

agenda

Special Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that a **Special Meeting of Council** will be held at **5.30pm** on **Wednesday 18 December 2013** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in blue ink, appearing to read "Tina Ackerman".

TINA ACKERMAN
ACTING CHIEF EXECUTIVE OFFICER

13 December 2013

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1 OPENING

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

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders 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

3 ATTENDANCE

Mayor:

Mr T (Trevor) Vaughan

Banksia Ward:

Cr C (Claire) Anderson (Deputy Mayor)
Cr K (Keith) Hayes
Cr M (Mark) Windram

Jarraah Ward:

Cr V (Vince) Maxwell
Cr D V (Vin) Nairn
Cr B (Brian) Oliver
Cr V (Vicki) Potter

Chief Executive Officer:

Mr A (Arthur) Kyron

Directors:

Mr A (Anthony) Vuleta
Mr N (Nathan) Cain
Ms R (Rochelle) Lavery
Ms T (Tina) Ackerman

Secretary:

Mrs A (Alison) Podmore

Public:

3.1 Apologies

3.2 Approved Leave of Absence

Banksia Ward

Cr J (John) Bissett

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

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

Declaration of Proximity Interest

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

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

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

Declaration of Interest affecting impartiality

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

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

5 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)**6 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)**

7 REPORTS

7.1 Lathlain Park: Major Land Transaction Plan with the West Coast Eagles – Analysis of public submissions

File Reference:	PAR/4/0007
Appendices:	Yes

Date:	17 December 2013
Reporting Officer:	B. Rose
Responsible Officer:	A. Kyron
Voting Requirement:	Simple Majority and Absolute Majority

Executive Summary:

Recommendation – that Council receive all public submissions on the Major Land Transaction Plan, and on consideration of those submissions, instructs the Chief Executive Officer to progress the preparation of draft lease documentation for its consideration for approval for execution.

- The West Coast Eagles and the Town of Victoria Park have executed a Heads of Agreement which establishes the principles by which the potential relocation of the West Coast Eagles to Lathlain Park could occur.
- Community consultation on the proposal has been undertaken, and has now concluded. A limited number of submissions were lodged. Council is asked to consider the submissions.
- Although principally supportive of the proposal, some submissions identified potential issues, chiefly regarding traffic and parking matters.
- On the balance of submissions, and the suite of remedy mechanisms available, it is recommended that the Council to proceed with the land transaction.

TABLED ITEMS:

Nil

BACKGROUND:

On 5 September 2013, the Council unanimously resolved to execute a legally binding Heads of Agreement with the West Coast Eagles. The Heads of Agreement established the principles under which further detailed project feasibility analysis would be undertaken in partnership. One of these key principles included robust engagement and consultation with the community on the required Major Land Transaction Plan.

Legislation guiding preparation and advertising of Major Land Transaction Plans requires, at a minimum:

- State-wide notification of the Plan (typically in the West Australian newspaper);
- 42 days of public advertising period, within which submissions may be lodged;
- A copy of the Major Land Transaction Plan available at the Council office.

Given the importance of this proposal to the Town, community consultation on the matter was further extended to include:

- A community question-and-answer open day at Lathlain Park;
- A mail-out to nearby residents and landowners (~2,500 information packs posted);
- State-wide notification (The West Australian) and local notification (Examiner / Southern Gazette) of the Major Land Transaction Plan in newspapers;
- Electronic copy of the Major Land Transaction Plan available via the Council website;
- Electronic social media distribution and awareness of the Major Land Transaction Plan and submission period;
- Copies of the Major Land Transaction Plan available at all Council Buildings (Administration Office, Leisurelife, Aqualife, Library);
- Hard-copy and electronic lodgement of submissions; and
- Point-of-contact representative of Council staff to answer phone, counter and email enquiries to assist community members with lodging submissions.

In addition to the above consultation exercises, the Council had already commenced discussion with the local community on this important proposal. On 21 August 2013, a community forum was held at the Lathlain Function Centre (Lathlain Park) to seek early and 'principle-based' input from local residents and landowners. Approximately 100 – 150 people attended this event.

As a précis, key elements of the proposal between the Town and the West Coast Eagles include:

- Two AFL standard ovals, with a synthetic running track around the new oval;
- Multiple parking nodes around the site to cater for weekday activity (employees and players);
- Substantial on-street and verge parking for Perth Football Club game days (10 home games a year);
- As much community access to the site as possible;
- Perth Football Club to remain on-site, in their present location;
- West Coast Eagles lease of the site for 50 years (plus a 49 year option), in return for:
 - \$1M contribution to the Perth Football Club towards new club buildings;
 - \$1M contribution to the Town towards upgrades to the remainder of Lathlain Park (playground areas, parking, landscaping, parks, picnic areas, barbeques, multi-purpose courts etc); and
 - A host of localised community and business benefits (defined later in this Plan); and
- Substantial training and administration buildings, funded and built by the West Coast Eagles, on the southern side of Lathlain Park (Bishopsgate Street).

For reference, a full copy of the Major Land Transaction Plan is appended to this Agenda item as Appendix 1.

DETAILS:

The public consultation period commenced on Saturday 2 November 2013 with a public notice in the West Australian newspaper and concluded at the close of business on Monday 16 December 2013 – a total of 44 days. Additional public notices were placed in the Examiner and Southern Gazette newspapers. There were:

- 39 submissions lodged during this period (33 electronically and six by post). Copies are under a separate cover.
- 32 people who registered their attendance at the open-day session on Saturday 30 November 2013 (although there was closer to 50 people who actually attended);
- Five (5) phone calls to the nominated enquiries Officer of the Town;
- 1988 contacts reached by the Council Facebook profile (managed by the Town's Digital Marketing Coordinator), generating 49 'shares' of information (refer Appendix 2 for full details); and
- No front counter enquiries.

A comprehensive analysis of submissions is included as Appendix 3 to this report, including detailed commentary and responses from the Executive. A summary of the comments made, and responses proposed, is provided in this section of the Agenda item.

Summary of Submissions

In the main, submissions focussed on; traffic and parking, noise, loss of public open space, loss of trees, commerciality of lease conditions and urban design outcomes.

Key concerns relate to traffic and parking; particularly regarding existing traffic levels and street parking and how the proposal could exacerbate the situation. Fundamentally, these concerns must be addressed if the project is to proceed; however can only be addressed as part of a 'Traffic and Parking Study' lodged with a detailed Planning Application. It is at the Planning Application stage that details such as floor spaces, land uses, occupancy levels, car parking locations/numbers and ingress and egress points are determined. A Traffic and Parking Study will identify a range of transport management measures to deal with any problems, for example; traffic calming measures, traffic management and safety measures, street parking permits, parking time zones etc. Preliminary traffic modelling suggests minimal traffic volume increases, within normal residential street standards. A more 'detailed summary' of traffic and parking matters is provided in the next section of this Agenda item.

The terms of the (potential) lease with the West Coast Eagles was also raised. Comments in this regard related to 'cure clauses', termination clauses, length of the lease, maintenance agreements and the amount of rates to be charged. All of these matters can be addressed (and remedied, where needed) through specific clauses in the (potential) lease.

A concern regarding additional noise from the site was also raised by a number of residents. There was also a suggestion that no functions or performances should be held at the oval (e.g. Big Day Out concert). Noise levels are controlled by legislation, namely the *Environmental Protection Act 1986* and as such any activities on either oval (or at the site more generally) will have to comply with this legislation. The Town has additional powers under town planning legislation and the terms of the lease to deal with these concerns.

Loss of public open space, dog exercise areas, tennis courts and trees were also expressed as issues. The Town intends to provide these facilities either on-site or in close proximity and extensive use of the redeveloped park will be available to the public for passive and active use. Where possible, trees will be protected; however this information will only be available when a detailed Planning Application is lodged.

Urban design issues were raised relating to the architecture and location of buildings. These issues need to be addressed as part of the Planning Application process when detailed designs are being prepared. Close involvement with neighbouring and nearby residents during the planning and design phases is recommended.

Traffic, Transport and Parking Matters

Approximately two-thirds of all responses to the Major Land Transaction Plan have included some queries, issues or concerns in relation to localised traffic and transport issues. Although some of these concerns relate to wider area traffic management, which may not be directly related to the proposal, those residents and businesses that included traffic issues in their responses focussed on:

- On-street parking;
- Parking on-site;
- Increase in traffic; and
- Traffic management.

On-street parking was raised as an issue, particularly regarding the potential for vehicles to over-flow into adjoining residential streets on Perth Football Club 'home games' which would otherwise be used by residents or visitors to residential properties. Parking on-site was raised as an issue in terms of the number of bays and access to those bays. A number of responders expressed concern about there not being enough parking on-site to satisfy demand and also that access from streets other than Roberts Road could cause issues for residents.

The objectives for the Town through this project should be to ensure there is adequate reciprocal on-site parking for all day-to-day scenarios, and for the 10 Perth Football Club 'home games' each season to be supported with structured verge-parking surrounding the site (chiefly McCartney Crescent, Goddard Street and perhaps Bishopsgate Street too, if needed).

During 'weekday office hours' there may be up to ~200 people on site (including West Coast Eagles staff, West Coast Eagles players, Perth Football Club staff and visitors to the site). This number of bays can easily be accommodated across the site. During 'weekday evenings' when the Perth Football Club players train (and when West Coast Eagles staff have left for the day), there may be up to 70 players and coaching staff on site. In this instance, there will be plenty of parking bays available with at least 100 bays left over for the public to use for visiting the site. For the 10 Perth Football Club 'home games' each year, both the on-site parking bays and the structured verge-parking bays will be used to minimise any flow-on parking impacts into adjacent residential streets.

Concern regarding increases in traffic volumes was directed at wider area impacts, as well as queries of the preliminary traffic assessment undertaken to support the Major Land Transaction Plan. The increase of traffic was also seen as a depreciating factor for the local area in terms of safety issues and change in character of the streets of Lathlain and Carlisle.

Traffic management issues related to provision of traffic management devices and potential for rat-runs to evolve as well as greater prevalence of speeding vehicles.

The issues raised within the submissions can all be addressed through the relevant technical support documents to be developed – notably the Traffic and Parking Study.

Legal Compliance:

Section 3.58 of the *Local Government Act 1995* (the Act) requires the details of any lease to be publicly advertised (for a minimum of two weeks) prior to entering into the lease agreement.

Section 3.59(5) of the Act requires that:

“After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.”*

Effectively, Council is statutorily bound to consider the lodged submissions, after the due date, prior to making a decision on whether to proceed with the land transaction, or not.

The Town of Victoria Park Delegation Schedule does not devolve decision-making on leases to the Chief Executive Officer. Council must review the terms of the lease and make a decision on the matter. In addition, as a Metropolitan Region Scheme Reserve (i.e. not a ‘local reserve’), any lease on Lathlain Park requires pre-approval from the Western Australian Planning Commission (WAPC). The Chief Executive Officer and Strategic Projects Consultant met with Eric Lumsden (then the dual Director General of the Department of Planning and Chairman of the WAPC) on 26 September 2013 to introduce the matter and seek early recognition of any potential ‘challenges’ from the WAPC. Mr Lumsden’s response was very positive and indicated the proposal accords with the ‘Recreation Reserve’ status of Lathlain Park. Mr Lumsden has since relinquished his role as the Director General, however has maintained the Chairman role.

Policy Implications:

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

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

Each one of these documents maintains a common theme; cost effect revitalisation (both capital and recurrent costs) of Lathlain Park for active and passive recreation uses and broad community accessibility. The proposal under consideration, including the response to public submissions, is certainly cognizant of this policy position.

Strategic Plan Implications:

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

Financial Implications:Internal Budget:

Sufficient funds are available within the Budget to discharge the Town’s responsibilities under the presently executed Heads of Agreement. Sufficient funds are also available within the Budget and Long Term Financial Plan to complete the Town’s portion of the project.

Total Asset Management:

The proposal significantly reduces the asset management liability of the Town at Lathlain Park, while achieving outcomes generally in alignment with previous planning for the site, albeit at a smaller scale.

Sustainability Assessment:

A socio-economic impact assessment of the proposal has been undertaken on behalf of the Town and the West Coast Eagles, by Deloitte Access Economics. The full report is appended to this Agenda item as Appendix 4. Key findings of the assessment include:

Economic

- The WCE contribute \$48 million in value added to the Western Australian economy each year.
- The ‘economic footprint’ of the West Coast Eagles, following its relocation to Lathlain Park, has the potential to act as a catalyst for further private economic development, particularly in retail and hospitality. Currently there are just six businesses with greater than 200 employees in the Lathlain Park area.
- The \$72.3 million capital injection arising from the redevelopment of Lathlain Park (investment by West Coast Eagles, Perth Football Club and the Town) is expected to result in a \$9.6 million increase in Western Australia’s Gross State Product (total effect) and is expected to employ an additional 53 FTEs during the construction phase.

Social

- The majority of the West Coast Eagles’ community development programs are expected to be run from the Lathlain Park precinct with an increased emphasis on supporting the local community (the Town and City of Belmont in particular).
- The David Wirrpanda Foundation will be located at the new facility – the Foundation employs 25 full time equivalent staff and with the support of approximately 4,000 volunteer hours per year, undertakes nine different Indigenous community programs. All nine programs will be available to local residents.
- The Eagles in the Community will be co-located with the Foundation – the Eagles in the Community employs six full time equivalent staff and has 11 community programs. Many of these programs will be delivered from Lathlain Park.
- The community activities primarily target four areas; indigenous outcomes, health outcomes, schooling and education outcomes and employment outcomes. These

targets are particularly relevant for Town and the City of Belmont and, as such, there is great potential for the West Coast Eagles community development programs to raise health, employment and education levels in the local community.

- The following scenarios, while ambitious, demonstrate that additional community programs have the potential to reduce the gap in outcomes between Indigenous and non-Indigenous residents, and the local community and Western Australia more broadly.
- Indigenous programs could potentially support 'closing the gap' in Indigenous employment outcomes in the community (relative to non-Indigenous outcomes in the community):
 - Lower the Indigenous unemployment rate by 16.5 percentage points in ToVP and 20.1 percentage points in the City of Belmont.
 - Raise the labour force participation of Indigenous residents in ToVP by 14.0 percentage points and by 28.9 percentage points in the City of Belmont.
 - Close the income gap through an increase in average weekly earnings of \$171/week (or \$8,900/year) in ToVP and \$326/week (or \$16,950/year) in the City of Belmont.
- Education and schooling programs targeting young people in the region surrounding Lathlain Park could potentially raise education outcomes to the levels of more affluent suburbs such as Subiaco:
 - Year 12 completion rates in ToVP could rise by 27 percentage points while completion rates of City of Belmont residents could rise by 15 percentage points.
- Health programs undertaken by the West Coast Eagles have the potential to increase the average health of local residents to at least the state-wide average:
 - The proportion of residents who smoke in the Town could reduce by 1.7 percentage points (approximately 550 people) to equal the Western Australian average.
 - The proportion of City of Belmont residents with Type 2 diabetes could reduce by 0.4 percentage points (approximately 140 people) to equal the Western Australian average.
 - The proportion of Town residents reporting 'fair' or 'poor' on health measures could reduce by 2.8 percentage points (approximately 900 people) to equal the Western Australian average.

COMMENT:

Given the scale of the proposal and the extent of community engagement undertaken by the Town on the project over the past few months, the number of submissions received (39) is quite small. Although the majority of submissions were generally supportive of the proposal, at least on an in-principle basis, there were concerns raised, particularly regarding traffic and parking impacts. These impacts, and others, can all chiefly be resolved or mitigated through subsequent design, planning and approvals stages. The Town must acknowledge that no matter how well designed, executed and maintained the project is, there will none-the-less be impacts of the change on nearby residents. The decision to proceed, then, must be guided by Council's level of comfort that these impacts can be mitigated to an acceptable level through:

- terms of the lease with the West Coast Eagles and Perth Football Club;

- conditions of planning, building and environmental health approvals;
- conditions of State approvals for noise, light and licensing;
- site and landscape designs by the Town and the West Coast Eagles; and
- the daily operational practices for the site by the Town, the West Coast Eagles and the Perth Football Club.

If Council resolves to progress with the proposal, the following key steps will need to be set into action by the Executive over the next ~six months:

1. Preparation of draft lease documentation (via the Town's solicitors);
2. Review and endorsement of lease documentation by the WAPC;
3. Public advertising of the intended lease for a minimum of two weeks, including a description of the property concerned and the details of the intended disposition (as per section 3.58(3)(a) of the Act);
4. Council consideration of public submissions and approval, with or without modifications, of the lease; and
5. West Coast Eagles, Town and Perth Football Club to commence site planning and design processes.

Detailed site designs, planning approvals, landscaping designs, demolition approvals building approvals, site works and many other steps will need to be coordinated by the Town from mid-2014 onwards.

CONCLUSION:

Despite a comprehensive community engagement program, limited submissions have been received. One perspective of this situation could be that the proposal is generally acceptable to the community, not giving rise to a 'backlash campaign' or a flood of unsupportive submissions. Those submissions received are generally supportive of the principle of the Lathlain Park being established as the training and administration 'headquarters' for the West Coast Eagles, albeit with concerns chiefly regarding flow-on traffic and parking issues. The Town is capable, and enabled through powerful legislation, to remedy and / mitigate any concerns raised.

RECOMMENDATION/S:

That the Council:

1. **Receives all lodged submissions on the Lathlain Park Major Land Transaction Plan, which were circulated under a separate cover;**
2. **Receives the flyt 'Consultation Response Assessment' report as contained within Appendix 3;**
3. **Receives the Deloitte Access Economics 'West Coast Eagles Relocation to Lathlain Park – Economic and Community Impacts' socio-economic impact assessment as contained within Appendix 4;**

4. **Following consideration of all lodged submissions on the Lathlain Park Major Land Transaction Plan, endorses the responses to submissions as included within the flyt 'Consultation Response Assessment' report as contained within Appendix 3;**
5. **Instructs the Chief Executive Officer to advise each submitter on the Lathlain Park Major Land Transaction Plan of the Council's decision; and**
6. **BY AN ABSOLUTE MAJORITY, instructs the Chief Executive Officer to prepare draft lease documentation for presentation back to the Council for consideration for approval for execution.**

(Absolute Majority Required)

7.2 Confidential HR Matter

This Report is issued under a separate cover.

8 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)

9 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)

10 MEETING CLOSED TO PUBLIC

10.1 Matters for Which the Meeting May be Closed

Item 10.1.1 Confidential HR Matter

10.2 Public Reading of Resolutions That May be Made Public

11 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

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

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

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

Note: Motions to Stand Alone

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

Reason:

Note: Explanation for changes to Recommendations

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