



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at 6.30pm on Tuesday
Date 2011 in the Council Chambers, Administration Centre, 99 Shepperton Road,
Victoria Park.

A handwritten signature in black ink, appearing to read "Kyron", is positioned above the name of the Chief Executive Officer.

**ATHANASIOS (ARTHUR) KYRON
CHIEF EXECUTIVE OFFICER**

4 November 2011

AGENDA
Ordinary Council Meeting
8 November 2011

**Ordinary Council Meeting
Council Chambers, 99 Shepperton Road, Victoria Park
Tuesday, 8 November 2011
6.30pm**

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1. OPENING AND PRAYER

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

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I would like to 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. ATTENDANCE AND APOLOGIES

Attendance:

Mayor: Mr T (Trevor) Vaughan

Banksia Ward: Cr C (Claire) Anderson
Cr K (Keith) Hayes
Cr R (Rowena) Skinner

Jarrah 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 B (Brian) Callander
Mr A (Anthony) Vuleta

Executive Manager Built Life: Mr R (Robert) Cruickshank

Secretary: Mrs A (Alison) Podmore

Public:

Leave of Absence Cr J (John) Bissett (Deputy Mayor)

Apologies: Ms R (Rochelle) Lavery
Ms T (Tina) Ackerman

3. DECLARATION 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).

Disclosure 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	

Disclosure 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	Cr Keith Hayes
Item No/Subject	Item 13.3 – Request to Close Road Reserve – Glenn Place, Burswood
Nature of Interest	Interest that may affect impartiality
Extent of Interest	Member of the Burswood Park Board

4. PUBLIC QUESTION AND PUBLIC STATEMENT TIME

5. CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 11 October 2011 be confirmed.

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

8. URGENT BUSINESS NOT LISTED ON THE AGENDA

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

10. PETITIONS

11. CHIEF EXECUTIVE OFFICER REPORTS

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11.1 (Unconfirmed) Minutes of Committees to be Received and Committee Recommendation to be adopted

File Ref:	ADM0034	In Brief • Minutes of the unconfirmed Committee Meetings as detailed in the appendices to be received.
Appendices:	Yes	
Date:	19 October 2011	
Reporting Officer:	K. Highfield	
Responsible Officer:	A. Kyron	

1. Edward Millen Committee (appendices page 2).
2. Special Local History Advisory Committee (appendices page 6).
3. Edward Millen Committee (appendices page 9).
4. Community Safety Committee (appendices page 13).
5. Special Arts and Culture Advisory Committee (appendices page 18).
6. Integrated Transport Advisory Committee (appendices page 21).
7. Community Environmental Advisory Committee (appendices page 30).
8. Sport and Recreation Advisory Committee (appendices page 35).

RECOMMENDATION

1. **The Unconfirmed Minutes of the Edward Millen Committee dated 15 March 2011, the Special Local History Advisory Committee dated 4 October 2011, the Edward Millen Committee dated 4 October 2011, the Community Safety Committee dated 5 October 2011, the Special Arts and Culture Advisory Committee dated 6 October 2011, the Integrated Transport Advisory Committee dated 10 October 2011, the Community Environmental Advisory Committee dated 12 October 2011 and the Sport and Recreation Advisory Committee dated 12 October 2011 be received.**
2. **That the following recommendation from the Edward Millen Committee meeting held on the 15 March 2011 be adopted:**
 - 2.1. **That the Edward Millen Committee membership be modified to replace the Director of Business Life Program and the Director of Renew Life Program with the Director of Future/Built Life Program and the Director of Community Life Program, effective immediately.**
3. **That the following recommendations for the Special Local History Advisory Committee be adopted:**
 - 3.1. **A Written History Project Team be established to finalise the written history of the Town.**
 - 3.2. **The Project Team be compromised of Cr Bissett (Chair), Ms Julie Armstrong (Community Representative), Mrs Natalie Easter (Community Representative), Ms Tina Ackerman Director Community Life Program, Ms Diana Wilson, Local History Co-ordinator and Cr Hayes (Deputy).**

4. That the following recommendations from the Edward Millen Committee meeting held on 4 October 2011 be adopted:
 - 4.1. The 'Edward Millen Site Feasibility Study and Business Plan' (Stage One) Report' prepared by the AEC Group be received as finalising Stage One;
 - 4.2. The 'Hill View Victoria Park Conservation Plan (2001)' be updated to include a detailed structural condition report for the purposes of informing the practicality of potential uses at the site prior to committing to Stage 2 of the Study;
 - 4.3. The structural condition report in 4.2 above be funded from the Edward Millen Reserve; and
 - 4.4. On receipt of the Structural condition report, advice be sought from the Heritage Council regarding opportunities for redevelopment of Mildred Creak and the outcome to be presented at a future Edward Millen Committee meeting.

5. That the following recommendation for the Community Safety Committee be adopted:
 - 5.1. A letter of invitation be sent to Steve Irons MP on behalf of the Committee to attend the next Community Safety Committee meeting.

11.2 Appointments to Council Committees Working Groups and Project Teams

File Ref:	ADM0010	In Brief <ul style="list-style-type: none"> • The Council has established 13 Committees, 10 of which are Advisory Committees to facilitate community engagement. • Advisory Committees need to comply with the requirements pursuant to the <i>Local Government Act 1995</i>, its Regulations and also function in accordance with the Standing Orders Local Law. • To improve community engagement and the provision of advice to Council and reduce the impact on staff resources it is recommended that Working Groups / Project Teams be established where appropriate.
Appendices:	Yes	
Date:	14 October 2011	
Reporting Officer:	Russ Fishwick	
Responsible Officer:	Arthur Kyrton	

TABLED ITEMS:

- Nil

BACKGROUND:

This report presents the results of the current Advisory Committee structure review for community engagement with residents and major stakeholders within the district. The basis for considering alternatives to the current structure was as a result of the review of Advisory Committees presented to the Councillors' Workshop on the 6 September and 27 September 2011 and the resources that the Committees absorbed particularly with staff attending and servicing the large number of Committee meetings held each year.

An indication was provided that a move to a more contemporary methodology which provided an appropriate mechanism for community engagement in a working group format which could be supplemented with public forums would be beneficial for the Town.

It was acknowledged at the Councillors Workshops that working groups would have meeting rules and receive formal reports prepared by the Administration. The membership number of each working group would need to be manageable and produced outcomes that are aligned with the Plan for the Future. The working groups could also conduct one or two public forums each year that would be open and engage with the wider community to obtain their views on particular issues and events.

The structure for re-establishing essential committees and moving to a working group / project team with public forums will therefore form the basis for providing the community engagement structure for the next two years until the ordinary elections in October 2013 when it will be reviewed to ascertain how well it is working.

DETAILS:

The Council pursuant to Section 5.8 of the Act established 13 Committees (10 of which are Advisory Committees) to assist with its decision-making process that are subsequently governed by Part 8 of the Town’s Standing Orders Local Law.

The Council under this framework has (in addition to specific committees such as the Elected Members Briefing Session, Audit Committee and the Design Review Committee) established Committees to act in an advisory role. The purpose of these ‘Advisory Committees’ is to provide a forum to engage with community representatives on a variety of specific operational issues. The Terms of Reference for these Committees states their role to be one of providing advice and making recommendations to Council.

As required under the *Local Government Act 1995*, all committee memberships are terminated and need to be reviewed following an Ordinary Election.

Issues have been raised around the current structure of Advisory Committees and the resources that they absorb in servicing them with regard to staff and work commitments and also the requirement to comply with legislation and functioning under the Standing Orders Local Law.

1. Advisory Committees

1.1 Staff

The appointment of staff to Advisory Committees is problematic as it puts them in an invidious position during debate if they happen to disagree with Elected Members. Staff have also been appointed as a non-voting member, which can be done when the Committee has no delegated power. The appointment of staff to sit on Advisory Committees is also absorbing valuable resources. In some instances where a quorum would not be achieved unless staff sit on a Committee, indicates that an alternative mechanism for engaging with the community needs to be considered.

The Administration’s position is that staff should not be appointed to Committees of Council and should only be in attendance to provide professional / technical advice, present a report or undertake the secretariat support work.

11.2

11.2

If the Council wishes to use Advisory Committees to provide strategic advice then the decision on what staff should attend Advisory Committees and what function they perform should be the responsibility of the relevant Program Director.

1.2 Agendas

The items of business listed on an Advisory Committee Agendas do not align with the Order of Business prescribed in the Town's Standing Orders Local Law. Currently the format followed for an Advisory Committee Agenda is typical of a local sporting or social club where discussion is centred on headings such as '*business arising from previous meeting*' and '*correspondence*'.

The Advisory Committee Agendas do not contain formal reports that are presented in the same professional format as those included on an Elected Members Briefing Session (EMBS) or Ordinary Council Meeting (OCM) Agenda. This is of concern as the Advisory Committees should have detailed reports in order to make informed decisions when referring recommendations to Council.

1.3 Advantages & Disadvantages

Advantages:

- The processes and structures for established Advisory Committees are already in place.
- Advisory Committees have some autonomy to request the production of reports or pass Notices of Motion and make recommendations to Council.

Disadvantages:

- Advisory Committees are formed under section 5.8 of the *Local Government Act 1995* and are therefore restricted in their operations.
- The formal Committee structure and format does not provide an adequate opportunity for general discussion and debate.
- Membership is generally limited and static (i.e. there is little interest from the general community when vacant positions are advertised).
- As the membership structure is rigid, experts from outside the Town are generally not encouraged to participate in Advisory Committees which limit their advisory potential.
- The Town's Plan for the Future and Annual Business Plans may not include projects that an Advisory Committee considers to be of importance, therefore, it is somewhat stifled in its ability to advise Council on matters related to its Terms of Reference.
- Advisory Committees have a tendency to re-appoint the same community members (some who may have special vested interests and direct the Committee to focus on micro or operational issues) and therefore there are no fresh and new ideas being generated or an objective strategic approach being provided.

2. Working Groups / Project Teams

Working Groups / Project Teams provide a more flexible format than Advisory Committees in that they can range from a one-off event to discuss and explore a particular issue, a set series of sessions to address a specific project, or regularly scheduled meetings that deal with on-going themes. Unlike Advisory Committees, Working Groups / Project Teams are not formed under section 5.8 of the *Local Government Act 1995*. This means that they can have a more flexible approach to meetings, allowing group members to propose ideas, ask questions and discuss issues with greater freedom than is possible with Advisory Committees.

Various local governments in the Perth Metropolitan Area, including the Cities of Wanneroo, and Stirling have re-established certain Advisory Committees as Working Groups / Project Teams for the reasons outlined above. Within the Town of Victoria Park Advisory Committees such as the Community Safety Committee and the Sport and Recreation Advisory Committee could benefit greatly from being re-established as Working Groups / Project Teams. This is due to their focus being on issues relating to specific areas and that the Working Group format would enable them to be more flexible and allow greater scope for discussion.

2.1 Advantages & Disadvantages

Advantages:

- As Working Groups / Project Teams are not formed under section 5.8 of the Local Government Act 1995, they are not restricted in their operations,
- Working Groups / Project Teams can be established for a one-off event, a series of sessions, or as regularly scheduled meetings.
- Membership can be more inclusive and of greater variety than that of Advisory Committees due to Working Groups / Project Teams limited tenure and flexible nature.
- Working Groups / Project Teams can provide greater opportunities for networking.
- As Working Groups / Project Teams can be established around specific issues, members with expert knowledge can be recruited to participate (particularly for one-off events).
- The more flexible format of Working Groups / Project Teams can enable much greater opportunity for general discussion and debate.
- The nature of a limited tenure for Working Groups / Project Teams can ensure that a strategic advisory focus is maintained.

Disadvantages:

- As Working Groups / Project Teams have not previously been established by Council, a policy/ procedure will need to be developed to ensure Working Groups / Project Teams satisfy all requirements of accountability, openness and transparency.
- Given they are not covered by statutory obligations; there may be less inclination to apply strict procedures and reporting processes.

3. Community Forums

Community Forums differ from Advisory Committees and Working Groups / Project Teams in that they are one-off events that target a much larger proportion of the community. Unlike Advisory Committees, Community Forums are not formed under section 5.8 of the *Local Government Act 1995*. This means that Community Forums can present a more relaxed and casual approach to community engagement. Community Forums are also broader in their outlook and aim to canvass wide-ranging community views on an issue.

Various local governments in the Perth Metropolitan Area, including the local governments of Cockburn, South Perth and Cottesloe, have held Community Forums on a variety of different issues. The City of Joondalup recently conducted a large-scale Community Forum with the aim of engaging young people. The Youth Forum attracted over 100 young people and was very positively received and a highly successful vehicle for community engagement.

3.1 Advantages & Disadvantages

Advantages:

- As Community Forums are not formed under section 5.8 of the Local Government Act 1995, they are not restricted in their operations.
- Community Forums are flexible enough to be established around specific issues or around broad themes.
- Membership can be more inclusive and of greater variety than that of Advisory Committees due to Community Forums' size, limited tenure and flexible nature.
- Community Forums can provide greater opportunities for networking.
- As Community Forums are one-off events and can be established around specific issues, members with expert knowledge can be recruited to participate.
- The open and casual format of Community Forums can enable much greater opportunity for general discussion and debate.
- Community Forums provide an appropriate opportunity for Elected Members to interact directly with the community.
- The vast majority of community members who are not familiar with committee processes may feel they are better able to contribute in a more open and casual format.
- It may be possible in the future to conduct some Community Forums online, which would significantly reduce costs and broaden the scope of membership.

Disadvantages:

- The broad nature of Community Forums may discourage the discussion on specific issues.
- Given they are not covered by statutory obligations; there may be less inclination to apply strict procedures and reporting processes.

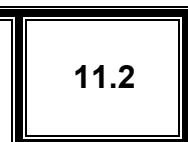
In essence the purpose for establishing a committee, working group and project team is described below:

Advisory Committee:	<ul style="list-style-type: none"> • Legally constituted under the Act; • Membership comprises elected members and public with a common interest; • Specific terms of reference; • Focus on strategic issues to advise Council.
Working Group	<ul style="list-style-type: none"> • Membership comprises elected members and public with a common interest; • Works on an on-going basis on problems and issues that affect a group of people or the Town as a whole; • Deals with continuous issues.
Project Team	<ul style="list-style-type: none"> • Time limited; • Project based; • Has a beginning, middle and an end.

4. Community Engagement

Indicative trends across local governments reveal that a more flexible and less formal mechanisms for engaging the community are now being adopted to facilitate greater variety in the way that local governments interact with residents and other key stakeholders. As such, a mix of obligatory committees with alternative mechanisms for community engagement such as Working Groups / Project Teams could deliver the most appropriate methodology in providing Council with advice whilst engaging with the community. Coupled with these alternatives and taking into consideration the views expressed by Elected Members both at the Councillors Workshop form the basis for developing the way forward.

The Administration in reviewing the Program Structure and taking cognisance of the views expressed at the Councillors Workshop considers that the following and Working Groups / Project Teams could be established under the relevant Program Areas for the next two (2) years from November 2011 until the Ordinary Election in 2013.

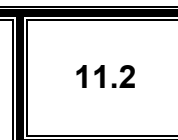


4.1 Committees & Working Group Structure – Aligned to Program Areas

Chief Executive Officer	<p>Committees</p> <ul style="list-style-type: none"> • <u>Audit Committee</u> <i>(existing)</i> • <u>CEO Review Occasional Committee</u> <i>(existing)</i> • <u>EMBS Committee</u> <i>(existing)</i>
Business Life	<p>Working Group</p> <ul style="list-style-type: none"> • <u>Business Life Working Group</u> <i>(formerly Business Liaison Advisory Committee)</i>
Community Life	<p>Working Groups</p> <ul style="list-style-type: none"> • <u>Local History and Culture Working Group</u> <i>(merged Local History Committee with Culture from Art & Culture Committee.</i> • <u>Arts Working Group</u> <i>(formerly Art & Culture Committee.</i> • <u>Healthy Life Committee</u> <i>(former Sports & Recreation Advisory Committee but expand the Terms of Reference)</i> • <u>Community Safety Working Group</u> <i>(formerly a Committee)</i> • <u>Disability Access Working Group</u> <i>(formerly a Committee)</i> <p>Project Teams</p> <ul style="list-style-type: none"> • <u>Memorial Gardens Project Team</u> <i>(existing)</i> • <u>Multi-purpose Sports Facility Project Team</u> <i>(formerly a committee)</i>
Renew Life	<p>Working Groups</p> <ul style="list-style-type: none"> • <u>Community Environmental Working Group</u> <i>(formerly a Committee)</i> • <u>ITAC Working Group</u> <i>(formerly a Committee)</i>
Future & Built Life	<p>Committee</p> <p><u>Design Review Committee</u> <i>(Existing)</i></p> <p>Working Group</p> <ul style="list-style-type: none"> • <u>Edward Millen Site Working Group</u> <i>(formerly a committee)</i>

4.2 MEMBERSHIP

The Administration considers that in order to be effective, the membership for Committees Working Groups and Project Teams should not exceed eight (8), comprising a maximum of three (3) Elected Members and no more than five (5) community representatives being a mixture of experts and the general public. The number of Elected Members should be limited to three (3) as is the current practice for maintaining good governance by ensuring that a majority of the Council do not sit on a particular Committee or Working Group / Project Team. In order to achieve a quorum of 50% the Working Groups and Project Teams would therefore require 4 members to be present of which the Administration advocate should comprise at least 2 Elected Members.



4.2.1 Retained Committees & Proposed Working Group Structure

TABLE 1 – COMMITTEES ESTABLISHED UNDER THE LOCAL GOVERNMENT ACT

Committee	Number of Members	Elected Members	Other Persons Number to be appointed	Frequency	Meeting dates and time Determined by Committee
Audit Committee	3	3 Elected Members 1 Deputy	N/A	N/A	As required, at least twice per year
CEO Performance Review Occasional Committee	3	3 Elected Members 1 Deputy	N/A	N/A	As required
* Design Review Committee	8	N/A	8 Professionals	N/A	As required

*Note: The Design Review Committee membership comprises a Committee of a panel of 8 external planning professionals.

TABLE 2 – WORKING GROUPS & PROJECT TEAMS ESTABLISHED BY COUNCIL

Working Group / Project Team	Number of Members	Elected Members limit to 3	Other Persons Number to be appointed limit to 5	Frequency per annum	Meeting dates and time Determined by Working Group
Arts Working Group	8	3 Elected Members 1 Deputy	5	4	
Business Life Working Group	8	3 Elected Members 1 Deputy	5	4	
Community Environmental Working Group	8	3 Elected Members 1 Deputy	5	6	
Community Safety Working Group	8	3 Elected Members 1 Deputy	5	6	
Culture and Local History Working Group	8	3 Elected Members 1 Deputy	5	4	
Disability Access Working Group	8	3 Elected Members 1 Deputy	5	4	
Edward Millen Site Working Group	5	3 Elected Members 1 Deputy)	2	As required	
Healthy Life Working Group	7	2 Elected Members 1 Deputy	5	4	
Integrated Transport Working Group	8	3 Elected Members 1 Deputy	5	4	
# Memorial Gardens Project Team	9	3 Elected Members 1 Deputy)	3 Community members 3 Staff	As Required	
Multi-purpose Sports Facility Project Team	8	3 Elected Members 1 Deputy	5	As required	

11.2

11.2

#Note: The Council at its meeting held on 19 July 2011 recently established the Memorial Gardens Working Group and appointed its Members. It is therefore recommended that current membership be reappointed. It is however noted that Cr Armstrong was the previous Deputy and Council may wish appoint a new Deputy to replace her on this Project Team.

As working groups / project teams are not constituted under the Act and its Regulations the Town's Standing Orders Local Law cannot be enforced during meetings. To provide good governance at working groups / project team meetings, local governments have adopted a set of meeting rules which is contained in each working group and project teams terms of reference. It is strongly recommended that if the Town establishes working groups and project teams, it also endorses a draft generic terms of reference which can be applied to all working groups and project teams.

4.3 Terms of Reference – Working Groups / Project Teams

With the proposed new structure the terms of reference for Advisory Committees that have been merged or reformed as a Working Group being the Art Acquisition and the Culture and Local History need to be reviewed to ensure that they align with the Plan for the Future. This task will need to be undertaken by the relevant Program Director and endorsed by the Working Group once they are established and have them approved by the Council.

To facilitate this process, the Administration will develop a generic terms of reference for Working Groups / Project Teams. This will include the process for appointing members and advertising meetings so that persons with an interest can also attend.

4.4 Community Meetings - Forums

Should a community meeting or public forum be convened then a format also needs to be developed which by nature should have an open agenda asking for community input.

4.5 Meeting Schedule

A meeting schedule will need to be considered by each Committee and Working Group / Project Team. This will also be developed by the Administration taking cognisance of all other OCM, EMBS, Committee and Working Group / Project Team meetings and also outside representation on Regional Councils and other organisations.

Legal Compliance:

The *Local Government Act 1995* (the Act) outlines the process for establishing committees and along with the Regulations prescribe inter alia how they are to be managed in terms of electing the presiding member, preparing notices, agendas and recording minutes.

The Town's *Standing Orders Local Law* outlines the stringent procedures that must be followed for undertaking committee meetings (including Order of Business, moving / amending motions and debating).

There are however no rules for Working Groups / Project Teams or format for community meetings and public forums contained within the Act. This being the case a format for meetings needs to be developed to ensure that Working Groups / Project Team meetings are properly managed, controlled and to also assist in preventing a Code of Conduct violation.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

There will be a slight positive financial benefit with a reduction in the frequency of the meetings, the number of participants attending, and the staffing requirements. The resources which may be impacted upon include refreshments, printing, stationery and staff.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The methodology of engaging with the community and providing advice to Council can be expanded by the implementation of Working Groups / Project Teams and Community Forums rather than solely using the Advisory Committee format.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

When considering the options presented within the report it is considered that the use of Working Groups / Project Teams and Public Forums are the preferred method of providing advice to Council and engaging with the community.

The important role that Advisory Committees play as a mechanism for engaging the community on specific subject matters is acknowledged. Nevertheless, with their lack of flexibility due to stringent legislative requirements and a high degree of formality it is considered that a combination of options by establishing Working Groups / Project Teams which could be supplemented with Community Forums as the need arises would afford an improved alternative for providing strategic advice to Council and community engagement rather than utilising Advisory Committees in isolation.

Taking cognisance of this logic, it is considered that Council should abolish the current Advisory Committees and implement the proposed new structure centred on establishing Working Groups and Project Teams.

Additional Comments:

Deputy Mayor Cr Bissett indicated that he believed a new committee be formed to oversee the works of Council. Titled, General Purpose Committee, this forum is intended to oversee the various public works projects prior to implementation. The Deputy Mayor suggested that this forum would replace the Integrated Transport, Disability Access and possible the Community Environment forums. As this is a matter that has yet to be discussed at a workshop of Elected Members I would seem appropriate to defer any decision along the lines suggested by the Deputy Mayor to a workshop in order for staff to assess the impact and operations of the General Purposes forum. In the interim the membership of the current forums be decided now with the possibility of changing the forums after a workshop is held.

RESPONSIBLE OFFICER RECOMMENDATION:

1. The following Advisory Committee of the Council be abolished;
 - 1.1 Art & Culture Advisory Committee
 - 1.2 Business Liaison Committee
 - 1.3 Community Environmental Advisory Committee
 - 1.4 Community Safety Committee
 - 1.5 Disability Access Advisory Committee
 - 1.6 Edward Millen Committee
 - 1.7 Integrated Transport Advisory Committee
 - 1.8 Local History Advisory Committee
 - 1.9 Sport & Recreation Advisory Committee
 - 1.10 Multi-Purpose Sports Facility Advisory Committee

11.2

11.2

2. In accordance with Section 5.8 of the *Local Government Act 1995* the Committees and their membership, shown in Table 1 below, be re-established;

TABLE 1 – COMMITTEES ESTABLISHED UNDER THE LOCAL GOVERNMENT ACT			
Committee	Number of Members	Elected Members	Other Persons Number to be appointed
Audit Committee	3	3 Elected Members 1 Deputy	N/A
CEO Performance Review Occasional Committee	3	3 Elected Members 1 Deputy	N/A
Design Review Committee	8	N/A	Panel of 8 Professionals

(Absolute Majority Required)

3. The Working Groups / Project Teams as shown in the Table 2 below, be established for a two year trial in order to provide an appropriate mechanism for providing strategic direction and advice to the Council and engaging with its community;

TABLE 2 – WORKING GROUPS & PROJECT TEAMS ESTABLISHED BY COUNCIL					
Working Group/Project Team	Number of Members	Elected Members limit to 3	Other Persons limit to 5	Frequency Per annum	
Arts Working Group	8	3 Elected Members 1 Deputy	5	4	
Business Life Working Group	8	3 Elected Members 1 Deputy	5	4	
Community Environmental Working Group	8	3 Elected Members 1 Deputy	5	6	
Community Safety Working Group	8	3 Elected Members 1 Deputy	5	6	
Culture and Local History Working Group	8	3 Elected Members 1 Deputy	5	4	
Disability Access Working Group	8	3 Elected Members 1 Deputy	5	4	
Edward Millen Site Working Group	5	3 Elected Members 1 Deputy)	2	As required	
Healthy Life Working Group	7	2 Elected Members 1 Deputy	5	4	
Integrated Transport Working Group	8	3 Elected Members 1 Deputy	5	4	
Memorial Gardens Project Team	9	3 Elected Members 1 Deputy)	3 Community members 3 Staff	As Required	
Multi-purpose Sports Facility Project Team	8	3 Elected Members 1 Deputy	5	As required	

11.2

11.2

4. The Generic Terms of Reference for Working Groups and Project Teams which includes general rules for appointing the presiding member, establishing membership and quorums, determining agendas, recording minutes and management of the meeting as contained within the appendices be endorsed;
5. A draft meeting schedule for each Committee, Working Group and Project Team be prepared by the relevant Program Director taking cognisance of the meeting frequency in clause 2 above and also OCM, EMBS, Committee, Working Group and Project Team meetings and outside representation on Regional Councils and other organisations, for consideration by the respective Committee, Working Group and Project Team;
6. The Council appoints:
 - 6.1 _____, _____ and _____ to the Audit Committee until the 19 October 2013 and _____ as the Deputy Member;
 - 6.2 _____, _____ and _____ to the CEO Performance Review Occasional Committee until the 19 October 2013 and _____ as the Deputy Member;
 - 6.3 The current members of the Design Review Committee for a further term of two years until the 19 October 2013;
 - 6.4 _____, _____ and _____ to the Arts Working Group until the 19 October 2013 and _____ as the Deputy Member;
 - 6.5 _____, _____ and _____ to the Business Life Working Group until the 19 October 2013 and _____ as the Deputy Member;
 - 6.6 _____, _____ and _____ to the Community Environmental Working Group until the 19 October 2013 and _____ as the Deputy Member;
 - 6.7 _____, _____ and _____ to the Community Safety Working Group until the 19 October 2013 and _____ as the Deputy Member;

- 6.8 Cr John Bissett, _____ and _____ to the Culture and Local History Working Group until the 19 October 2013 and _____ as the Deputy Member;
- 6.9 _____, _____ and _____ to the Disability Access Working Group until the 19 October 2013 and _____ as the Deputy Member;
- 6.10 Cr John Bissett, _____ and _____ to the Edward Millen Site Working Group until the 19 October 2013 and _____ as the Deputy Member;
- 6.11 _____, _____ and _____ to the Healthy Life Working Group until the 19 October 2013 and _____ as the Deputy Member;
- 6.12 _____, _____ and _____ to the Integrated Transport Working Group until the 19 October 2013 and _____ as the Deputy Member;
- 6.13 The Mayor as Chair, Cr Hayes, Cr Ashton as Members with Cr _____ as the Deputy and Community Members Mr Neville Browne, Mr David Crann (Secretary, Historic Victoria Park Inc.) and a nominee from the Local History Advisory Committee to the Memorial Gardens Project Team until the 19 October 2013. The Council also notes that three staff members being the Local History Co-ordinator, Director Community Life and Parks Co-ordinator will represent the Administration on the Project Team.
- 6.14 _____, _____ and _____ to the Multi-purpose Sports Facility Project Team until the 19 October 2013 and _____ as the Deputy Member;
7. The Chief Executive Officer be requested to advertise the vacant community positions for each Working Group and Project Team in the local Community Newspaper and also write to all the community members who sat on the previous Advisory Committees inviting them to make a written submission seeking appointment to one or more of the Working Groups and Project Teams;
8. The Chief Executive Officer be requested to undertake a review of the Councils Committees, Working Groups and Project Team prior to the next Ordinary Election in October 2013.

11.3 Mindarie Regional Council – Appointment of Deputy

File Ref:	ADM0008	In Brief <ul style="list-style-type: none"> • The Council appointed Cr Bissett as its representative on the MRC. • Cr Bissett is on leave of absence from the 3 November to 19 December 2011. • It is recommended that Cr Hayes be appointed as the Town’s Deputy Member on the MRC during the term Cr Bissett is on leave.
Appendices:	No	
Date:	24 October 2011	
Reporting Officer:	Russ Fishwick	
Responsible Officer:	Arthur Kyron	

TABLED ITEMS:

- Nil

BACKGROUND:

The Council at its Special Meeting held on 17 October 2011 when considering its representative on the Mindarie Regional Council (MRC) resolved as follows:

“Appoints Cr Bissett to represent the Town on the Mindarie Regional Council until 19 October 2013 and Cr Hayes as the Deputy Member until 19 October 2013, noting that the appointment of the Deputy needs to be by Council resolution for the specific period that the appointed (primary) member is not available;”

The Council at its meeting held on 20 September 2011 approved leave of absence for Cr Bissett for the period 3 November to 19 December 2011 inclusive. It will therefore be necessary to appoint Cr Hayes as the Deputy Member for the term that Cr Bissett is on leave.

DETAILS:

In accordance with the *Interpretations Act 1984*, on each occasion that the appointed Member cannot attend a Regional Council meeting, the Victoria Park Council by resolution, needs to appoint a deputy for the specific period that the appointed (primary) member is not available.

The MRC will be holding an Ordinary Meeting on the 8 December 2011. By appointing a Deputy the Town will have representation at this meeting and any Special Meeting/s that the MRC convene during Cr Bissett’s leave of absence from 3 November to 19 December 2011 inclusive.

Legal Compliance:

Should any of the Council’s appointed representatives not be available to attend a meeting of the Mindarie Regional Council or the Tamala Park Regional Council during their term,

then a special resolution of Council is required to appoint an alternate member for the specific period that the appointed (primary) member is not available, in accordance with Clauses 52(b) and (c) of the *Interpretation Act 1984*, which provides:

“52(b) Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.”

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:

In order for the Town to be represented on the MRC during Cr Bissett's leave of absence it is necessary to appoint a Deputy Member for that specific period. The Council at its meeting held on 17 October appointed Cr Hayes as the Deputy for Cr Bissett acknowledging that each time that Cr Bissett is absent it will be necessary to formally appoint Cr Hayes.

It is therefore recommended that Cr Hayes be appointed as the Town's Deputy Member on the MRC from the 3 November to 19 December 2011.

RESPONSIBLE OFFICER RECOMMENDATION:

The Council appoints Cr Hayes as it Deputy Representative on the Mindarie Regional Council from 3 November to 19 December 2011 during Cr Bissett's leave of absence.

12. FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

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12.1 3 (Lot 74) Sarich Way, Bentley – Research and Development Facility.

File Ref:	SARI3	In Brief <ul style="list-style-type: none"> • Proposed Research and Development Facility Building. • Non-compliant with Precinct Plan P13 – Curtin Precinct in relation to front setback, building height and landscaping. • Application was advertised for public comments and no submissions were received. • Proposal was reviewed by the Design Review Committee. • Recommended that the application be Approved by Absolute Majority subject to conditions.
Appendices:	No	
DA/BA or WAPC Ref:	11/0110	
Date:	21 October 2011	
Reporting Officer:	J Gonzalez	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Development application form received on 24 February 2011 ;
- Original plans and elevations dated 24 February 2011;
- Amended plans and elevations dated 17 May 2011;
- Amended plans and elevations dated 18 October 2011;
- Consultation with adjoining owners & occupiers dated 10 June 2011; and
- Minutes from the Design Review Committee Meeting on 30 March 2011.

APPLICATION:

Landowner: Ricardo Rizzi & Greggan Holdings P/L
 Applicant: Ricardo Rizzi
 Zoning: MRS: Urban
 TPS: Special Use Zone – Technology Park
 Precinct Plan P13 – ‘Curtin’

DETAILS:

The proposal is for a ‘Research and Development’ building. The original submitted plans comprised a three storey building, however after meeting with the Design Review Committee, the applicant amended the plans reducing the proposal to a two storey building.

The amended application proposes to build a two storey building facing Sarich Way, with four building modules as follows:

Building modules A and C consist of approximately 414m² each (over both floors), including 72m² of amenities (male and female toilets plus lunch room). Building modules B1 and B2 consist of approximately 576m² each (over both floors) including

amenities (toilets and lunch room). Three common lobbies with stairs and elevator are proposed to join every two modules. The ground floor has three entries (pedestrian accesses) from Sarich Way and three entries from the proposed rear car parking. The proposal has 3168.48m² of plot ratio. There is an existing two storey building located at the rear of the property which has 1287.72m² of plot ratio, to make a total of 4456.2m² equivalent to a plot ratio of 0.469 for the entire site.

In relation to street setbacks the application proposes:

- Module 'A' a minimum street setback of 4.67m at its eastern corner and 7.63m at its western corner.
- Module 'B1' a minimum street setback of 4.89m at its eastern corner and 7.72m to its western corner. Module 'B2' proposes 5.02m and 6.81m to the eastern and western corner respectively.
- Module 'C' a minimum street setback of 10.63m and 11.05m to the eastern and western corner respectively.

Based on the above plot ratio and based on the Town Planning Scheme No. 1 Policy Manual, Policy 5.1 'Parking and Access', which requires "1 bay for every 40 square metres of net floor area" a total of 111 bays are required for both the proposed new building and the existing rear building. A total of 134 car parking bays (including 2 disabled bays) are proposed within the property to be used by the staff and visitors of the new proposed building and also for the existing two storey building located at the rear of the property.

Total landscaping area of approximately 1167m² is proposed which is equivalent to 12.3% of the total site area.

The building proposes to have approximately a 20 degree tiled pitched roof over each building module. The building shows a maximum height of 11.855m to the top of the tiled roof and a maximum wall height of 7.575m. The building will have a similar appearance to the two storey buildings located on 16 Brodie Hall Drive, 18 Brodie Hall Drive and 7A Parker Place, approximately 170 metres away.

As the proposal is non-compliant with three of the eight Development Standards of the Precinct Plan P13 – 'Curtin Precinct', in accordance with Council's Policy GEN3 "Community Consultation", the proposal was the subject of consultation for a 14 day period, from 10 June 2011 and closing on 24 June 2011, with letters sent to the owners and occupiers of adjoining properties considered to have a potential adverse impact. The consultation letters made reference to the non-compliance issues: reduced street setback, building height and landscaping area shortfall. No submissions were received during or after the advertising period.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

- Statement of Intent contained in Precinct Plan P13 ‘Curtin’;
- Clause 36 of the Scheme Text – Determination of Application – General Provisions; and
- Clause 38 of the Scheme Text – Determination of Non-Complying Applications.

Compliance with Development Requirements

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

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

Item	Relevant Provision	Requirement	Proposed	Compliance
Plot Ratio	Precinct Plan P13	0.5	0.469	Compliant
Street Setback	Precinct Plan P13	Minimum 7.5m	4.669m minimum to Building Module A and 4.887m to Building Module B1	Non-compliant (refer to Comments section below)
Building Height (measured from the natural ground level)	Precinct Plan P13	Maximum 7.5m or 2 storeys	11.855m; 2 storeys	Non-compliant (refer to Comments section below)
Car Parking	TPS 1 Policy Manual	111 bays	134 bays	Compliant
Landscaping	Precinct Plan P13	Minimum 25% of the site area, equivalent to 2373m ²	12.3% equivalent to 1167m ²	Non-compliant (refer to Comments section below)

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

Environmental Issues:

No impact

COMMENT:

The applicant is seeking approval for a two storey building for the purposes of a Research and Development Facility within the Special Use Zone “Technology Park”.

Under the Town of Victoria Park Town Planning Scheme No.1 Precinct Plan P13 ‘Curtin Precinct’, the provisions for Technology Park states that: *“the main use will be scientific and technological research and development; production, manufacture and assembly of products will be permitted provided it relates and is ancillary to the technological research and development activities on each site.”*

Precinct Plan P13 also states that: *“The use permitted is research and development. Land in this area may also be used for a purpose that is incidental to research and development if the Council is satisfied that the use would:*

- (a) Be compatible with the Statement of Intent;*
- (b) Neither generate excessive traffic movements to, from or within the area nor require servicing by heavy vehicles;*
- (c) Have no adverse impact in, or on the precinct, or adjacent residential areas caused by noxious emissions or any other disturbance;*
- (d) Not result in more than 50% of the gross floor space of the building being taken up by any one or more of storage, production, manufacture or assembly activities;*
- (e) Comply with a requirement that any production, manufacture or assembly activities must be carried out without causing a nuisance or detrimentally affecting the amenity of the adjoining residential area.*

Note: All uses other than that which is nominated above, and those which have a direct association with the nominated use are prohibited uses.”

The applicant has not provided detailed information in regard to the nature of the proposed research and development industry. It is considered that any approval should be given subject to a condition being imposed on the development that all floors of the building need to be used for the purpose of research and development and incidental uses as defined under the Town Planning Scheme No 1, and that this be registered as a Notification on the title for the property.

The proposal is non-compliant with three of the development standards under the Precinct Plan for the Special Use Zone, Technology Park:

1. Setbacks

- “(i) A building shall be set back not less than 7.5 metres from any street boundary except where the street is Kent Street, Hayman Road or Jarrah Road in which case it shall be 20 metres; and*
- (ii) A building shall be set back not less than 4.5 metres from any boundary other than a street boundary.”*

A minimum street setback of 7.5m is required to Sarich Way. Building modules A and B do not comply with the minimum setback of 7.5m required under the Precinct Plan P13 (proposed minimum setback of 4.669m and 4.887m respectively), although an average setback of 7.3m is proposed across the entire street frontage. During the consultation process no submissions were received in regard to this variation. The Council in 2001 approved a reduced setback of 4.4m for the building at 18 Brodie Hall Drive. Given that the building setback varies and in view of the form of surrounding development, the proposed reduced front setback is supported.

2. Building Height

- “A building shall not exceed a height of 2 storeys or 7.5 metres above the average natural ground level, whichever is the lower.”*

Although the proposed building is two storeys, the maximum height to the roof is 11.855m. The maximum height of the wall is 7.575m. It should be noted that the original proposal was for a three storey building with a maximum height of 15m to the top of the roof. No objections were received during the consultation process in relation to this matter. While compliance could be achieved by replacing the proposed pitched roof with a flat roof, it is considered that the additional height resulting from a pitched roof does not have any adverse impact upon the street or adjoining properties. On this basis the proposed building height variation is supported.

3. Landscaping

- “(i) All land within the landscape margin of Technology Park (i.e. all land within 20 metres of Kent Street, Hayman Road or Jarrah Road) will be landscaped; and*
- (ii) At least 25% of the area of the land the subject of an application for planning approval (which is not within the landscape margin) shall be landscaped.”*

Although the requirement for landscaping area is 25% (2373.00m²) of the total lot area in accordance with the development standards for Technology Park, the proposal is for a landscaping area of 1167m² equivalent to 12.3% being 1206.00m² deficient. The Council in the past approved a landscaping area of 18.66% for the property at 18 Brodie Hall Drive. It is considered that

some paved areas proposed as foot path could be removed (up to a maximum of 255m²) and converted into landscaping to increase the landscaping area achieving up to a maximum of 1422m² equivalent to 15% and a condition in this regard will be imposed. It should be noted that Council's Renew Life is not satisfied with the submitted Landscaping Plan, therefore a condition is being imposed requiring the submission of a detailed Landscaping Plan. Officers will ensure that the proposed landscaping within the front setback area will be of a high standard to offset the reduced amount of on-site landscaping.

In relation to car parking a total of 134 car parking bays are proposed resulting in a surplus of 23 car parking bays as only 111 bays are required.

Any proposed signage on facades or pylon signs to be located on the site will be the subject of a separate sign licence application.

There are no Design Guidelines for buildings within the Technology Park Precinct, nevertheless it is considered that the proposal is inconsistent in relation to its design (façade design, form and mass) when compared with the existing buildings surrounding the subject site. While the appearance of the proposal has improved from the original plans, the design still gives the impression of 'residential dwellings' rather than a building for 'research and development' being the character of Technology Park Precinct. However the proposal with its tiled pitched roof have some similarity with the approved buildings located on 16 Brodie Hall Drive, 18 Brodie Hall Drive and 7A Parker Place.

The Design Review Committee has reviewed the proposal on two different occasions. Although the Members of the Design Review Committee are not completely satisfied with the proposal in its current form, the Committee Members were of the view that it would not be reasonable to refuse the application given the site context and the proposal being similar to existing developments at 16 and 18 Brodie Hall Drive.

In view of the above, it is recommended that the application be Approved subject to a condition relating to the use of the building for research and development and incidental uses to research and development as defined under the Town of Victoria Park Town Planning Scheme, plus standard conditions.

RESPONSIBLE OFFICER RECOMMENDATION:

- 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 R Rizzi on behalf of Ricardo Rizzi & Greggan Holdings P/L (DA Ref: 11/0110) for Research and Development Facility Building at 3 (Lot 74) Sarich Way, Bentley as indicated on the amended plans dated received 18 October 2011 be Approved by Absolute Majority subject to the following conditions:**

12.1

12.1

- 1.1. The building(s) being used for the purpose of Research and Development and incidental uses as defined under the Town of Victoria Park Town Planning Scheme No 1, with the exception of those areas being provided as amenities. This is to be registered as a Notification on the title prior to the submission of a building licence application.
- 1.2. A landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Director Renew Life prior to submission of an application for building licence, with such landscaping plan to include a minimum of one shade tree per four car parking bays.
- 1.3. The extent of proposed paved foot paths around the site being reduced with such areas being converted into landscaping areas to the satisfaction of the Executive Manager Built Life and to be shown on the above landscaping plan.
- 1.4. A minimum of one shade tree per four parking bays to be provided on site. The shade trees are to be established prior to occupancy of the building and thereafter maintained to the satisfaction of the Director Renew Life. Landscaping to be protected by kerbing or similar barrier at least 150mm high.
- 1.5. The street verge between the kerb and the property boundary is to be landscaped with waterwise planting and reticulated prior to occupation or strata titling of the building(s) whichever occurs first and thereafter maintained to the satisfaction of the Director Renew Life. (Refer related Advice Note)
- 1.6. Landscaping is to be completed prior to occupancy and thereafter maintained to the satisfaction of the Director Renew Life.
- 1.7. Before the subject development is first occupied or commences operation all car parking spaces together with their access aisles to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Director Renew Life.
- 1.8. All car parking bays to be lined-marked and designed in accordance with AS2890.1.
- 1.9. A minimum of 111 car parking bays to be provided on site for the exclusive use for staff and visitors. These bays shall be marked accordingly.
- 1.10. The street verge between the kerb and the property boundary is to be landscaped, reticulated and maintained to the satisfaction of the Director Renew Life.

- 1.11. 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 8 November 2011, attached with the approved plans.
- 1.12. Proposed development complying with setbacks, landscaping and other details and amendments as shown in red on the approved plan.
- 1.13. 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.
- 1.14. The proposal to comply with Council's Building, Environmental Health and Renew Life requirements.
- 1.15. This approval is valid for a period of twenty four months only. If development is not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

Advice to Applicant:

- 1.16. With regard to Condition No. 1 of this approval, Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan P13 – Curtin Precinct, in relation to Technology Park states the purpose for which the land can be used:

“This area shall be further promoted and consolidated as a specialised location for technological research and development activities. The main use will be scientific and technological research and development; production, manufacture and assembly of products will be permitted provided it relates and is ancillary to the technological research and development activities on each site. Other uses may be permitted if the use is considered to be incidental to research and development uses and conforms with a number of other specified requirements.”

“The use permitted is research and development. Land in this area may also be used for a purpose that is incidental to research and development if the Council is satisfied that the use would:

- (a) Be compatible with the Statement of Intent;*
- (b) Neither generate excessive traffic movements to, from or within the area nor require servicing by heavy vehicles;*
- (c) Have no adverse impact in, or on the precinct, or adjacent residential areas caused by noxious emissions or any other disturbance;*

- (d) Not result in more than 50% of the gross floor space of the building being taken up by any one or more of storage, production, manufacture or assembly activities;**
- (e) Comply with a requirement that any production, manufacture or assembly activities must be carried out without causing a nuisance or detrimentally affecting the amenity of the adjoining residential area.**

Note: All uses other than that which is nominated above, and those which have a direct association with the nominated use are prohibited uses.”

- 1.17. 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.**
- 1.18. Any modifications to the approved drawing forming part of this planning approval may require the submission of an application for modifications to planning approval and reassessment of the proposal.**
- 1.19. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.**

(Absolute Majority Required)



12.1

12.1

12.2 20 (Lot 3) Merton Street, Victoria Park – Single House

File Ref:	MERT20	In Brief <ul style="list-style-type: none">• Application for a Single House.• The application involves the demolition of an 'original' dwelling.• Recommended that the application be Approved subject to conditions.
Appendices:	No	
DA/BA or WAPC Ref:	11/0488	
Date:	21 October 2011	
Reporting Officer:	D Rowley	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Development application form dated 15 August 2011;
- Amended plans and elevations dated 21 October 2011 ;
- Correspondence from applicant dated 12 September; and
- Photographs of subject property and streetscape.

APPLICATION:

Landowner: T & K Pasyar
Applicant: Perth Residential Developments
Zoning: MRS: Urban
TPS: Residential 'R40'
Precinct Plan P10 'Shepperton'

BACKGROUND:

The WAPC granted a freehold subdivision approval for the provision of three (3) lots within the lot area of 20 and 20A Merton Street, Victoria Park in November 2009 comprising two street front facing lots (10.95m frontage each) and a battleaxe lot. The subdivision requires the demolition of a circa 1954 dwelling identified as an 'original place' within the Residential Character Study area.

A demolition application was received by Council on 8 August 2011 for the existing "original dwelling" on the front lot, which has been placed on hold pending planning approval to be obtained for the subsequent development proposed on site.

On 15 August 2011, the applicant submitted an application for a Single House on 20 Merton Street, which is proposed on one of the two front lots (the northern most lot) of the freehold subdivision and the subject of this report. No application has been submitted for the other proposed lot with a frontage to Merton Street.

DETAILS:

Council has received a development application for a Single House which involves the demolition of an existing dwelling on the subject property. The existing dwelling is identified as an 'Original Place' and is located within the Residential Character Study Area and not within a Weatherboard Streetscape.

The streetscape on Merton Street has a mixed character of original dwellings in the street, predominantly of red face brick, white and cream rendering with terracotta red roof tile and zinaclume roofing.

Existing Dwelling

Council's Local Planning Policy – Streetscape provides a strong emphasis in retaining existing character dwellings within the Town, particularly for 'original' dwellings and pre-1945 dwellings, as such dwellings often make a strong contribution to the character of the Town of Victoria Park.

In the case of the existing dwelling on the 20 Merton Street property, there are some architectural features consistent of the 1954 era from which the original post war bungalow was constructed. The original building constructed of brick and tile, appears to be slightly deteriorated but intact.

The condition of the dwelling on the subject lot is structurally sound and repairs would be minimal as the original dwelling is currently tenanted.

Notwithstanding this, the Local Planning Policy – Streetscape requires that the subsequent development is to comply with all relevant provisions of Council's Town Planning Scheme No. 1 and contribute positively to the streetscape in which the development is set.

Community Consultation

Consultation was not required in accordance with the provisions of Council's GEN3 'Community Consultation' Policy and the Residential Design Codes as the rear property (No. 20A Merton Street) owner affected by a minor variation relating to visual privacy provided written approval for the development.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of Scheme Text.
- Clause 39 of Scheme Text;
- Statement of Intent contained in Precinct Plan P10.

Compliance with Development Requirements

The application has been assessed for compliance with the following statutory documents and policies:

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

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

Item	Relevant Provision	Requirement	Proposed	Compliance
Primary street setback	Clause 3.2.1 of Council's LPPS	Approximately 6.0m in line with other dwellings on this section of Merton Street.	Approximately 6.0m	Complies
Boundary Setbacks	Clause 6.3.1 of R Codes & LPPS – Boundary Walls	As per Tables 2A & 2B of the R-Codes or Acceptable Development standards of LPPS – Boundary Walls.	As per Tables 2A & 2B of the R-Codes or Acceptable Development standards of LPPS – Boundary Walls.	Complies
Design	Clause 6.6.1 of R Codes and Clause 3.2.11 A4 of LPPS	Two storey development (new or addition) designed to reduce the scale and bulk of the building on the streetscape and the visual impact of the development makes a positive contribution to the built form and character of the street.	Dwelling proposes brick (render) and zincalume roofing and amended to reduce scale and bulk of the two storey dwelling to contribute positively to the streetscape.	Complies
Visual Privacy	Clause 6.8.1 of R Codes	Bedrooms and studies require 4.5m setback	4.2m to 20A Merton Street. However, adjoining owner provided written approval of variation.	Complies

Excavation	Clause 6.6.1 of R Codes Excavation or fill within the street alignment	500mm required	max.	700mm maximum excavation to street alignment	Complies in accordance with Clause 6.6.1 A1.1, it is permitted when necessary to provide for pedestrians or vehicles for a dwelling.
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Sustainability Assessment:

External Economic Implications:

No impact.

Social Issues:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

The application for a Single House involves the demolition of an ‘original’ dwelling on the subject property. Council’s Town Planning Scheme No. 1 and Local Planning Policy – Streetscape has a presumption against the demolition of ‘original dwellings’ and pre-1945 dwellings, unless they comply with Clause 3.2.9 of the Local Planning Policy – Streetscape and there are compelling reasons which justify the demolition.

Existing Dwelling

Notwithstanding the existing dwelling is depicted as an ‘original’ dwelling within the Residential Character Study Area, the subject dwelling has no redeeming architectural qualities and does not make a significant contribution to the existing streetscape. Therefore, demolition of the subject dwelling and replacement with a suitably designed new dwelling would not result in a significant gap within the streetscape.

Replacement Dwelling

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

The proposed dwelling is considered to have acceptable design qualities of a traditional character and a standard that would improve the character and appearance of the property and streetscape.

The proposal has been amended during the course of the application to be more consistent with the characteristics of the streetscape and reduce the scale and bulk of the two storey façade in keeping with the adjacent dwellings. It is considered that the verandah on the front elevation, the incorporation of vertical style windows and the brick and iron features of the proposed design are consistent with the dwellings in the streetscape.

It is considered the design of the new development is a suitable replacement for the existing dwelling and meets the relevant Performance Criteria of Council’s Local Planning Policy – Streetscape.

Justification for supporting the demolition of the existing dwelling is listed below.

Summary of Assessment for Demolition

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

Criteria	Officer’s Comments
(a) The architecture of the existing building; and	The current architecture of the dwelling is not significant of the era in which it was constructed.
(b) The degree of intactness of the original building fabric of the dwelling; and	The original building fabric has been slightly compromised by deterioration however, it is intact.
(c) The condition of the existing dwelling; and	In the absence of a structural report, there is no indication that the dwelling is structurally unsound.
(d) The streetscape context and in particular the importance to the streetscape of retaining the existing dwelling; and	The street block is characterised by a mixture of ‘original’ dwellings predominantly of red face brick, cream and white rendering, terracotta and zincalume roofing. The loss of the existing dwelling, which has no special design qualities will not have a significant impact within the streetscape given the replacement dwelling is deemed to be of an acceptable standard.

(e) The location of the existing dwelling on the site; and	The existing dwelling is located in the middle of 20 Merton Street.
(f) The effect of retention of the existing dwelling upon the development potential of the site; and	If the existing dwelling was to be retained, then the property could not be subdivided consistent with the WAPC's preliminary subdivision approval.
(g) Whether retention of the existing dwelling could be achieved through the granting of variations to development requirements; and	The granting of variations would not enable both retention of the dwelling and subdivision.
(h) Whether the proposed new development contributes positively to the character of the streetscape in which the development is set and is an appropriate replacement for the original dwelling proposed to be demolished.	The new proposed dwelling is considered to be of a suitable replacement, which has regard to the original brick and iron dwellings in the streetscape, setbacks and scale of the adjoining dwellings.

Conclusion

In regard to the matters raised above, given the proposed dwelling is of an acceptable standard and is sympathetic with the streetscape, it is considered that the loss of the existing dwelling on the site will not result in a significant impact on the character and appearance of the area.

As the majority of the criteria of Clause 3.2.9 A2.1 of Council's Local Planning Policy – Streetscape have been met, it is recommended that the application for a Single House at 20 Merton Street be Approved subject to conditions.

RESPONSIBLE OFFICER RECOMMENDATION:

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 Perth Residential Development (BA/DA Ref: 11/0488) for a Single House at No. 20 (Lot 3) Merton Street, Victoria Park as indicated on the amended plans dated received 7 October 2011 be Approved subject to the following conditions:

1.1 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 issue of a demolition licence for the existing dwelling or a building licence for the subsequent development, whichever occurs first.

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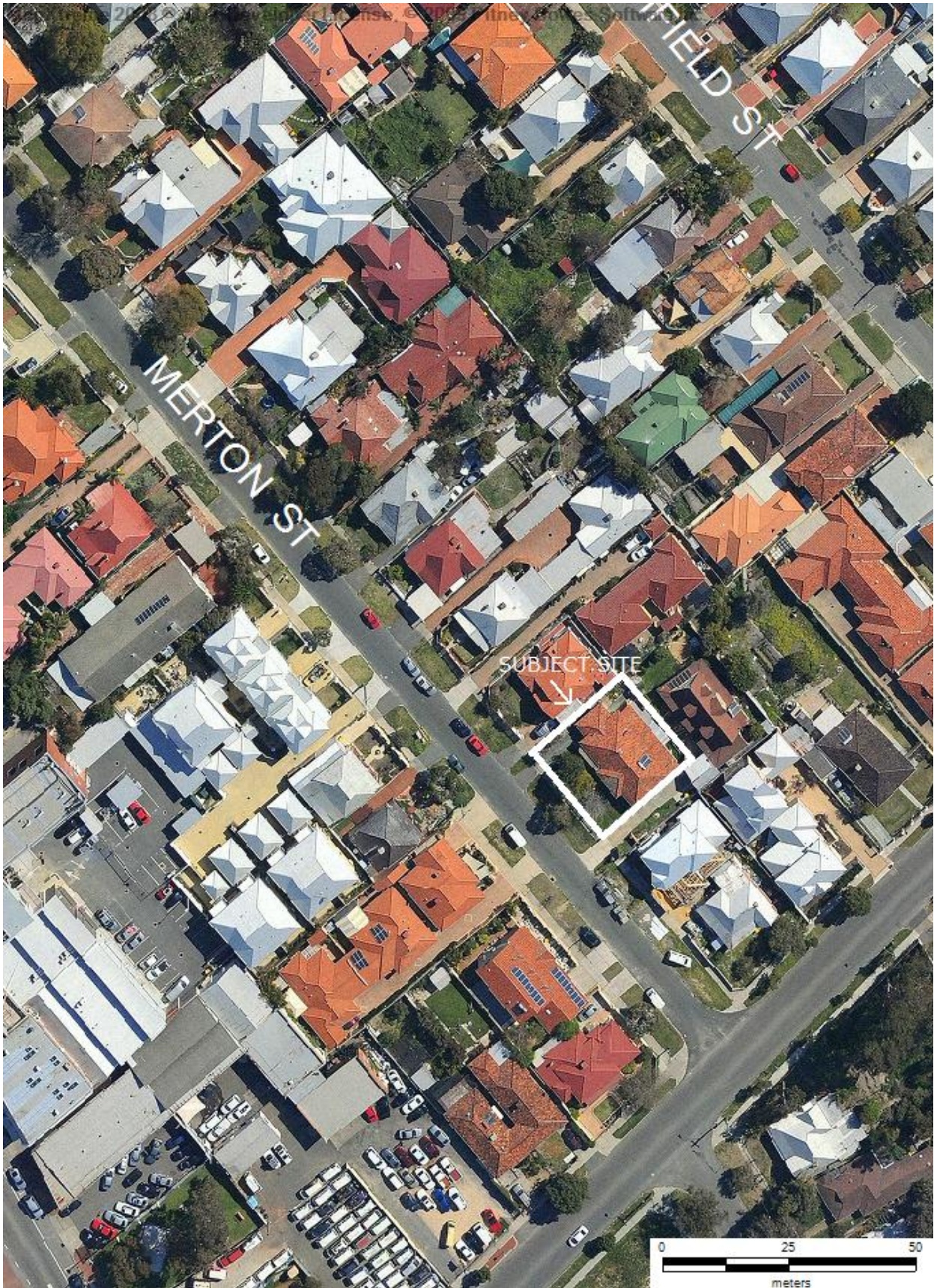
- 1.2 Proposed development complying with setbacks, fencing, driveways, landscaping and other details as shown in red on the approved plans.
- 1.3 A separate planning application is required for any fence forward of the building line. Fencing forward of the building line is to be open style fencing above a height of 600mm above ground level.
- 1.4 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.
- 1.5 The use of sheet fencing, such as colorbond or fibro cement sheeting, in front of the building line is not permitted forward of the building line.
- 1.6 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 infill fencing.
- 1.7 During filling and/or 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.
- 1.8 Retaining walls and associated fill within 1.0 metre of a common boundary is not to exceed 0.5 metres above the corresponding natural ground level.
- 1.9 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.
- 1.10 The street verge between the kerb and the property boundary is to be landscaped with waterwise planting and reticulated prior to occupation or strata titling of the building(s) whichever occurs first and thereafter maintained to the satisfaction of the Director Renew Life. (Refer related Advice Note)

- 1.11 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 7 October 2011, attached with the approved plans.
- 1.12 The surface of the boundary wall on the common boundary with 18 Merton Street to be the same finish as the approved external wall finish for the remainder of the dwelling, unless otherwise approved.
- 1.13 External fixtures, including but not restricted to airconditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street, secondary street or right-of-way.
- 1.14 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.
- 1.15 All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot.
- 1.16 Compliance with Council's Building, Environmental Health and Renew Life requirements.
- 1.17 This approval is valid for a period of twenty four months only. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

Advice to Applicant

- 1.18 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.
- 1.19 With regards to Condition No. 1.9 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.
- 1.20 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.

- 1.21** 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.



12.2

12.2

**12.3 Proposed Amendment No 56 to Town Planning Scheme No 1 –
Reservation of Lot 1002 Beatty Avenue, East Victoria Park, and
Lots 1003 & 1004 Raleigh Street & Lot 1005 Bishopsgate Street,
Carlisle for Parks and Recreation**

File Ref:	PLA0003/56	In Brief <ul style="list-style-type: none"> • The Minister approved an amendment to the Metropolitan Region Scheme on 5 August 2011 involving the transfer of Lots 1002, and portions of Lots 1003, 1004 and 1005 from the 'Other Regional Roads' reserve to the 'Urban' zone as it was surplus to the Roberts Road and Miller Street road reservation requirements. • The subject Amendment proposes the reservation of this land for 'Parks and Recreation' under Town Planning Scheme No. 1 to ensure its continued use as parkland for surrounding residents and a landscaped corridor connecting major recreation facilities. • Recommended that Council initiate an amendment to Town Planning Scheme No. 1.
Appendices:	No	
DA/BA or WAPC Ref:	N/A	
Date:	20 October 2011	
Reporting Officer:	L Parker	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Correspondence from Western Australian Planning Commission dated 2 August 2011;
- Metropolitan Region Scheme Amendment 1193/57 South East and South West Districts Omnibus Report dated July 2010; and
- Minutes of the Ordinary Council Meeting held on 19 October 2010 relating to Council's submission in respect to the Metropolitan Region Scheme Amendment.

BACKGROUND:

On 19 October 2010 the Council resolved to advise the Western Australian Planning Commission of its support in regards to Metropolitan Region Scheme Amendment 1193/57 South East and South West Districts Omnibus, which proposed the rezoning of several parcels of land within the Town. In relation to the proposed transfer of Lots 1002, 1003, 1004 and 1005 from the 'Other Regional Roads' reserve to the 'Urban' zone, the Council resolved the following:

“Council supports the proposal to rezone the land from Other Regional Roads reservation to “Urban” zone only on the basis that the land is being reserved for “Parks and Recreation” under Town of Victoria Park Town Planning Scheme No. 1. Council is strongly opposed to the land being available for residential development and would be opposed to the proposed “Urban” zoning if the land was proposed to be used for residential purposes for the reasons outlined in the report of the Director Future Life and Built Life Programs.”

On 2 August 2011, Council received a letter from the Western Australian Planning Commission advising that the amendment to the Metropolitan Region Scheme to transfer the balance of Lots 1002, 1003, 1004 and 1005 from the ‘Other Regional Roads’ reserve to the ‘Urban’ zone had been approved and that Council should now initiate an Amendment to Town Planning Scheme No. 1 to reserve or zone the land under its Scheme.

DETAILS:

The Western Australian Planning Commission and the Minister have approved Metropolitan Region Scheme (MRS) Amendment 1193/57 South East and South West Districts Omnibus, which includes the transfer of Lot 1002 (No. 2-8) Beatty Avenue, East Victoria Park, and the balance of Lots 1003 and 1004 (Nos. 6 & 7) Raleigh Street and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the ‘Other Regional Roads’ reserve to the ‘Urban’ zone. The remaining balance of Lots 1003, 1004 and 1005 are currently zoned ‘Urban’ under the Metropolitan Region Scheme and ‘Residential R30’ under Council’s Town Planning Scheme No. 1. The MRS amendment also included the transfer of several portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves to the ‘Urban’ zone.

The subject land was formerly part of the ‘Other Regional Roads’ reservation of Miller Street and Roberts Road. The land was surplus to the ‘Other Regional Roads’ reservation following construction of the Miller’s Crossing railway overpass.

The subject land is currently used by the Town’s residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller’s Crossing railway overpass in 2004.

Legal Compliance:

Where the Metropolitan Region Scheme has been amended, Section 124 of the Planning and Development Act 2005 requires the local government of the district in which the affected land is located, to prepare an amendment to its local planning scheme which is in accordance with and consistent with the Metropolitan Region Scheme.

The Scheme Amendment process includes a public submission period of at least 42 days. Display advertisements are required to be placed in the West Australian newspaper at the commencement of the public submission period.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

As the subject land has been transferred to the 'Urban' zone under the Metropolitan Region Scheme, there is potential for this land to be rezoned for residential purposes under Town Planning Scheme No. 1 consistent with the surrounding residential area and the remaining balance of the affected lots in the case of Lots 1003, 1004 and 1005, which are zoned 'Residential R30' under Council's Town Planning Scheme No. 1. However, this would result in the loss of a recreational corridor connecting major sports and recreation facilities within the Town and the availability of public parkland for residents of the surrounding medium density residential area.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Council's Draft Local Planning Strategy identifies the Kent Street, Miller Street and Roberts Road link as a recreation corridor, linking major sports and recreation facilities within the Town via a landscaped boulevard. It is considered important to retain the landscaped character of this link in accordance with the Draft Local Planning Strategy.

Lot 1002 has frontage to Beatty Avenue and Miller Street and is located abutting John Bissett Reserve and has been landscaped and is being used in conjunction with that reserve. John Bissett Reserve is a small reserve of only 7071m² located adjacent to a school playground which is completely fenced off and not accessible to the public. As a result the reserve plays a significant role in the open space network of the local area.

Given the residential densities within the area of R30, R40 and R60 it is considered important that sufficient public open space is available for residents in medium density areas to compensate for the loss of traditional backyards. It is important to compensate for these areas of higher densities by providing a usable network of public open space and green links to connect them.

If Lot 1002 was to be rezoned to 'Residential' under Town Planning Scheme No. 1, the park would effectively be reduced in size by almost half, leaving less open space for nearby residents to enjoy. This would reduce a significant local amenity to a small and insignificant park which is wedged between private properties.

Other parks and recreation reserves within the area include Lathlain Oval and Tom Wright Reserve, however, Lathlain Oval has limited use by the general public as Lathlain Oval is the home ground of the Perth Demons WAFL team, which limits its use by the general public as passive open space.

Linking the existing parks and recreation facilities by a landscaped boulevard in an open and green setting along Kent Street, Miller Street and Roberts Road has been identified as an important strategy within the Draft Local Planning Strategy.

In view of the above it is recommended that the whole of Lots 1002, 1003, 1004 and 1005 be reserved for 'Parks and Recreation' under Town Planning Scheme No. 1, to ensure their continued use as a recreational corridor and passive open space for residents of the surrounding medium density residential area. It is also recommended that the portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves which were transferred from the 'Other Regional Roads' reserve to the 'Urban' zone, be zoned 'Residential R30' consistent with the zoning of the substantive portions of these roads. It is recommended that Council initiate proposed Amendment No. 56 to Town Planning Scheme No.1.

RESPONSIBLE OFFICER RECOMMENDATION:

1. **Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:**
 - 1.1 **Classify No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park as Town of Victoria Park Scheme Reserve "Parks and Recreation";**
 - 1.2 **Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct accordingly;**
 - 1.3 **Classify Nos. 6 & 7 (Lots 1003 and 1004) Raleigh Street and No. 45 (Lot 1005) Bishopsgate Street, Carlisle as Town of Victoria Park Scheme Reserve "Parks and Recreation";**
 - 1.4 **Classify the portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves that were formerly part of the Roberts Road "Other Regional Roads" reservation as "Residential R30" zone; and**
 - 1.5 **Modify the Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct accordingly.**
2. **The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 56 documents.**
3. **Amendment No. 56 be referred to the Department of Environment and Conservation prior to the commencement of advertising of the Amendment.**



12.3

12.3

12.4 Review of Provisions of Council's Local Planning Policy – Boundary Walls

File Ref:	PLA0001	In Brief <ul style="list-style-type: none"> • Review of the provisions of Council's Local Planning Policy – Boundary Walls. • Recommended that proposed modifications to the Policy be adopted.
Appendices:	No	
DA/BA or WAPC Ref:	N/A	
Date:	21 October 2011	
Reporting Officer:	I Ahmad	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Revised Local Planning Policy – Boundary Walls; and
- Minutes of the previous Council decisions dated 20 September 2011.

BACKGROUND:

Council's Local Planning Policy – Boundary Walls was adopted on 4 August 2009. The primary objective of this Policy is to outline the requirements that apply for applications for residential development that incorporate boundary walls within the Town of Victoria Park, except for Sunbury Park Estate which is the subject of the Sunbury Park Site Design Guidelines.

It should be highlighted that the current Local Planning Policy – Boundary Walls prevails over Clause 6.3.2 of the Residential Design Codes (2008) (otherwise known as R-Codes) which contains provisions relating to boundary walls. The R-codes which provide for the control of residential development throughout the State were gazetted in October 2002 and have been further updated. The updated version of the Residential Design Codes was recently gazetted in 2010.

In addition, the R-Codes provide for Councils to prepare and adopt local planning policies to deal with local circumstances and character.

Council at its meeting on 20 September 2011 resolved to advertise a draft revised Local Planning Policy – Boundary Walls for public comment.

DETAILS:

The Council's Local Planning Policy – Boundary Walls permit walls of residential dwellings (both new dwellings and additions to existing dwellings) to be constructed on the side or rear boundary or within close proximity of the side or rear boundary, subject to specified limitations. The construction of a wall in such situations is termed a "boundary wall", and includes a "parapet wall".

Council's Planning Services have identified deficiencies in the application of the above requirements which are required to be addressed. In addition, with the recent adoption of the revised R-Codes in 2010, it is therefore considered appropriate to review and update the current Local Planning Policy relating to boundary walls.

In accordance with the Council resolution of 20 September 2011, the proposed draft modifications were the subject of community consultation for a period of 21 days, commencing on 27 September 2011 and concluding on 18 October 2011. A notice was published in the Southern Gazette for two consecutive weeks and being placed on Council's website throughout the consultation period. Over the comment period, no submissions were received.

Legal Compliance:

The following extract from the Residential Design Codes of Western Australia 2010, refers to local planning policies,

“The Codes aim to obviate the need for the use of Local Planning Policies which generate generic provisions, such as those designed to protect privacy and to design for streetscape, by incorporation of these aspects within the Codes. However the Codes recognise that local differences of character must be accommodated. Accordingly, Local Planning Policies, properly advertised and adopted by similar procedures as those set out in the Model Scheme Text are the appropriate method to accomplish this aim and only these will have the required effect.”

The requirements for advertising a Local Planning Policy under the Model Scheme Text are as follows:

1. Publish a notice of the proposed Policy once a week for two consecutive weeks in a newspaper circulated in the Scheme area giving details of:
 - (i) where the draft policy may be inspected;
 - (ii) the subject and nature of the draft policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submission may be made;
2. May publish a Notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.
3. After the expiry of the advertising period the local government is required to review the policy in light of the submission made and resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
4. If the local government resolves to adopt the Policy, the following must be undertaken:
 - (i) publish notice of the policy once in a newspaper circulated in the Scheme area; and
 - (ii) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

The Policy has effect on publication of a notice under 4(i) above.

It is considered that the draft revised Local Planning Policy – Boundary Walls will not affect the interest of the Commission and therefore would not need to be forwarded to the Commission.

Policy Implications:

Any proposed modifications to the provisions contained within the Local Planning Policy – Boundary Walls is required to be undertaken in accordance with the provisions of the Model Scheme Text, as outlined above. This includes advertising of the modification for public comment, and consideration of any submissions received, prior to adoption by Council.

Sustainability Assessment:

External Economic Implications:

No impact.

Social Issues:

No impact.

Cultural Issues:

No impact.

Environmental Issues:

No impact.

COMMENT:

The review of the Local Planning Policy – Boundary Walls involves a number of changes to the current provisions which have been identified in the previous Council report of 20 September 2011.

Given that no submissions were received during the comment period, it is considered that there appears to be general acceptance of the draft revised Local Planning Policy – Boundary Walls. It is recommended that Council adopts the Policy as proposed.

RESPONSIBLE OFFICER RECOMMENDATION:

1. The Council's Local Planning Policy – Boundary Walls be modified to read as follows:

LOCAL PLANNING POLICY – BOUNDARY WALLS

Purpose

The purpose of this Policy is to outline the requirements that apply for applications for residential development that incorporate boundary walls, within the Town of Victoria Park.

Objective

- To provide certainty for applicants, landowners and Council staff regarding the applicable requirements for boundary walls.
- To define boundary walls for the purposes of planning applications in the Town of Victoria Park.
- To clarify those aspects where the Town has varied the boundary wall requirements of the Residential Design Codes.
- To outline the consultation requirements that apply for applications that propose boundary walls.

Background

- The Residential Design Codes were gazetted on 4 October 2002 and a revised version of the Codes were gazetted on 22 November 2010.
- The Residential Design Codes require all residential development to conform to the Codes (except where a Town Planning Scheme overrides specific provisions).
- Clause 6.3.2 and 7.1.4 of the Residential Design Codes (2010) contains provisions relating to boundary walls.
- The Codes enable Council to prepare its own Local Planning Policy for boundary walls.
- This Local Planning Policy shall override Clause 6.3.2 and 7.1.4 of the Residential Design Codes (2010).
- In assessing applications for planning approval that include boundary walls, Council will have regard to this Policy.

Application

This Policy applies to all land within the Town to which the Residential Design Codes apply. This Policy does not apply to Sunbury Park Estate which is the subject of the Sunbury Park Site Design Guidelines.

This Policy deals only with the Planning issues relating to boundary walls. It does not deal with the structural and fire safety requirements, for which applicants should consult with Council's Building Services.

Definition

“Boundary wall” is defined as:

- (a) a wall located on the boundary; or
- (b) a wall without any windows located between the boundary and the setback required by Table 2A and Figure 3 of the Residential Design Codes.

Walls to a dwelling with windows to minor openings or major openings are not regarded as a boundary wall, and will be assessed for compliance with Clause 6.3.1 and 7.1.4 of the Residential Design Codes (2010).

Development Standards

Performance Criteria	Acceptable Development
<p><i>P1 Buildings with boundary walls where it is desirable to do so in order to :</i></p> <ul style="list-style-type: none"> • <i>make effective use of space; or</i> • <i>enhance privacy; or</i> • <i>otherwise enhance the amenity of the development; or</i> • <i>not have any significant adverse effect on the amenity of the adjoining property or streetscape; and</i> • <i>ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.</i> 	<p><i>A1 Boundary walls within the following limits, subject to the overshadowing provisions of design element 6.9 and 7.4 of the Residential Design Codes :</i></p> <ul style="list-style-type: none"> <i>i. Boundary walls to all Single Houses, all Grouped Dwellings and Multiple Dwellings with a coding of less than R30 shall be constructed behind a 6.0 metre front setback (excluding carport structures open on all sides) to a primary street or behind a 3.0m front setback to a secondary street or where a lot results from subdivision of a former corner lot and fronts the former secondary street; and</i> <i>ii. Boundary walls are permitted to abut an existing or simultaneously constructed wall of similar or greater dimension on the adjoining property; or</i> <i>iii. In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length; or</i>

	<p><i>iv. In areas coded R30 and higher, walls not higher than 3.5m with an average of 3.0m for either: (a) 2/3 the length of the balance of the boundary behind the front setback; or (b) up to 9.0 metres in length; whichever is the greater.</i></p>
<p>P2 <i>In mixed use development, in addition to the above:</i></p> <ul style="list-style-type: none"> • <i>Side boundary setback to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions.</i> • <i>Retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.</i> 	<p>A2 <i>Boundary walls for Multiple Dwellings in areas with a coding of R30 or greater and within mixed use development:</i></p> <ul style="list-style-type: none"> <i>i. The wall has a zero setback where it abuts an existing or simultaneously constructed wall of equal or greater proportions; or</i> <i>ii. A wall built to one or more than one side boundary has a maximum height and average height as set out in table 4 and a maximum length of either; (a) 2/3 the length of the balance of the boundary behind the front setback; or (b) up to 9.0 metres in length; whichever is the greater.</i>

Notes-

- (a) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of the boundary wall on either site is determined by reference to the lower density code.
- (b) Notwithstanding the definition of wall height in the Residential Design Codes, the height of the boundary wall shall include the height of any retaining where fill has occurred or is proposed on the subject lot. Where cut has occurred on the site adjoining the subject lot, the height of the boundary wall shall be measured relative to the finished ground level of the adjoining site.
- (c) In order to reduce the height and impact of boundary walls, it is recommended that boundary walls be designed with the gutter on top of the wall in lieu of parapet walls.

- (d) Wall lengths are calculated relative to the boundaries of each proposed strata lot, rather than being calculated relative to the boundaries of the original parent lot.
- (e) Two storey (or more) boundary walls will generally not be supported unless it abuts an existing or simultaneously constructed boundary wall of similar or greater dimension.

Consultation

Applications that comply with Acceptable Development standards

Where an application complies with the Acceptable Development standards of this Policy, details of the compliant boundary wall will not be referred to owners/occupiers of the adjoining property for comment.

Applications that do not comply with Acceptable Development standards

Where an application does not comply with the Acceptable Development standards of this Policy, the details of the application for the boundary wall will be referred to the owners/occupiers of the adjoining property for comment in accordance with Council Policy GEN3 'Community Consultation'.

Following consultation being undertaken, Council Officers will assess whether the application complies with the Performance Criteria standard prior to making a decision on the application.

- 2. Notice of the Local Planning Policy – Boundary Walls adoption be published once in a newspaper circulated in the Scheme area.

12.5 Review of Fencing Local Law

File Ref:	LEG0020	In Brief
Appendices:	No	
Date:	24 October 2011	
Reporting Officer:	R Fishwick	
Responsible Officer:	R Cruickshank	
		<ul style="list-style-type: none"> Local Laws need to be reviewed within an 8 year period. Statewide and local public notice was given that Council intends to review its Fencing Local Law. No submissions were received by 12 October 2011. Recommended that no amendments be made to the Town of Victoria Park Fencing Local Law.

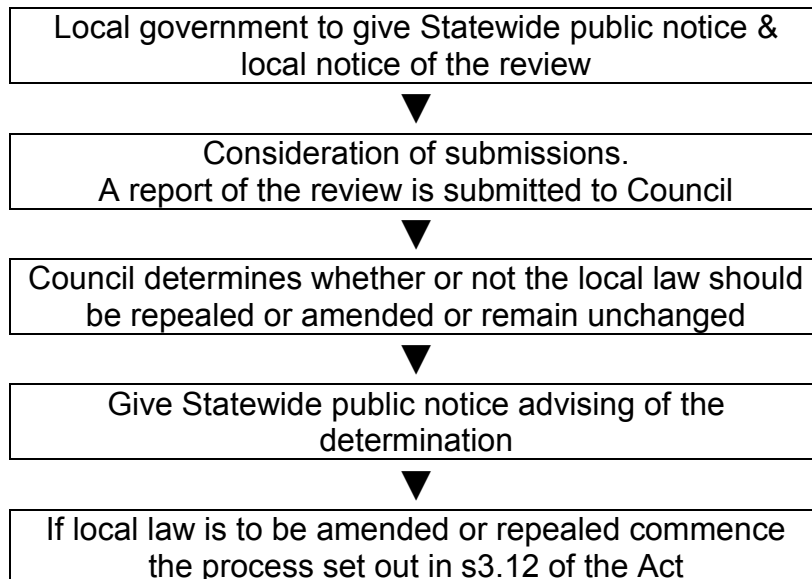
BACKGROUND:

Section 3.16 of the *Local Government Act 1995* (the Act) requires that the local laws of a local government must be reviewed within an eight year period of their gazettal to determine if they should remain unchanged or be repealed or amended. The eight year period is taken to be from either when the local law commenced or when the last review of the local law pursuant to Section 3.16 of the Act was completed.

DETAILS:

It is therefore necessary to ensure that local laws are reviewed within an 8 year period.

The process under s.3.16 for reviewing a local law is:



The Administration is satisfied with the content of the existing Fencing Local Law and is therefore not seeking to repeal the Local Law or promulgate any amendments.

In accordance with the Act, the Town gave the required statutory notice (6 weeks) of the Fencing Local Law review in the West Australian and Southern Gazette newspapers. No submissions or comments from the public about the Local Law were received by the Town when public submissions closed on the 12 October 2011.

As a consequence of the above the review can now be finalised.

Legal Compliance:

A local law review is to be undertaken in accordance with Section 3.16 of the Act which states:

“3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the 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.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.”*

POLICY IMPLICATIONS:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

The cost of the statutory advertising for the local law review in the Southern Gazette and the West Australian Newspaper was \$750 which has been provided in the 2011/12 Budget.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The review enables community participation as any comments received during the statutory advertising period are required to be reported back to Council for consideration before finalising the review.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Given that there were no submissions received from the public and that the Town's Administration has no operational requirements to be made, the review of the Fencing Local Law can now be finalised. It is therefore recommended that the Council now determines that the review of the Town's Fencing Local Law be finalised with no changes or amendments being required.

RESPONSIBLE OFFICER RECOMMENDATION:

In accordance with Section 3.16 of the *Local Government Act 1995* the review of the Town's Fencing Local Law be finalised with no changes or amendments being required.

**12.6 Submission on Draft Structure Plan Preparation Guidelines –
Draft for Public Comment**

File Ref:	ORG0115	In Brief <ul style="list-style-type: none"> • The WAPC has released Draft Structure Plan Preparation Guidelines for public comment. • Recommended that Council make a submission on particular aspects of the Guidelines.
Appendices:	No	
DA/BA or WAPC Ref:	N/A	
Date:	21 October 2011	
Reporting Officer:	J Birmingham	
Responsible Officer:	R Cruickshank	

TABLED ITEMS:

- Draft Structure Plan Preparation Guidelines, August 2011: Western Australian Planning Commission – Draft for Public Comment;
- Consultation Paper: Draft Structure Plan Preparation Guidelines, August 2011 Western Australian Planning Commission;
- Draft Structure Plan Digital Data & Mapping Standards, August 2011: Western Australian Planning Commission; and
- Submission on Draft State Planning Policy - Activity Centres for Perth and Peel – Excerpt of OCM Minutes of 11 August 2009.

DETAILS:

The Western Australian Planning Commission has released Draft Structure Plan Preparation Guidelines, August 2011(tabled) for public comment. The Draft Guidelines consist of three separate documents, being (1) the Draft Guidelines, (2) a consultation paper outlining the intent and background and (3) digital data and mapping standards.

The Draft Structure Plan Preparation Guidelines are a part of the State Government’s attempt to streamline and standardise planning processes across the State. The Draft Guidelines are proposing the standardisation of the structure planning process.

The Digital Data and Mapping Standards are a technical guide ensuring consistency in obtaining consistency in the format and content of digital and geospatial data submitted in structure plans in Western Australia. This document does not warrant any comments from Council.

The Consultation Paper outlines the background and intent of the Draft Structure Plan Guidelines. It states that the Draft Guidelines have been prepared to standardise the format and content of structure plans. The Draft Guidelines will replace the Western Australian Planning Commission’s (WAPC) current structure planning provisions within its *Liveable Neighbourhoods* (2007) policy and *the Guidelines for the Preparation of Local Structure Plans for Urban Release Areas* (June 1992).

The Draft Guidelines do not cover the structure plan approval process, which will be dealt with by the General Provisions for Local Planning Schemes Regulations which are currently being prepared. The Draft Guidelines therefore only cover the format and

content of structure plans to ensure that the terminology and hierarchy of structure plans is standardised and that assistance and guidance is provided on the format and content of structure plans.

The Draft Guidelines establish a clear hierarchy of structure plans across the State and set out the function and content appropriate for each of these structure plans. The structure plan hierarchy is set out as follows:

- Sub-regional structure plans
- District structure plans
- Local structure plans
- Activity centre structure plans
- Combined structure plans

A Detailed Area Plan is not considered to be a structure plan within this hierarchy, even though it sits below the level of local structure plan and provides a detailed application of the provisions contained within a local structure plan.

Sub-regional structure plans are strategic in focus (not statutory) and cover a large area such as a metropolitan sub-region, groups of districts or several local government areas or a townsite. They set out a strategic broad land use framework to guide and coordinate the future development of a region, coordination of major infrastructure and identify requirements for future levels of planning including any studies to be undertaken.

District structure plans would cover a substantial area such as a local government area or a group of smaller local government areas, several suburbs or one or more high school catchment areas. The area covered would typically exceed 300 hectares. The purpose of a district structure plan is to:

- provide a strategic land use framework to guide and coordinate the future development of a district,
- coordinate the provision for infrastructure,
- provide more detailed information on outstanding regional and district land use and planning issues,
- provide the basis for the subsequent preparation of local structure plans and guide developer contribution arrangements for common infrastructure facilities.

A district structure plan is a strategic document without any statutory component.

Local structure plans cover a smaller area such as up to two suburbs, three neighbourhoods, one primary school catchment, typically between 20 hectares and 300 hectares. Their purpose is to provide a statutory land use plan, to provide a comprehensive framework for land use to facilitate future subdivision and development of an area, coordinate the provision and planning of local infrastructure and provide a basis for subdivision.

Activity Centre Structure Plans are required for areas identified as District Centre and above within the Activity Centre hierarchy contained within State Planning Policy 4.2 – Activity Centres for Perth and Peel. They are a statutory land use and development framework for an Activity Centre. State Planning Policy 4.2 – Activity Centres for Perth and Peel covers the contents of an Activity Centre Structure Plan and these provisions are therefore not repeated within the Draft Guidelines.

The Draft Guidelines require a structure plan to include the following sections:

- Cover page
- Endorsement page
- Table of modifications
- Executive summary
- Table of contents
- Part One – Statutory section (not relevant to sub-regional or district structure plans)
- Part Two – Explanatory information (not relevant to sub-regional or district structure plans)
- Technical appendices

The Draft Guidelines state that the information to be included in a structure plan as listed in these Draft Guidelines is a guide only and will vary according to different locations and situations. However, the Draft Guidelines state that “*structure plans should contain the level of detail appropriate to their hierarchy, and should not pre-empt or pre-determine subdivision design.*”

District Structure Plan:

The Draft Guidelines list the matters to be included within a district structure plan map and text. The main headings for a district structure plan text are:

- 1 Planning background
 - 1.1 Introduction and purpose
 - 1.2 Land description
 - 1.3 Planning framework
- 2 Site conditions and environment
 - 2.1 environmental assets and constraints
 - 2.2 landform and soils
 - 2.3 groundwater and surface water
 - 2.4 bushfire hazard
 - 2.5 heritage
 - 2.6 coast
 - 2.7 context and constraints analysis

- 3 District structure plan
 - 3.1 land use
 - 3.2 residential
 - 3.3 movement networks
 - 3.4 open space
 - 3.5 water management
 - 3.6 education facilities
 - 3.7 activity centres and employment
 - 3.8 infrastructure coordination, servicing and staging
 - 3.9 developer contribution arrangements

4 Implementation

Local Structure Plan:

A local structure plan contains two parts, a statutory part which includes all information required to have statutory effect, including the structure plan map and all standards, requirements and prerequisites for subdivision and development. Part Two serves as a reference guide to explain and implement the statutory provisions in Part One.

The Draft Guidelines envisage for Part One to include the local structure plan map as well as the following main headings:

Part One (statutory):

- 1. Structure plan area
- 2. Structure plan content
- 3. Interpretation and use class permissibility
- 4. Operation date
- 5. Relationship to the local planning scheme
- 6. Open space
- 7. Residential density
- 8. General subdivision and development requirements
- 9. Detailed area plan requirements
- 10. Variation to Residential Design Codes
- 11. Operation and implementation

Part Two (Explanatory Section):

- 1 Planning background
 - 1.1 Introduction and purpose
 - 1.2 Land description
 - 1.2.1 Location
 - 1.2.2 Area and Land Use
 - 1.2.3 Legal description and ownership

- 1.3 Planning framework
 - 1.3.1 Zoning and reservations
 - 1.3.2 Regional and sub-regional structure plan
 - 1.3.3 Policies
 - 1.3.4 Other approvals and decisions
- 2 Site conditions and environment
 - 2.1 Environmental assets and constraints
 - 2.2 Landform and soils
 - 2.3 Groundwater and surface water
 - 2.4 Bushfire hazard
 - 2.5 Heritage
 - 2.6 Coast
 - 2.7 Context and constraints analysis
- 3 Local structure plan
 - 3.1 Land Use
 - 3.2 Residential
 - 3.3 Movement networks
 - 3.4 Open space
 - 3.5 Water management
 - 3.6 Education facilities
 - 3.7 Activity centres and employment
 - 3.8 Infrastructure coordination, servicing and staging
 - 3.9 Developer contribution arrangements
- 4 Implementation

Activity Centre Structure Plan:

The Draft Guidelines refer to the State Planning Policy 4.2 Activity Centres for Perth and Peel for guidance on detail and on content of an Activity Centre structure plan.

The Draft Guidelines state that all levels of structure plans will need to include a range of technical appendices to support the structure plan. These should be listed in a table.

A further table should be provided listing each agency that had been consulted prior to lodgement of the structure plan and a summary of outcomes of that consultation process.

The Draft Guidelines set out what is considered a major or a minor modification to a structure plan and states:

“A modification designated ‘major’ or ‘minor’ depends on:

- 1. Whether there is an existing community and/or adjoining residential area(s) or development; and*
- 2. Whether the proposed modification impacts upon the existing community and/or adjoining residential area(s) or development.”*

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town's strategic plan "Plan for the Future 2011 - 2026" includes the completion of the Local Planning Strategy and Town Planning Scheme No. 2 as a project within the Future Life Program. The projects include the structure planning for a number of areas such as Peninsula South (to be addressed as part of the structure plan for Burswood Station East), Town Centre and Railway Mixed Use.

Financial Implications:

Nil

Sustainability Assessment:

The Draft Guidelines do not contain a specific section dealing with sustainability. However individual elements of sustainability have been captured.

COMMENT:

The higher level structure plans at sub-regional and district level are non-statutory, strategic level structure plans that provide guidance to further detailed level planning as part of a local structure plan or activity centre structure plan. As a result, the level of detail proposed as part of the Draft Guidelines is considered to be appropriate.

It is furthermore considered that no comment needs to be made on activity centre structure plans as the Draft Guidelines simply refer to the details contained within State Planning Policy 4.2 – Activity Centres for Perth and Peel for guidance regarding the content for activity centre structure plans. Council has made comment on State Planning Policy 4.2 in August 2009 (tabled).

It is considered however, that Council needs to comment on the content of local structure plans as this is the level of structure planning relevant for the land around the Belmont Park Racecourse as well as for Burswood Station East and West and the area around the Oats Street railway station in the future. The content of local structure plans has therefore relevance to a number of projects within the Town.

A private developer is currently preparing a Draft Structure Plan for development of the land surplus to the Belmont Park Racecourse.

It is important that the Draft structure plan preparation guidelines require sufficient level of detail to achieve some certainty that the preferred urban design and built form outcomes for an area will be achieved.

The positive experience the Town has had with the Burswood Lakes Structure Plan guiding Mirvac's "The Peninsula" development provides some guidance to what matters should be addressed within the structure plan for an inner urban brown field site. It should be noted that the Burswood Lakes Structure Plan contains a greater level of detail than would normally be expected within a structure plan and therefore is effectively a Detailed Area Plan. While this level of detail is not essential, the main principles should nevertheless be contained within the statutory part of a structure plan to ensure that the principles are reflected and can be enforced at the more detailed planning stage.

General Comments:

It appears that the Draft Guidelines have been written primarily for green field development areas within the outer suburbs and new urban release areas. The level of detail of the content, in particular the level of detail required to be provided within the statutory Part One, has been kept at a very basic level with the intention that the detailed planning of new development areas can be resolved at a later stage, either through Detailed Area Plans (DAP) or at the subdivision and development stage.

This approach might be acceptable for outer suburbs which would predominantly contain single residential dwellings on their own green title lots with a smaller proportion of non-residential development. However in the case of brown field developments within established inner urban areas the type of development experienced is significantly different, containing high rise multiple dwelling developments, a mix of land uses that is very different to most development on green field sites and impacts on established residential and non-residential land uses that will need to be considered, including the need to consider view sharing internally as well as externally to the site.

Essentially the Draft Guidelines are missing the urban design element that is very important within an inner urban brown field development. It is therefore considered appropriate to create separate structure plan preparation guidelines for green field sites and either supplementary criteria or a separate guiding document for "Urban Development Plans" for brown field sites, with the urban development plans being an urban design based plan.

In the case of development of brown field sites the built form outcomes are very important and the structure plan needs to reflect that. It is therefore important that at the very minimum the main guiding principles are locked into the statutory section of the structure plan. How these guiding principles are then applied can be left to the more detailed design of the non-statutory section in Part Two or the Detailed Area Plans.

However, the Draft Guidelines do not seem to make provision for guiding principles for built form outcomes such as:

- Requirement to provide activation at pedestrian level
- Requirement for creation of a pedestrian scale where towers are proposed
- Car parking not to be visible from the street
- The height of blank walls facing the street
- Weather protection for pedestrians in commercial areas
- Solar access
- Vehicular and pedestrian access to buildings
- Accessibility and the relationship between lots and major open space areas including foreshore reserves
- Car parking standards for non-residential development
- General building height limits

The Draft Guidelines are unclear with regard to the legal standing of Part Two. As this is not a statutory component of the structure plan it is unclear to what extent the contents of Part Two are binding for a developer and what their legal standing would be if challenged. If Part Two is simply intended for guiding purposes without any legal standing then it is even more important for the key principles of the structure plan and in particular the implementation details to be contained within the statutory Part One.

Detailed Comments:

Structure Plan Map:

Page 21 details the matters to be shown on the local structure plan map. One of the items is “*neighbourhood and local parks that perform critical secondary functions such as drainage, conservation, ecological linkages.*” It is considered that the structure plan map should also show how the park system works to ensure that local parks are in appropriate locations, how they’re being accessed, and what other functions they may perform such as provide view corridors and indicate an understanding of how the parks system relates to the wider area. This may not require an exact location of all local parks, but indicate their function and relationship to the structure plan area and wider area. This should also be reflected within the structure plan text within Part One (statutory section) at least in the form of principles that are to be adhered to at the more detailed planning stage. This requirement should be included within the Draft Guidelines on page 24 under point 6. Open space.

Part One (statutory section):

A section should be included within Part One addressing the objectives of the structure plan and a set of overarching guiding principles of what the structure plan is trying to achieve. The objective of the structure plan could be the creation of a functioning residential community, a transit oriented development, a mixed use community or an activity centre for example. The structure plan should then set out the major principles to guide development such as dwelling and employment targets. The objectives and principles could then be used as a guide to assess whether a proposed modification should be permitted.

Point 7. “Residential density” on page 25 should include any minimum densities or minimum dwelling targets to be achieved within the structure plan area. This is an important factor when the local government is relying on a brown field development to achieve the dwelling targets set by the State Government as part of the Central Metropolitan Sub-regional Strategy.

Point 8. “General subdivision and development requirements” should provide for a range of principles to be included which then can be applied as part of the detailed planning as part of a Detailed Area Plan or within the non-statutory Part Two. The range of principles should include the major urban design outcomes sought from the development such as:

- Requirement to provide activation at pedestrian level
- Requirement for the creation of a pedestrian scale where towers are proposed
- Car parking not to be visible from the street
- The height of blank walls facing the street
- Weather protection for pedestrians in commercial areas
- Solar access
- Access to buildings
- Accessibility and the relationship between lots and major open space areas including foreshore reserves
- Car parking standards for non-residential development
- General building height limits
- View sharing both within the site and externally.

Point 9. “Detailed area plan requirements” should state the main principles to be adhered to as part of the detailed area plan. This is required to ensure that the main principles are reflected within the more detailed design appropriate to a detailed area plan.

Point 11. “Operation and implementation” should include details on what works need to be done, who is responsible for doing them, when does it need to be done (ie triggers for particular works to be completed) and who signs off on the completed works. It also needs to include a section of how and when infrastructure is being handed over to the local government.

Part Two (Explanatory section):

Under point 2.7 “Context and constraints analysis” additional dot points should be added as follows:

- View sharing
- Impact of the development on the surrounding area
- Context of the wider area and how the new development will fit into the existing built form

It is considered that points 3.8 “Infrastructure coordination, servicing and staging” and point 3.9 “Developer contribution arrangements” should be relocated to the statutory section in Part One as these matters need to be enforceable.

Part 4. “Implementation” should also be relocated to Part One as it is important that this can be enforced.

Page 33 outlines the requirements for modification of a structure plan and in particular explains the difference between a ‘major’ and ‘minor’ modification. It is considered that a third criterion should be added to how a ‘major’ modification is distinguished from a ‘minor’ one as follows:

3. “Whether the proposed modification impacts on the strategic direction of the local government as expressed within an approved Local Planning Strategy.”

This is considered essential as a substantial reduction in dwelling density for example can interfere with the local government’s ability to implement the dwelling targets set by State government or a substantial increase in retail floor area could impact on the operation of other Activity Centres even though these modification may have no or minimal impact on an existing nearby residential community.

In addition, the objectives and guiding principles of the structure plan should be used as a guide on whether a proposed modification is ‘major’ or ‘minor’. If a proposed modification is consistent with the objective and principles of the structure plan, does not negatively impact on any existing residential areas and is in keeping with the local government’s Local Planning Strategy, the modification can be considered ‘minor’.

RESPONSIBLE OFFICER RECOMMENDATION:

Council lodge a submission on the Draft Structure Plan Preparation Guidelines – August 2011 based on the comments outlined in the report of the Acting Director Future Life and Built Life Programs dated 21 October 2011.

13. RENEW LIFE PROGRAM REPORTS

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**13.1. State Underground Power Program – Expression of Interest
 Round 5 Localised Enhancement Projects**

File Ref:	ORG0025	In Brief
Appendices:	No	
Date:	12 October 2011	
Reporting Officer:	T McCarthy	
Responsible Officer:	A Vuleta	
		<ul style="list-style-type: none"> • The Office of Energy has called for Expressions of Interest from local governments for Localised Enhancement Projects as part of Round Five of the State Underground Power Program. • Recommendation to submit an Expression of Interest for Portion of Albany Highway for Inclusion in Round Five Localised Enhancement Projects of the State Underground Power Program. • Recommendation to submit an Expression of Interest for Burswood Road for Inclusion in Round Five Localised Enhancement Projects of the State Underground Power Program.

TABLED ITEMS:

- State Underground Power Program Guidelines for Round Five Localised Enhancement Projects

BACKGROUND:

The State Underground Power Program is part of the long-term goal of having underground power distribution to half of Perth’s houses by 2010. Part of the strategy to achieve this is that all new subdivisions must have underground power distribution systems. The State Government has also committed funds to retrospectively installing underground power in established suburbs under an ongoing program.

The State Underground Power Program was initiated primarily with the goal of improving the standard of electricity supply to consumers by addressing reliability issues in areas with existing overhead power lines. However, underground power even on a small scale can result in limited improvements to reliability and can also offer significant benefits in terms of streetscape aesthetics. The Government therefore introduced Localised Enhancement Projects as part of the Program. Localised Enhancement Projects are an opportunity for local governments seeking to beautify

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streetscapes and traffic routes of significance that are recognised as having scenic, tourism and/or heritage value.

Local governments are periodically invited to put forward proposals for underground power projects to a Steering Committee comprising representatives from the Office of Energy, the Western Australian Local Government Association and Western Power Corporation. The Steering Committee prioritises the proposals and makes recommendations to the Minister for Energy on the next projects to proceed.

The Steering Committee, on behalf of the State Government, has called for Expressions of Interest from local governments to make submissions for Localised Enhancement Projects to be included in Round Five of the Program. Expressions of Interest must be lodged by **6 December 2011**.

DETAILS:

Localised Enhancement Projects will mainly target non-metropolitan areas and projects in regional towns will generally be given preference. However, local governments within the Perth metropolitan area have been invited to submit proposals for Round Five Localised Enhancement Projects.

The steps in the Round Five Localised Enhancement Projects process are:

- Release of Guidelines and Expressions of Interest invited 30 August 2011;
- Briefing session for local governments 17 October 2011;
- Deadline for submission of Expressions of Interest 6 December 2011;
- Evaluation of Expression of Interest proposals completed 28 February 2012;
- Community survey of pre-selected proposals completed 10 March 2012;
- Short list announced late May 2012;
- Detailed Proposal Stage for first short-listed Localised Enhancement Projects commences mid 2012.

The first proposed project area recommended for Expression of Interest submission is the portion of Albany Highway between Cargill Street and Oswald Street, Victoria Park. The north western extremity of previous streetscape enhancement projects on Albany Highway, which included the undergrounding of power lines, was at Cargill Street. Overhead power lines in the portion of Albany Highway north west of Oswald Street were placed underground by the developer of the Gateway building, located on the former Nutri-Metics site.

The portion of Albany Highway between Cargill Street and Oswald Street is the only portion of Albany Highway within the Town which still has overhead distribution power lines.

The second proposed project area recommended for Expression of Interest submission is Burswood Road between the cul-de-sac east of Asquith Street and Great Eastern Highway. Recommendations contained in the Town of Victoria Park Causeway Precinct Review strongly advocated the undergrounding of powerlines in the Causeway Precinct, particularly on Burswood Road.

Localised Enhancement Projects selected for participation in Round Five will be funded 50% by the local government, 25% by the Office of Energy and 25% by Western Power. In accordance with previous practice adopted by Council in respect to Localised Enhancement Projects, Residential Underground Power Projects and streetscape projects along Albany Highway, it is recommended that the Town's contribution of 50% of the total project cost be funded from the Underground Power Reserve, and that contributions not be sought from owners of adjoining properties.

The cost of either project has not yet been determined, but based on the previous similar project in the section of Albany Highway between McMillan Street and Rathay Street, the total project cost for the Albany Highway project could be in the order of \$300,000 to \$400,000, and the total project cost for the Burswood Road project could be in the order of \$750,000 to \$1,000,000. The Town would be required to contribute 50% of the Albany Highway project. The maximum amount of funding from the State for any project is \$500,000, so the Town would therefore be liable for all costs, less State funding of \$500,000 if the project is approved, for the Burswood Road project. The Town would not be required to make any contribution until the 2012/2013 financial year, and provision could be made in the 2012/2013 budget for the Town's contribution.

Legal Compliance:

Submission of an Expression of Interest does not commit Council to any binding agreement. If the Town's submitted project is selected to progress to the second stage of the selection process for Localised Enhancement Projects, the Town will be required to pay a non-refundable deposit of \$12,500 for design prior to the start of the Detailed Proposal Stage. If approved, this deposit will later be credited to the Town's contribution to the project under the Funding Agreement. A further report will be presented to Council for consideration if the Town's submitted project is selected to progress to the second stage of the selection process.

Policy Implications:

Nil.

Strategic Plan Implications:

Nil.

Financial Implications:

Internal Budget:

If the submitted project is selected for inclusion in the program, provision would need to be made in the 2012/2013 budget for the Town's contribution.

Total Asset Management:

Areas with underground power have a reduced requirement for tree pruning and reduce annual expenditure on that activity.

Sustainability Assessment:

External Economic Implications:

Nil.

Social Issues:

Benefits of underground power include fewer blackouts, enhanced visual appearance, improved property values and improved safety.

Cultural Issues:

Nil.

Environmental Issues:

Reduced tree pruning requirements provide an improvement to the appearance and ambience of the streetscape.

COMMENT:

It is anticipated that the Minister for Energy will announce shortlisted projects in May 2012. The Office of Energy, on behalf of the Underground Power Steering Committee, has engaged an independent probity auditor to oversee the selection process. Previous rounds of the Local Enhancement Program have been awarded generally to regional local governments *“The Evaluation Team will rate the proposal on the basis of the geographic location of the project with a higher scoring being given to smaller rural and regional towns and a lower scoring being given to proposals received from metropolitan local governments.”* Nevertheless, the Town still has reasonable prospects of the submission being selected, as some other metropolitan local governments have been selected in the past and those projects are similar in nature to the Albany Highway project.

In the event that the Town’s submission is selected, the State will fund 50% of the project up to a maximum contribution of \$500,000. Should a project exceed \$1,000,000 in total, the local government will be required to fund any shortfall.

It is recommended that the Town submit an Expression of Interest for (i) portion of Albany Highway, between Cargill Street and Oswald Street, and (ii) Burswood Road between the cul-de-sac east of Asquith Street and Great Eastern Highway for inclusion in Round Five Localised Enhancement Projects of the State Underground Power Program.

RESPONSIBLE OFFICER RECOMMENDATION:

1. The Town submit an Expression of Interest for portion of Albany Highway, between Cargill Street and Oswald Street, for inclusion in Round Five Localised Enhancement Projects of the State Underground Power Program.
2. The Town submit an Expression of Interest for Burswood Road between the cul-de-sac east of Asquith Street and Great Eastern Highway, for inclusion in Round Five Localised Enhancement Projects of the State Underground Power Program.
3. If the above projects are selected for progression to the second stage of the selection process, a further report be presented to Council detailing a strategy to be submitted to the State Underground Power Steering Committee to enable the short-listed projects to progress to implementation.



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13.2. Town of Victoria Park's Strategic Waste Minimisation Plan

File Ref:	ADM0058	In Brief
Appendices:	Yes	
Date:	17 December 2010	
Reporting Officer:	J Wong	
Responsible Officer:	A Vuleta	
		<ul style="list-style-type: none"> • Summary of the Town's Strategic Waste Minimisation Plan • Endorse the Town's Strategic Waste Minimisation Plan 2008-2013

TABLED ITEMS:

Nil

BACKGROUND:

The provisions of Division 3, Section 40-44 of the Waste Avoidance and Resource Recovery Act 2007 (the Act) require that each local authority develop a Strategic Waste Management Plan. The plan for the Town of Victoria Park and the other members of the Mindarie Regional Council (MRC) was developed and submitted by the MRC in 2008 for the five year period 2008 to 2013. The plan also relates to action No 46 of the Town's Greenhouse Gas Reduction Plan.

The current document for the Town of Victoria Park has been renamed from the Strategic Waste Management Plan 2008-2013 to the Strategic Waste Minimisation Plan 2008 to 2013 (SWMP) to better reflect the vision of the Council.

DETAILS:

The revised SWMP as tabled consists of an update of the Town's operations including completed actions aligned to the SWMP.

The original draft Strategic Waste Management Plan prepared by the Mindarie Regional Council (MRC) was reported to Council in 2008 but not considered in detail or formally adopted.

Legal Compliance:

The Strategic Waste Management Plan 2008-2013 submitted by the MRC meets the current legal requirements of the Act. It is expected that, in time, there will be a requirement for regular review and/or reporting on the document.

Policy Implications:

Nil

Strategic Plan Implications:

Waste management is listed as a current service for the maintenance and delivery of a quality physical environment (Key Result Area 2).

Financial Implications:

Internal Budget:

Waste and recycling services form a significant portion of the Town's annual budget and therefore warrant regular consideration and review. The SWMP does not propose any significant programmes that will be a direct cost to the Town, but does note that there are some uncertainties in relation to the impact of changes to the membership of the MRC. It also suggests evaluation of waste transfer facilities in the region and consideration of commercial waste collection within the Town.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

The promotion of waste minimisation and recycling in the community is intended to promote changes in social attitudes and behaviour.

Cultural Issues:

Nil

Environmental Issues:

The SWMP is intended to provide guidelines and document positive environmental outcomes of reduced waste production and increased recycling.

COMMENT:

The SWMP measures progress against various parameters to facilitate ongoing improvement in waste minimisation and recycling. The parameters include but are not limited to organic waste tonnage, recyclable waste tonnage and contamination rate of the recyclable stream.

The Town of Victoria Park is demographically different to the larger councils in the MRC in that it has a much higher proportion of high density properties consisting of one and two bedroom households. Typically, one would expect that this type of household is less interested in recycling. However, when the audit results from MRC are carefully analysed with allowance for the lower number of people in the average household, it is found that the residents of the Town of Victoria Park have in fact performed as well as the other communities within the MRC.

In 2009, the Town changed its recycling collection from a crate system to a yellow lid recycling cart. This dramatically increased the recycling collection with a significant reduction in the amount of general waste being collected from the green carts. The introduction of the yellow lid carts in February 2009 was a major milestone that has

helped the Town to improve its management of the various waste streams to better align with the outcomes sought in the SWMP.

During 2009, the Resource Recovery Facility (RRF) at Neerabup was commissioned. This facility can handle 100,000 tonnes of domestic rubbish a year and extract the organic fraction for composting. This significantly reduces the amount of rubbish each member of the MRC is sending to landfill.

The SWMP contains a significant number of recommendations which are intended to provide guidance to the Town's staff and the community to promote recycling and waste minimisation within the Town. The recommendations can be considered to be one of three types; Policy, Investigation (look at) and Actions.

Policy statements provide the philosophy for the Town's approach to waste minimisation. The major concepts are:

- Support recycling within the Town of Victoria Park;
- Support Extended Producer Responsibility (EPL) - including Container Deposit Legislation (CDL) and lobby in support of this, both directly and via the MRC;
- Use the MRC to investigate and promote regional activities;
- Work collaboratively with the other members of the MRC;
- Seek increased State Government support and funding for recycling;
- Encourage organisers of public events to provide recycling opportunities as part of the waste management plans for the event; and
- Support and promote the use of recycled materials.

Investigation of 'look at' items are more specific items that the officers are able to give attention to if an idea is found, as warrants consideration for implementation. The matter would then come to Council as a specific report. Recommendations include:

- Look at ways to increase recycling from the bulk rubbish collection;
- Look at shared use of the City of South Perth transfer station;
- Look at developing via the MRC an approach to reducing greenhouse gas emissions and transport costs associated with the collection, transport and processing of waste and recycling.

Action items directly address the activities of the Town and its officers and the main items are:

- Review the commercial rubbish service, including options to increase recycling;
- Maintain reliable data on waste and recycling collection and make it available in a regular report;
- Include considerations for rubbish and recycling systems in the planning phase of new developments within the Town, and

- Maintain effective communication with residents.

RESPONSIBLE OFFICER RECOMMENDATION:

That the Town of Victoria Park's Strategic Waste Minimisation Plan 2008 be 2013 be endorsed.

13.3. Request to Close Road Reserve – Glenn Place, Burswood

File Ref:	TES0273	In Brief
Appendices:	No	
Date:	24 October 2011	
Reporting Officer:	T McCarthy / R Cruickshank	
Responsible Officer:	A Vuleta / R Cruickshank	<ul style="list-style-type: none"> Request from Burswood Entertainment Complex that Council consider closure of Glenn Place, Burswood, to facilitate construction of a Multi-Storey Car Park. Recommendation that the request to consider closure of Glenn Place, Burswood, be refused.

TABLED ITEMS:

- Letter from Burswood Entertainment Complex dated 6 October 2011.

BACKGROUND:

Burswood Entertainment Complex (BEC) submitted to the Town, on 7 September 2011, a building licence application to commence forward works for a proposed multi-storey car park to be located on the southern side of the complex, straddling the Glenn Place road reserve. The proposed multi-storey car park is to be located partially within the area defined as the “Resort Lands” in the *Casino (Burswood Island) Agreement Act 1985*. Developments within the “Resort Lands” do not require normal Planning Approval, as they are exempt under that Act. The road reserve known as Glenn Place is not within the area defined as “Resort Lands”, and as the proposed structure is to be located over the Glenn Place road reserve which is reserved ‘Parks and Recreation’ under the Metropolitan Region Scheme, Planning Approval will be required from the WAPC.

BEC has been advised by the Town that as the proposed multi-storey car park is located over the road reserve, a formal application to Council to consider closure of the road reserve is required to enable Council to determine whether it is appropriate to request the Minister for Lands to close the road. BEC has now lodged a formal request for Council to consider closure of the Glenn Place road reserve.

DETAILS:

The 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 height of the structure has not been specified, but drawings supplied appear to indicate that it will be 3 storeys high and additionally have a basement level. Artistic impressions previously provided by representatives of 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. BEC has indicated that it has reached in-principle agreement with the Minister for Sport and Recreation; Racing and Gaming for the construction of the car park, subject to agreement for the purchase price of the land, which is currently under consideration by Landgate. BEC has indicated that it is hopeful that agreement between BEC and the State Government can be reached in the “*next couple of weeks.*”

The Town has not been involved in any of the negotiation between BEC and the Minister for Sport and Recreation; Racing and Gaming in respect to the proposal, and is unaware of any in-principle agreement between BEC and the Minister. At the request of Council Officers, BEC have advised that they will provide written advice from the Minister concerned, confirming that there has been an agreement for the development to proceed and under what conditions. At the time of writing this report, such written advice had not been received.

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.*

Policy Implications:

Nil.

Strategic Plan Implications:

The proposal to relocate the road and construct the carpark 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 carpark 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.

COMMENT:

BEC has applied for a building licence for approval to commence forward works for the proposed car park within the road reserve. It is not appropriate for such approval to be issued prior to Council consideration of a request for closure of the road reserve, and no approval has therefore been issued. 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, 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*. If Council accepts the recommendation contained in this report and does not agree to commence the process of closure of Glenn Place road reserve at this time, 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 there is State Government agreement at a Ministerial level to the carpark as proposed, 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 carpark. The Department of Planning considers that the proposal to relocate Glenn Place road reserve and construct the proposed carpark 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 -

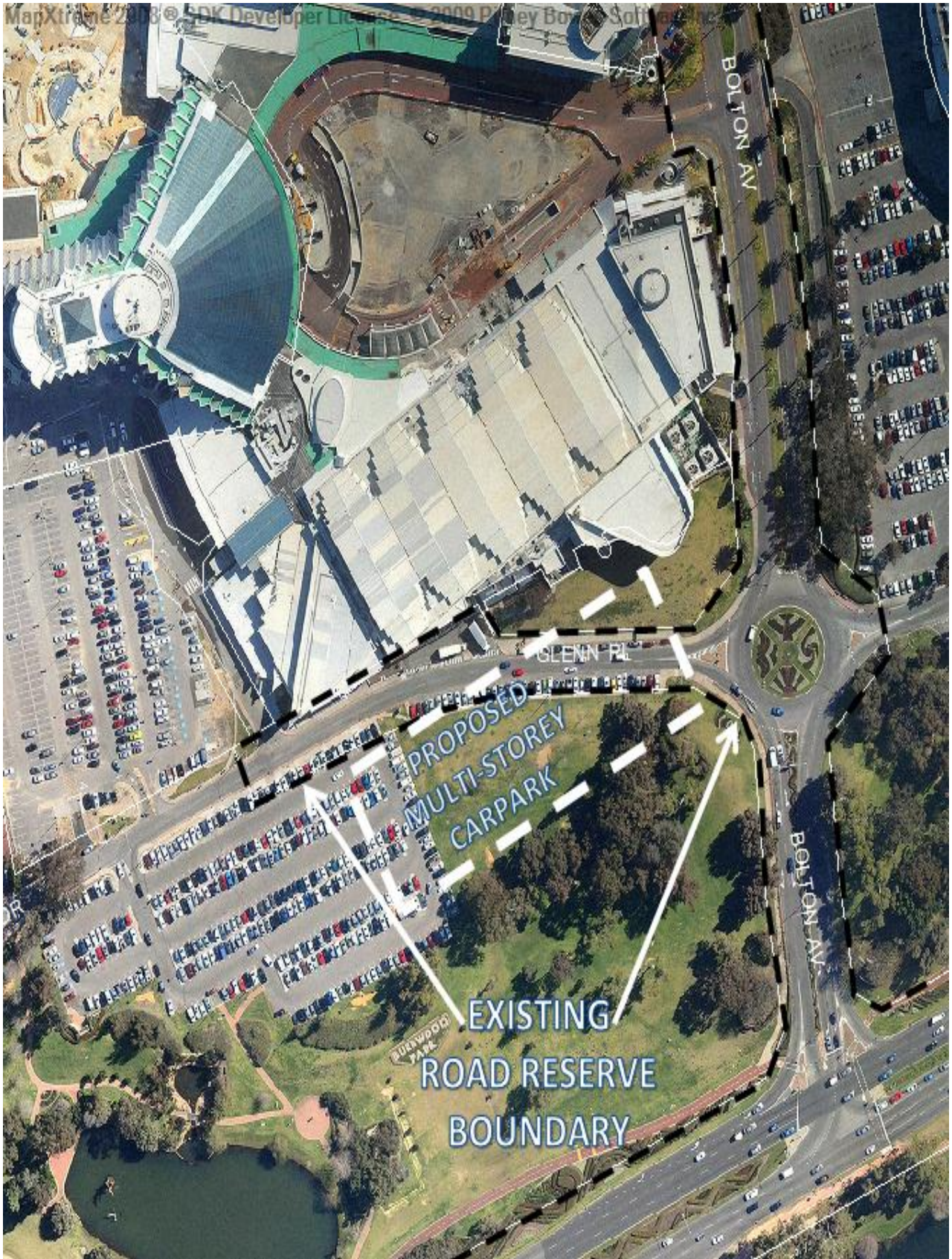
- *“Any further expansion of the Complex into existing parkland will not be supported.”*

- *“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.”*

It is recommended that the request to consider closure of the Glenn Place road reserve be refused at this time, principally because the proposal to construct a multi-storey car park at the nominated location is inconsistent with the Burswood Peninsula Draft District Framework, and it is not considered appropriate for the development to proceed prior to the Masterplan/Structure plan being completed.

RESPONSIBLE OFFICER RECOMMENDATION:

- 1. The request by Burswood Entertainment Complex for Council to consider closure of Glenn Place road reserve in preparation for the proposed construction of a multi-level car park building over the existing road reserve be refused for the following reasons:**
 - 1.1 The proposal to construct a multi-storey car park over the existing Glenn Place road reserve is inconsistent with the Burswood Peninsula Draft District Framework**
 - 1.2 It is not considered appropriate for the proposal to construct a multi-storey car park over the existing Glenn Place road reserve to proceed prior to the Masterplan/Structure plan for the Burswood Peninsula Precinct being completed.**
- 2. A copy of this decision be forwarded to the WAPC, the Minister for Planning and the Minister for Sport and Recreation; Racing and Gaming.**
- 3. A letter be sent to the Minister for Planning addressing the following matters:**
 - 3.1 Outlining Council’s concerns regarding the proposed road closure and proposed construction of a multi-storey car park;**
 - 3.2 Reminding the Minister of his decision on the EG Custodians matter and his view that development should not proceed without the Masterplan/Structure plan first being completed;**
 - 3.3 Requesting that he write to the Minister for Sport and Recreation; Racing and Gaming, to advise that the proposed development should not proceed until finalisation of the Masterplan/Structure Plan for the Burswood Peninsula Precinct.**



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14. COMMUNITY LIFE PROGRAM REPORTS

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14.1. Memorial Gardens Project Team

File Ref:	RES0024	In Brief
Appendices:	Nil	
Date:	17 October 2011	
Reporting Officer:	T. Ackerman	
Responsible Officer:	T. Ackerman	
		<ul style="list-style-type: none"> • Clarification sought regarding the Memorial Garden Project Team's Terms of Reference. • Recommended to include \$20,000 for the creation of an Electronic Honour Roll in the draft 2012/13 Budget.

TABLED ITEMS:

- Extract from the Ordinary Council Meeting minutes of 19 July 2011 – Item 14.1 – Memorial Gardens Project Team.

BACKGROUND:

At the 19 July 2011 Ordinary Council Meeting, Council endorsed recommendations to establish a Memorial Gardens Project Team ('the Project Team') comprising Elected Members, Community Representatives and Staff. In addition, Council endorsed the Terms of Reference for the Project Team:

- *To consider options for further developing Memorial Gardens so that all conflicts that Australia has been involved in, and where local community members have been killed, be commemorated.*
- *To present options, including financial implications, to Council for consideration.*

At the inaugural meeting of the Project Team and in subsequent correspondence and conversations it has become evident that there are varied opinions regarding the scope of the Terms of Reference. The purpose of this report is to seek clarification regarding these issues to provide guidance to the Project Team.

DETAILS:

When Council endorsed the recommendations regarding Memorial Gardens the Administration understood that the Project Team would consider:

- Further developing the existing Memorial Gardens. It appears that some community members believe that Memorial Gardens is going to be extended to Shepperton Road, with the Town's current administration building turned in to a war museum.
- Options to commemorate the conflicts that Australia has been involved in. It is now evident that some community and Project Team members understand this to mean that the individuals that gave their life while serving their country will be commemorated.

Council's direction regarding these issues is required in order to provide guidance to the Project Team.

In a presentation to the Project Team, Professor John Stephens (National Trust

Nominee - Heritage Council; lecturer at the School of Built Environment at Curtin University; and author of *Memory, Commemoration and the Meaning of the Suburban War Memorial* which refers to the Town's Memorial Gardens) provided examples of war memorials throughout Australia and spoke of the changing nature memorials. Memorials built immediately following 1918 were very personal in that the majority of those visiting the memorial would have been related to or known those that they were honouring and grieving for. As the years have passed there is less of a personal connection, with few of those attending ceremonies and visiting memorials today having personal knowledge of the individuals commemorated. Today:

The idea of a war memorial in the modern Anglo-Australian sense is essentially to provide a focus of reflection on the sacrifice of others – ostensibly a sacrifice for our own benefit and well-being. (Memory, Commemoration and the Meaning of the Suburban War Memorial / John Stephens / Journal of Material Culture Vol 12/3: 241-261).

That said, it must be acknowledged that there are still a number of residents in the Town and throughout Western Australia who lost family members and friends that fell while serving their country.

The option to create an electronic honour roll that would list in one place any person that was born, educated, lived, or their next of kin lived in the Town boundaries at any time up until their death, while serving during officially accepted periods of defined conflict, with Australian forces, has been considered in the past; however was not progressed at the time due to relevant information not being readily available. There is the potential to progress this project, which would complement further redeveloping Memorial Gardens if appropriate resources were allocated to it. If created the electronic honour roll would be made available on the Town's website, where it could be accessed by anyone in the world with internet access. One example of an electronic honour roll, hosted by a Local Government Authority, can be seen at the City of Bayside's website at www.bayside.vic.gov.au.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Town of Victoria Park Plan for the Future 2011-2026:

- Community Life - Objective 5 – *We will promote and celebrate the rich history and heritage of the Town.*
- Community Life - Project – *Develop an Interactive History Centre and Civic Centre with the Town Centre.*

Financial Implications:

Internal Budget:

A budget has yet to be prepared for the development of Memorial Gardens. Pending Council's direction the budget will be influenced by the size and nature of the project, noting that commemorating all individuals that fell while in active service would result in a memorial/s with all names engraved in stone or brass, the cost of which is anticipated would be significantly greater than creating a single memorial commemorating all conflicts.

The development of an electronic honour roll is estimated to cost \$20,000 for the necessary research, compilation and creation of the electronic honour roll.

Total Asset Management:

Yet to be determined. The addition of infrastructure to Memorial Gardens is likely to have a financial impact with respect to ongoing asset management and maintenance issues.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

A unique memorial would have the potential to attract residents and visitors to Memorial Gardens. If the names of fallen service personnel were individually listed there is the potential to attract family and friends of those who are recorded on it.

Cultural Issues:

Conflicts where local community members have fallen while serving their country are not all commemorated in one location within the Town. By further developing Memorial Gardens to commemorate all conflicts in one location there would be the opportunity to acknowledge and reflect upon the sacrifices made by those local community members that served their country.

Environmental Issues:

Nil

COMMENT:

Conflicts where local community members have fallen while serving their country are not all commemorated in one location within the Town. By further developing the existing Memorial Gardens to commemorate all conflicts in one location there would be the opportunity to acknowledge and reflect upon the sacrifices made by those local community members that lost their lives while serving their country.

A memorial/s commemorating the conflicts would be complemented by the creation of an electronic honour roll that would list the details of local community members who lost their lives while serving their country. It would offer family, friends and researchers

one spot to search and would be readily available to anyone in the world, with internet access, via the Town's website.

ADDITIONAL COMMENTS:

At the 1 November 2011 Elected Members' Briefing Session queries were raised regarding the Electronic Honour Roll. This is intended to be a separate project that would complement the development of Memorial Gardens. The Honour Roll would be available online, via the Town's website, where it could be viewed by anyone around the world with Internet access. There is also the potential to make the Honour Roll available in Memorial Gardens through a suitably encased computer. The intention is to make the information contained within the Honour Roll readily available through a simple search engine query (e.g. Google) of any element contained within the Roll; thereby providing access to anyone regardless of whether or not they are aware that the Honour Roll exists at the Town.

The majority of the budget required for the Honour Roll is to undertake the research to identify community members that fell while serving their country. The research would include cross-referencing various sources to ensure accuracy which can be a complicated process as the level of detail that is available varies; as well as finding biographical information and photographs to add to the Roll.

RESPONSIBLE OFFICER RECOMMENDATION:

- 1. The Memorial Gardens Project Team to provide options for further developing the existing Memorial Gardens piece of land.**
- 2. The Memorial Gardens Project Team to consider only the conflicts where community members have fallen while serving their country.**
- 3. That \$20,000 be listed in the draft 2012/13 Budget for the research, compilation and creation of an electronic honour roll commemorating community members that have fallen while serving their country.**

14.2. Partnership with Department of Sport and Recreation (DSR) to deliver the KidSport initiative

File Ref:	CMS0173	In Brief <ul style="list-style-type: none"> • KidSport is an initiative of the Department of Sport and Recreation (DSR) to assist financially disadvantaged young people join a local sports club by paying up to \$200 towards their club fees. • Recommend that the Town replace its existing 'Active Youth Recreation Donation' with 'KidSport' and delegate authority to the Director Community Life Program to negotiate and sign off on the Partnership Agreement. • Recommend that the funds currently allocated to the Active Youth Recreation Donation be redirected to support the Activate Harmony Event.
Appendices:	Nil	
Date:	24 October 2011	
Reporting Officer:	J. Thomas	
Responsible Officer:	T. Ackerman	

TABLED ITEMS:

- 2011-2012 Active Youth Donation, Information and Application Form
- Correspondence from Mr Ron Alexander, Director General, Department of Sport and Recreation, 16 August 2011.
- Example of KidSport brochure and application from City of Gosnells
- Policy FIN7, Donations Financial Assistance

BACKGROUND:

In August 2011, the Department of Sport and Recreation (DSR) launched 'Sport 4 All' which is a four-year, \$20 million project to increase participation in community sport and recreation throughout Western Australia. The DSR program is designed to assist disadvantaged WA children to join a sport or recreation club and is guided by the following understanding by the State Government as reported on the Department of Sport and Recreation website:

"We believe clubs are the ideal environment to reconnect our young people with the community and connect them with positive role models. A young person who feels part of the community is less likely to damage that community.

Most of the kids that come into contact with our justice system come from a financially-disadvantaged background. We want to make sure all WA kids get a fair go. We want all WA kids to feel part of the community.

There is also considerable evidence to show that kids who participate in organised sport and recreation do better at school and are physically and mentally healthier than kids who do not. These advantages should be open to all kids.”

‘Sport 4 All’ comprises four programs:

1. KidSport (\$10 million): KidSport is the cornerstone of the Sport 4 All package. Under this program young people who cannot afford to join a club will be helped with a subsidy of up to \$200 (in the form of vouchers), which will go directly to the sport or recreation club.
2. Community Volunteer Program (\$4 million): The Community Volunteer Program will help clubs recruit, train and retain a new generation of volunteers.
3. ClubTalk (\$4 million): The ClubTalk component of Sport 4 All will provide state sporting associations, peak bodies and clubs with the knowledge to utilise the latest in information communication technology (ICT) to make running a club easier and more cost effective.
4. Nature Play WA (\$2 million): This generation of children spends more time indoors than any other generation in history. To counter this trend, the Department of Sport and Recreation has helped to establish a non-for-profit organisation called Nature Play WA which will work to inform parents about the value of unstructured play outside. Nature Play WA will also provide parents with fun, cheap options and ideas to get the kids outside.

This report outlines the KidSport initiative and makes recommendations regarding the Town’s involvement. Funding or partnership opportunities have not yet been made available by DSR regarding the remaining three Sport 4 All programs, Volunteer Program, Club Talk and Nature Play.

DETAILS:

The Town currently delivers a donation program called the ‘Active Youth Recreation Donation’ which aims to assist young residents aged between 6 years and 18 years in receipt of a Centrelink Concession Card with financial assistance of up to \$100 to join an incorporated recreational or sporting group based within the Town of Victoria Park.

The donation has proven very successful in helping residents pay fees to join sporting clubs. It improves cash flow of local clubs by increasing the number of membership fees at the beginning of the season and boosts club memberships by enabling young people to participate who may otherwise not afford involvement.

The Town budgets \$4,000 per year to fund the Active Youth Recreation Donation. In the 2010-2011 financial year 28 young residents accessed the donation across the sports of cricket, hockey, soccer, football and netball.

In July 2011, the Town (along with all Local Government Authorities in Western Australia) was approached by the Department of Sport and Recreation to partner in delivery of the KidSport initiative. In principle, the KidSport initiative is the same as the Town's existing Active Youth Recreation donation with the main difference being that the young person can access up to \$200 in fees (with the potential to include uniform and equipment) and there is greater opportunity for 'referral' such as from a school, doctor, police or social worker.

The collaborative partnership would assign responsibility of the Department of Sport and Recreation to provide the funding and printed material to deliver KidSport; and the Town responsibility for administering KidSport to its residents and clubs.

Some key criteria of the KidSport initiative are:

- Applicant must be aged 5-18 years.
- Applicant must have a Health Care Card or Pension Concession Card.
- Applicant's primary place of residence must be in the local government area they are applying to (*exceptions may apply*).
- It is preferred that applicants register with a club that is in their local government area.
- Funding will cover the cost of fees to join the nominated sport or recreation club (*this may include other related costs as identified by the club such as uniform or equipment.*) Maximum of up to \$200 per child.
- Applicants can only receive funding once per calendar year.
- Fees are only for the nominated registered season. (No retrospective fees will be paid.
- No limitation to applications per family as long as criteria are met.
- An application can be 'validated' by a recognised referral *agent* (*eg school teachers, doctors, police, social workers, local area coordinators.*)
- Funding to support KidSport is provided to local governments only. All applications must be processed by the relevant local government.
- Clubs can only invoice the local government for the total amount of their set fees. If these fees are less than \$200 then this lesser amount should be invoiced.
- KidSport funding is up to \$200 per applicant per calendar year. The club can include the cost of uniforms and equipment into the club fees. This needs to be 'approved' by the local government prior to invoicing.
- Currently, nine Local Governments have signed up to take part in KidSport and many more are currently considering involvement.

The process for accessing KidSport by an individual is:

- Step 1: Applicant to complete the 'voucher' and submit it to the participating Local Government to be validated;

- Step 2: The Local Government will return the voucher to the applicant;
Step 3: The applicant is to submit the voucher to the club when registering;
Step 4: The club will invoice the Local Government for the cost of fees up to \$200 per child.

The Town would be required to modify its current Active Youth Recreation donation application process to be consistent with the KidSport voucher model and change all printed material. All graphic design and printing costs would be borne solely by the Department of Sport and Recreation and would include brochures, application forms, vouchers and potentially posters.

It has been noted by clubs that under existing arrangements, the clubs need to identify whether members live in the Town of Victoria Park or not prior to giving them the Active Youth Recreation Donation application forms. This can cause difficulty in terms of administration and perceived inequity by members who do not live in the Town. Under the KidSport arrangement, all eligible club members have the opportunity to access fee help and can apply to whichever local government they reside.

Should the Town agree to enter into a KidSport Partnership fully funded by the Department of Sport and Recreation, the Town would have its budget for the Active Youth Recreation Donation freed up for another purpose.

It is recommended to redirect unspent Active Youth Donation funds towards the Activate Harmony Event scheduled for March 2012. This event aims to promote the benefits of joining a local sports club to the whole community, but particularly people from culturally and linguistically diverse backgrounds. Local sport and recreation clubs will be invited to set up 'come-and-try' activities in the park free of charge which will provide a suitable avenue to promote the KidSport program. The aim is to increase awareness of sporting opportunities within the Town and promote the many benefits of joining a local club. The outdoor event will include displays, guest appearances from sports stars and entertainment.

LEGAL COMPLIANCE:

Nil.

Policy Implications:

FIN7 outlines a Policy and Procedure for the provision of Financial Assistance to individuals, community groups and schools. Currently, the Policy states that 'all donations shall be made in accordance with the Procedures and Practices Manual' which lists the 'Active Youth Recreation Donation' for an amount of \$100 per person.

It would be necessary to delete the Active Youth Recreation Donation from Policy FIN 7 as it would no longer be a category for application (with KidSport being delivered separately to the Town's Donations program).

STRATEGIC PLAN IMPLICATIONS:

The KidSport initiative is consistent with objectives of the Community Life Program in the Plan for the Future, specifically:

- We will connect people to services, resources, information, facilities and experiences that enhance their physical and social well-being.
- We will promote access and equity in service provision for all members of the community

Additional to the above objectives, the Activate Harmony event (which is the purpose proposed to transfer funds allocated to the Active Youth Recreation Donation) meets the objective:

- We will celebrate cultural diversity and promote cultural harmony.

FINANCIAL IMPLICATIONS:

INTERNAL BUDGET:

For the current financial year 2011-2012, the Town budgeted \$4,000 to deliver the Active Youth Recreation Donation (all of which is currently remaining as the summer sports have not yet accessed the fund).

Participation in KidSport would be fully funded by the Department of Sport and Recreation who would provide a bulk amount for the Town to dispense in accordance with the KidSport guidelines.

It is recommended to redirect funds currently budgeted for the Active Youth Recreation Donation toward the delivery of the Activate Harmony event which is a new initiative to support young people from different cultural backgrounds join a local club scheduled for March 2012.

TOTAL ASSET MANAGEMENT:

The current commitment by the Department for Sport and Recreation to the KidSport program is 4 years.

SUSTAINABILITY ASSESSMENT:

EXTERNAL ECONOMIC IMPLICATIONS:

NIL.

SOCIAL ISSUES:

KidSport is targeted at those children who are not members of a sport or recreation club due to financial circumstances or other identified reasons. Referral agents assist with the identification of children to benefit from KidSport and the payment of club fees. Referral agents can also assist with the completion of application forms and their lodgement with local governments on behalf of parents.

CULTURAL ISSUES:

The KidSport initiative and Activate Harmony event support cultural inclusiveness and target populations at risk of social disadvantage.

ENVIRONMENTAL ISSUES:

Nil.

COMMENT:

Upon review of the information presented by the Department of Sport and Recreation, it is deemed advantageous to enter into a partnership for the benefit of families and young people in the Town who are identified as at risk of financial and social disadvantage.

Given that the Department of Sport and Recreation will bear all direct costs associated with the KidSport initiative over the four-year period, including all donations and printing, participation is considered worthwhile for the benefit of the Town's residents who may need to access financial support in joining a club.

It is acknowledged that the Town may 'lose' some ownership of its current Active Youth Recreation Donation which it developed several years ago, however it is believed this can be suitably overcome with a commitment given by the Department of Sport and Recreation to co-brand all printed material with the Town of Victoria Park logo, colours and other features as negotiated. In keeping with the new direction, the Active Youth Donation would require deletion from Policy FIN 7.

Aside from it being funded completely externally, the KidSport initiative brings several other benefits over the existing Active Youth Recreation Donation mainly the doubled amount of up to \$200 per applicant and easier administration by local clubs who can redirect all eligible members to their local government. With the program delivered state-wide, it is anticipated that increased awareness by families and clubs to promote applications will spur a new level of growth in children's sports participation.

It is deemed appropriate for the Director Community Life Program to finalise the exact details of the partnership within the best interests of Council and community.

The proposal to redirect existing funds budgeted for the Active Youth Donation in the 2011-2012 Annual Operating Budget toward the Activate Harmony event in March 2012 would provide a meaningful avenue to support individuals and clubs within the Town. It supports retention of currently budgeted funds for the same purpose and population of children's sport. The Activate Harmony event will target culturally and linguistically diverse populations to join their local sports club and benefit from all the positive community rewards this can bring.

ADDITIONAL COMMENTS:

At the 1 November 2011 Elected Members' Briefing Session it was suggested that a reserve be established to set aside the money that would have been spent on Active Youth Donations over the four years of the Kidsport Program to ensure that funds would be available to reintroduce the Active Youth Donation should the Kidsport Program not continue. The Administration is currently considering alternative means to set aside money for projects such as this and will be making a recommendation to Council in the New Year.

RESPONSIBLE OFFICER RECOMMENDATION:

That:

1. The Town enter into a Partnership Agreement with the Department of Sport and Recreation to deliver the 'KidSport' initiative as soon as practicable in replacement of the Town's 'Active Youth Recreation Donation';
2. The 'Active Youth Recreation Donation' be removed from Policy FIN7;
3. Delegated authority be given to the Director Community Life Program to negotiate details of the KidSport Partnership Agreement with the Department of Sport and Recreation;
4. The details of the Partnership Agreement be reported in the Members' Information Bulletin once finalised;
5. Unspent funds at the time of signing the KidSport Partnership Agreement currently budgeted in 'Active Youth Recreation Donation' GL 536000.620.4027 be redirected to support youth sport through the delivery of the Activate Harmony Event scheduled for March 2012.

(Absolute Majority Required)

14.3. Higgins Park Tennis Club Business Plan

File Ref:	RES0004	In Brief <ul style="list-style-type: none"> • A Business Plan for the Higgins Park Tennis Club has been developed by A Balanced View Leisure Consultancy. • Recommend to receive the Business Plan. • Recommend to undertake additional consultation with the Club, Staff and Elected Members with a further report to Council detailing the most advantageous course of action for the Town, Club and wider community.
Appendices:	Yes	
Date:	24 October 2011	
Reporting Officer:	J. Thomas	
Responsible Officer:	T. Ackerman	

TABLED ITEMS:

- Draft Business Plan for the Higgins Park Tennis Club (September 2011)
- Higgins Park Tennis Club (Inc) Request for Ongoing Council Funding for Grass Courts Maintenance (April 2010)
- Higgins Park Tennis Club (Inc) Request for Ongoing Council Funding for Grass Courts Maintenance (May 2011)
- Response from Higgins Park Tennis Club Regarding the Draft Business Plan (June 2011)
- Extract from the Ordinary Council Meeting Minutes of 25 May 2010 – Item 3.6 ‘Higgins Park Tennis Club – Request for Financial Assistance’.
- Extract from the Ordinary Council Meeting Minutes of 28 June 2011 – Item 14.1 ‘Higgins Park Tennis Club – Request for Financial Assistance’.

BACKGROUND:

In April 2010, the Higgins Park Tennis Club (HPTC) approached the Town advising that the Club was in financial difficulty and that it urgently required an operating subsidy of \$11,385 from the Town to ensure its immediate solvency.

Additional to the operating subsidy, the HPTC request also included:

- *“The Town of Victoria Park covers the maintenance costs associated with the 12 grass courts at Higgins Park Tennis Club (currently \$34,385 per annum) excluding costs associated with reticulation.*
- *Town of Victoria Park formally lease Higgins Park Tennis Club their existing club facilities to the Club at a cost of \$1.00 per annum for a set term with options (as has been the case up to 1/7/2010).*

At its meeting on 25 May 2010, Council resolved:

The Higgins Park Tennis Club be advised that the Town will:

1. *Provide a donation to the Higgins Park Tennis Club of \$11,385 in the 2009/2010 financial year to cover operational costs through to 25 October 2010;*
2. *Support a review of the 5-year business plan for the Higgins Park Tennis Club outlining the Club's projected financial independence, to be funded to a maximum of \$10,000 in the 2010/2011 Annual Budget;*
3. *Consider Part A of the Club's request, as noted in the body of the report, through the forthcoming lease renewal negotiations to be finalised by August 2010, as follows:*

"The Town of Victoria Park covers the maintenance costs associated with the 12 grass courts at Higgins Park Tennis Club (currently \$34,385 per annum) excluding costs associated with reticulation; and

Town of Victoria Park formally lease Higgins Park Tennis Club their existing club facilities to the club at a cost of \$1.00 per annum for a set terms with options (as has been the case up to 1/7/2010)."

In May 2011, the Town received further correspondence from the HPTC indicating that their financial position had again reached crisis point, specifically for the on-going maintenance of the grass courts which is a direct cost to an external contractor.

At its Ordinary Council Meeting on 28 June 2011, Council resolved:

"The Higgins Park Tennis Club be advised that the Town will:

1. *Provide a donation of \$10,600 in the 2010-2011 financial year as per the Club's allocation in the 2010/2010 Annual Budget to support their continued operations in the immediate future.*
2. *Assess the 5-year Business Plan currently being finalised for the Higgins Park Tennis Club and provide a further report to Council detailing the Club's request for increased financial assistance."*

The purpose of this report is to inform progress regarding development of the Business Plan and key recommendations of the investigation.

DETAILS:

Consistent with Council's resolution of 25 May 2010, the Town secured the services of A Balanced View (ABV) Leisure Consultancy Services to review the Business Plan of the Higgins Park Tennis Club.

The Town received the first draft of the Business Plan in June 2011 and the second draft in September 2011 (tabled). The draft Business Plan includes:

- A review of the 2005 – 2010 Higgins Park Tennis Club Business Plan and achievements to date.
- Literature review.
- Demographic information for the Town including population profile and projected population growth.
- Tennis participation trends for children and adults.
- A review of the HPTC operations including background, current operating position, current court usage program, financial reports, operating figures, membership base and facilities.
- Management of HPTC including Management Committee, lease of HPTC, facility maintenance, Coaching Agreement, competitions, programs and court bookings.
- Summary of considerations including tennis provision within the Town, shared clubrooms/co-location with another sporting group, cease trading, clubs merge, court rationalisation, Plan for the Future and Competitor Analysis.
- Inclusion of a Management Plan for the HPTC that outlines strategies to meet the Club's vision and objectives including strategies for management, facilities and financial.
- Five year financial forecast.
- List of ten recommendations.

The research by consultant Darren Monument of ABV was carried out from December 2010 to June 2011. The Executive Summary from the report is included within the Appendices and the recommendations in the report are summarised below:

“1. It is recommended that the HPTC review the early payment discount scheme and significantly reduce the discount per membership.

2. It is recommended that the Town of Victoria Park not support the upgrade to the club house facilities in the short term, but investigate the options and costs to upgrade the club house facilities at the Higgins Park Tennis Club for consideration in future financial plans.

3. It is recommended that the HPTC Management Committee be amended to include a Management/Programs Coordinator.

4. It is recommended that the conversion of grass courts to hard court facilities not be undertaken at this point in time. The associated lighting for hard courts is also not recommended to proceed at this time.

5. It is recommended that the HPTC in conjunction with the Town of Victoria Park initiate discussions with neighbouring LGA's Canning and South Perth with a view to attracting a Tennis Club to merge with HPTC.

6. It is recommended that the HPTC and the Town of Victoria Park give serious consideration to the decommissioning of four (4) grass tennis courts.

7. *It is recommended that the Town of Victoria Park develop a policy framework to guide subsidy afforded to community and sporting clubs, level of support for facility development and guidelines for the design of sporting infrastructure to guide future planning.*

8. *It is recommended the Town of Victoria Park and the HPTC negotiate and sign the lease agreement as soon as practically possible for a period of three (3) years including a clause that the Club meets with the Town of Victoria Park 6 months prior to the expiration of the lease to discuss the Club's performance and options for the future.*

9. *Further to this (recommendation 8), the Town of Victoria Park give consideration to the request for financial support dated May 2011 to enable the HPTC to operate into the future."*

10. *It is recommended the HPTC consider the adoption of this report's Management Plan in order to meet its vision and objectives.*

At its Committee meeting on 13 September 2011, the Higgins Park Tennis Club discussed the recommendations contained in the first draft of the Business Plan (June 2011). At this point in time, the second draft of the Business Plan had not yet been received by the Club or Town (September) which included the additional recommendations 2, 4 and 8 as listed above, as well as further information in the body of the Business Plan. The Club provided a response via email (tabled) which offered support for some recommendations; however the recommendation which would most directly improve their financial position regarding the decommissioning of four grass courts was questioned, with the response from the HPTC advising:

If 4 grass courts are to be de-commissioned, they would need to be replaced by 4 hard courts under lights so as to improve the viability of the existing hard courts. This would allow better all year use of the facility and further attract juniors who now tend to play more tennis on hard courts than on grass. 8 hard courts would also allow the facility to host small hard court tournaments which have not been possible with only 4 hard courts.

The Club was supportive of the Town initiating discussions with surrounding Local Governments in an endeavour to attract a nearby club to merge.

The Draft Business plan identifies some key findings and considerations which inform the viability of the Higgins Park Tennis Club into the future. Some of these include:

- The Club has dedicated volunteers eager to see it continue and succeed;
- The HPTC is the sole tennis club facility within the Town of Victoria Park;
- The region in which HPTC operates is very competitive in terms of facilities available to the public, with 7 tennis clubs within a 5km radius;
- Without increased subsidy and support from the Town of Victoria Park it is considered highly unlikely that the Club can be financially viable and independent in the short or long term.

- A management plan outlining strategies to improve the operating viability of the Club requires implementation to improve its operating and financial position.
- The Town's Plan for the Future sets a pathway to ensure that the Town maintains a high level of sustainability and that the financial strategies developed to accommodate the objectives of the Town's Strategic vision are either fulfilled or progressed. Upgrades to the HPTC have not been included in the Plan for the Future. Therefore any proposed or required facility upgrades will likely require external funding to occur.
- Since 2001, tennis participation rates within Australia have reduced by 7% for children and 25% for adults. Membership numbers at the Higgins Park Tennis Club have declined from 121 members in (2004) to 70 members in 2010 (42%)
- The directional layout of the courts is not the traditional north/south direction, but north east/south west, which poses problems for players associated with low sun levels in the late afternoon.
- The age and existing condition of the club room facilities will likely require increased maintenance costs into the future to ensure building compliance and for the amenity to remain usable.

The Draft Business Plan provides a level of information consistent with the scope of the Consultancy Brief.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Additional financial support for the Higgins Park Tennis Club or capital improvements to the facility are not included in the Town's Plan for the Future.

Providing support for the clubs and the suitable provisions of sporting opportunities is consistent with objectives of the Community Life Program in the Plan for the Future, specifically:

- We will connect people to services, resources, information, facilities and experiences that enhance their physical and social well-being.

Financial Implications:

Depending on which of the recommendations are supported, the level of financial assistance from the Town will vary. Indicatively, it is suggested that the Town continue with its operating subsidy of \$10,600 for three financial years but not support the Club's request of \$34,385 per annum to cover maintenance costs associated with the 12 grass courts. Recommendations regarding financial commitments are proposed for discussion at an Elected Members Workshop and inclusion in a further report to Council.

COMMENT:

The draft Business Plan developed by A Balanced View Consultancy Services provides a detailed level of information to launch the next stage of discussion regarding the Town's investment in the Higgins Park Tennis Club.

The Business Plan reports that short and long term viability of the Club would require an increased, ongoing financial commitment from the Town. The report outlines significant factors which it is deemed jeopardise the Club's viability and independence into the future including declining club membership; declining trends in tennis participation nationally for children and adults; poor club operating financial position; inadequate, ageing clubhouse; poor orientation of courts; and the requirement to decommission grass courts to promote financial sustainability of which the Club is not in favour.

With these foundations of the HPTC deemed vulnerable, coupled with the oversupply of tennis clubs noted within a 5km radius, proposals for increased operational subsidy or injections of capital to the courts, clubhouse or secondary amenities are questionable.

The Business Plan includes a Management Plan to help the HPTC improve its operations and whilst it is considered the strategies are realistic opportunities for the Club to improve its financial position, it is still unlikely that the Higgins Park Tennis Club will be financially viable without ongoing support.

The Town has not yet received a statement from the HPTC regarding their views on the second draft of the Business Plan and these views are considered necessary prior to making a resolution regarding financial support.

The Town's Plan for the Future indicates a support for opportunities that enhance physical and social well-being. As such, the Higgins Park Tennis Club should be supported in principle however; the Town has also identified clear projects in the Plan for the Future for implementation by 2026 and drawing allocated funds away from those projects may delay achieving them.

It is believed that an important step in decision-making regarding the requests of the Tennis Club is discussion at an Elected Members Workshop to give consideration to the impacts against the Town's Plan for the Future, sustainability of the HPTC and impacts on the community.

RESPONSIBLE OFFICER RECOMMENDATION:

- 1. The Higgins Park Tennis Club Business Plan Draft Report August 2011 V2 prepared by A Balanced View (ABV) Leisure Consultancy Services be received.**
- 2. Administration undertake additional consultation with the Higgins Park Tennis Club regarding recommendations contained in the Business Plan listed in one (1) above and prepare a further report to Council detailing the most advantageous course of action for the Town, Club and community.**
- 3. The Higgins Park Tennis Club be the subject of an Elected Members Workshop as soon as practicable.**
- 4. Higgins Park Tennis Club be thanked for their assistance in developing the Business Plan.**

15. BUSINESS LIFE PROGRAM REPORTS

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15.1 Schedule of Accounts for the Period 1 August 2011 to 31 August 2011

File Ref:	FIN0015	In Brief <ul style="list-style-type: none">• This report provides an overview of payments made by the Town during the month of August 2011.• Recommended that the August 2011 payments made via Accounts Payable, Payroll and Local Government Investments be confirmed.
Appendices:	Yes	
Date:	10 October 2011	
Reporting Officer:	T. Erak	
Responsible Officer:	B. Callander	

TABLED ITEMS:

- File – cheques and supporting documents

BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with Regulation 12(1) of the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing: -

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

DETAILS:

The list of Accounts Paid

The list of accounts paid by the CEO in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 be confirmed.

FUND	CHEQUE NUMBERS / PAY PERIODS	AMOUNTS \$
Municipal Account		
Recoup Advance Account		4,358,239.12
Bank Fees		4,440.06
Corporate Mastercard		7,026.47
EFT - ANZ Bank Investment		1,500,000.00
EFT - CBA Bank Investment		2,004,571.51
EFT - NAB Bank Investment		2,000,000.00
EFT - UGP Investment		1,055,901.54
EFT - Westpac Bank Investment		3,500,000.00
		<u>14,430,178.70</u>
Advance Account		
Automatic Cheques Drawn	75507 – 75643	425,937.55
Less Cancelled Cheques		(280.00)
EFT Creditor Payments		2,781,021.73
Less Cancelled EFT		(347.16)
Payroll	F/E 2/8/2011	353,001.71
	F/E 16/8/2011	444,431.94
	F/E 30/8/2011	353,143.02
Direct Debits		1,310.41
Bank Fees		19.92
		<u>4,358,239.12</u>
Trust Account		
Cheques Drawn	2586 – 2599	31,843.60
Less Cancelled Cheques		(40.00)
		<u>31,803.60</u>

Legal Compliance:

This report and the attached lists are submitted in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

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:

It is recommended that the payments made for the month of August 2011 be confirmed.

RESPONSIBLE OFFICER RECOMMENDATION:

1. In accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 the List of Accounts Paid for the period 1 August 2011 to 31 August 2011 be confirmed;
2. Direct lodgement of payroll payments to the personal bank accounts of employees be confirmed;
3. Depositing and withdrawal of investments to and from accounts in the name of the Local Government be confirmed.

15.2 Financial Statements for the Period Between 1 August and 31 August 2011

File Ref:	FIN0015	In Brief <ul style="list-style-type: none">Recommended that the Financial Statements for the period ending 31 August be adopted.
Appendices:	Yes	
Date:	26 October 2011	
Reporting Officer:	G. Patrick	
Responsible Officer:	B. Callander	

TABLED ITEMS:

- Nil

BACKGROUND:

The Town is required by the Local Government (Financial Management) Regulations 1996 to prepare, and present to Council, monthly financial statements. Reporting is being improved to show more detail on the Operating Statement as well as provide a Balance Sheet. Please note that these figures may still be subject to year end adjustments.

DETAILS:

Attached in the appendices are a copy of the Operating Statement and Balance Sheet for the month of August. Due to final adjustments still to be processed, as well as the late loading of the 2011-12 Budget into Authority, detailed explanations of all variances will be postponed.

Legal Compliance:

This report satisfies the requirements of Regulation 34 of the Local Government (Financial Management) Regulations 1996, pursuant to Section 6.4 of Local Government Act 1995 and the Local Government (Financial Management) Amendment Regulations 2005.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

15.2

15.2

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is recommended that the Financial Statements for the month of August 2011 be adopted.

RESPONSIBLE OFFICER RECOMMENDATION:

1. In accordance with Regulation 34 of the Local Government (Financial Management) Regulations the Financial Statements for the period ending 31 August 2011 be adopted.

15.3 Schedule of Accounts for the Period 1 September 2011 to 30 September 2011

File Ref:	FIN0015	In Brief
Appendices:	Yes	
Date:	10 October 2011	
Reporting Officer:	T. Erak	
Responsible Officer:	B. Callander	
		<ul style="list-style-type: none"> • This report provides an overview of payments made by the Town during the month of September 2011. • Recommended that the September 2011 payments made via Accounts Payable, Payroll and Local Government Investments be confirmed.

TABLED ITEMS:

- File – cheques and supporting documents

BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with Regulation 12(1) of the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing: -

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

DETAILS:

The list of Accounts Paid

The list of accounts paid by the CEO in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 be confirmed.

FUND	CHEQUE NUMBERS / PAY PERIODS	AMOUNTS \$
Municipal Account		
Recoup Advance Account		4,505,691.09
Bank Fees		27,322.15
Corporate Mastercard		5,854.83
EFT - AMP Bank Investment		320,542.72
EFT - ANZ Bank Investment		2,000,000.00
EFT - Bankwest Investment		443,968.78
EFT - IMB Investment		1,000,000.00
EFT - ING Bank Investment		1,072,924.26
EFT – ME Bank Investment		1,000,000.00
EFT - Suncorp Bank Investment		1,500,000.00
		11,876,303.83
Advance Account		
Automatic Cheques Drawn	75644 – 75772	450,959.16
Less Cancelled Cheques		(484.50)
EFT Creditor Payments		3,286,173.34
Payroll	F/E 13/9/2011	401,828.16
	F/E 27/9/2011	360,996.67
Direct Credits		6,198.21
Bank Fees		20.05
		4,505,691.09
Trust Account		
Cheques Drawn	2600 – 2617	13,990.00
Less Cancelled Cheques		Nil
		13,990.00

Legal Compliance:

This report and the attached lists are submitted in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

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:

It is recommended that the payments made for the month of September 2011 be confirmed.

RESPONSIBLE OFFICER RECOMMENDATION:

1. In accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 the List of Accounts Paid for the period 1 September 2011 to 30 September 2011 be confirmed;
2. Direct lodgement of payroll payments to the personal bank accounts of employees be confirmed;
3. Depositing and withdrawal of investments to and from accounts in the name of the Local Government be confirmed.

15.4 Financial Statements for the Period Between 1 September and 30 September 2011

File Ref:	FIN0015	In Brief • Recommended that the Financial Statements for the period ending 30 September be adopted.
Appendices:	Yes	
Date:	26 October 2011	
Reporting Officer:	G. Patrick	
Responsible Officer:	B. Callander	

TABLED ITEMS:

- Nil

BACKGROUND:

The Town is required by the Local Government (Financial Management) Regulations 1996 to prepare, and present to Council, monthly financial statements. Reporting is being improved to show more detail on the Operating Statement as well as provide a Balance Sheet. Please note that these figures may still be subject to year end adjustments.

DETAILS:

Attached in the appendices are a copy of the Operating Statement and Balance Sheet for the month of September. Due to final adjustments still to be processed, as well as the late loading of the 2011-12 Budget into Authority, detailed explanations of all variances will be postponed.

Legal Compliance:

This report satisfies the requirements of Regulation 34 of the Local Government (Financial Management) Regulations 1996, pursuant to Section 6.4 of Local Government Act 1995 and the Local Government (Financial Management) Amendment Regulations 2005.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

15.4

15.4

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is recommended that the Financial Statements for the month of September 2011 be adopted.

RESPONSIBLE OFFICER RECOMMENDATION:

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations the Financial Statements for the period ending 30 September 2011 be adopted.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Adam Vilaca has given notice that he intends to move the following motion:

The Administration report to council by the first Ordinary Council Meeting in February 2012 about the feasibility of introducing free wi-fi along the Albany Highway strip from the intersection of Albany Highway and Welshpool Road to the Causeway.

Reason:

The Lord Mayor of Perth recently announced that the City of Perth will be looking at introducing free WiFi in the city. I believe that the introduction of such a service in Victoria Park has the potential to lift the productivity of people visiting and working in the Town and it will enhance the Victoria Park strip as a place to socialise and do business. A report outlining the pro's and con's and what is involved is being sought with this NoM.

16.1 Motion on Which Previous Notice Has Been Given: Investigate delivering free WI_FI along Albany Highway from the intersection of Welshpool Road to the Causeway

File Ref:	ADM0191	In Brief • Administration response to Notice of Motion from Cr Vilaca, seeking support for the Town to provide free WI_FI along Albany Highway from Welshpool Road to the Causeway.
Appendices:	No	
Date:	2 November 2011	
Reporting Officer:	C Stott	
Responsible Officer:	B. Callander	

TABLED ITEMS:

Nil

BACKGROUND:

The Town of Victoria Park currently offers free wifi at the Library, some customers visit the library solely to use the wifi. Customers are frequently seen sitting in their cars at night outside the library to access the 24/7 wifi. Access to free wifi along Albany Highway would bring more people to local cafes and businesses. Providing the service would encourage the use of digital communication and social media. The service could also expand interaction between the Town and its visitors via a log in process.

Summary of the Media release from the City of Perth dated 12 March 2010

Lord Mayor Lisa Scaffidi said that new development is an added incentive for people to visit the precinct. "Northbridge is a popular destination for students, young business people and tourists, making it the ideal place for a public wireless hot-spot," The free Wi-Fi service will be available seven days a week between 7am - 7pm.

HOW TO USE FREE VIVIDWIRELESS AT THE NORTHBRIDGE PIAZZA
Accessing the free 4G is simple and can be accessed by anyone with a wireless enabled lap-top or a wireless internet device (such as an iPhone or a Smartphone)

All users have to do is turn on their wireless detection on their laptops/device and select the select the Freewifi-vividwireless option. Once connected, users will be taken to the vividwireless homepage where they, after agreeing to the standard terms and conditions, can access the free internet.”

Summary of media release City of Swan Midland logs on to free Wi-Fi October 26, 2010

The city will be the first in the state to roll-out a 24-hour, free Wi-Fi service within a kilometre radius of the CBD when the switch is flicked at 10am today. The 54-megabit-per-second service would not impose a download limit on mobile phone, iPad and laptop users, said aCure Technology managing director Glenn Farrow. But users might find themselves banned if they download large amounts of data, in a move introduced to combat movie and music piracy.

Those in cafes, parks and even shopping centres who log on to the Making Midland Connect gateway are greeted with a policy they must agree to before gaining access to the internet. It states the service is "free to use, but not to abuse". "As a free service available to everyone we ask that you respect others and do not make excessive demands on the limited bandwidth by downloading or uploading large files, including streaming video," the website said. "If you do so, your access to Making Midland Connect may be terminated."

It will become available on a 12-month trial after the City of Swan and Swan Chamber of Commerce collaborated to install the wireless nodes and take care of the monthly licensing and administration fees. The service would only continue if businesses agreed to contribute enough money to it.

DETAILS:

The Town of Victoria Park Library free Wi-Fi access is available to all visitors who bring a device that is capable of connecting to a wireless network (e.g. laptop computer, mobile telephone or personal digital assistant). Registration as a Library member is not necessary. No login or password is required but there are *Conditions of Use* which you must read and agree to in order to connect to the network.

The installation cost for the library service was \$1,500, with the monthly fee of \$250 over a 2 years contract. The library staff do not offer any technical support and the system is operated entirely by aCure.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Plan for the Future 2011-2026 contains outcomes for the Business Life program area which include:

- Business vibrancy and overall Town-wide economic vitality
- A vibrant Town Centre
- Improved commercial/main street infrastructure

The preparation of a Town-wide economic development strategy states “*we will do this in ways that encourage creativity, attractiveness and a friendly and sustainable environment in our business districts.*”

Financial Implications:

Internal Budget:

The 2011/2012 budget has not made any provision for this project, however the report that will be presented to Council in February 2012 will provide estimates of costs for the project.

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Social Issues:

May result in greater patronage of the Albany Highway business and café strip and facilitates greater participation in social media providing the Town with additional means of communication with its customers.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The service suggested by Cr Vilaca can make a contribution to the outcomes of the Plan for the Future. Given the limited service provided by the Town has a good uptake of customers and the suggestion of free WI_FI is on trend with other organisations whose goals are to increase vitality and the patronage of local businesses.

RESPONSIBLE OFFICER RECOMMENDATION:

That the installation of WI_FI along Albany Highway be fully costed and investigated with a report being presented to Council in February 2012.

Cr Adam Vilaca has given notice that he intends to move the following motion:

The Administration report to council by the first Ordinary Council Meeting in February 2012 about the feasibility of making the Albany Highway strip (as defined above) a smoke free zone.

Reason

I am aware of some councils looking to ban smoking totally from their cafe strips and alfresco areas. I am curious as to how much of the Albany Highway strip is currently smoke free, what support in the community there is to extend it and what the implications would be on policing etc. both for and against the argument.

16.2 Smoke Free Albany Highway

File Ref:	ADM0058	In Brief <ul style="list-style-type: none">• A notice of motion suggesting that Albany Highway be designated as a smoke free area has been made.• Due to legislative constraints it is recommended that this is not pursued.
Appendices:	<ul style="list-style-type: none">• Nil	
Date:	2 November 2011	
Reporting Officer:	A. Lantzke	
Responsible Officer:	B. Callander	

TABLED ITEMS:

- Nil

BACKGROUND:

The City of Joondalup, through its Local Government Property Local Law restricts smoking on beaches. WALGA have advised that Joondalup had significant difficulty arguing that this restriction was appropriate and reasonable when being assessed by the Joint Standing Committee.

In 1998 the City of Fremantle restricted smoking in alfresco areas through the conditions of its outdoor eating permits system. This restriction is now redundant as the *Tobacco Control Act 2006* was amended last year to include restrictions on smoking in alfresco areas across the state.

From 31 July 2006, the *Tobacco Products Control Regulations 2006* made under the *Tobacco Products Control Act 2006* prohibited smoking in all enclosed public places including those on licensed premises. The only exception to this is the Burswood Casino's International Room. This means that in addition to venues which were required to be smoke free prior to 31 July 2006 (e.g. shopping centres, theatres, airports, cinemas, cafes and restaurants etc.), venues such as pubs, sporting clubs, night clubs and licensed restaurants are now also required to be smoke free inside.

In 2010 the *Tobacco Products Control Act 2006* was amended to include restrictions on smoking in Alfresco dining areas with the responsibility for enforcement of this

restriction falling on Local Government. Currently, the Town's Rangers and Environmental Health Officers are authorised to enforce the Tobacco Act and Regulations, however, the training promised by the Department of Health WA (Tobacco Control Branch) to enforce these restrictions has not eventuated due to a lack of resources.

DETAILS:

WALGA have indicated that although Joondalup have successfully implemented a no smoking restriction on beaches, implementing a no smoking restriction on all or part of Albany Highway would be problematic for the following reasons.

This type of restriction would be required to specify the area where the restriction would apply.

In the case of Fremantle in 1998 this was accomplished as the designated area was limited to the alfresco dining area as part of the permit. Through permits allowing certain activities the Town can in principle make any condition and as such a condition not allowing smoking is possible.

In the Case of Joondalup they have specifically defined a beach to be the "*area of sandy shoreline to sand dune*". In contrast specifying the area of Albany Highway as a designated restricted area would require a detailed description or some type of delineation. For example "The footpaths, along Albany Highway between Armagh Street, Victoria Park and Shepperton Road, East Victoria Park". Joondalup were able to reasonably argue that a beach was a standalone destination which already has specific limitations on what activities can be undertaken on it and existing notification signage and has limited access points.

In contrast Albany Highway is a public thoroughfare, as well as a possible destination it is also an area which people pass through. For example a driver may park at the 'Heart of The Park' shopping centre on private land before entering the proposed restricted area, or simply walk from Carlisle to East Victoria Park moving through the restricted area.

As the no smoking restriction is an exception to normal practise in public places the restriction would require adequate signage to ensure that all people entering or passing through the designated area could reasonably be expected to be aware of the restriction. For the proposed restriction on Albany Highway this would require adequate signage to canvas pedestrians, cyclists and drivers who park in the area. The signs would need to be placed at all entries including footpaths, parking spaces, bus stops and places where people could pass from private land into the restricted area.

WALGA has advised that the Town may have difficulty arguing that this type of restriction in this type of area is reasonable. They have suggested that the best way to progress this recommendation would be to lobby the State Government to either:

- Adopt a State Act to control this,
- Alter the *Local Government Act 1995* to include provision for Local Governments to adopt Local Law's to deal with this, or
- Adopt a new State Act which would empower LGA's to enforce this type of

restriction.

Legal Compliance:

The motion would require amendment to the Town's Activities on *Thoroughfares and Trading on Thoroughfares and in Public Places Local Law 2000* in accordance with the provision of the *Local Government Act 1995*.

Policy Implications:

Nil

Strategic Plan Implications:

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

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Smoking has negative impacts on health.

Cultural Issues:

Nil

Environmental Issues:

Cigarette butt litter is a recognised littering issue.

COMMENT:

It is considered unlikely that this type of amendment to the local law would be approved by the Joint Standing Committee. Additionally if this type of restriction was implemented it would require a significant amount of signage to ensure that persons entering the no smoking area were made aware of the restriction. Given the above it is recommended not to prohibit smoking in public spaces along Albany Hwy

RESPONSIBLE OFFICER RECOMMENDATION:

The Town does not move to prohibit smoking in public places along Albany Highway.

- 17. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

- 18. PUBLIC QUESTION AND PUBLIC STATEMENT TIME**

- 19. MATTERS BEHIND CLOSED DOORS**

- 20. CLOSURE**



Town of Victoria Park

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* Interest that may affect impartiality* <i>(*Delete where not applicable)</i>
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”.