP will be required in conjunction with a Detailed Area Plan for each stage of development Detailed Foreshore Management Plan is to be prepared for each stage of development at Detailed Area Plan stage”.</i></p> <p>Diagram 1 p.56 has been amended to add DAP stage in the approval process flow chart.</p>
1.9	Section 8.2 of Part 2 to be amended in accordance with the comments by the Design Review Committee.	<p>With regards to Item 1.9, it appears that this related to Section 8.3 rather than 8.2 and the amendments have already been undertaken in the advertised version of the STP.</p>
1.10	A table is to be inserted into the STP referencing the older names given to Precincts in the Appendices to the Precinct names in the STP.	<p>Reference to the older names given to Precincts in the Appendices has been inserted in Part 2, section 8.8 – <i>Precincts</i>.</p>

It is considered that these matters have now been adequately addressed.

(To be confirmed on the 9 October 2012)

Legal Compliance:

Most of the site is zoned "Urban" under the Metropolitan Region Scheme with the portions of the site abutting the Swan River being reserved "Parks and Recreation" and a small portion of the land is reserved "Primary Regional Roads" adjacent to the Graham Farmer Freeway.

Under the Town of Victoria Park Town Planning No. 1, the Metropolitan Region Scheme Reservations for "Parks and Recreation" and "Primary Regional Road" are reflected and in addition shows the western portion of the site subject to specific land use and development controls being the "Casino (Burswood Island) Agreement Act 1985". The majority of the site is zoned "Special Use – Racecourse". The provisions of the Precinct Plan P1 – Sheet A of the Town Planning Scheme includes specific provisions in respect to the Special Use zone. For a portion of the site, the zoning does not reflect the MRS zoning as the "Special Use – Racecourse" zone needs to be extended into the portions of land that were amended from a reserve to "Urban" zone under the MRS. This is proposed to be done as part of the Scheme Amendment that accompanies the Structure Plan and is subject to a separate report on this agenda.

In addition to the zoning, the subject land is subject to a "Special Control Area" under the provisions of the Town of Victoria Park Town Planning Scheme No. 1. The area of the land zoned "Special Use – Racecourse" is referred to as Special Control Area DA1. The purpose of the particular requirements applicable to that Special Control Area as outlined in Schedule 7 of the Scheme are as follows:

"A Structure Plan must be prepared and approved prior to a new subdivision and/or development of the land, with the exception of development or use associated with the current racecourse activities".

Under the provision of Division 3 – Special Control Areas of the Town Planning Scheme Text structure plans may be prepared by the Local Government or a landowner.

Once a Structure Plan is submitted to the Local Government within 7 days of receiving a proposed Structure Plan which proposes the subdivision of land, the Local Government needs to forward a copy of proposed Structure Plan to the Western Australian Planning Commission and this has been done. The Planning Commission is to provide comments to the Local Government as to whether it is prepared to endorse the proposed Structure Plan with or without modifications. The Western Australian Planning Commission must provide its comment to the Local Government within 30 days of receiving the proposed Structure Plan.

The requirements for the advertising of the Structure Plan require that Council commences advertising within 60 days of receiving the proposed Structure Plan or such longer time as may be agreed in writing with the owner.

Following the conclusion of the advertising period the Council is required to determine the Structure Plan within 60 days of the conclusion of the advertising period, having due regard to the comments received from the Western Australian Planning Commission. Following determination of the Structure Plan, the Council is required to forward the Structure Plan to the Western Australian Planning Commission for its endorsement.

(To be confirmed on the 9 October 2012)

Submissions:

Community consultation was carried out for 42 days from 12 June 2012 to 24 July 2012. A total of 18 submissions were received, 11 of which were received during the consultation period and 7 late submissions. The submissions and responses are listed below:

No.	Location	Issue	Comment
1	Rivervale resident	Artists impression is misleading as it does not show the proposed Perth Stadium.	Proposals for the stadium are not finalised yet. Artist's impressions are indicative only Images of the proposed stadium were not publicly available at the time of the Structure Plan going to production.
		Existing traffic problems will increase for surrounding areas. The development is too large and existing infrastructure won't be able to cope.	Detailed traffic analyses are provided as part of the Structure Planning documentation.
2	Heritage Council	No objection	Acknowledged.
3	Perth Racing	No objection	Acknowledged.
4	City of Bayswater	Maximum height of the development should be reduced to 25 storeys	Subjective comment. The Structure Plan (section 8.5) outlines the rationale and justification for the proposed heights, including analysis of a broader surrounding context.
		Residential catchments within the City of Bayswater should be excluded from the retail analysis within Appendix 8 as these areas are adequately catered for by existing and future centres, including Bayswater, Maylands and Morley	It is appropriate to consider surrounding catchments as part of economic and retail analysis of a Structure Plan.
		At DAP stage the following should be considered: <ul style="list-style-type: none"> • Detailed wind modelling to ensure the development will not produce adverse wind impacts on the Swan River and 	These matters have been considered and addressed as part of the Structure Plan documentation. Foreshore works will be further dealt with at the construction phase (conditions of development application).

(To be confirmed on the 9 October 2012)

		<p>surrounding areas.</p> <ul style="list-style-type: none"> • Future foreshore works to be designed by a coastal erosion engineer to limit riverbank erosion on the opposite banks of the Swan River and further downstream 	<p>In addition, the proposed marina is the subject of a separate approvals process.</p>
5	Dept of Indigenous Affairs	<p>Submission indicating there may be a need for a new Section 18 clearance.</p>	<p>Advice from DIA confirms that the preliminary works currently underway in the area of the development are being done within the parameters of the existing 2006 section 18 consent.</p> <p>Given the 2006 development plan, for which s18 Ministerial consent was granted, has changed, a fresh section 18 Notice will be submitted in the near future.</p> <p>This has been agreed with DIA.</p>
6	Western Power	<p>No objection. It is pointed out that any change to the existing power system is the responsibility of the developer.</p>	<p>Acknowledged.</p>
7	Telstra	<p>No objection. The developer is advised to contact NBN Co. for any network extension prior to start of construction.</p>	<p>Acknowledged.</p>
8	City of Perth	<p>No objection. However the City requests that consideration is given to the following:</p> <ul style="list-style-type: none"> • Provision of a range of dwelling sizes • Analysis of the current retail market to determine the impact of the proposed floorspace on the CBD • The appropriateness of the proposed Activity Centre as an extension of the future 	<p>Acknowledged.</p> <p>Included in Structure Plan. (Section 8.4.5 – Residential and Part 1 – Precinct Provisions refer).</p> <p>Detailed analysis undertaken in Structure Plan (Appendix 8 and 9 – MacroPlan and Essential Economics reports refer).</p> <p>Detailed analysis undertaken in Structure Plan (Appendix 8</p>

(To be confirmed on the 9 October 2012)

		<p>Burswood Activity Centre</p> <ul style="list-style-type: none"> • Preparation of an extended traffic model • Conversion of the Belmont Park Train Station to a fully operational station • The proposed PSP being designated as a recreational path • The proposed built form and height of towers reflecting the hierarchy of activity centres and the prominence of the Perth CBD 	<p>and 9 – MacroPlan and Essential Economics reports refer).</p> <p>Undertaken in Structure Plan (Appendix 11 – Transport Assessment refers). Noted. Taken into consideration in the Structure Plan.</p> <p>Comment unclear.</p> <p>Analysis undertaken. Section 8.5 – Height and Massing Rationale refers).</p>
		<p>The State government to be consulted to ensure the cohesive planning of the Burswood Peninsula</p>	<p>Acknowledged. Ongoing consultation occurring as part of the statutory process.</p>
9	Water Corporation	<p>Water: Reticulated water of a sufficient capacity is not available to the site. Headworks size water mains may need to be constructed that will loop from Great Eastern Highway to Belmont Park and back to Great Eastern Highway via the proposed Perth Stadium. A full scheme review cannot be undertaken until the accepted future potential development of the entire Burswood Peninsula is understood. All water mains must be laid within road reserves.</p>	<p>JDSi project Engineers have discussed a number of options with the Water Corporation with regards to the possibility of interim water supply and long term water supply. The Water Corporation are still investigating these potential options and as a result cannot give a firm guarantee on supply until they have completed their internal planning and pressure calculations. They are also undertaking a review of the entire Burswood, Springs, Peninsula & Belmont Racecourse area in light of all the developments.</p> <p><u>Possible Interim Solution</u> An existing DN250 main exists which currently services The Peninsula development in Burswood. JDSi are currently</p>

(To be confirmed on the 9 October 2012)

			<p>liaising with the Water Corporation to provide ultimate flow rates and pressures required to service the interim & ultimate stages of development.</p> <p><u>Long Term Solution</u> A potential option for ultimate connection for this development is via a new water main connection from the Water Corporation's existing DN915 distribution water main located within the Great Eastern Highway, near the Causeway. This water main extension is likely to be a combination of DN300 & DN400 size pipes.</p>
		<p>Wastewater: A major wastewater scheme planning review is required for the entire Burswood Peninsula. A pump station is an option to service the area. This will require appropriate land to be provided including an odour buffer. A route for the pressure main will also be required within a road reserve. If the developer wishes to explore the use of a vacuum system they would need to provide a business case to show how it would be beneficial to all.</p>	<p>JDSi are currently liaising with the WC to assist in the development of some concepts for the development to indicate how the site will be serviced. Special attention needs to be given to the location of the major trunk services routes to facilitate the required levels of service. The development would be serviced internally via gravity sewers which would be connected to a sewer pump station of sufficient size to cater for the development. A business case is also being undertaken for the potential use of a vacuum sewer system within the development which would reduce the depths of internal sewer mains and the proposed pump station but may increase the power required to operate the system. Initial discussions with the Water Corporation have identified an option to</p>

(To be confirmed on the 9 October 2012)

			discharge sewer from the site via a pressure main into the existing gravity sewer network located within Griffiths Street.
		<p>General: The Water Corporation follows a principle of user pays. The developer is expected to provide all water and sewerage reticulation. A contribution for the required headworks may also be required as well as funding of new works or upgrading of existing works. The Corporation may also require land to be ceded free of cost for works. The developer should contact the Water Corporation if works have not commenced within 6 months to ensure the information provided is still valid.</p>	Acknowledged. Matter will be further addressed at Detailed Area Plan stage.
10	Department of Transport	Objection based on a number of transport and traffic matters.	The issues raised have been discussed in round table meetings on 21 and 27 August 2012 and all issues are now considered to be resolved. Further detail is provided below and in subsequent correspondence from DoT dated 4 September 2012.
11	Department of Planning (Tourism)	<p>No objection. However, the following should be considered:</p> <ul style="list-style-type: none"> The proposal does not show the relationship and/or interface with the proposed Perth Stadium. 	No data available from the Stadium Taskforce in relation to details of the stadium proposals.
		<ul style="list-style-type: none"> The proposed hotel is welcomed. The hotel's location needs to be considered in terms of access to the Marina, Racecourse, river and foreshore, public 	Acknowledged. Matter will be further considered at Detailed Area Plan stage.

(To be confirmed on the 9 October 2012)

		transport and proposed Perth Stadium. Access to the train station needs to be addressed when planning for transport.	
		<ul style="list-style-type: none"> It would be desirable to have a food and beverage precinct within the Activity Centre. This should be located in an area highly visible and accessible from the train station as it would be well positioned to attract patrons from the Perth Stadium, residential development, hotel, Marina and Racecourse. 	Acknowledged. Matter will be further considered at DAP stage.
		<ul style="list-style-type: none"> Concerns regarding the parking capacity for race days and other significant events held at the Racecourse given the reduction in parking. Planning for the site needs to be conscious of existing transport issues. 	Structure Plan fully accommodates parking requirements of racing. Full needs analysis has been undertaken and addressed in the Structure Plan (Appendix 11 – Transport Assessment refers).
12 (Late)	Landcorp	Support	Acknowledged.
13 (Late)	Department of Health	All developments are required to connect to reticulated sewerage.	Acknowledged.
		<p>Draft Structure Plan content:</p> <ul style="list-style-type: none"> 'Public Health' is recommended to be integrated to the strategy under headings such as vision, objectives and various strategies outlined. This includes disability access, disaster preparedness, 	Public health integrated into Structure Plan proposals (Structure Plan and Appendix 7 – Masterplan refer)

(To be confirmed on the 9 October 2012)

		<p>health, social and mental wellbeing of residents, workforce and visitors. This will ensure more sustainable developments.</p> <ul style="list-style-type: none"> The new Public Health Bill will require integration of public health planning into existing plans and strategies. This is an opportune time to do this. 	
		<p>Consideration must be given to the need for adequate buffers to protect residents from lifestyle and public health impacts such as mosquitos, noise or dust.</p>	<p>Consideration given and matters addressed in the Structure Plan and Appendices.</p>
14 (Late)	Department of Planning (DoP)	<p>A number of matters were raised which require additional clarification.</p>	<p>The matters raised by DoP and the proponent's response are included in a separate table below.</p>
15 (Late)	Metropolitan Redevelopment Authority	<p>Support</p>	<p>Acknowledged.</p>
		<p>Land Use and Design:</p> <ul style="list-style-type: none"> The proposed design of high rise buildings with surrounding large areas of open space maximises sustainability and recreation potential. It is important to ensure that the development caters for a wide range of community needs and detailed design guidance provides sufficient certainty for developers and the community. Design and scale of buildings should ensure activation at street level and 	<p>Acknowledged.</p> <p>Addressed as 'principle' in Structure Plan. Will be further considered at DAP stage.</p>

(To be confirmed on the 9 October 2012)

		<p>surveillance of POS.</p> <ul style="list-style-type: none"> • Interface issues with the race track need to be considered, both during and after events. • Retail should be designed and located to generate activity and influence movement patterns across the peninsula and to and from the major stadium. 	<p>Addressed in Structure Plan.</p> <p>Acknowledged. Refer Appendix 8 and 9 – MacroPlan and Essential Economics analysis.</p>
		<p>Marina:</p> <ul style="list-style-type: none"> • The marina could improve the connection to Precinct B’s activity centre through incorporation of buildings and public spaces around the Inlet and designed to provide a sense of arrival. • Water based recreation activities and facilities such as moorings and anchorages for boats are important. 	<p>Acknowledged.</p>
		<p>Public Open Space:</p> <ul style="list-style-type: none"> • Should be designed to cater for active and passive needs of residents and visitors and offer a range of attractions and activities to cater for all age groups. • In regards to ‘strategic open space’ in Precinct A, particular attention should be given to the interface between buildings and public spaces to ensure activation and surveillance 	<p>POS strategy outlined in Structure Plan.</p> <p>Addressed in Structure Plan (Appendix 7 – F+P MasterPlan refers).</p>

(To be confirmed on the 9 October 2012)

		<p>Connectivity:</p> <ul style="list-style-type: none"> • Strong pedestrian and public transport links are encouraged to provide transport options for all age groups and to promote sustainability and social interaction. • Safe and comfortable connections should be provided between Precinct B and development south of Graham Farmer Freeway • Management of the inlet and ‘connecting the dots’ between different destinations (ie Belmont Park, Stadium, East Perth Power Station, Claisebrook, Riverside and beyond Victoria Park to the City) will be fundamental to the success of the project. 	<p>Acknowledged. Reflected in Structure Plan principles.</p> <p>Noted. Reflected in Structure Plan.</p> <p>Acknowledged.</p>
16 (late)	Department of Education (DET)	No objection	Acknowledged.
		The demographic profile suggests a low student yield, but this can change in the future and may increase pressure on existing schools.	Acknowledged.
		The DET has notionally identified a primary school site on the Burswood Peninsula, but due to the stadium this may no longer be available. Should an alternative site not be able to be identified, pressure from the student yield will be placed on existing schools.	Acknowledged.
17 (late)	Department of Environment and	There are a number of environmental issues which are managed through the	Acknowledged.

(To be confirmed on the 9 October 2012)

	Conservation	<p>planning process. These are:</p> <ul style="list-style-type: none"> • Foreshore reserve • Contamination • Acid sulfate soils • Water quality and quantity • Odour and • noise 	
		<p>Odour from the racing activities is a concern. This needs to be dealt with as follows:</p> <ul style="list-style-type: none"> • engineering design of the undercover area below the grandstand should demonstrate that the concept will contain raceway activities within the covered area and limit odours by implementing best practice management • memorials should be added on the titles to inform property owners about the proximity of raceway activities and the possible experience of odours during race days. 	<p>Odour impact addressed in Structure Plan (Appendix 16 refers). Comments pertaining to engineering design can be considered at Detailed Area Plan/detailed design stage.</p> <p>Acknowledged.</p>
18 (late)	Swan River Trust (SRT)	<p>In general supportive of the proposal, particularly given the extensive rehabilitation proposed of the foreshore reserve.</p>	<p>Acknowledged.</p>
		<p>The following comments are offered:</p> <ul style="list-style-type: none"> • 8.3 Objectives Design Principles: consideration should be given to setbacks from private development to the adjoining public spaces. A uniform approach is not necessary. • 8.7.6 – car parking: the 	<p>Part 1 of the Structure Plan deals with site requirements including minimum setbacks (to Primary and Secondary street, Other/Rear/Foreshore). In addition, design principles dealing with interface with public spaces are outlined in section 8.3.</p> <p>Acknowledged.</p>

(To be confirmed on the 9 October 2012)

		<p>intention in relation to car parking near the foreshore areas is unclear. The SRT has a policy on car parking in its development control area which should be consulted.</p> <ul style="list-style-type: none"> • 8.8.3 – Precinct C: The SRT accepts the general principle of providing access through the foreshore area using a boardwalk type structure. Detailed design needs to be considered before making further commitments. Any infill to the river will need to be justified and the proposed structures would need to have a long design life to reduce maintenance. • 8.8.4 – Precinct D Figure 49: no setback between the buildings and the P&R Reserve. This may not be acceptable to the SRT. Building setbacks can allow for casual dining spaces largely within the private lots and avoid impinging on public space and costly design solutions. • 8.10 – Landscape Strategy: generally supported. However, the SRT may wish to make further comment at more detailed design stage about the balance of foreshore rehabilitation and 	<p>Acknowledged.</p> <p>Figure 49 reflects previous proposals (Figure 24 of the 2005 Structure Plan, attachment 3 refers). These were previously discussed with SRT.</p> <p>Acknowledged.</p>
--	--	--	---

(To be confirmed on the 9 October 2012)

		<p>passive recreation space. Some concern over the conservation value of spaces which have long linear interfaces.</p> <ul style="list-style-type: none"> Local Water Management Strategy – supported subject to the changes raised with Emerge Associates. 	Acknowledged.
		<p>Staging of the project is difficult to predict and there are administrative complexities in relation to the approval process for works in the foreshore reserve and the marina. Further discussion and agreement between the developer and administering authorities is necessary, in particular relating to the rehabilitation works on the foreshore and clearance of subdivision and development conditions in stages.</p>	Acknowledged. To be dealt with at Detailed Area Plan/subdivision stage.
		<p>The SRT has not had sufficient opportunity to provide detailed comment on the Foreshore Management Strategy and the Landscape Strategy.</p>	Acknowledged.

Transport and Traffic

Two workshops were held on 21 August 2012 and 27 August 2012 respectively involving representatives from Department of Transport, Department of Planning, MainRoads WA, Public Transport Authority, Town of Victoria Park and the developer’s consultants to resolve the traffic and transport issues that were raised by the Department of Transport in their response to the draft Structure Plan.

(To be confirmed on the 9 October 2012)

The matters were resolved as follows:

Item	Action	Developer's Response
1	Pedestrian link needs to be extended into the railway station on the structure plan map.	No objection to show on Structure Plan Map. Note: the link will be shown partially on land outside Structure Plan boundary.
2	<ul style="list-style-type: none"> • Achieve the goal of 40% non-car mode share by providing a commitment to provide a shuttle bus service to the train station • Prepare a parking management plan 	<ul style="list-style-type: none"> • Addressed in the modifications to Structure Plan (10 April resolution of Council). • Addressed in the modifications to Structure Plan (10 April resolution of Council).
3	A bridge landing across from Summers Street is to be considered. The wording is proposed as follows: "Should justification be provided to the satisfaction of the WAPC for the need to provide a bridge from Summers Street to the development, then a proposed landing point will be provided within the Structure Plan to the north of the Marina, subject to all relevant approvals being obtained. This needs to be indicatively shown on the Structure Plan map"	<p>Acknowledged. To be indicatively shown on the Structure Plan Map.</p> <p>The text is to be included in section 8.7.5 Road Network in the Structure Plan.</p>
4	Commitment to providing a shuttle bus internally to service resident needs to access the train station	Addressed in the modifications to Structure Plan (10 April resolution of Council), as communicated in proponent responses 27 August 2012.
5	Access arrangements as discussed at workshop on 27 August to be modelled and agreed by participants	Acknowledged. No objection.
6	No further action required.	
7	No further action required.	
8	The Structure Plan is to make provision for emergency access along the PSP under Windan Bridge	Addressed in the modifications to Structure Plan (10 April resolution of Council).
9	Funding of the modifications to the Victoria Park Drive bridge to be agreed	Ongoing. To be agreed between the parties. Funding contributions to the modifications to the Victoria Park Drive to be fairly and equitably calculated.
10	Funding of the new pedestrian bridge from Victoria Park Drive across the GFF	This will be funded by the developer.
11 – 14	Funding of changes to the Graham	Ongoing. To be agreed between the

(To be confirmed on the 9 October 2012)

	Farmer Freeway on and off ramps	parties. Funding contributions to be fairly and equitably calculated.
15	Modelling to be agreed on between DoT/MRWA and Transcore	The traffic modelling commissioned by MRWA for the Stadium, reflected similar traffic outcomes as the Transcore modelling, for the Belmont Park Redevelopment, based on database inputs provided by MRWA
16 – 18	No further action required	
19	The structure plan needs to include a principle about grade separation of the PSP along Graham Farmer Freeway. Wording proposed as follows: “the PSP is to be grade separated or to be constructed to an alternative accepted PSP standard.”	The text is to be included as a principle in the Structure Plan under section 8.7.3 Pedestrians and Cyclists
20	Walking and cycling paths to be generally segregated	Structure Plan provides footpaths, dual use paths and principle shared paths in accordance with <i>Liveable Neighbourhoods</i> requirements.
21	No further action required.	
22	The Structure Plan needs to include a requirement to provide end-of-trip facilities. The following wording is proposed: “End-of-trip facilities are to be provided based on the DoT guidelines current at the time of DA approval.”	The text is to be included as a principle in the Structure Plan under section 8.7.3 Pedestrians and Cyclists
23	The Structure Plan needs to clarify the non-car driver mode share.	To be clarified in Appendix 11 – <i>Transport Assessment</i> .
24 - 26	No further action required on noise and lighting issues.	

Additional points raised in the follow-up meeting on 27 August 2012:

Item	Action	Response
1	The shuttle bus needs to be linked to the train station via the pedestrian system.	No objection. As discussed at the meeting, the use of the existing pedestrian only bridge is a suitable point of access to the train station.
2	The commercial/TOD area needs to be linked via the pedestrian system to the train station.	No objection. Already addressed in Structure Plan.

A compromise solution was discussed at the meeting on 27 August 2012 with regards to the access arrangements to the site. This compromise solution proposes to allow left in movement from the east-bound off ramp into the site while the left out movement would be closed. These vehicles would be required to move directly onto the Victoria Park Drive bridge without being able to access the freeway east-bound. This solution has been

(To be confirmed on the 9 October 2012)

accepted in principle by the developer and MainRoads WA subject to modelling showing no adverse impacts on the future residents of the development and the functioning of the freeway system. This modelling is expected to be completed prior to the Elected Members Briefing Session and will be tabled.

It is vital that Belmont Park's parking supply is managed within the limits of the road network that will service development. As a result, the following should be inserted into the Structure Plan under section 8.7.6 Car Parking:

“A detailed Parking Management Plan is to be prepared with each Detailed Area Plan addressing the above parking management principles and

- *Sets a maximum cap for retail and office parking;*
- *Identifies who is responsible for the plan's implementation, ongoing operation and review;*
- *Identifies what data and performance measures they are going to use to measure performance and adherence to the planning approvals;*
- *Identifies how the landowners & managers will demonstrate to the responsible planning authority that they are in conformity with their planning approval; and*
- *Outlines the management strategies that will be used to ensure that the requirements of the planning approval are met.”*

Following discussions with officers at Department of Planning it is likely that the Western Australian Planning Commission will impose a cap on the car parking to be provided within the Belmont Park site for non-residential development in accordance with SPP 4.2 Activity Centres for Perth and Peel. A cap on parking would assist in the management of traffic flows into the development and encourage the use of alternative modes of transport such as public transport, walking and cycling. Parking caps have been imposed on other significant Activity Centres, such as Murdoch and are being considered for Curtin/Bentley. It is therefore likely that a parking cap is imposed for the Burswood Activity Centre of which Belmont Park will be a part.

Department of Planning

The submission from Department of Planning raised a number of minor issues, which generally requested clarification on a number of matters. This clarification has been provided verbally by the applicant at a meeting with Department of Planning, Town of Victoria Park and the developer on 6 August 2012. The applicant has agreed to the changes as follows:

(To be confirmed on the 9 October 2012)

DoP Comment	Proponent Response
<p>The Structure Plan should acknowledge the preparation of a DSP for the Burswood Peninsular by DoP and that at the time of preparing the LSP the DSP was not complete.</p>	<p>No objection.</p>
<p>It could be highlighted that at the time of preparing the Structure Plan the only access available to the site was from the GFF and that there were no reservations in place to provide alternative access to the site (i.e. a bridge crossing).</p>	<p>No objection.</p>
<p>The Structure Plan needs to justify the increase to the proposed NLA for the site.</p> <p>In addition the Structure Plan should specify that any further increases in NLA will need to be supported through compliance with the relevant requirements of SPP 4.2.</p>	<p>Addressed in Appendix 8 and 9 (MacroPlan and Essential Economics reports).</p> <p>No objection to specifying that any <u>further</u> increases in NLA will need to be supported through compliance with the relevant requirements of SPP 4.2.</p>
<p>The Structure Plan needs to outline the reasons why access around the racetrack is restricted to a DUP as opposed to a road or laneway and what measures will be put in place to ensure emergency access around the racetrack can be provided on a permanent basis.</p>	<p>Addressed section 8.8.3 of the Structure Plan (under heading <i>Foreshore</i>) and new section 8.7.1 dealing with emergency access plan as required by resolution 1.5 of Council's meeting dated 10 April 2012).</p>
<p>The Structure Plan needs to address the SRT's setback requirements and if they impact on the Structure Plan .</p>	<p>No objection.</p> <p>Proposed setbacks to foreshore are currently dealt with in Part 1, section 11, 12 and 14 – Planning Requirements for Precinct A, B, and D</p>
<p>The Structure Plan should include some details of what action will be used for the control of insects and midges i.e. spraying.</p>	<p>Addressed in Appendix 1 – <i>Environmental Assessment Report</i>, section 2.8.5 <i>Insects and Midge</i>.</p>
<p>The Structure Plan should include the details of consultation with DET (i.e. that it was advised that a school site was not required in the LSP area but that a contribution may be required toward a future school site in the southern part of Burswood Peninsular).</p>	<p>Included in section 7.3 of the Structure Plan (page 57).</p>
<p>The Structure Plan should include information about the consultation that occurred with the DoT and PTA (i.e. the authorities could not provide details of</p>	<p>Ongoing</p>

(To be confirmed on the 9 October 2012)

the current and future capacity of Belmont Park and Burswood Rail Stations at the time of preparing the Structure Plan).	
The findings of a Parking Management Plan need to be included in the Structure Plan (including bicycle percentage parking).	Included in modified section 8.7.6 – <i>Car Parking</i> , as required by resolution 1.4 of Councils meeting dated 10 April 2012.
POS calculations should be broken down to a precinct basis and each of the ‘Precinct’ sections should identify the open space provision for residents in that precinct.	No objection. From our discussions with the DoP, it is our understanding that this would involve modifying Figure 52 and Table 4 of the Structure Plan to show precincts boundaries.
The Structure Plan should include information about the consultation that has occurred with the servicing authorities particularly Western Power and any advice received from these authorities about servicing capacity should be included.	Addressed in relevant appendices to the STP.
The proposed width of the main distributor road requires justification if it is not to meet requirements of <i>Liveable Neighbourhoods</i> .	Acknowledged . As currently proposed, it meets <i>Liveable Neighbourhoods</i> requirements.
The Structure Plan should include the findings of the Local Water Management Strategy (LWMS) and proposed methods of stormwater management.	Addressed in Appendix 12 – LWMS, Emerge Associates
The Structure Plan should incorporate full page plans to clearly articulate the LSP and land use proposals, residential densities and access to and from the site.	No objection, however it is to be noted that the plans are clear on Structure Plan copies as supplied (professionally printed). Clarity may have been lost if the documents were reproduced.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

While a significant amount of office and retail floorspace is proposed within the development, the product offered is anticipated to be quite different to the existing and proposed product within the Town of Victoria Park. The impact on existing Activity Centres, such as the Town Centre, is therefore anticipated to be minimal. Similarly, the offices proposed within Belmont Park will have large floorplates and therefore offer a different product to the smaller floorplates of the Causeway Precinct.

(To be confirmed on the 9 October 2012)

It is expected that additional visitors will be attracted to the Burswood Peninsula by the proposed development. Similarly, additional employment opportunities will be created by the development

Social Issues:

Community facilities are proposed to be provided within the grandstand building. Passive outdoor recreation spaces are provided within the public open space system. There will be some reliance on services provided elsewhere within the Town and surrounding local governments, which will improve the integration of the Belmont Park residents into the wider Victoria Park community.

Cultural Issues:

The Structure Plan makes provision for the recognition of aboriginal heritage and culture through an interpretive centre located within the foreshore reserve. A partnership with Noongar aboriginals provides for creation of employment opportunities for Aboriginal people within the construction, maintenance, landscaping, retail and tourism sectors.

Environmental Issues:

The concept design has taken into account sustainability principles. It proposes a high density mixed use development in close proximity to a train station, thereby encouraging the use of public transport. The proposal includes the restoration of the foreshore and the creation of some access controlled conservation areas within the foreshore reserve. The site is listed as a contaminated site and will need to be remediated prior to any development occurring. Noise and odour issues from the railway line, freeway and stables have been taken into consideration in the preparation of the Structure Plan and are appropriately dealt with. Development will need to respond to resource efficiency principles.

COMMENT:

It is considered that the matters raised at the Ordinary Council Meeting on 10 April 2012 have been adequately addressed by the applicant. Furthermore, the matters raised during the consultation period have been resolved. In particular, the traffic and transport related issues have been discussed in two workshops on 21 and 27 August 2012 with all relevant stakeholders. The majority of issues were resolved during these workshops and the access issues are currently being modelled by Main Roads WA and the applicant's traffic consultants. Results of this modelling are expected by Tuesday's Elected Members Briefing Session and will be tabled at that meeting.

It is therefore considered that all outstanding matters have been resolved and the Structure Plan can be adopted by Council and forwarded to the Western Australian Planning Commission for their determination.

It is considered however that the applicant should provide a consolidated copy of the Structure Plan document and any appendices which required changes prior to the final documentation being forwarded to the Western Australian Planning Commission for its determination.

(To be confirmed on the 9 October 2012)

CONCLUSION:

Based on the above considerations, all outstanding issues have been resolved and it is considered appropriate for Council to approve the Structure Plan for the redevelopment of the Belmont Park Racecourse site.

Further Comment:

The response from the State government Transport Portfolio of Department of Transport, Public Transport Authority and Main Roads WA was received on 4 September 2012 and is tabled. The response to the correspondence from the proponent has now been received dated 5 September and is also tabled.

While the majority of recommendations within the correspondence of 4 September 2012 are consistent with the agreed position from the facilitated meetings, there are a limited number of issues that require further consideration.

Most of these issues are relating to funding of the required road modification works and the traffic modelling used as a basis for the allocation of developer contributions. It is considered that these matters need to be agreed in principle between the Transport Portfolio, the proponent and the Town of Victoria Park prior to the Structure Plan being forwarded to the Western Australian Planning Commission for their determination.

Having taken into account the responses from the Transport Portfolio and the Golden Group, it is considered that the only additional matter of concern is the timing of the Road Network Improvements, requested by the Department of Transport to be completed by the end of 2017. It appears to be more consistent to require this to be undertaken in conjunction with the road network improvements for the Stadium, and this should be coordinated with Main Roads WA. A notation to this effect is required in the Structure Plan. The remainder of items appear to have been otherwise generally agreed to or dealt with above for the purpose of the Structure Plan approval.

RESOLVED:**Moved: Councillor Potter****Seconded: Councillor Skinner**

1. **The Structure Plan for the redevelopment of the Belmont Park Racecourse site be approved by Council, subject to the following conditions:**
 - 1.1 **The changes listed in the tables of the report of the Director Future Life and Built Life Programs of 24 August 2012 being incorporated into the Structure Plan and relevant appendices prior to the document being forwarded to the Western Australian Planning Commission for determination.**
 - 1.2 **The additional section on parking management being incorporated into the Structure Plan to address the issues identified in the report to the satisfaction of the Director Future Life and Built Life Programs prior to the document being forwarded to the Western Australian Planning Commission for determination.**

(To be confirmed on the 9 October 2012)

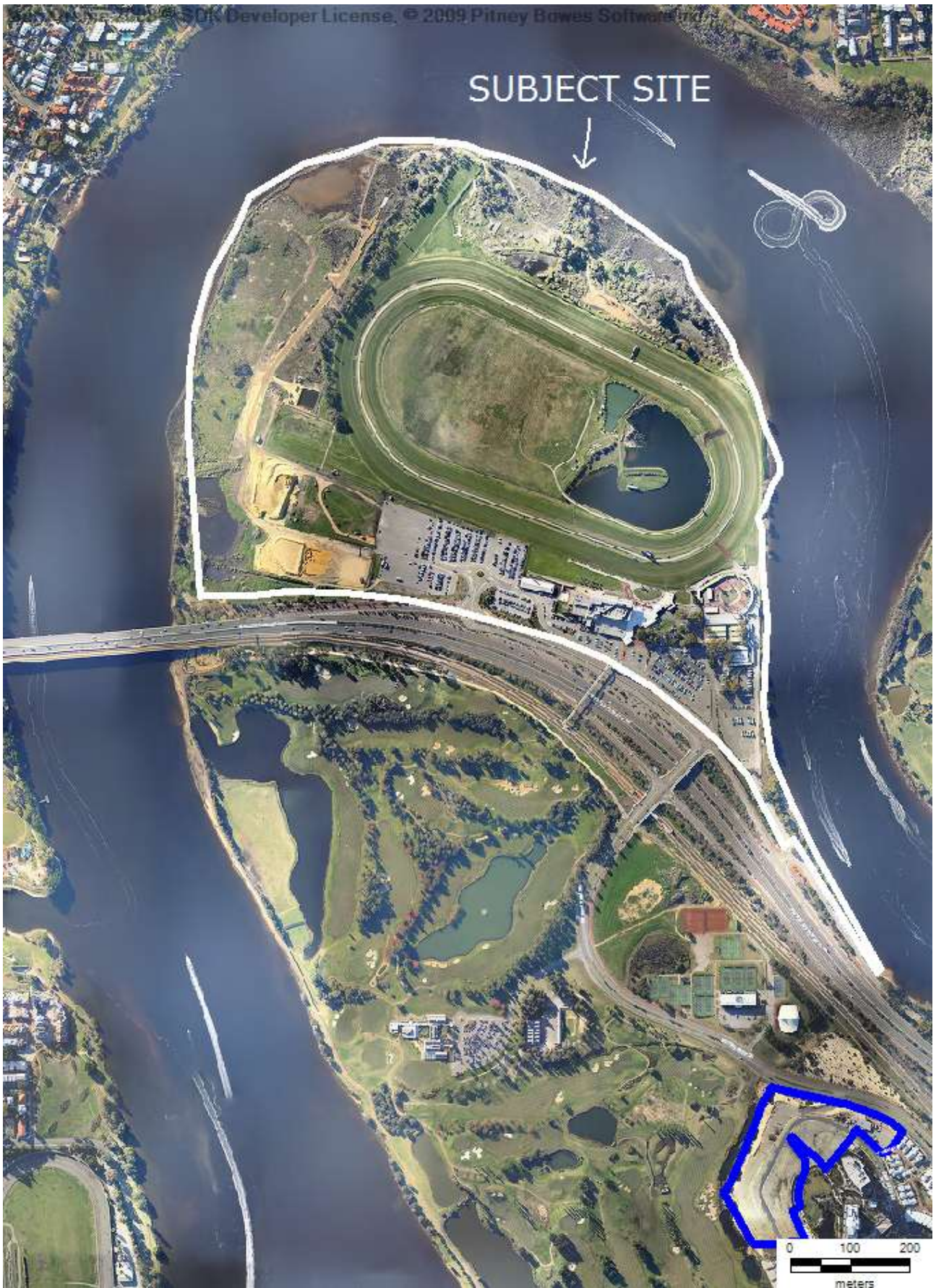
- 1.3 Developer contributions to and the timing of the road modification works as referred to in the letter from the Department of Transport dated 4 September 2012 being resolved to the satisfaction of the Director Future Life and Built Life Programs prior to the document being forwarded to the Western Australian Planning Commission for determination.**
- 2. The Structure Plan as amended in 1. above be forwarded to the Western Australian Planning Commission for determination.**
- 3. Those persons/ authorities which lodged a submission regarding the Structure Plan be advised of Council's decision.**

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)



11.7 Amendment 57 to Town Planning Scheme No. 1 – Belmont Park Racecourse Redevelopment – Final Approval

File Reference:	BURS, PLA0003/57
Appendices:	No
Landowner:	Chairman of the WA Turf Club
Applicant:	Development Planning Strategies
Application Date:	22 March 2012
DA/BA or WAPC Ref:	N/A
MRS Zoning:	Urban, Parks and Recreation, Primary Regional Roads
TPS Zoning:	Special Use – Racecourse, Parks and Recreation, Primary Regional Roads
TPS Precinct:	Precinct P1 ‘Burswood Peninsula Precinct’
Use Class:	N/A
Use Permissibility:	N/A

Date:	24 August 2012
Reporting Officer:	J. Birmingham
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – request the Hon Minister for Planning to grant Final Approval

- The Amendment was advertised for public comment for 42 days from 12 June 2012 to 24 July 2012 in conjunction with the Draft Structure Plan for the Belmont Park Racecourse Redevelopment.
- A total of 15 submissions were received relating to the Scheme Amendment, with 11 being received during the consultation period and 4 late submissions. All submissions were in support of the proposed amendment.

TABLED ITEMS:

- Town Planning Scheme No. 1 – Scheme Text;
- Town Planning Scheme No. 1 Precinct Plan P1 ‘Burswood Peninsula Precinct’ Sheet A;
- Excerpt of the Minutes of the Ordinary Council Meeting dated 10 April 2012 pertaining to the initiation of Town Planning Scheme Amendment No. 57;
- Letter from the Environmental Protection Authority dated 5 June 2012; and
- Submissions received as part of the community consultation for the proposed Scheme Amendment.

BACKGROUND:

Council considered a report relating to this Amendment at its Meeting held 10 April 2012. Council resolved to initiate Amendment 57 and advertise the proposal for public comment.

(To be confirmed on the 9 October 2012)

Amendment 57 was referred to the Environmental Protection Authority, and their response advised that the proposed amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986. However, the EPA has provided some advice regarding the environmental issues associated with the site. The advice is the same as that provided as part of the MRS Amendment 1159/41 which was gazetted in October 2009. The advice from the EPA is tabled.

Advertising of the proposed Amendment was initiated on 12 June 2012, with the closing date for submissions being 24 July 2012.

DETAILS:

The applicant has submitted a report to support the request for Council to initiate an amendment to Town Planning Scheme No. 1. The report dated 21 March 2012 states the following:

“1 Introduction

This report is prepared in support of an application seeking to amend the Town of Victoria Park Town Planning Scheme No.1 by rezoning portions of Lots 102 and 900 Victoria Park Drive, Burswood from ‘Special Use RC – Racecourse’ to ‘Special Use’ zone and amending the scheme text and maps accordingly. The subject land remains included within Development Area 1 (DA1) and therefore a structure plan is required prior to subdivision and development.

This Scheme Amendment is subsequent to a recent amendment to the Metropolitan Region Scheme which rezoned the site to Urban (MRS Amendment 1159/41). This scheme Amendment is being lodged concurrently with a Local Structure Plan for the site. This report seeks to describe the nature of the proposed scheme amendment which is required to facilitate the subdivision and development of the land as outlined in the Local Structure Plan for the site.

2 Location and Ownership

The subject land is located at the northern end of the Burswood Peninsula, within the Town of Victoria Park, north of the Graham Farmer Freeway and bound on all other sides by the Swan River. The land currently contains the Belmont Park Racecourse.

The land the subject of the proposed Scheme Amendment comprises:

- Lot 102 comprising 32.406 ha in the ownership of the Chairman of the Western Australian Turf Club.*
- Lot 9000 comprising 38.638 ha in the ownership of the Chairman of the Western Australian Turf Club.*

Over 50 percent of the subject land is occupied by the Belmont Park Racecourse. The rest of the site is vacant. The subject land is generally flat and the only vegetation of any significance is the narrow shoreline fringe which has colonised since the river dredging and filling.

(To be confirmed on the 9 October 2012)

3 *Planning Context*

3.1 *Metropolitan Region Scheme Zoning*

The subject land is zoned 'Urban' under the Metropolitan Region Scheme. MRS Amendment 1159/41 to rezone the site from Private Recreation to Urban was gazetted in 2009. The Amendment did not require formal assessment under Part IV of the Environmental Protection Act 1986. A copy of the notice from EPA is included at Appendix A.

3.2 *Local Government Zoning*

The subject land is currently zoned 'Special Use RC - Racecourse' under Town Planning Scheme No.1 which reflects its use as a horse racing course. The land is also included in Development Area 1 – DA1 which requires a structure plan to be adopted prior to any subdivision and development being undertaken on the site that is not associated with the current racecourse activities.

3.3 *Justification for the Proposed Scheme Amendment*

An amendment to the Town of Victoria Park TPS No. 1 is required to further refine the zoning and provisions of Council's Scheme for this site, to be consistent with the MRS and to facilitate the proposed inner city development, framed around the existing Belmont Park racing facility.

A Local Structure Plan has been prepared for the site to guide the future orderly subdivision and development of the site. The Structure Plan has been prepared to provide an overarching planning framework to guide and facilitate the subdivision and development of some 73 ha of land at the northern end of the Burswood Peninsula, for urban purposes. It has been prepared in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No 1.

The project comprises a redevelopment proposal, involving transformation of the Belmont Park Racecourse, to facilitate development of Perth's focal Activity Centre, housing a world class racecourse, residential, commercial and retail, entertainment and civic spaces.

The site is located within the Town of Victoria Park, situated at the northern end of the Burswood Peninsula, in a strategic location close to the CBD and with direct access to major transport routes. It is ideally located to provide medium and high-density housing, employment and retail, being a unique riverside inner-city location close to the CBD with direct access to the passenger rail network and the arterial highway system.

The Structure Plan for the site is designed to facilitate and manage its ultimate redevelopment. It will show the following principal components:

- Retention and upgrading of current thoroughbred racing facilities*
- High rise and medium density housing with some 4500 residential dwellings*
- A significant Activity Centre comprising mixed use, retail and commercial uses, office and tourism*
- Public Marina*
- Hotel*
- Riverfront parks and recreation facilities*

(To be confirmed on the 9 October 2012)

Proposals for this site will provide a catalyst for the further transformation of the Burswood Peninsula into a major tourist, recreation, entertainment, high density residential and Activity Centre, building on the Burswood Resort and Casino, and recent developments including the Peninsula Project (currently under construction), the Springs redevelopment and the recently announced Perth's new multi-purpose stadium proposal to be built on the Burswood Peninsula and scheduled for completion in 2018. The new Perth Stadium is planned to have the third-biggest capacity in Australia and will be the second largest AFL home stadium. It will have a capacity of 60,000 seats with provision for future expansion to 70,000 seats in the style of Melbourne's Etihad Stadium, with similar views, amenities and comfort.

The Belmont Park Racecourse redevelopment project will make a significant contribution towards the revitalisation of the eastern gateway to the City of Perth.

Pursuant to the Town of Victoria Park Town Planning Scheme No. 1 (TPS No. 1) the majority of the site is zoned Special Use – Racecourse and is subject to the provisions of Precinct Plan P1-Sheet A, which applies to the Belmont Park Racecourse part of the Burswood Peninsula. The Precinct Plan sets out the planning objectives for the Belmont Park Racecourse and land use and development standards which apply under the Scheme.

In addition to the zoning, the site is included in Special Control Area DA1 which requires the preparation and approval of a structure plan prior to subdivision and development of the land (with the exception of development or use associated with the current racecourse activities).

The proposed amendment to the Town of Victoria Park TPS No. 1 is required to refine the zoning and provisions of Council's Scheme for this site, to be consistent with the MRS and to facilitate the proposed inner city development, framed around the existing Belmont Park racing facility.

The proposed scheme amendment seeks the rezoning of Lots 102 and 9000 Graham Farmer Freeway, Burswood from "Special Use RC – Racecourse" to "Special Use" zone in order to facilitate subdivision and development as outlined in the Local Structure Plan for the site. Scheme text and precinct plan textual modifications are also necessary to facilitate the proposed subdivision and development of the site as per the local structure plan and to reflect the outcomes of the MRS Amendment 1159/41. Clause 42 Certificates for the site are included as Attachment 2.

At the time of the MRS Amendment 1159/41 being gazetted, the relevant section of the MRS Amendment (Government Gazette 16 October 2009 refers) stated "By virtue of section 126(1) of the Planning and Development Act 2005, the Town of Victoria Park Town Planning Scheme No. 1 is amended to give effect to the reservations included in MRS Amendment 1159/41."

(To be confirmed on the 9 October 2012)

It is our understanding that with regards to the TPS the parts of the land being changed from zoned land to reserved land were automatically adjusted in the TPS (as a result of MRS Amendment 1159/41 by virtue of section 126(1) of the Planning and Development Act) whereas portions of the land going from reserved land to zoned land needed a separate TPS Amendment to reflect the MRS Amendment. As a result the proposed Amendment seeks to exclude portions of the land from what's shown as unzoned land and include them in the "Special Use" zone and "DA1" - Development Area, as depicted on the proposed amendment map.

It is also proposed to amend the boundary of the Development Area, to correspond (sic.) with the boundary of the "Special Use" zone and insert a boundary of the Residential (sic.) RAC 0 code, as depicted on the amendment map (Figure (sic.) 2 refers).

Amendment to the Precinct Plan P1 Sheet A is also required to reflect the latest cadastral base data to be consistent with the current title to the land."

Legal Compliance:

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

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

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

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

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

Submissions:

Community Consultation:

Community consultation was carried out for 42 days from 12 June 2012 to 24 July 2012. A total of 15 submissions were received, 11 of which were received during the consultation period and 4 late submissions. As the consultation was carried out concurrently with the consultation for the Draft Structure Plan, most submissions addressed both the Scheme

(To be confirmed on the 9 October 2012)

Amendment and the Structure Plan.

The following submissions were received:

No	Location	Issue	Comment
1	State Heritage Office	No objection	Acknowledged.
2	Perth Racing	No objection	Acknowledged.
3	City of Bayswater	<p>Maximum height of the development should be reduced to 25 storeys.</p> <p>Residential catchments within the City of Bayswater should be excluded from the retail analysis within Appendix 8 as these areas are adequately catered for by existing and future centres, including Bayswater, Maylands and Morley.</p> <p>At DAP stage the following should be considered:</p> <ul style="list-style-type: none"> Detailed wind modelling to ensure the development will not produce adverse wind impacts on the Swan River and surrounding areas. Future foreshore works to be designed by a coastal erosion engineer to limit riverbank erosion on the opposite banks of the Swan River and further downstream. 	The comments refer to the Draft Structure Plan and are not relevant to the TPS Amendment.
4	Department of Indigenous Affairs	Submission indicating there may be a need for a new Section 18 clearance.	The comments refer to the Draft Structure Plan and are not relevant to the TPS Amendment.
5	Western Power	No objection. It is pointed out that any change to the existing power system is the responsibility of the developer.	Acknowledged.
6	Telstra	No objection. The developer is advised to contact NBN Co. for any network extension prior to start of construction.	Acknowledged.
7	City of Perth	No objection	Acknowledged.
8	Water Corporation	Water: Reticulated water of a sufficient capacity is not available to the	

(To be confirmed on the 9 October 2012)

		<p>site. Headworks size water mains may need to be constructed that will loop from Great Eastern Highway to Belmont Park and back to Great Eastern Highway via the proposed Perth Stadium. A full scheme review cannot be undertaken until the accepted future potential development of the entire Burswood Peninsula is understood. All water mains must be laid within road reserves.</p> <p>Wastewater: A major wastewater scheme planning review is required for the entire Burswood Peninsula. A pump station is an option to service the area. This will require appropriate land to be provided including an odour buffer. A route for the pressure main will also be required within a road reserve. If the developer wishes to explore the use of a vacuum system they would need to provide a business case to show how it would be beneficial to all.</p> <p>General: The Water Corporation follows a principle of user pays. The developer is expected to provide all water and sewerage reticulation. A contribution for the required headworks may also be required as well as funding of new works or upgrading of existing works. The Corporation may also require land to be ceded free of cost for works. The developer should contact the Water Corporation if works have not commenced within 6 months to ensure the information provided is still valid.</p>	
--	--	---	--

(To be confirmed on the 9 October 2012)

9	DoP (Tourism)	No objection.	Acknowledged.
10	Landcorp	No objection.	Acknowledged.
11	Department of Transport	No objection.	Acknowledged.
12 (late)	Metropolitan Redevelopment Authority	No objection.	Acknowledged.
13 (late)	Department of Health	All developments are required to connect to reticulated sewerage.	Acknowledged.
14 (late)	Department of Education	No objection.	Acknowledged.
15 (late)	Department of Environment and Conservation	<p>There are a number of environmental issues which are managed through the planning process. These are:</p> <ul style="list-style-type: none"> • Foreshore reserve • Contamination • Acid sulphate soils • Water quality and quantity • Odour and • noise <p>Odour from the racing activities is a concern. This needs to be dealt with as follows:</p> <ul style="list-style-type: none"> • engineering design of the undercover area below the grandstand should demonstrate that the concept will contain raceway activities within the covered area and limit odours by implementing best practice management • memorials should be added on the titles to inform property owners about the proximity of raceway activities and the possible experience of odours during race days. 	The comments refer to the Draft Structure Plan and are not relevant to the TPS Amendment.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

The scheme amendment creates the opportunity to establish a mixed use development on the site which will be part of a wider Burswood Peninsula wide Activity Centre. This will attract additional visitors to the site and create employment and recreation opportunities which will benefit the local economy.

(To be confirmed on the 9 October 2012)

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

The Scheme Amendment makes provision for a high density mixed use development to be created in close proximity to the Belmont Park train station. This has the potential to make a positive contribution to public transport use.

COMMENT:

It is proposed to update the Town Planning Scheme No. 1 to enable the redevelopment of the Belmont Park Racecourse site to proceed. The proposed Scheme Amendment makes some necessary adjustments to the zoning and reserves within Precinct P1 "Burswood Peninsula Precinct" some of which were brought about by the MRS Amendment 1159/41 which was gazetted in 2009 and others are a result of the proposed development of a mixed use Activity Centre.

While the Scheme Amendment has been prompted by the preparation of a draft Structure Plan for the site, the Scheme Amendment is worded in general terms and is not dependent upon approval of the draft Structure Plan as currently proposed. Therefore, if the draft Structure Plan is not adopted the Scheme Amendment could still proceed and provide a basis for a mixed use development in the future. It should be noted that development cannot proceed without preparation of a Structure Plan to guide that development.

No objections to the proposed Scheme Amendment were received and some of the more detailed comments made within submissions referred to the Draft Structure Plan which was advertised concurrently with the Scheme Amendment.

CONCLUSION:

Town Planning Scheme No. 1 is required to be amended to enable the redevelopment of the Belmont Park Racecourse to proceed. As a result it is recommended that Amendment No. 57 to Town Planning Scheme No. 1 is adopted for final approval as per the recommendation below.

RESOLVED:

Moved: Councillor Ashton

Seconded: Councillor Potter

- 1. Pursuant to Section 87 of the Planning and Development Act 2005, Amendment 57 be adopted for final approval, as follows, and the Mayor and Chief Executive Officer be authorised to endorse the amending documents accordingly.**

(To be confirmed on the 9 October 2012)

1.1 Amend the Scheme text by:

1.1.1 Including the following new sub-clause (8) within Clause 22:

“(8) Burswood Peninsula Precinct – in the area north of the Graham Farmer Freeway (known as the Belmont Park Racecourse Site and included in the Special Use zone), all residential densities shall be as shown on an adopted structure plan and site and development requirements shall comply with that included in the adopted structure plan for the site.”

1.1.2 Including the following new sub-clause (c) within Clause 29AB (12):

“(c) Where land is within the area of a Structure Plan:

- (i) which specifies land use permissibility, then the land use permissibility in the Structure Plan will apply to that land and not the land use permissibility which would otherwise apply to the land under the Scheme; and**
- (ii) which stipulates standards and requirements for development of land, then the standards and requirements for development in the Structure Plan will apply to that land and not any standards and requirements of the same kind which would otherwise apply to the land under the Scheme. Any standards or requirements of a kind which are provided for in the Scheme but not provided for in the Structure Plan shall continue to apply to the land.”**

1.2 Amend Burswood Peninsula Precinct Plan P1 Sheet A by:

1.2.1 Excluding portions of Lots 102 and 9000 Graham Farmer Freeway, Burswood from ‘Special Use RC – Racecourse’ and including in ‘Special Use’ zone and “DA1” - Development Area as depicted on the amendment map;

1.2.2 Including unzoned land into the “Special Use” zone and “DA1” - Development Area, as depicted on the proposed amendment map;

1.2.3 Amending the boundary of the Development Area to correspond with the boundary of the “Special Use” zone.

1.2.4 Inserting a boundary of the Residential R-AC0 code as depicted on the amendment map;

1.2.5 Reflecting the latest cadastral base data to be consistent with the current title to the land.

(To be confirmed on the 9 October 2012)

1.2.6 Replacing the following text under the heading “Statement of Intent”:

“Activities should be directly related to existing uses or recreation and entertainment activities”

with the following:

“Any future development of the Belmont Park Racecourse site should facilitate a mix of land uses including the following principal components:

- Retention and upgrading of current racing facility**
- High and medium density residential**
- A significant Activity Centre**
- Riverfront Parks and Recreation”**

1.2.7 Replacing the text under the heading “Special Use Zone” with the following:

“BELMONT PARK RACECOURSE REDEVELOPMENT SITE

The redevelopment of the Belmont Park Racecourse site should facilitate a mix of land uses including retention and upgrading of current racing facility, high and medium density residential, a significant Activity Centre and riverfront Parks and Recreation.

Any future redevelopment of the site should give consideration to its prominent location on the Peninsula. Public access along the river foreshore should be provided, maintained and improved, having regard for the needs to balance accessibility with preservation of the river bank and wildlife habitat.

Given the site's close proximity to the Graham Farmer Freeway, a key entry point to the city centre, redevelopment of the site should respect this prominent location. Building and car park development should therefore be of high standard in terms of construction, design and materials used. Access to public transport stops from buildings should be safe, clearly signposted and well maintained.

The Racecourse facility is likely to continue to attract significant patronage. It would therefore be appropriate to give Belmont Park Railway Station, pedestrian access from the station and through the car park.

USE OF LAND AND DEVELOPMENT STANDARDS

A Structure Plan must be prepared and approved prior to any subdivision and/or development of the land with the exception of development or use associated with the current racecourse activities.

(To be confirmed on the 9 October 2012)

The Structure Plan is to prescribe the land use permissibility, standards, requirements and prerequisites for subdivision and development. Where land is within the area of a Structure Plan:

- which specifies land use permissibility, then the land use permissibility in the Structure Plan will apply to that land and not the land use permissibility which would otherwise apply to the land under the Scheme; and
- which stipulates standards and requirements for development of land, then the standards and requirements for development in the Structure Plan will apply to that land and not any standards and requirements of the same kind which would otherwise apply to the land under the Scheme. Any standards or requirements of a kind which are provided for in the Scheme but not provided for in the Structure Plan shall continue to apply to the land.

Development of land shall generally be in accordance with an adopted Structure Plan.

Residential density shall be in accordance with the Residential Density Code shown on the Scheme Map. Residential development shall comply with the Residential Design Codes except for the variations specified in an adopted Structure Plan.

Maximum height of any development shall comply with the restrictions associated with Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) pursuant to the Airports Act 1996.

Development shall not compromise the primary function and operations of the racecourse."

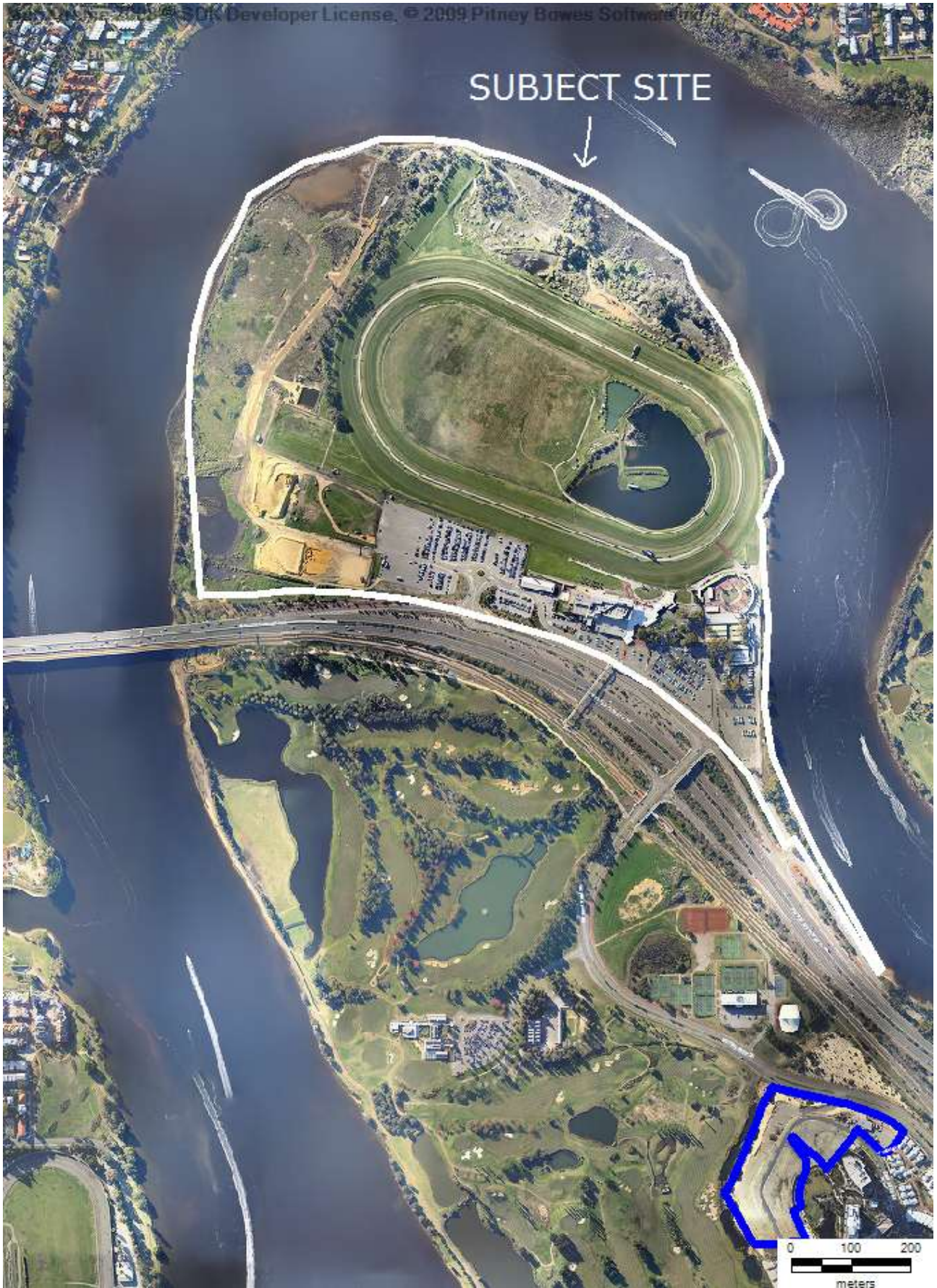
2. The amending documents be forwarded to the Western Australian Planning Commission requesting Final Approval of the Hon. Minister for Planning.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

(To be confirmed on the 9 October 2012)



(To be confirmed on the 9 October 2012)

12 RENEW LIFE PROGRAM REPORTS**12.1 Glenn Place Road Reserve – Road Closure**

File Reference:	TES0273
Appendices:	No.
Date:	29 August 2012
Reporting Officer:	T. McCarthy
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – That the Minister for Lands be requested to close Glenn Place road reserve under Section 58 of the <i>Land Administration Act 1997</i>.	
<ul style="list-style-type: none"> • Section 58 of the <i>Land Administration Act 1997</i> requires that any road closure proposal be advertised and 35 days allowed for submissions to be made to the local government. • No submissions objecting to the proposed road closure have been received during the 35 day submission period. 	

TABLED ITEMS:

- Letter dated 6 October 2011 from Burswood Entertainment Complex.
- Letter dated 30 April 2012 from the Hon Minister for Racing and Gaming.
- Drawing A1.04A of requested road closure area provided by Burswood Entertainment Complex.

BACKGROUND:

At the Ordinary Meeting held 12 June 2012, Council resolved:

1. *The proposal to close Glenn Place road reserve, as depicted on drawing A1.04A provided by Burswood Entertainment Centre, be advertised at the applicant's cost, in accordance with the requirements of Section 58(3) of the Land Administration Act 1997 and a further report be presented to Council for consideration after the expiry of the period specified for the lodgement of objections.*
2. *The Hon Minister for Racing and Gaming and the Hon Minister for Planning be advised of Council's resolution in respect to the advertising of the proposal to close Glenn Place road reserve, and they also be advised of Council's concerns in relation to the proposed multi-level car park, those concerns being:*
 - 2.1 *The proposal to construct a multi-storey car park at the nominated location is inconsistent with the Burswood Peninsula Draft District Framework.*
 - 2.2 *It is not considered appropriate for the development to proceed prior to the Masterplan/Structure Plan for the Burswood Peninsula being completed.*

(To be confirmed on the 9 October 2012)

- 2.3 *It is not considered appropriate for the development to proceed prior to the Burswood Station West Masterplan, which is being prepared by the Department of Planning, being completed.*
- 2.4 *The proposal is inconsistent with the Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan P1 'Burswood Peninsula Precinct' which states "Any further expansion of the Complex into existing parkland will not be supported" and "Use of parkland for Burswood Resort parking on a permanent basis will not be supported. Any additional parking or access to the Resort should be accommodated on-site and not encroach into existing parkland."*
- 2.5 *Approval of the proposed multi-level car park prior to the Masterplan/Structure Plan for the Burswood Peninsula being completed is contrary to the view expressed by the Minister for Planning to the Town in respect to an application by EG Custodians for review of Council's refusal of a variation to the Burswood Lakes Structure Plan pertaining to Lots 9 and 9525 Victoria Park Drive, Burswood, which was also affected by the future Masterplan/Structure Plan for the Burswood Peninsula, where the Minister indicated that the development under review should not proceed prior to the Masterplan/Structure Plan being completed.*
- 2.6 *Burswood Entertainment Complex has not provided a traffic impact assessment for the design and operation of the proposed road layout. The proposed new alignment of Glenn Place appears to have been selected on no basis other than skirting around the new multi-level car park. Little consideration appears to have been given to the efficient movement of traffic in the proposed road layout, and there are several points of potential traffic conflict contained in the layout provided.*
3. *The report be forwarded to the local Victoria Park Members of Parliament.*

In accordance with Council's resolution, the proposal was advertised in the "West Australian" on Saturday 30 June 2012. No objections to the proposed closure have been received. Public utility service providers and the Western Australian Planning Commission were provided with written notice of the proposed closure and invited to make a submission during the consultation period. In accordance with Council's resolution, the Hon Minister for Racing and Gaming and the Hon Minister for Planning were advised of Council's resolution in respect to the advertising of the proposal to close Glenn Place road reserve, and they were also advised of Council's concerns in relation to the proposed multi-level car park. A copy of the report was also forwarded to the local Victoria Park Members of Parliament.

(To be confirmed on the 9 October 2012)

DETAILS:

A proposed multi-storey car park is to be located partially on Crown land under the management of the Burswood Park Board (part of Kagoshima Park) and partially on Glenn Place road reserve. The structure is proposed to accommodate 1004 car bays. The structure will be 3 storeys high, comprised of 4 levels of parking – ground, first floor, second floor and roof parking. There will be no basement parking in the structure. Artistic impressions previously provided by representatives of (Burswood Entertainment Complex) BEC to Council Officers indicate that the façade of the car park will incorporate design treatments and articulation to provide some visual interest, however the façade will not be activated. Associated modifications will also be made to the existing at grade car park adjacent to Glenn Place.

BEC proposes to purchase land from the Crown, close Glenn Place and create a new road reserve on the southern side of the proposed car park to replace the Glenn Place road reserve. The Town was not involved in any of the negotiation between BEC and the Minister for Sport and Recreation; Racing and Gaming in respect to the proposal.

Legal Compliance:

Council can, if it chooses to do so, request the Minister for Lands to close a road reserve under Section 58 of the *Land Administration Act 1997*. Section 58 of the Act states:

58. Closure of roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*

(To be confirmed on the 9 October 2012)

Policy Implications:

Nil

Strategic Plan Implications:

The proposal to relocate the road and construct a car park at the location proposed is inconsistent with the Burswood Peninsula Draft District Framework which contained the following relevant statement -

“A new local road link on the southern side of Burswood Entertainment Complex extending from the Swan River in the west to the Burswood station east area via a proposed subway, provides the opportunity to replace the existing casino ‘back of house’ activities with an active public frontage to Great Eastern Highway. The new buildings adjacent to the casino would be multi storey carparks sleeved with commercial frontage.”

It should be noted that the Burswood Peninsula Draft District Framework was advertised and supported by the WAPC, and although not having been approved by Cabinet owing to the intervening announcement of a new sports stadium at Burswood, is a seriously entertained planning proposal in the absence of any other strategic document.

Additionally, it is not yet known whether the proposal will be in accordance with the Burswood Station West Masterplan, which has not yet been prepared by the Department of Planning.

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Closure of a road reserve and creation of a new road reserve will impact on the Town's ongoing operational responsibility for roads under the Town's care, control and management.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

The proposed car park structure would cause a reduction in parkland area available for general public use. The reduced area of available parkland is currently Crown land under the management of the Burswood Park Board.

(To be confirmed on the 9 October 2012)

COMMENT:

BEC made application to the Town for a building licence for approval to commence forward works for the proposed car park within the road reserve. However, as it is not appropriate for such approval to be issued prior to Council consideration of a request for closure of the road reserve, the building licence application has not been determined and has been returned to the applicant. In addition, as part of the works are contained on land for which the planning approval of the WAPC is required, it would be appropriate that a decision on the road closure request first be made, and if approved by Council and subsequently also approved by the Minister for Lands, then be followed by an application for planning approval.

The process for closure of road reserves is detailed in Section 58 of the *Land Administration Act 1997*. The *Land Administration Act 1997* does not set out any alternate procedure whereby road reserves can be closed. It may be possible, however, that if Council does not agree to request the Minister for Lands to approve proposed closure, the Minister for Lands could, as the controller of Crown land, close the subject road reserve without reference to Council.

The Director Future Life and Built Life Programs has been in contact with the Department of Planning in regard to the proposed road closure and car park. The Department of Planning considers that the proposal to relocate Glenn Place road reserve and construct the proposed car park is inconsistent with the Burswood Peninsula Draft District Framework and should not be supported until such time as the future direction for the area is determined through the Masterplan/Structure Plan process. This is in keeping with the view expressed by the Minister for Planning to the Town in respect to an application by EG Custodians for review of Council's refusal of a variation to the Burswood Lakes Structure Plan pertaining to Lots 9 and 9525 Victoria Park Drive, Burswood, which was also affected by the future Masterplan/Structure Plan for the Burswood Peninsula, where the Minister indicated that the development under review should not proceed prior to the Masterplan/Structure Plan being completed.

The following provisions contained in the Town Planning Scheme No. 1 Precinct Plan P1 'Burswood Peninsula Precinct' which apply to the BEC are also of relevance -

- *"Any further expansion of the Complex into existing parkland will not be supported."*
- *"Use of parkland for Burswood Resort parking on a permanent basis will not be supported. Any additional parking or access to the Resort should be accommodated on-site and not encroach into existing parkland."*

There is concern that if the existing Glenn Place road reserve is closed prior to land being excised from Burswood Park Board Reserve 39361 for dedication as road reserve, Lot 13, located at the eastern end of Glenn Place and which has a 7.4m frontage to Glenn Place road reserve, would become landlocked. Subdivision of land creating land locked lots would normally not be approved by WAPC. In this instance, the Minister may choose to permit Glenn Place road reserve to be closed prior to dedication of an alternate road access to Lot 13, but it would not be accepted land management practice to do so.

(To be confirmed on the 9 October 2012)

Renew Life staff previously expressed concern at the proposed boundary geometry of the replacement road reserve. There appeared to be insufficient verge width for services, and the boundary was too close to the proposed car bays in the north-south section of the road reserve to allow sufficient space for vehicle overhang and a footpath. Consultation has taken place with BEC and the civil design consultants for the project, resulting in modifications to the road engineering design to address the Town's concerns.

BEC and the civil design consultants for the project have provided design drawings for the structure and for the proposed layout of roads and access to the structure. Renew Life staff have concerns about the impact of the structure and road modifications on traffic flow in the general area, in particular at Great Eastern Highway, Bolton Avenue, Craig Street and Victoria Park Drive. BEC and the civil design consultants have been requested to provide additional information, and it is proposed to present a separate report to Council addressing traffic matters in the area. Prior to consideration of that report, it is appropriate that the Minister for Transport be advised that Council has concerns about the location and orientation of the proposed new multi-level car park at Burswood and the road layout proposed to service it. Of particular concern is the potential impact on traffic on Great Eastern Highway and other feeder roads such as Bolton Avenue, Craig Street and Victoria Park Drive.

The Town has not been provided with any survey document or plan accurately describing the proposed boundary configuration of the new road reserve. Nor has the Town been provided with a survey plan showing the exact extent of the land to be excised from Reserve 39361 for sale to BEC. It is normal practice in the process of subdivision or amalgamation of land that the survey plan is provided to the local government for comment as part of the consultation and approval process. In this instance because the State Cabinet has negotiated the outcome with BEC, normal protocols have not been followed. The Town has been requested by Cabinet to close Glenn Place but no consultation has taken place with the Town, other than by BEC and the civil engineering consultants designing the road network, on the location and dimensions of the proposed new road reserve. There is uncertainty as to whether Landgate will approve the closure of Glenn Place without a new road reserve being created simultaneously with the closure in order that Lot 13 be provided with a legal road access.

Of the advice letters sent to public utility service authorities, only the Water Corporation has responded. The Water Corporation has no objection to the proposed closure, but if for any unforeseen reason Water Corporation assets are affected by the closure, the applicant will be required to cover all costs associated with any relocation. The Department of Planning has advised that it raises no objection to the proposed closure subject to the visual importance of Kagoshima Park being taken into account and the closure to have minimal impact on this area and all servicing authorities raising no objection to the closure.

Those public utility service authorities that did not respond to the Town's consultation letter have been written to again requesting that they forward a response.

(To be confirmed on the 9 October 2012)

Of the letters sent to local Victoria Park Members of Parliament containing a copy of the previous report to Council, one response has been received. The member for Victoria Park, Mr Ben Wyatt MLA, contacted the Town by telephone to advise that he had received the report from the Town.

As Cabinet has approved the proposal to build the multi-level car park and the Minister has advised the Town of that approval in order that the road closure may be progressed, it is recommended that Council agree to request the Minister for Lands to close Glenn Place road reserve in accordance with Section 58 of the *Land Administration Act 1997*.

FURTHER COMMENT:

At the Elected Members Briefing Session held 4 September 2012, some discussion ensued as to why the Council should even consider the proposed closure of Glenn Place road reserve. The following provides an outline of the history of the matter.

The proposed closure has been initiated firstly by an application submitted 9 September 2011 by BEC for approval to commence forward works on the proposed \$30 million multi-storey car park which was proposed to be located over portion of Glenn Place road reserve. The Town had not been involved in any preliminary discussion about the proposed car park.

The proposed new car park was located primarily on Crown land currently managed by Burswood Park Board, which forms part of the casino site and is not subject to the normal planning approval process. Because portion of the proposed car park was located over road reserve, BEC was advised by the Town that approval could not be issued for a structure within a road reserve. BEC was also advised that a formal road closure process would be required before a road under the care, control and management of the Town could be closed. BEC was further advised that the Town would require details of the new road reserve which would replace the current Glenn Place road reserve, and that comment had been sought from the Department of Planning on the proposed road closure and creation of a new replacement road reserve, particularly having regard to the Burswood Draft District Planning Framework.

In a letter dated 6 October 2011, BEC formally requested that Glenn Place road reserve be closed and indicated that it would be replaced by a new road reserve to be aligned along the southern boundary of the proposed car park. BEC stated that it had reached in-principle agreement with the *“Minister for Sport and Recreation; Racing and Gaming; Deputy Leader of the Parliamentary National Party of Australia (WA) for the construction of the car park, subject to agreement on the purchase price of the land.”*

The request for closure of the Glenn Place road reserve was considered by Council at its meeting held 8 November 2011. Council resolved at that meeting:

“That in accordance with Clause 11.1(g) of the Standing Orders that the motion lay on the Table.

(To be confirmed on the 9 October 2012)

Reason:

Council is awaiting the results of discussion between the Burswood Entertainment Complex around the State Government.”

The Town received from the Honourable Terry Waldron MLA, Minister for Sport and Recreation; Racing and Gaming, a letter dated 30 April 2012, stating that the State Government had been in discussions with BEC about the construction of a multi-level car park adjacent to the main casino building loading dock and that State Cabinet had approved:

- the excision of 12,472m² of land from the Burswood Park Reserve 39361 and for that land to be granted to Burswood Nominees Ltd;
- a multi-level car park be constructed on such land; and
- new roads to be created and existing roads aligned (including related infrastructure).

The letter states that its purpose was to *“confirm to the Council that Cabinet has approved the proposal so it can progress with the various applications (such as road closures, building licences etc) necessary to commence the project.”*

The proposal to close Glenn Place road reserve was considered by Council at its meeting held 12 June 2012, when the matter was raised from the table. The resolutions of Council in respect to its consideration at that meeting are shown above in the background to this report.

It is clear from the Minister for Racing and Gaming’s letter dated 30 April 2012 that State Cabinet intends for the project to proceed. Council is not under any obligation to request the Minister for Lands to close Glenn Place road reserve, but there is an implication in the Minister for Racing and Gaming’s letter that the project will proceed regardless of Council’s views about the project and regardless of the various planning studies currently being undertaken.

The proposed road closure would, under normal circumstances, be recommended for refusal for reasons including:

- The long term plan for the area has not yet been determined through the Masterplan/Structure Plan process.
- Reduction in parkland area available for general public use.
- Appropriateness of the bulk and scale of the building has not been determined.
- Suitability of the location and dimensions of the new road reserve has not been determined.
- Impact of the new car park on traffic management in the area has not been assessed.
- Uncertainty about provision of legal access to Lot 13 prior to a new road reserve being created.
- Lack of consultation with the Town about closure of the road reserve prior to the project being presented to and endorsed by State Cabinet.

In this instance, because State Cabinet has approved the project, the recommendation being put to Council for consideration is that the Minister for Lands be requested to close the road reserve.

(To be confirmed on the 9 October 2012)

The Town's technical officers are currently in discussion with the civil consultants for the project in respect to traffic volume and movements and determination of the appropriate dimension and location of the new road reserve. It is recommended that prior to the Minister being requested to close the Glenn Place road reserve, BEC be required to enter into a deed of agreement requiring BEC to create a new road reserve which will provide legal road access to Lot 13 and construct a new road pavement with appropriate street furniture to the Town's satisfaction, after BEC gains ownership of the 12,472m² land to be excised from Reserve 39361.

The responsible officer recommendation has been amended to include the deed of agreement referred to above, and to include reference to a portion of Bolton Avenue, which forms a very minor portion of the area proposed to be closed.

CONCLUSION:

In acknowledgement of State Cabinet's approval of the proposed multi-storey car park located partially over Glenn Place road reserve, the Minister for Lands be requested to close Glenn Place road reserve and portion of Bolton Avenue road reserve under Section 58 of the *Land Administration Act 1997*.

RESOLVED:

Moved: Councillor Vilaca

Seconded: Councillor Nairn

- 1. The Minister for Lands be requested to close Glenn Place road reserve, and portion of Bolton Avenue road reserve, as depicted on Drawing A1.04A of requested road closure area provided by Burswood Entertainment Complex, under Section 58 of the *Land Administration Act 1997*, subject to the conditions in (2) and (3) below.**
- 2. Prior to the Minister for Lands being requested to close Glenn Place road reserve and portion of Bolton Avenue road reserve, Burswood Entertainment Complex be required to provide written undertaking to indemnify the Town of Victoria Park and the Minister for Lands against any and all costs associated with the proposed road closure, including any and all future claims for compensation which may arise as a result of the closure.**
- 3. Prior to the Minister for Lands being requested to close Glenn Place road reserve and portion of Bolton Avenue road reserve, Burswood Entertainment Complex be required to enter into a deed of agreement with the Town which requires Burswood Entertainment Centre to create a new road reserve, of size and area to the Town's satisfaction, which will provide legal road access to Lot 13, and construct a new road pavement with appropriate street furniture to the Town's satisfaction, after Burswood Entertainment Centre gains ownership of the 12,472m² land to be excised from Reserve 39361. The deed of agreement is to be drawn up by the Town's lawyers at the cost of Burswood Entertainment Centre.**

(To be confirmed on the 9 October 2012)

4. **The Minister for Transport be advised that Council has concerns about the location and orientation of the proposed new multi-level car park at Burswood and the road layout proposed to service it, and of particular concern is the potential impact on traffic on Great Eastern Highway and other feeder roads such as Bolton Avenue, Craig Street and Victoria Park Drive.**
5. **The Minister for Lands be advised that Council has concerns regarding the creation, orientation and location of a new road reserve servicing the proposed new multi-level car park; in particular the Council requests the Minister ensure that a new road reserve is created to afford legal, emergency services and public service access to Burswood Entertainment Complex land and Burswood Park Board land, as a result of the proposed closure of the Glenn Place road reserve.**

The Motion was Put and

CARRIED: (5-3)

In favour of the Motion: Mayor Vaughan; Cr Ashton; Cr Nairn; Cr Potter; Cr Vilaca

Against the Motion: Cr Anderson; Cr Hayes; Cr Skinner;

(To be confirmed on the 9 October 2012)



13 COMMUNITY LIFE PROGRAM REPORTS

13.1 Recommendation from the Written History Project Team

File Reference:	ORG0090
Appendices:	No

Date:	27 August 2012
Reporting Officer:	D. Wilson
Responsible Officer:	T. Ackerman
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – The sale price for the Written History of the Town be added to the 2012/13 Schedule of Fees and Charges:	
<ul style="list-style-type: none"> • retail - softcover \$24.95 (incl. GST) and hardcover \$44.95 (incl. GST); and • wholesale – softcover \$17.60 (incl. GST) and \$42.90 (incl. GST). 	

TABLED ITEMS:

Nil

BACKGROUND:

On Thursday 16 August 2012 the Written History Project Team (the Team) met to finalise the printing, marketing and launch of the written history of the Town, which will be launched at an event to celebrate the centenary of the Rotunda Building at the 'Edward Millen site' on 11 November 2012. The date was chosen as there is an historical link between the two events, as well as the opportunity to promote the book in the lead up to Christmas.

The Town's Local History Coordinator is liaising with the Communications Team to develop a marketing plan beyond the initial launch of the book.

DETAILS:

A number of quotes have been sought for the printing of the written history of the Town. A Perth registered company recommended by the designer of the book has been selected. The preferred quote for the printing of 1,000 softcover and 200 hardcover calculates the cost of individual copies at \$16.00 per softcover and \$39.00 for hardcover. To allow for a degree of cost recovery, as well as the opportunity for booksellers/local businesses to sell the book at a small profit, the Team recommends that the book sell for \$24.95 (incl. GST) for a softcover and \$44.95 (incl. GST) for a hardcover.

Indications are that sale of the written history will raise a small amount of revenue. At this stage it is difficult to know how many copies will sell; however as a conservative indication if half of both softcovers and hardcovers were sold in the 2012/13 financial year revenue of approximately \$5,000 would be raised.

(To be confirmed on the 9 October 2012)

It should be noted that the Team considers it appropriate to gift copies of the book to contributors, past and present Elected Members, local schools, members of the Written History Project Team and Australia Day Award recipients.

Legal Compliance:

It is a requirement of the *Local Government Act 1995*, section 6.19 to give local notice of fees charges if brought in after the annual budget has been adopted as shown below:

6.19. Local Government to give notice of fees and charges

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

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed

Policy Implications:

Nil

Strategic Plan Implications:

The strategic focus for the Written History Project Team is aligned to the *Plan for the Future 2011 – 2026* Community Life Program objective – *We will promote and celebrate the rich history and heritage of the Town.*

Financial Implications:Internal Budget:

Indications are that sale of the written history will raise small amount of revenue. At this stage it is difficult to know how many copies will sell; however as a conservative indication if half of both softcovers and hardcovers were sold in the 2012/13 financial year revenue of approximately \$5,000 would be raised.

It should be noted that the Team considers it appropriate to gift copies of the book to contributors, past and present Elected Members, local schools, members of the Written History Project Team and Australia Day Award recipients.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications

Nil

Social Issues:

The availability of the written history of the Town will promote social wellbeing by providing a record of the social, physical and political history of the Town and provide opportunities for lifelong learning for all sectors of the community.

(To be confirmed on the 9 October 2012)

Cultural Issues:

The availability of the written history of the Town will inform, promote and celebrate the rich history and heritage of the Town.

Environmental Issues:

Nil

COMMENT:

It is a requirement that before being made available for sale, the cost to purchase the written history of the Town must be added to the 2012/2013 Schedule of Fees and Charges.

A number of quotes have been sought for the printing of the written history of the Town. A Perth registered company recommended by the designer of the book has been selected. The preferred quote for the printing of 1,000 softcover and 200 hardcover calculates the cost of individual copies at \$16.00 per softcover and \$39.00 for hardcover. To allow for cost recovery, as well as the opportunity for booksellers/local businesses to sell the book at a small profit, the Team recommends that the book sell for \$24.95 (incl. GST) for a softcover and \$44.95 (incl. GST) for a hardcover.

CONCLUSION:

It is a legal requirement of the *Local Government Act of 1995* that notice of any charges being introduced after the annual budget has been adopted must be brought to public notice.

The preferred quote for the printing of 1,000 softcover and 200 hardcover, calculates the cost of individual copies at \$16.00 per softcover and \$39.00 for hardcover. To allow for a degree of cost recovery, as well as the opportunity for booksellers/local businesses to sell the book at a small profit, the Team recommends that the book sell for \$24.95 (incl. GST) for a softcover and \$44.95 (incl. GST) for a hardcover.

PROJECT TEAM'S RECOMMENDATIONS:

1. The cost of the Written History of the Town be added to the 2012/13 Schedule of Fees and Charges – softcover \$24.95 (incl. GST) and hardcover \$44.95 (incl. GST).
2. In accordance with Section 6.19 of the Local Government Act 1995, Local Public Notice to be given of the Fees to be charged to the Written History of the Town as detailed in clause 1 above.

ADDITIONAL COMMENTS FOLLOWING 4 SEPTEMBER 2012 EMBS:

At the 4 September 2012 Elected Members' Briefing Session a query was raised as to whether the sale price of the book included GST. The Director Community Life Program advised that it did. As a result, throughout the body of the Project Team's report "incl. GST" has been added wherever the sale price has been referred to.

(To be confirmed on the 9 October 2012)

A further query was raised regarding a wholesale cost of the book for distributors external to the Town (e.g. booksellers). This was not discussed by the Project Team, although it was acknowledged that the marketing plan, which is currently being developed, will include means of selling the book through external distributors. As a result of the query, the Director Community Life Program recommends that the wholesale cost of the book be \$17.60 (incl. GST) for the softcover and \$42.90 (incl. GST) for the hardcover. This would allow the external distributors to sell the book at the same price as the Town.

As a result of the queries raised at the EMBS the Project Team's recommendation 1 has been modified to indicate that GST is included. The Team's second recommendation has been left as it was. An additional recommendation regarding the wholesale cost has been included. All recommendations are shown below.

RESOLVED:

Moved: Councillor Potter

Seconded: Councillor Nairn

- 1. The retail cost of the Written History of the Town be added to the 2012/13 Schedule of Fees and Charges – softcover \$24.95 (incl. GST) and hardcover \$44.95 (incl. GST).**
- 2. The wholesale cost of the Written History of the Town be added to the 2012/13 Schedule of Fees and Charges – softcover \$17.60 (incl. GST) and hardcover \$42.90 (incl. GST).**
- 3. In accordance with Section 6.19 of the Local Government Act 1995, Local Public Notice to be given of the Fees to be charged to the Written History of the Town as detailed in clause 1 above.**

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

Mr Parker left the meeting at 7.16pm

Mr Anthony Vuleta left the meeting at 7.16pm

Cr Skinner left the meeting at 7.16pm

(To be confirmed on the 9 October 2012)

*Mr Anthony Vuleta returned to the meeting at 7.18pm**Cr Skinner returned to the meeting at 7.18pm***14 BUSINESS LIFE PROGRAM REPORTS****14.1 Accounts Paid – July 2012**

File Reference:	FIN0015
Appendices:	Yes

Date:	21 August 2012
Reporting Officer:	G. Pattrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

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

1. The Accounts Paid for July 2012 as contained in the Appendices.
2. Direct lodgement of payroll payments to the personal bank accounts of employees;
3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.

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.

(To be confirmed on the 9 October 2012)

DETAILS:

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

Fund	Reference	Amounts
Municipal Account		
Recoup Advance Account		0.00
Automatic Cheques Drawn	603129 - 603200	237,204.04
Creditors – EFT Payments		3,447,604.83
Payroll		774,758.11
Bank Fees		3,415.40
Corporate MasterCard		3,184.65
		4,466,167.03
Trust Account		
Automatic Cheques Drawn		Nil
		Nil

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

(To be confirmed on the 9 October 2012)

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.

RESOLVED:**Moved: Councillor Vilaca****Seconded: Councillor Skinner**

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

- 1. The Accounts Paid for July 2012 as contained in the Appendices;**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees; and**
- 3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.**

The Motion was Put and**CARRIED: (8-0)**

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

14.2 Financial Activity Statement Report – July 2012

File Reference:	FIN0015
Appendices:	Yes

Date:	2 August 2012
Reporting Officer:	G. Pattrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – July 2012 as included in the Appendices.

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, in the Appendices, is the Financial Activity Statement Report – July 2012.

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.

(To be confirmed on the 9 October 2012)

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.*

(To be confirmed on the 9 October 2012)

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

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

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

- (1a) *In subsection (1) —*
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

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

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – July 2012, as contained in the Appendices, be accepted.

Where, as part of the Report, an identified expenditure requirement from the municipal fund that has not been included in the annual budget is recognised, and included in the Report in the associated section, this will require an absolute majority decision and will be separately identified in the recommendation.

RESOLVED:

Moved: Councillor Potter

Seconded: Councillor Skinner

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – July 2012 as included in the Appendices.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

14.3 13th Australian Parking Convention, Sydney NSW 11-13 November 2012

File Reference:	ADM0058
Appendices:	No

Date:	15 August 2012
Reporting Officer:	A. Lantzke
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Elected Member _____ be approved to attend 13th Australian Parking Convention – Sydney NSW 11-13 November 2012

- The 13th Australian Parking Convention is being held in Sydney in November.
- Manager Health and Regulatory Services will be attending and there is an opportunity for Elected Members to attend.

TABLED ITEMS:

- Conference Program

BACKGROUND:

The Australian Parking Convention is organised by the Parking Association of Australia. The Town is a member of the association. The convention is held every two years and has been attend by a representative of the Town on the last two occasions.

DETAILS:

The Parking Convention is an extensive conference program with a large exhibition showcasing the best and latest developments in parking technology and services.

Confirmed Keynote Speakers:

- David Hill, MA CAPP, senior advisor and professional educational program coordinator for the World Parking Symposium and the International Parking Institute.
- Dr George Hazel, OBE, Chairman of MRC McLean Hazel. He is an Adjunct Professor at the Queensland University of Technology, Brisbane and Chair of the Advisory Group for the Transport Research Institute at Edinburgh Napier University.
- Craig Rispin, CSP, is a Business, Futurist and Innovation Expert. Keynote Speaker and Innovation Consultant.
- Timothy Haahs, PE. AIA. F.ASCE, currently participating in the development of “Roadmap for Low Carbon Green Growth” in Asia under the auspices of the United Nations Economic and Social Commission for Asia and Pacific.

 (To be confirmed on the 9 October 2012)
Invited Speakers

- Caroline Boot, MBH (HONS). BSC. DIP. MATH ED MINZIM, founded Plan A in 1998, which has become New Zealand's Largest Professional Tender specialist company.
- Zhu Hao, Senior Engineer and the Director of the ITS Research Centre of Shanghai City Comprehensive Transportation Planning Institute Member of Chinese ITS Standardisation Committee and Senior Advisor of Shanghai Parking Management and Service Industry Association.
- Nadav Levy PhD student in The Porter School of Environmental Studies, Tel Aviv University.
- Terry Lee-William, Executive Manager of City Access and Transport of the City of Sydney.

Legal Compliance:

Nil

Policy Implications:

ADM 6 specifies the procedure for inviting Elected Members to conventions and conferences.

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

The following is the total estimated cost for one Elected Member to attend the convention:

Registration	\$1,075
Accommodation (2 nights) from	\$ 378
Flights from	\$ 713
Total	\$2,186

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

(To be confirmed on the 9 October 2012)

COMMENT:

The conference program is tabled and covers a wide range of topics relating to parking management with a number of invited renowned international speakers along with local experts. The conference is relevant to the Town as it develops plans for the future of parking management.

CONCLUSION:

The Conference is an opportunity for Elected Members to gain a greater understanding of parking management issues, technologies and best practice.

RESOLVED:

Moved: Councillor Nairn

Seconded: Councillor Skinner

The attendance of Elected Member Councillor John Bissett at the 13th Australian Parking Convention Sydney NSW 11-13 November 2012 at a total estimated value of \$2,186 per Elected Member be approved and funded from the General Ledger Account ELE1221.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

14.4 Objection To Dangerous Dog Declaration

File Reference:	AM00
Appendices:	Nil

Date:	16 August 2012
Reporting Officer:	A. Lantzke
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That pursuant to the *Dog Act 1976*, Council

1. Dismisses the objection regarding the decision to declare Dog 23100 as a 'Dangerous Dog'.
2. Supports the Officers decision in declaring Dog 23100 as a 'Dangerous Dog'.
3. Advises the applicant of their right of appeal to this decision.

- Dog 23100 was declared Dangerous by Town Officers on 25th July 2012 in relation to an alleged dog attack.
- Under the Dog Act 1976 the owner of the dog has the right to have an objection to this decision heard by the Town. If the objection is dismissed, the owner has a subsequent right of appeal to the State Administrative Tribunal.

TABLED ITEMS:

- Copy of Assessment of Dog 23100 (confidential memorandum).

BACKGROUND:

On 25 July 2012 a dog registered as Dog 23100 was Declared Dangerous by a Town of Victoria Park Ranger. In accordance with the provisions of the *Dog Act 1976* (the Act) the dog's owner (the applicant) has submitted an objection to this decision which must now be considered by Council.

Dog 23100 and a second dog, Dog 22760, both reside at the same property. Dog 22760 is a black, female Rottweiler cross breed, owned by another resident at the property. Dog 23100 is a brindle coloured, male Bullmastiff/Staffordshire Bull terrier crossbreed owned by the applicant. Only the Dog 23100 is subject to the declaration and the subsequent objection, although both dogs were involved in the incident leading to the declaration.

(To be confirmed on the 9 October 2012)

DETAILS:

The following table outlines the history of events relating to dogs at the property.

No	DATE	EVENT	DETAILS	OUTCOME
1	29/09/2011	Service Request 56015	Dog Wandering	No dog sighted
2	4/10/2011	Service Request 56117	Dog Wandering	Written Warning for unregistered dog. Dog 23760
3	16/11/2011	Warning 4002201	Dog Wandering	Issued to the housemate of the applicant. Dog 23760
4	16/11/2011	Warning 4002200	Unregistered Dog	Issued to the housemate of the applicant. Dog 23760
5	18/11/2011	Registration	Dog 22760	
6	7/12/2011	Service Request 57469	Dog wandering	Warning and Infringement Issued. Fencing improvements made. Unclear which dog.
7	15/12/2011	Warning 182501	Failure to provide means to confine dog	Issued to the housemate of the applicant
8	4/01/2012	Infringement 3000016	Failure to provide means to confine dog	Issued to the housemate of the applicant (remains unpaid)
9	29/06/2012	Service Request 61605	Dog Barking	Barking diary issued to complainant
10	23/07/2012	Service Request 61975	Both Dogs Wandering	On investigation dog attack complaint revealed. Infringements issued. Dog Declared Dangerous
11	24/07/2012	Registration	Dog 23100	
12	31/07/2012	Infringement 3004000	Dog not held by leash in public place	Issued to the applicant. Dog 23100
13	1/08/2012	Infringement 3004003	Dog not held by leash in public place	Issued to the housemate of the applicant. Dog 23760

Although this history includes offences and incidents by the second dog or the housemate of the applicant both dogs are cared for by both residents of this property. This history establishes the manner in which both dogs have been controlled in the past.

(To be confirmed on the 9 October 2012)

The Dangerous Dog Declaration has been issued against the Dog 23100 because in the opinion of an authorised officer it has caused an injury to another animal. Namely it has caused an injury to the nose of the dog residing at a neighbouring property. At the time of this incident the neighbour's dog was secured on the property.

The applicant is objecting to the Declaration for 2 reasons:

1. The owner does not believe that her dog has injured the neighbour's dog.
2. The owner believes that her dog's behaviour was provoked by the neighbour's dog and by the circumstances of being cornered by Rangers at the end of a Right of Way.

These arguments are detailed in the confidential memorandum sent under separate cover.

A copy of an assessment of the dog has been tabled in relation to sociability with humans. The assessment "*showed a moderate level of sociability towards humans. His body language throughout the assessment did show low confidence in this particular context*".

In this instance the applicant's neighbour has witnessed an incident where her dog (22176) was involved in a scuffle at her back gate, which has resulted in an injury to its nose. This gate borders the Right of Way where Dogs 23100 and 22760 were wandering. Dog 22176 is also a Declared Dangerous Dog however since being declared it has not been involved in any reported incidents. Dog 22176 was secured on private land at the time of this incident.

The attending Rangers have identified that when they attended they did corner the two dogs in the Right of Way in an attempt to get them to return to their property. Despite this the level of aggression and nature of the attack on the Officers was significant. The Officers have detailed how despite backing approximately 16 metres away Dog 23100 continued to rush at them in an extremely aggressive manner. The attending Officers are both very experienced and both indicated that the behaviour shown by this dog was extremely aggressive and above the standard level of aggression for a dog in a public place.

The history relating to these dogs and their owners, shown above, indicates that they have failed previously to adequately fence and control their dogs in accordance with *the Act*. The owners have also failed to act in a timely manner when issues of fencing and dogs wandering have previously been brought to their attention, resulting in the issuance of fines, warnings and infringements. Combined with the demonstrated aggression of Dog 23100 it is considered that the risk of further attacks is high unless the owner takes the required action to comply with the Declaration.

Although the dog has been assessed, and has shown a moderate level of sociability towards humans no assessments of the dogs sociability towards other animals has occurred. Additionally the dog's owner has made no commitment to take actions to ensure that similar instances do not occur or to undertake animal behavioural training. Animal behavioural training is recommended in these cases to address behavioural issues of the dog and also to increase the owner's awareness of the causes of their dog's behaviour and what they can do to control it. The assessment details that have been submitted are limited and do not make recommendations to the owner about what can be done to minimise the risk of further incidents.

(To be confirmed on the 9 October 2012)

If the applicant fails to comply with the declaration, Town Rangers will have additional powers provided by the Declaration including greater penalties, the power of seizure or the power of destruction of the dog. These powers enable Officers to adequately address any ongoing risk if the applicant fails to adequately control the dog.

Legal Compliance:

Dog 23100 has been Declared Dangerous in accordance with *Section 33E(1)* of the *Dog Act 1976*.

In accordance with *Section 33F* if the applicant is not satisfied with the decision of Council they may have this matter reviewed by the State Administrative Tribunal.

While this objection is being heard the dog owner must ensure that the dog is muzzled and held on a lead when in any public place but does not need to comply with any other requirements of the declaration.

COMMENT:

The Council has three courses of action available to it. It may:

1. Dismiss the objection entirely.
This will mean that the Declaration will remain in force. The applicant will have the option to have this decision reviewed by the State Administrative Tribunal or alternately the owner can request for a review of the declaration in the future. The Notice of Declaration recommends to the applicant that an Animal Behaviourist be employed and suggests that the Town would be willing to review the Declaration if a course of suitable animal behavioural training for the animal has been undertaken. This acknowledges that if the dog owner takes suitable action to address the identified risk the declaration may be removed. This is a standard provision in all declarations issued by the Town. This is the recommended option.
2. Alter the Declaration.
The Council can alter the declaration by adding additional requirements or removing some. The applicant is not seeking an alteration of the declaration. Many of the provisions of this declaration are set out in the Act and cannot be altered.
3. Revoke the Declaration.
If the Council agrees with the applicants objection they can revoke the Declaration in its entirety.

Officers have advised that when issues have been put to the applicant the attitude of the applicant has been less than satisfactory. This has included statements that the gate will not be locked or latched and that infringements will not be paid. Complaints relating to this dog indicated that neighbours are not able go about their lawful business, without being in fear of attack from the dog when it is out wandering.

The listed infringements are unpaid at the time of drafting this report.

(To be confirmed on the 9 October 2012)

CONCLUSION:

Dog 23100 has shown an aggressive nature and has caused injury to another animal. In addition to this the owner of Dog 23100 has not shown a reasonable level of responsibility in addressing issues relating to non-compliance with *the Act*. A high risk of future attacks exists. For this reason it is recommended that the objection be dismissed.

OFFICER RECOMMENDATION:

That pursuant to the *Dog Act 1976*, Council:

1. Dismisses the objection regarding the decision to declare Dog 23100 as a 'Dangerous Dog'.
2. Advises the applicant of their right of appeal to this decision.

ALTERNATE MOTION:

Moved: Councillor Skinner

Seconded: Councillor Vilaca

The item be deferred to the October 2012 Ordinary Council Meeting.

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

Mr Nathan Cain left the meeting at 7:29pm

14.5 Review of Parking Local Law

File Reference:	ADM0058
Appendices:	Yes

Date:	10 August 2012
Reporting Officer:	A. Lantzke
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – The Town amends its Parking and Parking Facilities Local Law 2008.

- The Council resolved at its meeting held on 13 March 2012 that the Administration be requested to present a report back to Council on controlling the parking of heavy and long vehicles around schools within the Town.
- To implement improved control and restriction on heavy and long vehicles in the Town an amendment to the Town’s *Parking and Parking Facilities Local Law 2008* would be required.
- On 8 May 2012 Council resolved to begin the process of reviewing this Local Law by inviting public comment.
- The allowed time for public comment has now been completed.

TABLED ITEMS:

Nil

BACKGROUND:

In late 2011 the Town’s Administration liaised with a local car dealership to try to resolve ongoing issues relating to car carrier trucks parking illegally. The result of these negotiations was the installation of an additional loading zone, the extension of an existing loading zone and an undertaking from the car dealership to direct its drivers to only use the loading zones or the dealerships own private property.

This has resulted in a significant decrease in the number of car carriers parking inappropriately. Car carriers that are not directly controlled by the dealership are reportedly still parking in close proximity to an adjacent primary school, which was part of the reason for the initial remediation works.

The Town is also currently undertaking a significant review of its parking management activities.

DETAILS:

The process of reviewing the Town’s *Parking and Parking Facilities Local Law 2008* commenced in May 2012. The first step provided an opportunity for public comment on the Local Law. No submissions on the Local Law have been received to date.

(To be confirmed on the 9 October 2012)

During this time a list of proposed amendments has been finalised. These proposed amendments include changes aimed at addressing the issue of car carriers:

The next step in reviewing this Local Law is to either:

1. Decide that no changes to the existing Local Law will be made,
2. Make a recommendation for the adoption of an 'amendment' Local Law which will detail what changes to the existing Local Law should be made, or
3. Make a recommendation to adopt a new Local Law and in the process repeal the old one.

In this instance it is recommended that the Council adopt 12 amendments to the current Local Law. These amendments are not considered substantial and as such an amendment Local Law is sufficient. A proposed *Parking and Parking Facilities Amendment Local Law 2012* containing the recommended amendments is contained within the appendices.

A summary of the 10 recommended amendments is as follows:

	CHANGE SUMMARY	JUSTIFICATION
1	Change to allow 'car carriers' as a class of vehicle to be specifically targeted by restrictions.	This change will allow the Town to specifically deny car carriers or other classes of vehicle, access to parking in specific areas.
2	Combine the offences of parking overtime and moving a vehicle to avoid a time restriction.	This change will ensure that Authorised Officers can effectively ensure that drivers cannot avoid time limits by simply moving their vehicle within the same street or parking station. This will support time restrictions that aim to facilitate turnover of vehicles.
3	Add parking facilities and parking areas to the list of places that can be metered.	This will ensure that if the Town introduces metered parking in the future it will have the flexibility to also do so in parking areas and parking stations and not just on a thoroughfare or reserve.
4	Add an offence for moving a vehicle to avoid a time limit in a metered zone.	This will ensure that time limits in any future metered zones cannot be avoided by simply moving a vehicle within the same street or parking station.
5	Add an offence for not parking wholly within a parking stall in a parking station.	This change allows infringements to be issued to vehicles parking outside marked bays in areas such as the King George Street car park or the Aqualife car park.
6	Add an offence for a driver not using a parking ticket machine correctly.	If in the future the Town adopts 'pay by plate' or 'pay by bay' parking technology this will ensure that drivers are required to enter their vehicle registration number or other information accurately and cannot avoid the limitations by entering incorrect information.
7	Improve the clause that allows Officers to deal with abandoned vehicles.	In a previous Court Hearing the Magistrate highlighted that the existing wording of this clause was poorly written and could be difficult to enforce

(To be confirmed on the 9 October 2012)

	CHANGE SUMMARY	JUSTIFICATION
		or interpret.
8	Increase the penalty for 'Stopping in Disabled Parking Area' from \$120 to \$500.	This change reflects changes made in the Town of Cottesloe and is proportionate to the nature of this offence and its impact on legitimate users of these bays.
9	Adjust the definition of 'Special purpose vehicle' to include local government vehicles.	In 2008 when the existing Local Law was adopted the definition of a 'special purpose vehicle' was changed. The new definition excludes local government vehicles such as those used by Parks, Rangers or Parking Officers from parking in contravention of parking restrictions. As part of their duties specific Council staff are at times required to park in contravention of parking restrictions. For example a Parking Officer enforcing parking in a congested area, a Ranger stopping to stop a dog wandering in traffic, or a parks officer parking to undertake tree maintenance. If this change is made drivers of Council vehicles will only be able to park in contravention of parking restrictions: <ol style="list-style-type: none"> 1. In accordance with policies and procedures relating to their role, 2. Only when it is safe and expedient to do so. This is a very important change which if not endorsed could have significant impacts on the ability of some business units to undertake their work efficiently.
10	Allow Taxi's to use Loading Zones to collect or drop off passengers.	This will allow Taxis to use loading zones to pick up or drop off passengers but not in a manner that significantly obstructs their use by commercial vehicles. Drivers will not be able to leave the vehicle unattended and can only stop for 2 minutes.
11	Addition of new specified 'Parking Stations'	The Town can enter into agreements with the residents or managing agents of private land to help control parking on private land. Adding portions of land as a specified 'Parking Station' allows the Town to enforce all of the restrictions listed in the Local Law on that land if an agreement is in place. If the land is not listed as a parking station then only two offence types can be applied. The areas that are recommended for inclusion are: <ul style="list-style-type: none"> • Lot 123 (88) Hampshire Street, East Victoria Park known as Fraser Park and the area identified as 'Fraser Park Road'. • Lot 66 Burswood Road, Burswood (Right of Way of Burswood Road. • Lot 67 Burswood Road, Burswood (Right of Way of Burswood Road.

(To be confirmed on the 9 October 2012)

	CHANGE SUMMARY	JUSTIFICATION
		<ul style="list-style-type: none"> • Lot 301, 1 MacKay Street, Belmont • Lot 300, 301 and 303, 201 Great Eastern Highway Burswood. Known as Burswood Park. • Lots 6, 10, 12, 13, 14, 15 and 1066, 201 Great Eastern Highway, Burswood. Known as Burswood Entertainment Complex. <p>Adding these portions of land will ensure that if the Town enters into future agreements to control parking on these portions of land all of the provisions of the Local Law can be used.</p>
12	Amendments to the provisions controlling parking permits	The proposed changes aim to add flexibility to the way in which the Town can design an appropriate permit system to support parking management activities. It also removes the ability for people other than residents to get a Residential Parking Permit.

Legal Compliance:

The process for adopting an amendment Local Law is the same as adopting a new Local Law and is outlined as follows in *Section 3.12 of the Local Government Act 1995*

“3.12. Procedure for making Local Laws

(1) In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.

(3) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to make a Local Law the purpose and effect of which is summarized in the notice;

(ii) a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

(b) as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed Local Law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the Local Law as proposed or make a Local Law* that is not significantly different from what was proposed.*

** Absolute majority required.*

(To be confirmed on the 9 October 2012)

(5) After making the Local Law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister.

(6) After the Local Law has been published in the Gazette the local government is to give local public notice —

(a) stating the title of the Local Law;

(b) summarizing the purpose and effect of the Local Law (specifying the day on which it comes into operation); and

(c) advising that copies of the Local Law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of Local Laws they have made and any explanatory or other material relating to them.

(8) In this section —

“**making**” in relation to a Local Law, includes making a Local Law to amend the text of, or repeal, a Local Law.”

“Notice of purpose and effect of proposed local law — s. 3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.”

Pursuant to the abovementioned Regulation, the purpose and effect of the proposed Parking and Parking Facilities Amendment Local Law 2012 which must be contained within the Council Agenda and Minutes is as follows:

Purpose:

“The purpose of the proposed Parking and Parking Facilities Amendment Local Law 2012 is to make amendments to the provisions of the Town of Victoria Park Parking and Parking Facilities Local Law 2008 relating to the limitation and management of parking within the Town.”

Effect

“The effect of the proposed Parking and Parking Facilities Amendment Local Law 2012 is that parking within the Town of Victoria Park shall be governed by the amended Parking and Parking Facilities Local Law 2008 unless otherwise provided by the Act, regulations or other written law.”

Policy Implications:

Nil

Strategic Plan Implications:

This recommendation is consistent with the Town's Plan for the Future.

(To be confirmed on the 9 October 2012)

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

The proposed amendments to the Local Law support the general aims of parking management in supporting local business by:

- enabling Authorise Officer to effectively enforce parking restrictions, and
- altering allowed or prohibiting specific parking behaviours

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The review of this Local Law is timely with current reviews of parking management in all recognised Hotspot Areas and the development of the Integrated Movement Network Strategy. The review of the Local Law will give further public input into parking management and will also provide an opportunity to strengthen the legislative framework used to enforce parking restrictions in the Town.

The changes proposed in the amendment Local Law will allow the Town to address the issue of car carriers parking in specific areas and will also strengthen other aspects of the Local Law.

It is important to note that final approval of any amendment to the Local Law is given by the Parliamentary Joint Standing Committee on Delegated Legislation.

Subsequent to the required 6 week public review period a report will be submitted to Council recommending that Council make the amendment Local Law. This will require an absolute majority.

CONCLUSION:

The Town's current *Parking and Parking Facilities Local Law 2008* does not provide for a parking restriction targeting heavy and long vehicles specifically. As such the making of the *Parking and Parking Facilities Amendment Local Law 2012* is recommended to address this issue and at the same time improve other aspects of the Local Law.

(To be confirmed on the 9 October 2012)

RESOLVED:

Moved: Councillor Potter

Seconded: Councillor Skinner

In accordance with *Section 3.12* of the *Local Government Act 1995* the Council approves the Draft *Parking and Parking Facilities Amendment Local Law 2012* as contained within the appendices as the basis for public consultation, for a period of not less than 44 days, with the following purpose and effect:

“The purpose of the proposed Parking and Parking Facilities Amendment Local Law 2012 is to make amendments to the provisions of the Town of Victoria Park Parking and Parking Facilities Local Law 2008 relating to the limitation and management of parking within the Town.”

“The effect of the proposed Parking and Parking Facilities Amendment Local Law 2012 is that parking within the Town of Victoria Park shall be governed by the amended Parking and Parking Facilities Local Law 2008 unless otherwise provided by the Act, regulations or other written law.”

The Motion was Put and

CARRIED: (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ashton; Cr Hayes; Cr Nairn; Cr Potter; Cr Skinner; Cr Vilaca

15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Question 1

Cr Nairn asked if the division of the Town area has been confirmed at this stage?

Answer

Mayor Vaughan confirmed that the review will be at the end of the month.

Question 2

Cr Vilaca asked what works had been undertaken on the "Cake Bin"?

Answer

Mr Vuleta confirmed that the damaged door was fixed and an Artwork Plaque was placed in front of the bin.

Question 3

Cr Hayes asked if Movies by Burswood had been notified of their application not being extended and if a 6 month reminder notice had been sent out?

Answer

Mr Kyron informed Council that this should have been done as an OCM resolution process.

18 NEW BUSINESS OF AN URGENT NATURE

Nil

19 PUBLIC QUESTION TIME

Mr David Crann, 443 Albany Highway, Victoria Park

Mr Crann asked if the \$465 spent on Cr John Bissett can be clarified in further detail and why was \$1400 spent on Media Training for the Mayor and CEO?

(To be confirmed on the 9 October 2012)

Answer

Mr Kyron informed Mr Crann that the in-house media training was provided to the Mayor and Executive Group in how to deal with the Media. Mr Kyron also informed Mr Crann that at present the Director of Business Life had to step out of the meeting and is not present to further clarify the \$465 expense query.

20 PUBLIC STATEMENT TIME

Mr Ian Meredith,

Thanked the Council for their assistance.

21 MEETING CLOSED TO PUBLIC

21.1 Matters for Which the Meeting May be Closed

Nil

21.2 Public Reading of Resolutions That May be Made Public

N/A

22 CLOSURE

There being no further business the Mayor declared the meeting closed at 7.41pm.

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

Signed: Mayor

Dated this Day of 2012