minutes

TOWN OF VICTORIA PARK

To: His Worship the Mayor and Councillors

Please be advised that a **Special Meeting of Council** commenced at **6.30pm** on **Tuesday 21 June, 2016** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

MR ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

5 July 2016

(To be confirmed 12 July 2016)

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	3
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	3
3	ATTENDANCE	4
3.1	Apologies	4
3.2	Approved Leave of Absence	4
4	DECLARATIONS OF INTEREST	4
5	PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)	5
6	PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)	17
7	DEPUTATIONS	18
8	REPORTS	19
8.1	Site Works at Lathlain Park – Lots 1 & 3 (No.34) Goddard Street, Lathlain	19
8.2	Lathlain Precinct Redevelopment Project – Modifications to Lease Agreement – Town of Victoria Park and Perth Football Club – Lots 1 & 3 (No. 34) Goddard Street, Lathlain	43
8.3	Lathlain Precinct Redevelopment Project – Modifications to Lease Agreement – Town of Victoria Park and West Coast Eagles Football Club – Lots 1 & 3 (No. 34) Goddard Street, Lathlain	49
9	PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)	58
10	PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)	59
11	MEETING CLOSED TO PUBLIC	59
11.1	Matters for Which the Meeting May be Closed	59
11.2	Public Reading of Resolutions That May be Made Public	59
12	CLOSURE	59

1 OPENING

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

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

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country *(by Mayor)*

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

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Deputy Mayor, advised that a petition for a Special Meeting of Electors was received and read the following announcement:

It is advised that pursuant to *5.28 of the Local Government Act 1995* the Town has received a request to convene a Special Meeting of Electors to discuss the current development proposal for 34 Goddard Street, Lathlain also known as Lathlain Oval. In accordance with section *5.29 of the Local Government Act 1995* the CEO is to convene an Electors Meeting by giving at least 14 days local public notice and each Council Member at least 14 days notice of the date, time and purpose of the meeting. The local public notice is to be treated as having commenced at the time of the publication of the notice. Consequently a Special Electors Meeting can only be convened after a minimum of 14 days notice has been given in the Southern Gazette and formal notice given to the Elected Members. In summary, in accordance with the *Local Government Act 1995*, the Special Meeting of Electors can only be held between the 13th and 25th of July 2016 on a day selected by the Mayor or in his absence, the Deputy Mayor. So as Deputy Mayor, I wish to advise that I have determined that the Special Meeting of Electors to discuss the current development proposal for 34 Goddard Street, Lathlain also known as Lathlain Oval will be convened at 6:00pm on 13th July 2016 in the Council Chambers at the Town of Victoria Park Administration Building at 99 Shepperton Road, Victoria Park.

2.1 Recording of Proceedings

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

2.2 Public Question & Public Statement Time

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

2.3 No Adverse Reflection
Both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees

3 ATTENDANCE

Deputy Mayor:	Cr B (Brian) Oliver
Banksia Ward:	Cr C (Claire) Anderson Cr K (Keith) Hayes Cr J (Julian) Jacobs Cr M (Mark) Windram
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr V (Vince) Maxwell Cr V (Vicki) Potter
Chief Executive Officer:	Mr A (Anthony) Vuleta
Directors:	Ms T (Tina) Ackerman Mr W (Warren) Bow Mr N (Nathan) Cain Ms R (Rochelle) Lavery
Executive Manager Built Life:	Mr R (Robert) Cruickshank
Executive Manager Governance:	Mr R (Russel) Fishwick
Senior Governance Officer:	Ms T (Towela) Mbirimi
Secretary:	Mrs A (Alison) Podmore
Public:	46

3.1 Apologies

Nil

3.2 Approved Leave of Absence

Mayor:	Mr T (Trevor) Vaughan

4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

Name/Position	Cr Julian Jacobs
Item No/Subject	Item 8.2
Nature of Interest	Financial
Extent of Interest	Player at the Perth Football Club

Declaration of Proximity Interest
Nil

Declaration of Interest affecting impartiality

Name/Position	Cr Mark Windram
Item No/Subject	Item 8.2
Nature of Interest	Impartiality
Extent of Interest	Member of the Perth Football Club

Name/Position	Cr Julian Jacobs
Item No/Subject	Item 8.1 and Item 8.3
Nature of Interest	Impartiality
Extent of Interest	Player at the Perth Football Club

Name/Position	Cr Brian Oliver
Item No/Subject	Item 8.1 and Item 8.3
Nature of Interest	Impartiality
Extent of Interest	“In the wings” member of the West Coast Eagles Football Club

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

Chris Locantro
1. What is the City of Belmont’s financial contribution to this development, the project costs and going forward?

R. The Chief Executive Officer, Mr Anthony Vuleta advised that the City of Belmont is making no financial contribution to the development at all. Mr Bow will explain the contributions by West Coast Eagles.

2. What community benefits are deliverable from this development as it stands today?

R. The Director Renew Life Program, Mr Warren Bow advised that the community benefits delivered by the project, will include a $2m contribution by the WCE to the Town of Victoria Park (ToVP) nominally $1m of that money will be spent on the redevelopment of the Perth Football Club (PFC), $1m of that will be invested in Zone 2 of the Lathlain Precinct Redevelopment Project (LPRP). The additional community benefits will include the construction of the 2nd oval for the community also the maintenance and management of the 2nd oval for the 99year term of the lease by the WCE for the community.

3. When will the Management Plan be prepared to outline such community benefits?

R. The Director Renew Life Program, Mr Warren Bow said that nominally the Management Plan is due for delivery at the end of September, but it's likely now with the Special Meeting of Electors that it is probably going to be put back a couple of weeks, to mid October.

4. What revenue, outside of community benefits will be delivered to the Town of Victoria Park residents?

R. The Director Renew Life Program, Mr Warren Bow advised that the WCE contribution is based on the construction of the building that they will be using as their Administration and training head quarters. In relation to the PFC, the business case that was developed for the redevelopment of the PFC late in 2015 does not contemplate as yet, the contribution by the PFC to the Zone 1 redevelopment.

Leisha Jack

1. Is the Town aware that urban heat related deaths exceed the road toll in Western Australia (WA) and that excessive heat and heat waves are a major issue and predicted to get worse?

R. The Director Renew Life Program, Mr Warren Bow said no he wasn't aware of those facts.

2. Is the Town aware that Local Governments here and around Australia and the world are racing to increase their urban tree canopies to mitigate against dangerous urban heat and to protect citizens as it is their duty to do so?

R. The Director Renew Life Program, Mr Warren Bow advised that this Council at its Ordinary Council Meeting held on Tuesday 14 June 2016, endorsed the delivery of a street tree audit and authorised the development of a five (5) year rolling street tree planning program to address the issues that have been raised. So the answer is yes.

3. Is the Town aware that it is the size and density of the trees canopy that counts when it comes to urban cooling not the number of new trees that are planted?

R. The Director Renew Life Program, Mr Warren Bow advised that he wasn't aware of that.

4. Has the Town provided Elected Members at a workshop information on the urban heat highland effect and urban forest management strategies to educate them?

R. The Deputy Mayor, Mr Brian Oliver advised that that during his term in Council he was not aware that there has been a workshop or presentation, but will take the information on board for Council to consider in the future.

5. How many employees does the WCE have that will be based and working from this facility and does it include the Indian Pacific Ltd?

R. The Director Renew Life Program, Mr Warren Bow advised that the WCE and the Wirrpanda Foundation (WF) have approximately 120 employees that will be based at the new facility. Mr Bow was not aware of any figures for the Indian Pacific Ltd group.

Anita Treasure

1. Why is there a rush with this proposal that has come out on 14 June? I wasn't able to get to the In-fun-mation day, as there was no disable access; what are the community benefits that the ratepayers going to get out of this?

R. The Director Renew Life Program, Mr Warren Bow made a point that at the In-fun-mation day there was disability access afforded to that event and that actually brings to light one of the main issues in relation to Lathlain Park as it currently exists. In its current form, it is not an accessible facility. What the Town did in preparation for the In-fun-mation day, was it had to hire a maxi-cab and make it available, after the Administration undertook an accessibility of the event. In relation to the lease and the agreement for lease, the ground lease has not yet commenced with the WCE. In regards to the rush, the Town accepts that the Development Application (DA) that was submitted was in its timeliness could appear to be rushed. However, this project has been in the ether since this time in 2013, it has undertaken a process which has involved the establishment of a Heads of Agreement, a major land transaction plan, in 2013 and a lease agreement that was endorsed by Council in 2014. There may be a perception that this is a rushed project, the DA that relates to the forward works has been necessitated by the requirement to have two (2) growing seasons for the turf that will be on the two (2) ovals that will be provided by the WCE under this DA.

2. What benefit is it to the ratepayers to rush a $60m project through so that some grass can be planted to compensate for the 42% of the canopy whole growth tree that we've lost?

R. The Deputy Mayor, Mr Brian Oliver said that Mr Bow has addressed the question that Council is not rushing this through. This proposal came to Council nearly three (3) years ago. The Town has been engaging with the community ongoing to this point. This forms parts of what is in essence, a three (3) year project so far and will continue to be an ongoing project where the Town will engage the community. Tonight, isn't about rushing. The last few weeks events, information days and workshops, hasn't been about rushing, it has always been bringing the community along with this journey. Some people may have been involved in that at the very beginning in 2013, some people, as previously acknowledged and recognised, have only become aware of this project in the last few weeks or the last few months. Why that is, Cr Oliver isn't sure, but that is in essence, what Mr Bow said.

3. Can I have the consultation register for the community engagement that the Town has had. Full copies of the submissions, full details of the meetings and who has attended?

R. The Director Renew Life Program, Mr Warren Bow advised that the Administration would be happy to provide these with the understanding that personal privacy can not be contravened in providing that information. But certainly the Administration will provide the register of people that attended the various events, the two community opens days, the information session the numerous public meetings that have happened, the two information days on the DA; the information can be provided.

Mr Bow added to his previous response regarding the Community Benefits that will be delivered by the LPRP, will also include the WCE providing two (2) fulltime employees to the ToVP for the duration of the 99 year lease and also the two (2) full time employees will work with the Town to deliver the community benefit strategy, which is a strategy that was negotiated between the WCE and the Town and is referenced in the lease document, that they are legally obliged to comply with.

Brett Di Lello

1. Do you have data that supports community consultation? What are the full records and data that was captured by the Council and demonstrates that this consultation that the Town is claiming to have undertaken?

R. The Director Renew Life Program, Mr Warren Bow advised that he does not have the information at hand, but as indicated to Ms Treasure previously, it will be provided as required.

2. You'll provide information on what part of the consultation?

R. The Director Renew Life Program, Mr Warren Bow advised that information will be provided on each of the steps of the consultation that have been undertaken since 2013.

3. On contacting the Town's offices, I was informed that there were no other records, that they weren't available and didn't exist, is that correct?

R. The Director Renew Life Program, Mr Warren Bow said he was not involved in that conversation, but is aware that there is some information of the consultations that have been undertaken with the DA, the information session, the two (2) community open days on Lathlain Park and the Light up Lathlain oval.

4. How does that justify comprehensive and extensive community consultation, which is the backing behind why this is moving forward?

R. The Director Renew Life Program, Mr Warren Bow said that it is his opinion that the Town has engaged thoroughly with the community over the three (3) years and it is his understanding in the numerous opportunities that the matter has been referred through to Council both formally and through workshops and the Elected Members have been happy with engagement and consultation that has happened to date.

5. Was the Council aware that nearly 75% of those benefits that they sited were for the Lathlain community are actually performed in the Metropolitan area or offsite?

R. The Chief Executive Officer, Mr Anthony Vuleta advised that the benefits that the WCE and WF provide to the State are extensive. The Town has been quite focused on what other benefits it can provide to our Town, hence the comment from Mr Bow about staff that will be employed by WCE and WF provided to the Town for 99 years, to provide the community benefit, hence there will be a focus not only on the Town but this region in terms of community benefit.

6. That doesn't answer the question about how the justification behind community benefits is centred on the WF and WCE, providing programs that aren't specifically within the Lathlain Precinct, which is what it is led to believe it is?

R. The Chief Executive Officer, Mr Anthony Vuleta said that some of those programs are going to be provided in the Lathlain area. They will transition into this area as the WCE move into the area. I have outlined what the community benefits are in terms of the full time equivalent staff (FTE's) that will provided to the Town and believes that the question has been answered satisfactorily.

7. Does the Legislation that the Council required to adhere to, cover an EPA study of the impact on wildlife, flora and fauna in the region itself and what were the findings of that study that can be supplied to the public for that environmental change?

R. The Director Renew Life Program, Mr Warren Bow said he was not aware of any obligation, in relation to this DA, that the Town is required to undertake an Environment Impact Assessment. Those enquiries have been left with the applicant to undertake.

The Executive Manager Built Life, Mr Robert Cruickshank added that there has been some consideration given to that matter in the assessment of the planning application. It has been identified under the relevant Federal legislation, the site is not identified as containing any threatened ecological communities. It is also not identified as a Bush Forever site under the Western Australian Planning Commission (WAPC) planning legislation. It is also not identified as an environmentally sensitive area by the Department of Environmental Regulation.

8. Has the study or the request gone through the EPA as to the effect, or is that not a requirement that Council finds reasonable?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised that it has been identified or determined, because of the factors just mentioned, that a referral is not required.

9. How are the items raised by Bevan Clarke from the meeting held on 17 December 2013, regarding traffic, trees and impact on the environment being addressed moving forward?

R. The Director Renew Life Program, Mr Warren Bow took the questions on notice as he wasn't aware of Mr Clarke's submission or the responses provided to him.

10. Was the Council aware that Mr Clarke's questions and submissions had an impact on this DA?

R. The Deputy Mayor, Mr Brian Oliver said he thought Mr Bow had articulated that he will take the questions on notice and an answer will be provided.

11. How is something going on notice impact the decision on tonight's meeting, then how can it progress forward?

R. The Director Renew Life Program, Mr Warren Bow said that it is his understanding that there have been extensive submissions made by numerous members of the public, and whilst I wouldn't like to isolate Mr Clarke's submission as the pre-determining factor of Council's consideration, Council are considering all the submissions and have done since 2013 on this development.

<u>Gay Moore</u>

1. What is happening with parking?

R. The Director Renew Life Program, Mr Warren Bow advised that in the preliminary studies that were undertaken in 2013, relating the Major Land Transaction Plan, a detailed parking and traffic analysis was undertaken and the result of that indicated that the WCE development would have no negligible negative impact on the day to day traffic and more specifically in relation to home football game days for the PFC. That in itself is the highest attractor of vehicle movements into the Precinct and the WCE development does not contribute to additional traffic on game days for the PFC.

2. So it's not going to impact on residents in the surrounding areas?

R. The Director Renew Life Program, Mr Warren Bow advised yes and that is what the studies put forward in 2013 have said. Since that time and in 2016, the Town has engaged a traffic consultant to undertake further detailed analysis of the traffic and the parking on home football games for the PFC. His report is an annexure to the DA submitted by WCE which aims to address the loss of the removal of the expansive bitumen and identifies various locations on Lathlain Park and in and around Lathlain including Lathlain Place, around and adjacent to Rayment Park, and also identifies additional management strategies that are required to mitigate the impact PFC home games.

3. Is it possible where Lathlain Bowling Club was, is going to be a parking area for the home games?

R. The Director Renew Life Program, Mr Warren Bow advised that the parking survey identified that location as temporary parking available for the remaining home games for the PFC this year and also as a potential location for parking during the construction of the forward works DA. It has not been contemplated that it is a long term option for parking at that site.

4. Is the verge parking on Goddard Street that has been recommended mean it is going to move the footpaths to allow parking that way?

R. The Director Renew Life Program, Mr Warren Bow doesn't believe there is proposed verge parking on Goddard Street around Lathlain Park.
The Chief Executive Officer, Mr Anthony Vuleta added there will be a few parking bays created, parallel to the road parking bays, not verge parking. The verge will be taken a little bit, potentially to provide for the parallel parking. There will be right angle bays on McCartney Crescent and then pockets of parking built on the site, at the intersection of Goddard Street and McCartney Crescent. There will be onsite parking there, it will be basically where the VIP parking is at the moment for the PFC. As well as WCE need to construct parking associated with their building, which will provide some reciprocal use for the PFC during game days as the WCE don't operate during weekends.

Maxine Petty

1. Where can residents find where the Heritage study is being done?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised the Lathlain Park is identified under the Town's admissible Heritage inventory as having significance. The significance however, is due to the social significance with the association with the football over the years. As explained in the report, the ongoing use is still going to be for football so it maintains that social significance. It is recommended however, that as part of the DA that some records, photographic predominantly, be taken of the existing building and the environment as it exists on site today.

2. So the nature comes under the heritage of the site?

R. The Executive Manager Built Life, Mr Robert Cruickshank said that the recommendations of approval anticipate that yes, photographic records will be of the trees and they will be recorded.

Luana Losandro

1. Will the Carlisle Lathlain Bowling Club be returned to the community as parkland? If so, when?

R. The Director Renew Life Program, Mr Warren Bow advised that the recommended condition does require, if endorsed by the WAPC, for the applicant to return the land that they may use as temporary parking, back to the pre-existing state. The previous Council last year, passed a resolution to return that site to public open space. There are no plans, no timelines on that, however, the Town is undertaking a Management Plan exercise in relation to Lathlain Park and already in the consultation and the feedback that the Administration has received from the community, it has been brought into the discussion, the future use and the integration of the Bowling Club site into the Lathlain Precinct. That may be something that will be contemplated in the future Management Plan.

2. Will the trafficable surface at the Carlisle Lathlain Bowling be either road base or bitumen?

R. The Director Renew Life Program, Mr Warren Bow advised that hasn't yet been decided, however assured Ms Losandro that it will be to the satisfaction of the CEO and the staff that the carpark installation doesn't cause any undue dust or any other issues and is also compliant with relevant Australian Standards with traffic ability.

3. Will the Council stipulate that area of parking be laid with grass, to ensure its community can still use it when the PFC and the WCE do not use it for parking?

R. The Director Renew Life Program, Mr Warren Bow advised that Council would consider that. It hasn't been suggested at this stage by the Administration but something that could be looked into.

4. I understand the Council will be investigating relocating the Dog Park to Carlisle Lathlain Bowls Club; why are the Tennis Courts not considered important enough to relocate onto the Carlisle Lathlain Bowls club?

R. The Director Renew Life Program, Mr Warren Bow advised that is also something that can be considered as part of the Management Plan development. The relocation of the Tennis Courts into Zone 2 does create some issues and may be better located on the former Carlisle Lathlain Bowls club site, there is no decision by Council on that, at this stage.

5. Why is the applicant permitted to salvage materials from the site and hand to the Perth Zoo?

R. The Director Renew Life Program, Mr Warren Bow understands that the applicant has been in negotiations with the Perth Zoo, simply for the leaves and the foliage of the Ficus trees.

6. Why is the Council not looking to use materials in Rayment Park or donating to local schools within the Town of Victoria Park?

R. The Director Renew Life Program, Mr Warren Bow advised the Town is considering the reuse and that is why the condition has been requested to put on any approval is that suitable salvageable materials are identified prior to any trees being taken down. It also includes a condition that seeks to salvage some of the Jarrah timber from the spectator stands that are existing on Lathlain Park at the moment, specifically for the purpose of repurposing and reusing in some nature play installations both on Zone 2 and Rayment Park.

7. Will the Town of Victoria Park seek any future contributions from the City of Belmont?

R. The Chief Executive Officer, Mr Anthony Vuleta said that was a possibility.

8. Why isn't there an access gate from Roberts Road side from oval 2 for WAFL games supporters to gain access from the site should they park temporarily on the old Carlisle Lathain Bowls club?

R. The Director Renew Life Program, Mr Warren Bow advised that will be a construction site and will be under the Management of the contractors working on behalf of the applicant and to have pedestrian access onto and through that access was not feasible.

9. What is the overall timeframe for the project and when will the facilities be open to the community and will that timeframe be displayed on your website?

R. The Director Renew Life Program, Mr Warren Bow advised the following:
Zone 3 – The WCE are wishing to access the site in July and there is a construction period of approximately 6 to 7months related to the forward works DA. It is understood that they would like to commence the construction of the building in and around June 2017 and the construction timeframe will be approximately two (2) years.

Zone 1 – The PFC redevelopment is subject to funding, nominally identified, because it is a $15m reconstruction project, approximately in 2019 / 2020.
Zone 2 – Community Amenities, the construction likely to commence this financial year or next. Soon the Town will be engaging a landscape architect to assist with the development of the plans for the Zone 2 project in conjunction with the delivery of the Management Plan of the site.
Zone 4 – Lathlain Place is near completion with some minor furniture additions to finalise that project.
Zone 5 – will commence in the first quarter of the next Financial Year. There is $600,000 of Council's money on the draft 2016-17 budget. That project is likely to be completed in the next Financial Year.
Zone 6 – the Community Building should be finished by next month. It is hoped that the occupants will move in to that building in August or September.
Zone 7 – the Equitable Access Zone is under construction and will also benefit from the Landscape Architect consultancy that will be engaged over the next month or so associated with Zone 2. That project doesn't have an end date; it is a project to upgrade access to and within Lathlain Park and around the precinct from the Victoria Park Train Station.
Zone 8 – Scouts building, the pre works will commence in the next month.

10. Why isn't the WCE asked to contribute to the upkeep of Zone 2 Community Facilities?

R. The Director Renew Life Program, Mr Warren Bow advised that Zone 2 is entirely outside of the boundary of the WCE lease area and to ask them to contribute, in addition to the $1m that they will already contribute to the Town of Victoria Park to construct Zone 2, is not felt reasonable.

11. Why hasn't the Council done its own Environmental Impact Statement on site? Why does it rely on the applicant to undertake it and then for the applicant to refer any matter to the Department of Environment?

R. The Executive Manager Built Life, Mr Robert Cruickshank said the question has been answered previously. The Town has had regard to the relevant Environmental Legislation of different Environmental Agencies and formed the view that a referral isn't required and a formal Environmental assessment isn't necessary.

<u>Wanda Fleckhammer</u>

1. Is Council aware of the Metropolitan Region Scheme (MRS)?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised that the Council is very familiar with the MRS, however, the MRS has nothing necessarily to do with the Cockatoo issue mentioned. The Town is aware of the issues of concern that have been raised with respect to the Cockatoos. There have been investigations or research done in respect to that aspect of the proposal. The determination that has been made is that there is no significant impact on the Cockatoos for a number of reasons.

2. Who in Council has assessed the MRS map?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised the MRS and the map referred to is basically an overarching document that provides for the regulation of land; it classifies land; it zones and reserves and it indicates what the acceptable zones and reserves are in the process for obtaining planning approval. It is the view of the Administration that the MRS is not necessarily linked to the issue of Cockatoos. The Administration is aware of the issue being raised and it's being assessed.

3. Will the Council or WCE undertake a habitat study in particular to the Carnaby Black Cockatoos or other Black Cockatoos given that Lathlain is a known roosting site, prior to considering any applications for site works at Lathlain Park?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised as indicated previously, this is an issue that has been considered as part of this DA assessment and it is understood, it comes down to the determination whether the proposal has a significant impact and that depends on a number of factors, including the sensitivity; the quality of the environment that is impacted; the intensity; duration and geographic extent of the impacts and having had regard to those matters it is considered that it would not have a significant impact. Some of the rationale for forming that view is that in April 2016, there was the "great cocky count" which indicated that this site was not a confirmed roosting site. The site is not remnant bushland vegetation. It's a reclaimed site, it's not a natural site, the vegetation was introduced in 1950's; it is not a connected part of the foraging green link; it's within a busy, high use residential area.

4. Will the Council undertake an Environmental Impact Study prior to considering any applications?

R. The Executive Manager Built Life, Mr Robert Cruickshank said the question has been answered previously, it is not considered to be significant impact. It is not identified under the relevant legislation as being a bush forever site or environmentally sensitive area, so it is not intended to require any further investigation.

5. Will the Council or WCE consult the Indigenous Community to determine any cultural implications for the site, prior to considering any applications for the site?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised that wasn't something that this Council has considered at this point in time but may be something the WCE wish to do.

6. Can you consider doing that?

R. The Deputy Mayor, Mr Brian Oliver said that Elected Members would take the feedback on board and have that conversation with the WCE. Following the outcome of those discussions, if that needs to be formalised, there would be no hesitation of Council to do that.

7. Will the Council consider obligations that may exist under the MRS in regards to the preservation of the existing trees prior to site works?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised that has been considered by the Administration.

8. Has there been an ample period of community consultation in 2016?

R. The Director Renew Life Program, Mr Warren Bow advised the reason for the high number of submission previously, is also reflective of this Council's commitment to undertake better Community engagement. The Council endorsed a policy, approximately $2^{1/2}$ years ago which changed the way the Council expected the staff to undertake community engagement. There is no doubt in this Council, that everyone agrees that Community engagement back in 2013 was no where near as extensive as it is currently, that would manifest in the figures you have before you. The commitment within the Council now, is that the Town will undertake Community engagement, evidenced by the additional information session the Administration held in relation to the DA, exclusively of the applicant's involvement. The Administration is satisfied with the current level of Community engagement.

9. When did the scope change from 1 oval to 2 ovals?

R. The Director Renew Life Program, Mr Warren Bow advised the scope changed to 2 ovals around mid-2013 when the WCE and the Town entered into the Heads of Agreement. It is understood at the same time the WCE and the PFC entered into a Heads of Agreement. That Heads of Agreement then transitioned into a major Land Transaction Plan between October and December 2013. That major Land Transaction Plan was advertised in accordance with Local Government Act and Council made a decision to proceed with the major Land Transaction Plan and subsequently in August 2014, having cognisance for the major Land Transaction Plan, the Council entered into a lease agreement with the WCE.

10. Have the Councillors reviewed all 135 submissions?
The Deputy Mayor, Mr Brian Oliver advised that would be a question that all Councillors would need to be asked individually and can't speak on their behalf. They would have to answer outside of this forum.

11. Are the figures of $10m from the State Government and $10m from the Federal Government correct?

R. The Chief Executive Officer, Mr Anthony Vuleta advised there is $10m from the Federal Government directly to the WCE; there is $10m over 4 years to the Town of Victoria Park and there is $3m to Wirrpanda Foundation from the Federal Government.

<u>Peter Melrosa</u>

1. Has the Town publicly admitted on record that their consultation during the period of the lease agreement signing, which also ocurred during the Town Centre and paid Parking has been ineffective?

R. The Chief Executive Officer, Mr Anthony Vuleta advised that the engagement process through the Lathlain Precinct development has been appropriate. Mr Vuleta suggested that the Town Centre engagement process, even though it complied with statutory requirements, needed to be more. The Town over the past year has spent a lot of time readdressing it's engagement processes, in fact, the Administration now has engagement practitioners within the organisation; 74 staff are trained in engagement to make sure there is a difference in this organisation. Mr Vuleta believes the Town has done so, over the last 12 months. Mr Vuleta doesn't believe the engagement process has been inadequate or less than satisfactory. The engagement process for Lathlain has exceeded the statutory expectations.

2. What about the specifics of the lease agreement, given there were only four (4) submissions and the average submissions previously were 100 or more.

R. The Deputy Mayor, Mr Brian Oliver said he believed Mr Bow addressed that questions earlier and acknowledged that the engagement done in 2013 is completely different. The CEO also picked up on that, that the engagement the Town does today is completely different to what it looked like in 2013. Obviously, you would hope there would be a reflection in the amount of people that engage in something that the Town did three (3) years ago with engagement done today.

3. How does the Council go forward with the community consultation aspect when there were only four (4) submissions?

R. The Deputy Mayor, Mr Brian Oliver said that is a struggle that not only this Local Government has but other Local Governments have. The Council knows that turning out to vote is completely disproportionate to what we would like it to be. Whether you're talking about this application or going back to even further to paid parking, there are Elected Members in this room that sat in workshops, in shopping malls where again, statutory obligations were met by the Council to engage with the

community and for whatever reason just because people don't make a submission or don't make their voice heard, does not necessarily mean that they are opposed to a particular topic or issue that that particular Council of the day is trying address. So in regards to the 4 submissions, that is what the Council of that day had to deal with. Cr Oliver again picked up on the point just because a submission hasn't been made doesn't mean necessarily that possibly the majority of the people in the community are not supportive of the relevant project or issue.

4. Is a formal invitation to participate in consultation considered enough for this application?

R. The Director Renew Life Program, Mr Warren Bow said there were 3000 direct invitations sent to attend and comment on the DA, which far exceeded the statutory obligations. However, it wasn't the only method in which the Town invited people from the community to engage with the Town on the DA. There were the two (2) information sessions but there is also the mini website, the notices on the site, the publications in the local newspaper, circulating in the area, notwithstanding that the coverage is somewhat questionable from time to time. Mr Bow believes the Town went over and above in relation to trying to attract people's attention in relation to the DA and engaging with them in a meaningful way.

The Executive Manager Built Life, Mr Robert Cruickshank added that the consultation period was for an extended 21 days rather than the standard 14 day period.

5. Is the Town aware that Lathlain Park is the most intact WAFL ground in Perth in terms of its built form and environmental fabric? Will the Town update its municipal inventory to reflect this?

R. The Director Renew Life Program, Mr Warren Bow said yes, the Town is aware that it is the most intact WAFL ground, however, that is not necessarily a good thing as the level of investment on the facility is reflective of its current position and current condition at the moment and was likely to continue without this Town and this Council progressing the Lathlain Precinct Redevelopment Project.

The Executive Manager Built Life, Mr Robert Cruickshank added that as with every other property in the Town, it will be reconsidered as part of the Heritage review.

6. Does the Town ever consider more than is required by legislation to ensure a comprehensive consultation process?

R. The Deputy Mayor, Mr Brian Oliver said the CEO addressed the question earlier. The Town has gone above and beyond the consultation regarding this DA, the information day, the two (2) workshops, one held at the Administration building and the other held onsite at Lathlain oval.

The Chief Executive Officer, Mr Anthony Vuleta added while not associated with this project, the Town is running an Integrated Planning reporting framework called Evolve. Mr Vuleta believes that it far exceeds any sort of consultation that Local Governments anywhere in the whole Metropolitan area, in the State in terms of how the Town engages with the community. There are over 500 participants over a 7 or 8 month period, engaging with them to help develop the Town's new Strategic Development Plan. It is hoped that that helps the Town's new engagement processes moving forward and hopefully give some level of satisfaction to community that they can be rest assured that they start building trust with the Town and making sure that they have a big part to play in the Town's future.

7. Would the Council look at reconsidering aspects of the lease agreement, given there were only four (4) submissions?

R. The Director Renew Life Program, Mr Warren Bow firstly added to the previous question by saying that the Town intends to develop a Management Plan for the entire Lathlain Park, there is no obligation on the Town to undertake an engagement process in relation to that under the MRS. The Town intends to undertake an extensive engagement process. There will be a number of workshops; it is intended that there will be a community reference group established, there will be design architects, there will be project management and internal staff on that reference group. The community will be given a number of opportunities to influence the look and feel of the Management Plan on Lathlain Park. In relation to reconsidering aspects of the lease agreement, without knowing the details being referred to, the lease agreement is a commercial agreement between the Town and the WCE. Any modification to that document would need to be by mutual agreement and any departure from the Major Land Transaction Plan that was endorsed by Council in 2013, would render the process invalid and would need to start again.

8. Does the Town believe that starting again is a big issue?

R. The Chief Executive Officer, Mr Anthony Vuleta said he couldn't speak on behalf of the Councillors, however, there has been a very thorough process undertaken engaging with the WCE, negotiating a lease outcome. The lease and agreement to lease, articulate a certain process and each has to comply with. Mr Vuleta doubts the Town would want to re-enter into that lease negotiation and believes that the Council at that point in time was satisfied with the outcome of the lease negotiation and believe that the community benefits that will be derived from that will be exhaustive.

<u>Greg Davis</u>

1. On the DA there are additional Management Plans that need to be put into place with regards to the traffic and doing the earthworks, the clearing of the site, and the dust control; How long will it be, should the DA proceed, will they come out and will there be any public consultation on those Plans?

R. The Executive Manager Built Life, Mr Robert Cruickshank advised that the intention of the conditions relating to the construction Management Plan and the dust Management Plan as outlined, is that those clearly need to be submitted to the Administration and cleared by the Administration before any work can commence onsite. Those are standard conditions that the Administration impose upon developments of this kind, or large scale developments and are matters that are determined and assessed by staff. It wouldn't be normal practice for such standard operational type requirements to be the subject of further community consultation.

2. Would the nearby residents be given that information of those plans, say within two (2) blocks of the Lathlain oval?

R. The Executive Manager Built Life, Mr Robert Cruickshank said it may be appropriate that the Council could provide that information for the information of the residents once such plans have been approved by the Council. Mr Cruickshank does not see it would be appropriate that the Management Plans be subject to community input, as to whether they're acceptable or not. That would be for the Council officers to decide. However, it would be good practice to inform the residents of what's been approved and what the approved management methods will be.

3. What sort of time span would the community be looking at, for the relocating of the dog park?

R. The Director Renew Life Program, Mr Warren Bow said that the community have been clear to the Council and the Town that the dog exercise area is a key piece of passive recreation area. The Town staff are already making enquiries as to the best location for the area to be temporarily located or seek direction from Council as to the best permanent location. There are a number of locations, very close to Lathlain Park and even on Lathlain Park that are under consideration at the moment. Mr Bow said he would like to see and would like to have the relocated dog park active as soon as possible.

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

Rainer Repke
Made a statement supporting new sporting ovals, but opposing the removal of trees.

Natalie Esther
Made a statement surrounding the history of the area around Lathlain oval.

Anita Treasure
Made a statement regarding the two (2) ovals that are being put in at Lathlain.

Mike Lantenier
Made a statement regarding the traffic, trees and verge parking in the Lathlain Precinct.

Brett Di Lelo
Made a statement regarding the entire development.

Steve Cooper
Made a statement in full support of the project and believes the area will be better for it.

Pat Brewer
Made a statement congratulating the Council for the fantastic opportunity for the larger part of the community.

Peter Melrosa
Made a statement regarding the plan that has been proposed for the Lathlain Precinct.

Vince Pendal
Made a statement clarifying many aspects of previous statements and the views of the Perth Football Club.

7 DEPUTATIONS

6:35pm Item 8.1 – Mr Trevor Nisbett, CEO of the West Coast Eagles was in attendance regarding their application.
Mr Warwick Chalmers, from Populous was in attendance to discuss the design of the precinct.
Peter Hillman was in attendance to discuss the landscape and agricultural studies.

The Director, Business Life, Mr Nathan Cain left the room at 8:25pm and returned at 8:29pm
The Director Renew Life, Mr Warren Bow left the room at 8:28pm and returned at 8:30pm

8 REPORTS

8.1 Site Works at Lathlain Park – Lots 1 & 3 (No.34) Goddard Street, Lathlain

File Reference:	PR5397
Appendices:	No
Landowner: **Applicant:**	Town of Victoria Park NS Projects Pty Ltd on behalf of Indian Pacific Limited (t/a West Coast Eagles)
Application Date: **DA/BA or WAPC Ref:** **MRS Zoning:** **TPS Zoning:** **TPS Precinct:**	23 May 2016 5.2016.153.1 Reserve – 'Parks and Recreation – Restricted Public Access' N/A Precinct P7 'Lathlain'

Date:	17 June 2016
Reporting Officer:	T. Taylor
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – Council recommend to the Western Australian Planning Commission (WAPC) that the application be approved subject to conditions;

- Application for the site works required to modify the existing Oval (Oval 1) at Lathlain Park and to create a new oval (Oval 2). Application includes the cutting, filling and retaining of land, removal of trees and existing facilities (tennis courts and dog exercise yard), removal of the existing car park adjacent to Roberts Road, and demolition of a number of buildings and structures.
- Community Consultation has been undertaken for a period of 21 days which included almost 3000 letters being sent to a designated area, signs on site, advertisement in the Southern Gazette for three consecutive weeks, and two community information sessions. A total of 135 submissions were received during the consultation period.
- The majority of submissions express concern regarding the proposal, with key issues being the loss of trees, loss of on-site parking, traffic impact and the removal of the dog exercise area.
- As the development is proposed on land and that is a "Parks and Recreation" Reserve under the Metropolitan Region Scheme, the application is determined by the Western Australian Planning Commission.
- It is recommended that Council advise the Western Australian Planning Commission that it supports the application subject to conditions.

TABLED ITEMS:

- Development Application Form 1;
- Development Application Report and Appendices (inc. Detailed Design Drawings, Traffic Report, Parking Survey & Transplant Selection Process) dated received 23 May 2016;
- Tree Survey – Lathlain Park, Goddard Street, Lathlain (Prepared for Town of Victoria Park by Paperbark Technologies);

- Community Consultation letter dated 24 May 2016;
- Community Consultation Area Map;
- Newspaper Advertisements dated 24 May 2016, 31 May 2016 & 7 June 2016;
- Photos confirming signs installed on site taken 24 May 2016;
- 135 Submissions received during consultation period;
- Summary Report of Community Information Sessions prepared by TPG Town Planning, Urban Design and Heritage;
- Copy of Agreement for Lease;
- Lathlain Precinct Movement Network Report;
- Lathlain In-fun-mation Day Community Feedback Report; and
- Oval and Building Location Analysis dated received 16 June 2016.

BACKGROUND:
The Lathlain Precinct has long been identified by the Town as an area for enhancement and revival. This has involved an overall project, known as the Lathlain Precinct Redevelopment Project (LPRP), which is a priority project in the Town's Strategic Community Plan. There are a total of eight project zones in the LPRP. The proposed development application relates to Zone 3, the West Coast Eagles Zone.

From 2006 to 2011 the Town worked on a plan for the redevelopment of Lathlain Park and ultimately adopted the 'Lathlain Park Master Plan'. This was then the subject of a more detailed business case and a final version of the Master Plan was endorsed by Council in 2013.

Following the endorsement of the Master Plan by Council, the West Coast Eagles and Town commenced preliminary discussions relating to the relocation of the West Coast Eagles Training Facility to Lathlain Park. In September 2013 a 'Heads of Agreement' was executed by the Town, Perth Football Club and the West Coast Eagles regarding the relocation of the Eagles to Lathlain Park.

From October 2013 to December 2013 the Town undertook a process of developing a Major Land Transaction Plan to determine a future lease area for the West Coast Eagles on Lathlain Park. It was through this process that the West Coast Eagles undertook a process of assessment to determine the location of the two ovals and building on the site. Factors considered included site activation, pedestrian and vehicular access to the site, the location of the existing Perth Football Club grandstand, prevailing winds that impact on the site, sun exposure and direction, the need to provide two ovals to ensure that both the West Coast Eagles and the Perth Football Club can access the grounds when required, and the site constraints including services, levels, width, length and existing vegetation.

Information received from the applicant on 16 June 2016 outlines the rationale and investigations that were undertaken to establish the oval and building locations, summarised as follows:

Key drivers that determined the oval locations were:
- The intent for two ovals to accommodation usage by Perth Football Club, the West Coast Eagles and the community, with one of these ovals to be the same dimensions as the new Perth Stadium and the other to MCG dimensions;

- The need for Oval 1 to be located and orientated similar to that of the existing oval so the existing Perth Football Club grandstand remains located near the half-way line on the western side of the oval;
- Given the remaining available space, Oval 2 can only then be located in the remaining eastern part of the site. Opportunities to slide Oval 2 further to the south-west are limited given the site geometry, the need for the oval to be in a north-south orientation and the requirement for pedestrian access between the two ovals.

Given the oval locations, there were only two possible locations for the new training and administration building given the likely building footprint. Those locations being to the south of the ovals (current proposal) or to the north of Oval 1 fronting McCartney Crescent, as illustrated below:

Diagram 2

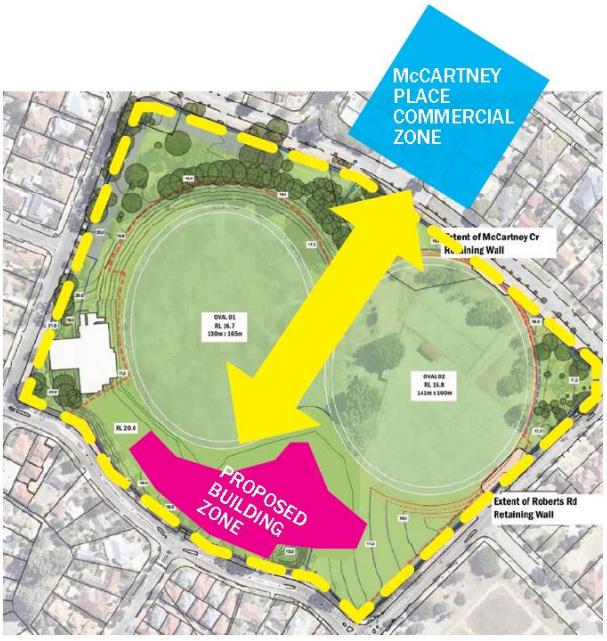
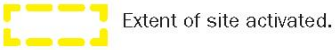


Diagram 3

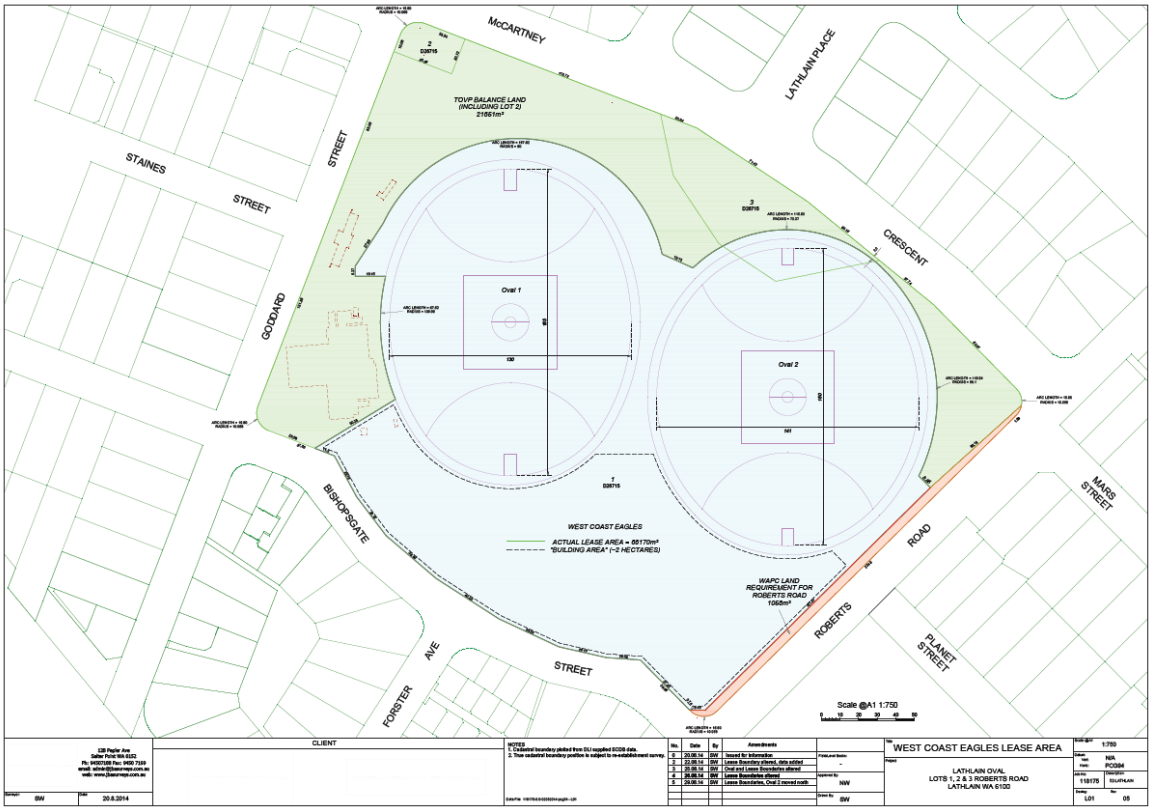


The site to the south was chosen for the following reasons:

- Optimises site activation and regeneration across a wider area;
- Locating the building to the north would require Oval 1 to be moved south;
- Locating the building to the north would exacerbate shading which currently occurs on the oval;
- Locating the building to the north would require the removal of a significant number of trees to the north as well as to the south;
- Locating the building to the south enables a north-facing building overlooking the ovals.

The resulting oval locations then informed the Agreement for Lease and proposed lease area. The below image depicts the concept plan that was prepared and advertised as part of the Major Land Transaction Plan.

Approximately a year later on 2 October 2014 a formal Agreement for Lease was executed by the Town and the West Coast Eagles. The Agreement for Lease sets out the Town's and the West Coast Eagles' responsibilities in terms of reaching a point to where a formal lease can be put in place. Annexure A to the Agreement for Lease is a Lease document which will be the formal lease in place once all requirements have been fulfilled. Annexure B is a site plan depicting the two oval locations and defines a 'building area' to the south of the ovals (refer image below). This was endorsed as part of the Agreement for Lease and as such the oval and building locations have been in place since 2014.



Some of the key provisions in the lease which relate to the overall development and use of Lathlain Park are:

- The requirement for the parties (the Town and the West Coast Eagles) to work collaboratively to adopt an approach in relation to the provision of an effective, but not excessive, number of parking bays within the vicinity of the land;
- Shared use of the ovals by the West Coast Eagles, Perth Football Club and the community (including the requirement for a minimum of 100 daylight hours of community access to Oval 2 per month);
- Community benefit deliverables from the West Coast Eagles; and
- Financial contributions to be made by the West Coast Eagles to both the Town and the Perth Football Club.

Following the preparation of the Redevelopment of Lathlain Park business case in 2014, the Federal and State Governments have each announced $10 million in funding to go towards the redevelopment of Lathlain Park in August 2015 and May 2016 respectively.

The Town, West Coast Eagles and Western Australian Planning Commission have determined that the best course of action moving forward on the site is to prepare a Management Plan which deals with Zones 1, 2 and 3 of the LPRP. This will be an overarching guiding document for the development and management of Lathlain Park. The Management Plan is yet to be developed, but is intended to address the following principles:

- The vision for Lathlain Park;
- Key principles;
- Community uses;
- Public access;
- The built form;
- Public realm and landscaping;
- Transport assessment; and
- Governance and management.

It is intended that the community be given opportunities to be involved in the Management Plan.

While it would have been preferable for the Management Plan to be prepared and finalised before any works are commenced on Lathlain Park, due to the need to provide two grass growing seasons for the ovals to be at an acceptable standard for shared use by the West Coast Eagles, Perth Football Club and the community (in the case of Oval 2), this development application for site works is submitted in advance of the completion of the Management Plan.

DETAILS:

Council has received a development application for the approval of works to achieve the modification of the existing oval (Oval 1) at Lathlain Park, to create a second oval (Oval 2) and prepare part of the site to the south of the ovals for the future West Coast Eagles training and administration building (yet to be designed). This necessitates the following associated works:

- Soil excavation, changes in ground levels and associated retaining walls;
- Removal of the car park adjacent to Roberts Road;
- Removal of existing trees;
- Removal of minor buildings and structures;
- Removal of existing tennis courts adjacent to McCartney Crescent; and
- Removal of the existing temporary dog exercise area adjacent to McCartney Crescent.

Existing and Proposed Ovals

Lathlain Park is currently occupied by one oval which is used by the Perth Football Club for training and the playing of football games. The oval is not readily accessible to the public outside of times when games are played and the public are able to attend as spectators.

The development application proposes to reduce the size of the current oval and create an additional oval to the east. It is proposed to reduce the size of the existing oval by approximately 21 metres in length and 12 metres in width. The two ovals are designed to match the size of the new Perth Stadium (Oval 1) and the Melbourne Cricket Ground (Oval 2). The ovals are intended to be world class and kept at an Australian Football League (AFL) standard for effective training for the West Coast Eagles and the Perth Football Club, as well as the use of Oval 1 for Perth Football Club games.

Oval 1 is proposed to be used for training by the West Coast Eagles and the Perth Football Club, as well as games for the Perth Football Club. Oval 2 is proposed to be accessible to the community for a minimum of 100 daylight hours per month (as stipulated by the Agreement for Lease) and will also be used by the West Coast Eagles and Perth Football Club for training.

The ground levels on the site are to be altered given that currently the site slopes from the north west to the south east. Currently the existing oval has a level of between 16.0 AHD and 16.3 AHD. The proposed site works to the existing oval (Oval 1) intend to result in a finished level of 16.7 AHD. This level has been determined as the preferred level to ensure an oval of the necessary standard but with minimal disruption to the Perth Football Club. The new oval (Oval 2) is proposed to have a finished level of 16.8 AHD which is based on an intent to minimise the constraints of the gas main to the northern and eastern boundaries, whilst maintaining the best possible connectivity with the modified level of the existing oval.

The level changes on the site will result in significant cut and fill being required. It is intended to deal with cut and fill primarily on-site to reduce costs and minimise local traffic disruptions that can be experienced with off-site disposal.

Retaining Walls

Given the level changes on the site to create the new oval (Oval 2), which will sit below street levels, and its proximity to McCartney Crescent and Roberts Road, there is a need for two retaining walls to be installed being on the boundaries to McCartney Crescent and

Roberts Road. The retaining walls are to be designed to create viewing platform areas which provide for a congregation and viewing area whilst maintaining clear public access around the site on the footpath. These are detailed in the development application drawings.

The retaining wall to McCartney Crescent is proposed to be approximately 1.6 metres in height, with the oval sitting lower than the road reserve. There is also proposed to be a 1.0 metre high visually permeable hand railing to maintain visual connection with the oval whilst ensuring public safety on McCartney Crescent.

The retaining wall on Roberts Road is proposed to be approximately 0.8 metre in height with a similar 1.0 metre high visually permeable hand rail. The Roberts Road retained section is proposed to include a staircase to provide pedestrian access to the oval from the footpath.

Removal of Existing Car Park
The existing car park on Roberts Road is proposed to be removed as part of this application. The existing car park is 1.38 hectares of unmarked bitumen which if efficiently used could accommodate up to 530 car bays.

Removal & Relocation of Existing Trees
Lathlain Park currently has a total of 271 existing trees. The application requires the removal of a number of trees to accommodate the proposed change in ground levels, the creation of a new oval and the reconfiguration of the existing oval. The application proposes the removal of up to 98 trees but identifies a number of trees that can potentially be retained depending on the future building and landscape design. It is acknowledged that the trees to be removed represent the majority, if not all of the trees within Zone 3. The applicant submits that trees need to be removed because:

- They are sited on proposed Oval 2;
- There are some trees that are limb-dropping species;
- There are trees that will be affected by the change in ground levels, particularly the removal of the existing embankment.

The application has identified that of the 98 trees to be potentially removed, six of the existing Jacaranda trees along the Bishopsgate Street side of the property have the potential for transplant. The low number of trees able to be transplanted is due to the majority of trees being of species that do not tolerate large root disturbances, locations on steep slopes, or being species that are inappropriate for publicly accessible areas as they are limb dropping species.

The application states that it is intended to salvage as much of the trees being removed as possible for future use in the area including its use in landscaping and urban design, foliage for use by Perth Zoo, and recycle material to be on sold or reused on site where possible.

The applicant submits that they *"have a strong desire to provide extensive landscaping and tree planting that will be openly accessible and usable for the public in the final building and landscape design."* An indicative landscaping plan has been submitted with the application to outline the principles for future landscaping of the site.

Removal of Minor Buildings, Structures, Tennis Courts and Temporary Dog Exercise Facility
The application includes the demolition and removal of a number of small buildings and structures on the ground. These include the spectator stand on the south of the existing oval, a number of amenities blocks and the original scoreboard. The application will also necessitate the removal of the existing tennis courts and temporary dog exercise facility on McCartney Crescent.

Whilst the application makes reference to a number of other features on the site, it does not include the proposed Training, Administration and Community building(s), formal spectator seating areas, community running track around Oval 2, sports lighting, fencing, car parking and other works which will be the subject of consideration in developing the Management Plan.

Legal Compliance:
Relevant General Provisions of Metropolitan Region Scheme
In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:
- Clauses 16 & 30 of the Metropolitan Region Scheme Text.

Compliance with Development Requirements
- MRS Scheme Text;
- Development Control Policy – 1.2 – Development Control – General Principles; and
- Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space.

Submissions:
Community Consultation:
In accordance with Council Policy GEN3 ‘Community Consultation’, the application was advertised for a period of 21 days between 24 May 2016 and 14 June 2016, comprising of almost 3000 letters to all owners and occupiers in Lathlain and a portion of Carlisle (between Roberts Road and Archer Street), four (4) signs being displayed on the site (one on each street frontage), newspaper advertisements in the Southern Gazette for the three weeks of consultation and notices on the Town’s website and via social media. The Town also held two community information sessions during the consultation period. A total of 135 submissions were received during the consultation period. This included 81 submissions received on a standard pro-forma letter. A summary of the main themes identified in the submissions made to the Town is provided below. A copy of each submission is included in the tabled items. Additionally a report summarising the Community Information Sessions and the public comments made at these sessions is included in the tabled items.

Theme / Topic / Issue	Comments Received	Officer's Comment
Existing vegetation	• Opposition to the removal of the large established trees on Lathlain Park; • Should not approve removal of trees without a clear vision for the building; • Should require that the building design integrates the existing vegetation and works around it; • Replanting needs to be native species and large mature trees, not small young trees; • Trees on Lathlain Park are home to endangered species (Carnaby's Black Cockatoo) and vulnerable species (Red Tailed Black Cockatoo) under EPBC Act; • Where are the transplanted trees going to be planted? Should be on site.	• Various options were investigated by the West Coast Eagles with respect to the location of the two ovals and building envelope as described previously in this report. All feasible options would require the removal of existing trees albeit to varying degrees. The Major Land Transaction Plan and Agreement for Lease documents reflected the ovals and building envelope being in the location depicted in the current application, and were subjected to community consultation also. While not preferable, it has always been contemplated that tree removal would need to occur in order to facilitate the development; • It is recommended that Council only support the removal of the trees that are shown to require removal. Those trees that may be able to be retained are not approved for removal at this time, as this will depend on the building design that is yet to be determined;

		• The applicant is addressing any impact that the development may have upon the habitat of cockatoos, and will need to satisfy any obligations that exist for the matter to be referred and formally assessed; • Transplanted tree location is not yet known. It is recommended that they be relocated to a location determined by the Town.
Car Parking & Traffic	• Street parking is already at a premium in the area with a lack of parking on Lathlain Place and no access to parking at railway station; • WCE will provide up to 250 bays but losing 530 bays on Roberts Road car park; • Do not want to see any entrances to buildings off Bishopsgate Street; • Traffic lights needed at intersection of Roberts Road and Orrong Road; • Roundabout needed at intersection of Goddard Street and Bishopsgate Street.	• A number of the parking concerns do not relate specifically to the forward works Development Application, but instead relate to parking associated with the ultimate development of the site, which will be addressed as part of the Management Plan. The relevant consideration as part of this Development Application is the parking impact during construction of the forward works, most notably on three Perth Football Club game days during this season. This is addressed in the Staged Parking Management Plan, and addressed below.

Dog Exercise Facility & Tennis Courts	• Both are well utilized community facilities and need to be retained or replaced in a nearby location; • They promote a healthy lifestyle.	• It is considered that the relocation of the dog exercise facility be a priority for the Council in order to reduce the time without a dog exercise facility, in a location to be determined by Council; • It is considered that the need for, and location of tennis courts be considered by Council in the near future.
Oval Location and Need for Two Ovals	• Oval locations should be altered to avoid the existing mature trees to allow for retention; • One oval should be sufficient and a second oval is not required.	• The location of the ovals have been previously assessed, taking into account many factors including wind, sun, levels, pedestrian and vehicular access, and existing vegetation (as previously described in this report). Unfortunately it is not possible to accommodate two ovals on the site in the optimal configuration, without the removal of trees. The oval locations have been agreed to and in place since the Agreement for Lease was endorsed by Council in 2014; • Two ovals are required to ensure that wear-and-tear from training use by both the West Coast Eagles and the Perth

		Football Club can be shared across two ovals. The construction of the second oval, available for community use, increases the extent of publicly accessible open space on the site.
Lack of an overall Management Plan and building design	• Should not be approving site works without an overall vision for Lathlain Park; • Should not be approving site works or removal of trees to provide for a building when plans have not been approved or even considered.	• While it would have been preferred that a Management Plan be in place on the site prior to any works commencing, the West Coast Eagles seek approval to commence the forward works in advance so that there is sufficient time available for two grass growing seasons prior to the use of both ovals by them. It is considered that approval of the development does not prejudice the future development of the Management Plan, as the forward works are setting the groundwork for a development that is consistent with that anticipated under the Major Land Transaction Plan and Agreement for Lease; • Whilst the majority of trees to be removed are due to the development of the ovals or site level

		changes, those trees which have potential for retention dependent upon the building design are recommended to be retained at this time.
Carlisle Bowling Club Site	• Planning for adjoining vacant bowling club site should be integrated with this proposal; • Possibly a good location for a dog park; • Provide compensatory planning on this site for the loss of trees on Lathlain Park.	• The Carlisle Bowling Club is not part of this development application and will be considered separately by Council at an appropriate time.

Policy Implications:
Nil

Sustainability Assessment:
External Economic Implications:
The application is to facilitate the required works for the relocation of the West Coast Eagles to Lathlain Park. This is expected to result in economic benefits within the Lathlain Place precinct and the wider Town of Victoria Park area. The development of Lathlain Park is a key component of the Town's Lathlain Park Redevelopment Project.

Social Issues:
The forward works forming part of this development application are to facilitate a redevelopment which will deliver significant community benefits. This includes the proposed development of a second oval, resulting in public access being provided to the community for a minimum of 100 daylight hours per month, and an extensive community benefits program.
Cultural Issues:
Lathlain Park is listed on the Town's Municipal Heritage Inventory. This is considered to be in relation to its cultural heritage value in terms of the history of the site with football in Perth. The site will continue to be used for football purposes and its cultural significance will not be eroded by the proposed works.

Environmental Issues:
The application involves the removal of up to 98 trees from Lathlain Park which is significant. Alternative options have been considered, however there is no feasible option that would facilitate the development without tree removal. The oval and building envelope locations are consistent with that in the Agreement for Lease, which has always contemplated that tree removal would need to occur to facilitate the redevelopment. It is intended that offset planting be required to compensate for the removal of the trees.

COMMENT:
The Lathlain Precinct Redevelopment Project Team met on Friday 17 June 2016 to consider and review the development application. The Project Team support the conditions as recommended in this report.

The development application proposes site works to alter the size and level of the current oval, create a new second oval and prepare part of the site to the south of the ovals for the future training and administration building. The applicant submits that the application is submitted at this time in order for there to be two grass growing seasons so that the ovals are established to an acceptable standard prior to their shared use by the West Coast Eagles, Perth Football Club and the community (in the case of Oval 2).

Preferably the works included as part of this application would have been included in the Management Plan which will set out the guiding principles for the overall development of Lathlain Park. However due to the Management Plan not being in place and the Eagles desire to proceed with site works as soon as possible, this means that the proposed site works are to be considered on their own prior to any further detail on the overall development of the site being prepared.

The location of the two ovals and future building envelope was determined during the Major Land Transaction Plan process which was undertaken between the Town, the West Coast Eagles and the Perth Football Club in 2013. The current proposal, with some minor modifications, is consistent with the agreed lease boundary and plan that has been in place since 2013. While some public submissions have suggested that the ovals and future building envelope should be repositioned, the current locations are 'locked in' through the executed Agreement for Lease between the Town and the West Coast Eagles.

There are some key aspects of the proposal which must be considered in more detail. They are as follows:

<u>Consideration of the development prior to approval of the Management Plan</u>
As outlined above, this development application is submitted for approval in advance of preparation of the Management Plan to guide the overall development of Lathlain Park.

While this is the case, it is considered that the proposed forward works will not prejudice the future development of the Management Plan or the likely outcomes/principles to be contained in the Management Plan. The forward works are consistent with the form of development anticipated in the Major Land Transaction Plan and Agreement for Lease, which will not change through the development of the Management Plan. The suggestion that approval of this application will 'lock-in' a development form or possible outcomes that may not be consistent with the big picture that is to be determined through the Management Plan process, is not accepted.

The forward works have been designed to address design principles that are relevant to the overall development of Zone 3, as evidenced by the applicant's submission of plans such as an access and circulation plan, indicative landscaping plan and a Staged Parking Management Report demonstrating how the forward works fit in with the overall design concepts for Zone 3.

It is not unusual for development applications to be dealt with in the absence of an overarching plan. For example the Local Planning Schemes Regulations enable development applications to be approved in areas where a Structure Plan is still to be prepared provided that the decision-maker is satisfied that approval of the development would not prejudice the overall development of the area. Similarly in this case, Council Officers are satisfied that approval of this forward works application without the Management Plan being prepared will not prejudice the development of the area as there is nothing proposed as part of the forward works application that is so inconsistent with the likely future development of the area or that already contemplated under the Agreement for Lease.

Removal of Trees

Lathlain Park is currently characterised as being a well treed environment particularly around the perimeter of the existing oval. A search of available records indicates that the vegetation within Zone 3 is not native vegetation, and was planted post the late 1950s. The application has identified that currently there are 271 trees on Lathlain Park. The application proposes the removal or relocation of up to 98 of these trees. This represents up to 36% of the total number of trees (or 42% of the canopy cover) within Lathlain Park, and most, if not all, of the trees within Zone 3. The applicant has differentiated these 98 trees into a number of categories being:

- Tree with potential for retention (17);
- Tree with potential for transplant (6);
- Tree to be removed due to limb dropping species (5); and
- Tree to be removed due to location on oval or steep bank (70).

Whilst a number of the trees have been identified as having the potential for retention depending on the building design, the applicant seeks approval for the removal of all trees in the event that the future building design does not enable the retention of these trees.

Through the community consultation period, and through previous community information events, the removal of trees from the site has been a recurring theme in people's concerns about the proposal. Community feedback has been varied in this regard and has included the following proposals:

- Altering the planned oval locations to protect all the trees from the need for removal;
- Only removing the trees which are located within the proposed new oval and ensure that the building design works around the other trees; and
- Allowing all the trees to be removed as per the proposal as the benefits of having the West Coast Eagles relocated to Lathlain will be for the greater good of the Town.

Relocating the proposed ovals is not feasible. Alternative oval locations and orientations have previously been tested and were not viable and also would have required tree removal. Additionally the proposed locations have now been locked in through the Agreement for Lease. There has been community consultation undertaken prior to this proposal which identified the oval locations as shown and it was always contemplated that tree removal would be required to facilitate this.

The trees that have been identified with the potential for relocation are six Jacarandas along the Bishopsgate Street frontage of the site. The applicant engaged 'Arbor Centre' to identify any trees on the site capable of relocation. It was at this time that the Jacarandas were identified as having relocation potential. The Town had previously engaged 'Paperbark

Technologies' to undertake a full tree survey of Lathlain Park which identified *"No trees on site were identified as suitable for transplanting at this time as trees which were in good health and good structural condition were mostly species which did not tolerate high root disturbance and large trees which may decline from the process of transplanting."* Notwithstanding the conflicting opinions on relocation, the intent to transplant six Jacarandas is supported and is to be further negotiated between the Town and the West Coast Eagles having regard to the Agreement for Lease.

In relation to those trees identified as 'tree to be removed due to location on oval or steep bank', Council Officers accept that due to either their location on proposed Oval 2 or within an area where level changes are to occur, that it is not possible for these trees to be retained. Similarly in relation to those trees identified as 'tree to be removed due to limb dropping species', these trees are also located in an area where level changes are to take place, in which case their retention is not possible.

With respect to those trees identified as 'tree with potential for retention', the applicant's report states that *"the intention of the West Coast Eagles is not to remove all trees identified opposite but are seeking approval only to removal any tree within Zone 3 should it be required pending the final building and landscape design."* Therefore while the stated intent is to retain the trees marked 'tree with potential for retention', this cannot be determined until the design of the future administration and training building is developed and discussed with Council. Opportunities for retention of these trees should be encouraged, in which case it would be inappropriate to permit the approval of these trees as part of this forward works application, as it may be ultimately determined that removal is not necessary. Accordingly it is recommended that a condition be included which does not permit the approval of those trees marked as 'tree with potential for retention' as part of this forward works application, and instead defers a decision on their retention/removal to the Town's CEO once the building and landscape design are progressed.

While tree removal is proposed for the reasons described above, it is considered appropriate that Council seek some form of compensation for the loss of such a significant portion of the canopy cover in Lathlain. The intention of the West coast Eagles to undertake extensive landscape planting as part of the future works within Zone 3 is acknowledged. Additionally the Town's Parks Officers have identified 651 potential planting locations within Lathlain for compensatory planting for the tree loss at Lathlain Park. The report provided by Paperbark Technologies has identified that for every one tree being removed, six trees (80 – 100L size) would need to be planted to ensure that replacement planting is provided on a canopy to canopy basis. A condition requiring compensatory planting to be undertaken is recommended, which may comprise a combination of new planting by the West Coast Eagles within Zone 3 and a contribution to the Town towards planting in public areas in Lathlain.

Given the tree removal required to facilitate the development of the ovals, and the future landscaping that will take place on the site, the applicant has indicated that they intend to salvage as much of the trees being removed as possible. This salvage may provide for the future landscaping and urban design on Lathlain Park, foliage for use by Perth Zoo, and

recycled material to be on sold or reused on site where possible. The Town is largely supportive of the reuse of any materials possible on the site and accordingly a condition is recommended that prior to any removal of trees suitable timbers and salvaging opportunities are identified and salvaged materials are stored for future use.

Community concerns have been received which comment that the trees to be removed form part of a habitat for endangered species (Carnaby's Black-Cockatoo) and vulnerable species (Red Tailed Black-Cockatoo). The applicant is investigating this matter and will be responsible, if necessary, to undertake any referrals and assessment to the Department of Environment.

Car Parking & Traffic

The issue of parking and traffic has been a common theme among residents and business owners in the Lathlain Area. Car parking and traffic are cited as already being an issue in Lathlain, especially when the Perth Football Club play their home games. The submitters are concerned that parking impacts will be exacerbated given that this application proposes to remove the large car park on Roberts Road which currently provides space for spectator parking on Perth Football Club game days.

A Staged Parking Management Report has been prepared (refer Tabled Items) which sets out the staged approach to parking management during not only the forward works stage, but also future stages of the development. The Report notes the following matters relevant to this application:

- The Roberts Road car park, being 1.38ha of unmarked bitumen, could accommodate up to 530 bays if vehicles were parking neat and orderly, but the observed capacity is less than 530 given that parking discipline is not neat and orderly;
- A parking survey was undertaken on 2 April 2016, being a Perth Football Club game day with a higher than average crowd of over 1800. There were 589 vehicles parked on and off-street in the Lathlain Precinct including 314 vehicles in the Roberts Road car park;
- The impact of the forward works DA is:
    - Loss of the Roberts Road car park for 3 Perth Football Club home games in 2016;
    - Development of on-site facilities for contractors associated with the works; and
    - Revised access for construction purposes.
- The measures proposed to provide for event parking during the oval construction are:
    - Implementation of a construction management plan that includes limited use of the road network on three 2016 game days for Perth Football Club;
    - Retention of access to Lathlain Park gates as required by Perth Football Club;
    - Potential use of a portion of the existing bitumen area covered by Zone 3 dependant on the requirements of the contractor. The area for potential parking would be for a maximum of 100 cars with access via a temporary crossover on Roberts Road;
    - Use of the existing bowls club area to the south of Roberts Road with access from existing crossovers on Bishopsgate Street. This area has potential parking for around 400 vehicles;
    - Implementation of temporary event day parking management on-street controls for a range of streets around Lathlain Park to replicate existing controls. New controls to be placed on:

  - McCartney Crescent;
  - Lathlain Place;
  - Howick Street;
  - Keyes Place;
  - Rayment Street;
  - Star Street; and
  - Planet Street.
- Provision of on-site parking management controls on game days to maximise efficiency of areas;
- Management of parking use through Perth Football Club membership encouraging members to use allocated areas or alternative means to attend matches. This would include advertising available parking, where it could be accessed and where people should park;
- Better use of existing overspill area of parking off Goddard Street associated with Perth Football Club; and
- Signage around the local street network setting out event management.

In terms of the potential use of the former Carlisle-Lathlain bowling club site for game day parking in 2016 while the ovals are under construction, it is noted that there would be sufficient space available to cater for the likely parking demand on game days.

While this development application only relates to the forward works which are intended to be completed in early 2017, it is noted that the Staged Parking Management Report notes the intended use of the bowling club site for parking also during the 2017 and 2018 WAFL seasons, by which time parking (for up to 250 vehicles) associated with the administration and training facility building should be completed and available.

It is noted that Council has previously resolved that the former bowling club site be retained as open space. Whilst this is acknowledged, the use of the former bowling club land for parking during game days and for overflow parking for construction vehicles would assist in relieving parking pressures that may exist. It is therefore recommended that Council support the use of the former bowling club site for temporary car parking on Perth Football Club game days, until such time as new parking facilities are completed on Zone 3 in association with the new building, and for overflow construction vehicle parking. Accordingly, the West Coast Eagles are to be responsible for the cost of making good and maintaining the area to a trafficable surface for the parking of vehicles.

With respect to construction vehicle parking and traffic it is proposed that this will occur on the Lathlain Park site in accordance with a Construction Management Plan, however it is recognised that there could be occasional overflow parking onto the former bowling club site.

It is considered that the proposed forward works will not have a significant impact on traffic and parking in Lathlain given that the construction related traffic will be closely controlled and managed, and on the basis that the former bowling club site be made available.

Removal of Facilities (Temporary Dog Exercise Park & Tennis Courts)
The proposed forward works requires the removal of the existing temporary dog exercise park and tennis courts adjacent to McCartney Crescent. The loss of these facilities has been a concern of a number of community members, especially the dog exercise area.
Whilst the relocation of these facilities is being considered by Council, it has been identified that the community does not want to experience a significant lag time between the removal of the existing dog exercise facility, which is well utilised, and the provision of a new facility in the locality.

Therefore it is recommended that Council determine an appropriate location for a new dog exercise area in the locality as a matter of priority.

The relocation of the tennis courts is to be considered by Council as a separate matter, noting that community consultation has identified that usage of the tennis courts is not as high as the dog exercise park. It is considered reasonable that the applicants make a contribution to the Town for the cost of the construction of new courts, should Council determine that there is a community need to construct new courts within the locality.

Development Control Policy 1.2 – Development Control – General Principles
In determining applications for approval to commence development on an MRS reserve, the WAPC must have regard to the purpose for which the land is reserved. In this case the land is reserved for 'Parks and Recreation – Restricted Public Access' and has been used as such for an extended period of time.

The proposed forward works proposed as part of this application does not change the use of the current reserve, which will still be used in much the same way as it currently is, albeit that the access for the public will be increased through the creation of a new second oval which will be available to the community for a minimum of 100 daylight hours per month.

The redevelopment of Lathlain Park is part of a much larger redevelopment of the Lathlain Precinct. The proposed development is to be designed to integrate with the site and work with the existing Perth Football Club rooms and the future community area to be within Zone 2. It is proposed to provide greater connectivity between Lathlain Park and Lathlain Place whilst maintaining the use of Lathlain Park as a space for both passive and active recreation.

Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space
Use and development of land reserved for Parks and Recreation shall be restricted to that which is consistent with furthering the enhancement of the reserve and facilitating its use for recreational or conservation purposes. The proposed forward works provide the basis for the redevelopment of Lathlain Park, designed to enhance the reserves use, providing for greater use by the Perth Football Club, West Coast Eagles and the community as a whole.

The proposal is designed to enhance public access to, and enjoyment of the reserve, through the provision of a minimum 100 daylight hours per month of open access to the new oval. The use of the reserve for active sporting pursuits is consistent with the current use on the site by the Perth Football Club, and whilst this is to be extended to the West Coast Eagles, it will ultimately result in greater public access being provided.

Metropolitan Region Scheme (MRS) - Clause 30(1)
Under the MRS, due regard is to be given to a number of factors in determining an application. These include the purpose for which the land is zoned or reserved under the Scheme. The proposal is consistent with the reservation of 'Parks and Recreation – Restricted Public Access'. The use of the site for active sporting activities is supported given that it is an extension of the existing arrangement for the Perth Football Club, and will ultimately result in an increase in the accessibility of the site to the public.

It is considered that the proposal is consistent with the orderly and proper planning for the locality given that the site is already used as a base for football in the Town.

Preserving the amenities of a locality is one of the factors that must be given due regard when considering an application under the MRS. In this instance, whilst there is concern that the application proposes the removal of trees, the loss of car parking, and the loss of community facilities, a number of these concerns can be managed through appropriate conditions. Furthermore, Lathlain Park is in need of enhancement and revitalisation. The overall development, facilitated by these initial forward works, will result in significant improvements and benefits to the visual amenity of the area, public access to open space and other community benefits. While the community concerns relating to the loss of trees is understood, the overall development will deliver significant benefits in the medium to long-term. While it would be preferable that no trees be removed from the site, this is not feasible or possible if the development is to occur, which has already been established through the Agreement for Lease. Acknowledging the concerns that have been expressed, conditions are recommended that seek to retain those trees that will not be impacted by the future building design, and compensate the community for the loss of canopy cover.

Having regard to the above, the forward works will facilitate the development of the site to a standard that will enhance the amenity of the locality in the long-term.

CONCLUSION:
The Town of Victoria Park and the West Coast Eagles have been working together for a number of years to facilitate the relocation of the West Coast Eagles to Lathlain Park. This process, involving community consultation, has led to decisions already being made on oval and building envelope locations.

While a Management Plan is being proposed to guide the overall development of Lathlain Park, the West Coast Eagles seek approval for forward works prior to completion of the Management Plan so that sufficient time is available for grass on the ovals to be grown to an acceptable standard prior to use. Whilst there is community concern in relation to a number of matters including the removal of trees, parking, traffic and removal of the dog exercise facility, the proposal is consistent with that which has been contemplated for many years, consulted with the community, and previously supported by Council. The removal of many trees is unavoidable given the site levels and constraints and the intent to locate two ovals across the site. Alternative options have been investigated, all of which requite tree removal. Car parking associated with the forward works can be managed to ensure minimal impacts on the residents. It is recommended that Council agree to provide a new dog exercise facility as soon as practicable and that further consideration be given to including new tennis courts.

The relocation of the West Coast Eagles to Lathlain Park is considered to be a positive step towards creating a vibrant lifestyle in the Town of Victoria Park. The community benefits that will be provided to the Town through the West Coast Eagles development will be considerable and need to be given sufficient regard acknowledging some of the short-term impacts that may result.

Having regard to all relevant matters, it is recommended that Council advise the Western Australian Planning Commission that it supports the application subject to conditions.

RESOLVED:

Moved: Cr Oliver **Seconded: Cr Hayes**

1. The Western Australian Planning Commission be advised that Council recommends the approval of the application submitted by NS Projects on behalf of Indian Pacific Limited (t/a West Coast Eagles) for Site Works on Lathlain Park at No. 34 (Lots 1 & 3) Goddard Street, Lathlain as indicated on the plans and written information dated received 23 May 2016 subject to the following conditions:

1.1 Prior to the commencement of works, a Construction Management Plan shall be submitted for approval by the Town of Victoria Park which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, parking areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities and any other details as required by the Town. Construction works shall take place in accordance with the approved details at all times.

1.2 Prior to the commencement of works, a Dust Management Plan is to be submitted for approval by the Town of Victoria Park outlining the measures to be taken to minimise the spread of dust associated with the works and including the contact details and phone number of the person/s who will be available to be contacted directly by residents in the event of any dust complaints (e.g., site supervisor).

Following Council approval of the Dust Management Plan, a flyer including the contact details of the complaints response person is to be distributed to all potentially affected properties within the surrounding area.

1.3 A certified Stormwater Management Plan shall be submitted for approval by the Town of Victoria Park which addresses issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration. In the event that changes to the approved plans (i.e finished ground levels) are required in order to comply with the stormwater drainage management plan, then an amendment to the development approval may be required.

1.4 Within 120 days of approval, the applicant proposing measures to the satisfaction of the Town of Victoria Park, that involve new landscape planting so that there is no net reduction in tree canopy cover (indicatively 588 trees at 100 litre size, or equivalent) within the area as a result of the approved works. This may include mature landscape planting in association with the future development of Zone 3, and/or a financial contribution to the Town to be used for new landscape planting in public areas in Lathlain and the cost of maintenance for two years.

1.5 The proposed transplanting of the six identified Jacaranda trees is to be further negotiated between the applicant and the Town having regard to the Agreement for Lease.

1.6 This development approval permits the removal of those trees identified as trees to be removed on page 16 of the Development Application Report dated received 23 May 2016. This development approval does not permit the removal of those trees identified on page 16 as 'Tree with Potential for Retention', which are to be retained as part of this development approval, and are only permitted to be removed upon obtaining separate approval from the CEO of the Town of Victoria Park having regard to the future building design, building location and landscape design.

1.7 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated to the satisfaction of the Town of Victoria Park.

1.8 A photographic record of the existing buildings, structures and trees to be removed is to be prepared by a registered Heritage Architect and submitted for the Town of Victoria Park's approval prior to the submission of a demolition permit for the existing buildings.

1.9 The applicant is to make a contribution to the Town towards the construction of new tennis courts, should Council determine to accommodate new tennis courts within the locality. Such contribution (if applicable) is to be made to the Town prior to the completion of the approved forward works.

1.10 Any septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.

1.11 Prior to the removal of the Roberts Road car park, the applicant is to make good the land at No. 64 Bishopsgate Street, Carlisle (the former Carlisle-Lathlain Bowling Club site) for use as temporary car parking. Such works, ongoing maintenance, and reinstatement upon completion of its use, are to be at the applicant's cost and to the satisfaction of the Town of Victoria Park.

1.12 The applicant working with the Town of Victoria Park and the Perth Football Club to implement the Stage 1 event day parking management measures outlined in pages 6 and 7 of the Staged Parking Management Report.

1.13 The timber from those rows of seating to be removed, located in front of the Perth Football Club grandstand, is to be salvaged to the satisfaction of the Town of Victoria Park at the Applicant's expense.

1.14 Prior to the removal of any trees, suitable species are to be identified for the salvaging of timbers for future repurposing on the site to the satisfaction of the Town of Victoria Park at the Applicant's expense.

1.15 The existing scoreboard is to be preserved for re-use by the Town of Victoria Park.

Advice to Applicant

1.16 The applicant/owner should refer to the Requirements of Other Council Business Units, available from the Town of Victoria Park, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Town of Victoria Park.

1.17 It is the applicant's responsibility to determine any impact that the development may have upon the habitat of Carnaby's Cockatoos and to satisfy any obligations that exist to refer the matter to the Department of Environment.

1.18 A demolition permit is required to be applied for and obtained from the Town of Victoria Park prior to demolition of the existing building(s) and/or structure(s) on the site.

1.19 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

2. That Council authorise the use of the land at No. 64 Bishopsgate Street, Carlisle (former Carlisle-Lathlain Bowling Club site) as temporary car parking until such time as new on-site car parking is provided by the West Coast Eagles in association with the construction of the proposed training and administration building.

3. That Council as a matter of priority determine a suitable location for a new dog exercise area within the locality, and that further consideration be given to the community need and location for new tennis courts within the locality.

4. Council's Parking Business Unit be requested to implement the on-street event day parking management controls outlined on page 6 of the Staged Parking Management Report.

5. The West Coast Eagles be advised that Council expects that they will undertake all reasonable endeavours to design the training and administration building so as to allow for the retention of some of those trees noted as having potential for retention.

6. Those persons who lodged a submission regarding the application be advised of Council's recommendation and subsequently the Western Australian Planning Commission's decision.

The Motion was Put and CARRIED (8-0)

In favour of the Motion: Deputy Mayor Cr Oliver; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Jacobs; Cr Maxwell; Cr Potter; and Cr Windram

The Director Business Life, Mr Nathan Cain left the room at 8:53pm and returned at 8:55pm

Cr Julian Jacobs left the Council Chamber at 9:10pm

8.2 Lathlain Precinct Redevelopment Project – Modifications to Lease Agreement – Town of Victoria Park and Perth Football Club – Lots 1 & 3 (No. 34) Goddard Street, Lathlain

File Reference:	PR5397
Appendices:	No.

Date:	14 June 2016
Reporting Officer:	T. McCarthy
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – A Deed of Partial Surrender be executed with the Perth Football Club to vary the lease area occupied by the Perth Football Club under the holding over provisions of the expired lease over portion of Lathlain Oval.

- The Perth Football Club **(PFC)** lease over portion of Lathlain Oval expired on 30 June 2015 and PFC remains in occupation of the premises under the holding over provisions contained in the expired lease.
- A development application has been lodged by the West Coast Eagles Football Club **(WCE)** for carrying out of site works at Lathlain Oval in preparation for the WCE redevelopment of Lathlain Oval with development of an additional oval and administrative headquarters.
- Portion of the area the subject of the WCE application for development of Lathlain Oval is contained within the PFC lease area.
- It is recommended that Council approve a variation to the PFC lease area in order that none of the area the subject of the WCE development application is within the PFC lease area.

TABLED ITEMS:

- Perth Football Club lease expiring 30 June 2015.
- Agreement for Lease executed by the Town and WCE.

BACKGROUND:

PFC has leased and occupied Lathlain Oval since 1959. The most recent lease executed by the Town with PFC was for a five year term expiring on 30 June 2010, with an option for PFC to extend the lease for a further five years, expiring on 30 June 2015. That option was exercised by PFC.

There has been no further lease executed by the Town and PFC following expiry of the term of extension on 30 June 2015. PFC has remained in occupation of Lathlain Oval under the holding over clause of the expired lease. No new lease has been entered into principally because of the proposed redevelopment of the Lathlain Oval site by WCE, with the proposed redevelopment significantly encroaching into the area of the PFC lease.

In July 2015 Council resolved the following –

That:

1. *The Town enter into a Deed of Agreement with the Perth Football Club for a period of five (5) years commencing 1 July 2015 allowing the Perth Football Club to remain as Lessee of the Premises at 34 Goddard Street, Lathlain, under clause 11.2 of the lease expiring 30 June 2015 under the same terms and conditions of the lease expiring 30 June 2015, excepting that the Perth Football Club will not be a monthly tenant and the Deed of Agreement can be concluded at any time only by written agreement of both parties or upon commencement of the Town's lease arrangements with the West Coast Eagles Football Club at Lathlain Park.*

2. *The Deed of Agreement referred to is to be drawn up by the Town's lawyers with the costs to be shared by the Town and the Perth Football Club.*

3. *The Mayor and the Chief Executive Officer be authorised to execute the Deed of Agreement with the Perth Football Club for a period of five (5) years commencing 1 July 2015 allowing the Perth Football Club to remain as Lessee of the Premises at 34 Goddard Street, Lathlain, under clause 11.2 of the lease expiring 30 June 2015 under the same terms and conditions of the lease expiring 30 June 2015, excepting that the Perth Football Club will not be a monthly tenant and the Deed of Agreement can be determined at any time only by written agreement of both parties or upon commencement of the Town's lease arrangements with the West Coast Eagles Football Club at Lathlain Park.*

4. *The Chief Executive Officer negotiate with the Perth Football Club to ensure the financial contribution of the Town is suitably and formally recognised by the Club.*

The abovementioned Deed was not executed by PFC, however Council's attention is drawn to item 1. of the resolution which contemplated the impacts on the lease arrangements between the PFC and the Town upon commencement of the Town's lease with the West Coast Eagles Football Club.

DETAILS:

PFC occupies portion of the property at 34 (Lots 1 and 3) Goddard Street, essentially the football oval, embankments surrounding the football oval, grandstand and clubrooms. PFC's current occupied area under the holding over clause of the expired lease is approximately 16,030m². It is proposed that approximately 13,210m² of this area be excised, leaving PFC occupying an area of 2,820m². The significant reduction of the footprint of PFC's lease area will allow WCE to access the excised area in order to carry out redevelopment earthworks on Oval 1 (essentially the existing oval) and the embankments on the eastern side of Oval 1. The reduced area will coordinate with the footprint of the grandstand and clubrooms proposed to be redeveloped for PFC. The proposed earthworks for the redevelopment of Oval One will be carried out concurrently with the earthworks required for the development of the new Oval Two (at the eastern side of the WCE redevelopment). The property is owned in fee simple by the Town and is zoned "Parks and Recreation" under the Town of Victoria Park Town Planning Scheme No. 1, and "Parks and Recreation" under the Metropolitan Region Scheme.

Legal Compliance:
The proposed excision of portion of the area occupied by PFC under the holding over clause of the expired lease will be carried out by execution of a Deed of Partial Surrender between the Town and PFC.

Policy Implications:
Nil

Strategic Plan Implications:
The Town's major strategic project, the Lathlain Precinct Redevelopment Project (LPRP) is associated with this matter; primarily *Zone 1 – Perth Football Club and associated community facilities*. Staff worked with the PFC, Department of Sport and Recreation (DSR) and the West Australian Football Commission to develop a Business Case for the redevelopment of the community facilities at Lathlain Park. This Business Case was endorsed Council at the September 2015 Ordinary Council Meeting, with an estimated construction cost of $15,000,000.

Financial Implications:
Internal Budget:
Negligible. PFC is required to pay annual rental of $1 under the terms of the lease expiring 30 June 2015. If the proposed Deed of Partial Surrender with the Club to confirm continuance of the holding over clause is executed, the terms of the lease expiring 30 June 2015 would continue unchanged.

The Town currently pays the Club a $50,000 operating and maintenance subsidy. Of this $50,000; $25,000 is paid upon demonstration by the Club of sufficient expenditure on maintenance over the leased area, with particular focus on the buildings therein.

The Town will meet the cost of preparation of the Deed of Partial Surrender, with funds allocated from the Legal Expenses account.

Total Asset Management:
The building valuation carried out in June 2013 for asset management purposes by APV Valuers determined the Fair Value Land and Buildings as $16,552,000 with Gross Current Replacement Cost of the buildings at the premises inclusive of grandstand, toilet blocks, turnstiles, sheds etc. as $11,448,000 with a Reinstatement With New Value (for insurance purposes) of $13,431,000.

Sustainability Assessment:
External Economic Implications:
Nil

Social Issues:
PFC manages an important sporting and recreational facility within the local community.

Cultural Issues:
Aligned with the social issues.

Environmental Issues:
Nil

COMMENT:
The proposed Deed of Partial Surrender to be executed with PFC would enable WCE to access the excised area to commence earthworks in preparation for the redevelopment of Oval One and the development of Oval Two.

This process has been understood by all parties since discussions commenced prior to the entering into the Major Land Transaction Plan for Lathlain Park. The access to ovals and other rights of the PFC have been protected by their development of a Heads of Agreement between themselves and the WCE.

On excision of the subject area from the PFC lease, PFC will remain in occupation at Lathlain Oval under the same terms and conditions contained in the lease which expired on 30 June 2015, excepting that the lease area will be re-defined. It is envisaged that the Town will execute a new lease with PFC when redevelopment plans for the PFC facilities are finalised and a new lease area properly surveyed and defined. It is not satisfactory for either PFC or the Town for PFC to continue indefinitely to occupy the premises on the holdover clause of the expired lease.

Clause 11.2 of the lease which expired on 30 June 2015 states:

11.2 Holding Over

If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor the Lessee will be a monthly tenant of the Lessor at a monthly rent equivalent to one twelfth of the aggregate of the rent payable upon the expiry of the Term which would be payable buy the Lessee if an extension of the Term had been granted at the expiry of the Term and otherwise on the same terms and conditions as this Lease (except clause 3.2).

PFC has indicated agreement to the proposed Deed of Partial Surrender and has provided written confirmation of that agreement.

The Deed of Partial Surrender will serve to reduce the land area occupied by the PFC under the current lease terms, however it is agreed by both parties that a new lease will be negotiated between the Town and PFC which meets the needs of both organisations as the development of Lathlain Park progresses.

CONCLUSION:
It is recommended that Council execute a Deed of Partial Surrender with PFC to excise approximately 13,210m² from the lease area currently occupied by PFC. It is also recommended that no action be taken at this time to enter into a new lease with PFC, and that PFC continue to occupy the proposed reduced lease area remaining after the execution of the Deed of Partial Surrender under the holding over clause of the lease which expired on 30 June 2015.

RESOLVED:

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

That:

1. **Council approves the excision of an area of approximately 13,210m² from the lease area currently occupied by Perth Football Club under the holding over clause of the Perth Football Club lease which expired on 30 June 2015.**

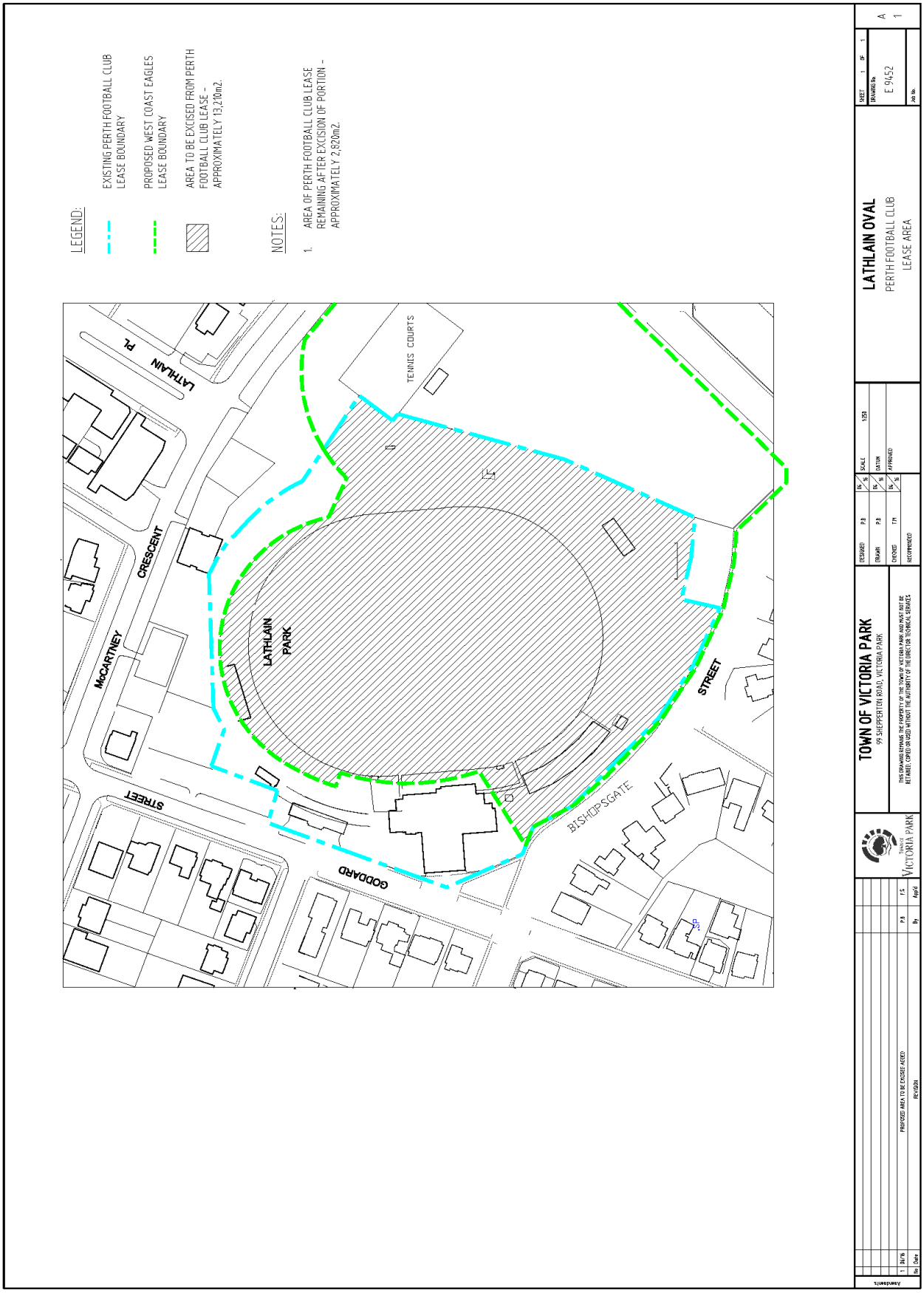
2. **The excision of approximately 13,210m² from the lease area currently occupied by Perth Football Club be enacted by the execution of a Deed of Partial Surrender of the lease.**

3. **The Mayor and the Chief Executive Officer be authorised to execute a Deed of Partial Surrender of the lease to excise an area of approximately 13,210m² from the lease area currently occupied by Perth Football Club.**

The Motion was Put and **CARRIED (7-0)**

In favour of the Motion: Deputy Mayor Cr Oliver; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Potter; and Cr Windram

Cr Jacobs returned to the Council Chamber at 9:11pm


LEGEND:
EXISTING PERTH FOOTBALL CLUB LEASE BOUNDARY
PROPOSED WEST COAST EAGLES LEASE BOUNDARY
AREA TO BE EXCISED FROM PERTH FOOTBALL CLUB LEASE - APPROXIMATELY 13,210m2.
NOTES:
1. AREA OF PERTH FOOTBALL CLUB LEASE REMAINING AFTER EXCISION OF PORTION - APPROXIMATELY 2,820m2.
TENNIS COURTS
LATHLAIN PL
CRESCENT
McCARTNEY
STREET
LATHLAIN PARK
GODDARD
BISHOPSGATE
STREET
LATHLAIN OVAL
PERTH FOOTBALL CLUB
LEASE AREA
TOWN OF VICTORIA PARK
99 SHEPPERTON ROAD, VICTORIA PARK
THIS DRAWING REMAINS THE PROPERTY OF THE TOWN OF VICTORIA PARK AND MUST NOT BE RETAINED, COPIED OR USED WITHOUT THE AUTHORITY OF THE DIRECTOR TECHNICAL SERVICES
DESIGNED
DRAWN
CHECKED
SCALE
DATUM
APPROVED
DRAWING No.
E 9452
PROPOSED AREA TO BE EXCISED HERED
REVISION
Amendments

8.3 Lathlain Precinct Redevelopment Project – Modifications to Lease Agreement – Town of Victoria Park and West Coast Eagles Football Club – Lots 1 & 3 (No. 34) Goddard Street, Lathlain

File Reference:	PR5397
Appendices:	No.

Date:	14 June 2016
Reporting Officer:	T. McCarthy
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation: That Council:

1. **Endorses amendments to the form of the ground lease annexed to the Agreement for Lease between the Town of Victoria Park and Indian Pacific Limited trading as West Coast Eagles in order to:**

   - **include reference to the Lathlain Park Management Plan; and**
   - **permit West Coast Eagles to commence its preparatory earthworks.**

2. **Authorise the Mayor and the Chief Executive Officer to negotiate the relevant lease documents, and for the final lease documents to be referred back to Council prior to execution.**

- WCE and the Town executed an Agreement for Lease in October 2014.
- A development application **(DA)** has been lodged by WCE for carrying out of site works at Lathlain Oval in preparation for the WCE redevelopment of Lathlain Oval with development of an additional oval and administrative headquarters and WCE seeks early entry to the site to carry out preparatory earthworks.
- The Town and WCE are currently developing a Management Plan (that will govern the development of Lathlain Oval including WCE's development. The Agreement for Lease (and ground lease annexed to the Agreement for Lease) do not contemplate such a Management Plan and therefore the ground lease requires amendment.
- Upon commencement of the Ground Lease, the Agreement for Lease will come to an end, and the parties will be governed by the terms of the Ground Lease going forward.

TABLED ITEMS:

- Agreement for Lease executed by the Town and WCE.
- Ground Lease (that is proposed to be executed by the parties).

BACKGROUND:
At a Special Council Meeting on 2 September 2014, the following resolution was passed by Council –

1. *That Council, having considered the submissions received by the specified time for the making of submissions, approves the Agreement for Lease and the Lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years.*

2. *That the Mayor and the Acting Chief Executive Officer be authorised to sign on behalf of the Town and apply the Town of Victoria Park Common Seal to all documentation necessary to execute the Agreement For Lease and the Lease documents for the lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years.*

3. *That the Chief Executive Officer be authorised by delegated authority of the Council to approve modification to the total leased area to the Indian Pacific Ltd trading as West Coast Eagles by a proportion not exceeding 1% of the total leased area (as per Schedule 1 to the Lease).*

   (Absolute Majority Required)

4. *That all persons who lodged a submission received by the specified time for the making of submissions in respect to the proposed Agreement For Lease and the Lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years, be notified of Council's resolution on the matter.*

WCE and the Town executed an Agreement for Lease in October 2014.

Since 2014 the Town, WCE and Perth Football Club have worked to secure funding from State and Federal Government, and other sources, to commence the Lathlain Precinct Redevelopment Project (LRP), primarily those development zones on Lathlain Park.

A summary of associated milestones is listed below –

- **2013** (Sept) – Heads of Agreement executed by WCE and the Town;
- **2013** (Oct – Dec) – Major Land Transaction Plan process undertaken;
- **2014** (May) – "Community Open Day" on Lathlain Park;
- **2014** (Aug) – Formal Agreement for Lease executed between WCE and Town;
- **2014** (Nov) – Business Case: "Redevelopment of Lathlain Park" developed;
- **2015** (May) – "Light Up Lathlain" community event;
- **2015** (Aug) – Federal Government announce $10M grant funding for Lathlain Precinct Redevelopment Project;
- **2016** (May) – State Government announce $10M grant funding for Lathlain Park Redevelopment;

- **2016** (May) – "In-fun-mation Day" on Lathlain Park;
- **2016** (May) – Development Application (DA) submitted by NS Projects on behalf of WCE;
- **2016** (June) – Federal Government announce $3M funding for the Wirrpanda Foundation in relation to Lathlain Park.

In light of securing significant funding for the development on Lathlain Park, WCE approached the Town in April 2016 advising of their need to commence construction of the two ovals proposed as part of the *Zone 3 – West Coast Eagles* development in July 2016. As listed above, WCE have prepared and submitted a DA for the forward works associated with Zone 3, which covers the creation of two Australian Football League-quality ovals and aims to provide sufficient time for the creation and seeding of the ovals, so that the grass is established to an acceptable standard prior to use by Perth Football Club, WCE and the community.

The commencement of the forward works is a departure from the timing of the development that was negotiated between the Town and WCE and subsequently prescribed in the Agreement for Lease.

The Agreement for Lease is a legally binding document which sets out rights and obligations of the parties in achieving pre-determined milestones leading towards signing the formal Lease agreement. In essence, WCE wish to access Lathlain Park to commence the forward works DA earlier than was contemplated in the Agreement for Lease, and as such a modification to the Ground Lease documentation is required. This modification is proposed to be via an amended version of the Ground Lease that is executed by the parties.

In addition to the modifications required to enable WCE to access the premises and commence their formal Ground Lease over Lathlain Park, the concept of a Management Plan for Lathlain Park also needs to be included in the Ground Lease.

A Management Plan for Lathlain Park is proposed to be developed by the Town's consultants, The Planning Group (TPG). The Management Plan, once endorsed, will be a guiding document for how the whole of Lathlain Park will be used and developed. It is envisaged that future applications by WCE for further development of the site will be in accordance with the guidelines set out in the Management Plan, rather than by separate unrelated development applications. All other future developments by other bodies, such as the Perth Football Club, will also have to be in accordance with the guidelines set out in the Management Plan.

The form of the Ground Lease currently annexed to the Agreement for Lease does not contain any reference to a Management Plan, and this report seeks Council endorsement of an amended version of the Ground Lease to insert references to the Management Plan including setting out the process for WCE to obtain approvals for further development on the site.

DETAILS:
Elected Members have been advised of the contemplated amendments to the lease agreements pertaining to the proposed Management Plan by Memo dated 22 December 2015 from the Director Renew Life Program. Further information on this matter was conveyed to Elected Members via Workshops held 19 January 2016, 19 April 2016 and 14 June 2016. In part, the abovementioned Memo to Elected Members stated:

> *Importantly, at the Workshop, Projects Director, Ben Rose will present Elected Members with a proposal pertaining to amendments to the lease documents between the Town and the WCEFC. These amendments plan to enable the redevelopment of Lathlain Park (Zones 1, 2 and 3) to be undertaken in accordance with an overarching Management Plan in conjunction with/or without a Development Approval process.*
>
> and
>
> *Once approved by the WAPC, the Management Plan supersedes the need for any individual Development Application/s approval on the subject site, so long as the proposed development accords with the WAPC-approved Management Plan. The Management Plan will provide a consolidated plan for development across the three separate development zones on Lathlain Park. These options will be discussed at the Elected Members Workshop in early 2016.*
>
> *Key to the planning process, whether that be a Management Plan or DA process or a combination, will be a robust and meaningful community engagement process – these matters will be significant assessment/selection criteria in determining the appointment of a consultant to undertake the Management Plan over Lathlain Park.*

The proposed amendments to the Ground Lease to reference the Management Plan will ensure that all future development within the Lathlain Park accords with the Management Plan. As discussed at the Elected Members Workshop on 19 January 2016, the Management Plan will be a guiding document for how Lathlain Park will be used and developed and will include:

- Regional and Local Planning Context;
- Community and Stakeholder Engagement;
- Vision for Lathlain Park;
- Management Plan Precincts;
  - Key Principles (high level precinct guidance statements);
  - Community Uses (land uses, community facilities, public and private access);
  - Built Form (massing, footprints, interfaces, key design elements);
  - Public Realm & Landscaping (high level design direction);
- Cultural Heritage;
- Servicing;
- Planning and Transport Assessment; and
- Governance and Management.

It is important to note that the Management Plan will obviate the need for development on Lathlain Park to be undertaken via development approval, as long as such development meets the design and development parameters set out in the Management Plan.

The Town and WCE have been in negotiations over the proposed modifications to the Ground Lease and have reached a mutually agreeable position. It is important to note that the Town has not waivered any of the protections afforded to it in the Ground Lease annexed to the Agreement for Lease via negotiating and achieving the above mentioned position. By way of summary, WCE must still achieve substantial commencement of its stage 1 development (being the pouring of a ground floor slab) within two (2) years of the Commencement Date of the Ground Lease.

WCE must then use best endeavours to achieve practical completion of stage 1 within four (4) years of the Commencement Date. This date has been extended by one year, but given the Ground Lease is commencing one year earlier than anticipated (in the Agreement for Lease) there is no material change to WCE's actual target date for practical completion.

Legal Compliance:
The Ground Lease (in its amended form) will require WAPC approval prior to execution by the parties.

Under Section 3.58 of the *Local Government Act 1995*, a disposition of land includes leasing of local government property. If a Local Government does not dispose of property via public auction or the public tender method, the proposal must be advertised for public comment unless the proposal is an exempt disposition. The statutory obligations conveyed under this legislation have previously been met and therefore the Town can proceed to enter into the Ground Lease.

The Ground Lease is in the same form as the Ground Lease annexed to the Agreement for Lease but will incorporate the following amendments:

1. The Ground Lease will commence when the DA is approved by the WAPC, and any associated conditions are met by WCE.
2. The Management Plan process which by way of high level summary will provide:
    a. that the parties will progress the preparation of the Management Plan that will govern the development of the site going forward; and
    b. if the parties cannot agree on the Management Plan (or it is rejected by WAPC , or approved by WAPC on unacceptable conditions) then WCE must apply for a development approval under a framework that will mirror the Agreement for Lease;
3. WCE must comply with the Management Plan (if it is approved for the site);
4. WCE can commence forward works under the DA.

Policy Implications:
Nil

Strategic Plan Implications:
The Town's major strategic project is the Lathlain Precinct Redevelopment Project (LPRP).

Financial Implications:

Internal Budget:

The Town and WCE will pay their own costs for the preparation of the new version of the Ground Lease.

Total Asset Management:

The terms of the Ground Lease render the WCE liable for the management, maintenance and renewal of the ovals, associated infrastructure and buildings within their lease premises boundary.

Sustainability Assessment:

A socio-economic impact assessment of the proposal has been undertaken on behalf of the Town and the West Coast Eagles, by Deloitte Access Economics. The full report was previously presented to Council as Appendix 4 to the report presented to the Ordinary Council Meeting held 18 December 2013. Key findings of the assessment include:

Economic

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

Social

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

The following scenarios, while ambitious, demonstrate that additional community programs have the potential to reduce the gap in outcomes between Indigenous and non-Indigenous residents, and the local community and Western Australia more broadly:

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

Environmental Issues:
Various environmental concerns have been raised in relation to the submitted forward works DA which covers works within the WCE lease premises. These are addressed in the full report on the DA which will be presented at the Special Council Meeting on Tuesday 21 June 2016.

COMMENT:
The DA submitted by NS Projects on behalf of WCE for the proposed forward works on Lathlain Park is currently under assessment by the Town. The DA will be referred to the WAPC for determination. In the event that the DA is approved by the WAPC, and any associated conditions are met by WCE, the Ground Lease will commence, and WCE will be able to enter on to Lathlain Park to commence its forward works as soon as possible.

A separate, though related, report on the proposed modifications to the Lease agreement between the Town and Perth FC, will also be presented at the Special Council Meeting on Tuesday 21 June 2016.

The development of the overarching Management Plan for Lathlain Park will guide how Lathlain Park will be used and developed in the future. The development of the Management Plan is supported by the WAPC, which will also be the approving authority.

CONCLUSION:
It is recommended that to enable the commencement of forward works at Lathlain Park, in the event that development approval is issued by the WAPC, the formal Ground Lease (amended as set out above) between the Town and the WCE are progressed to enable WCE to access the site as soon as practicable.

To ensure that the orderly and proper planning of the future development at Lathlain Park is undertaken, it is further recommended that a Management Plan continues to be prepared over the site on behalf of the Town.

RESOLVED:

Moved: Cr Potter **Seconded: Cr Jacobs**

That Council:

1. **Endorses amendments to the form of the ground lease annexed to the Agreement for Lease between the Town of Victoria Park and Indian Pacific Limited trading as West Coast Eagles in order to:**

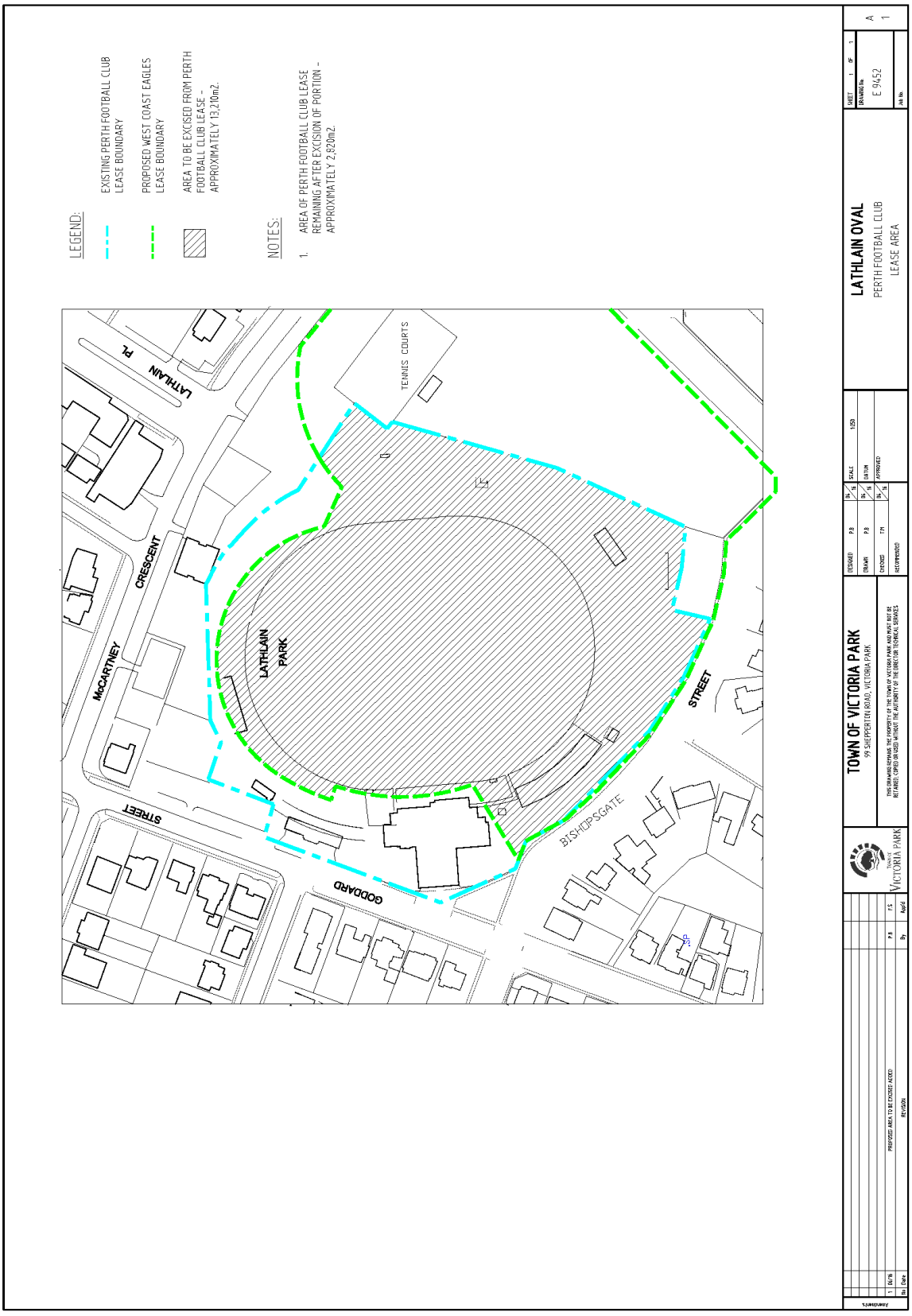
    - **include reference to the Lathlain Park Management Plan; and**
    - **permit West Coast Eagles to commence its preparatory earthworks.**

2. **Authorise the Mayor and the Chief Executive Officer to negotiate the relevant lease documents, and for the final lease documents to be referred back to Council prior to execution.**

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

In favour of the Motion: Deputy Mayor Cr Oliver; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Jacobs; Cr Maxwell; Cr Potter; and Cr Windram

Cr Windram left the meeting at 9:13pm


LEGEND:
EXISTING PERTH FOOTBALL CLUB LEASE BOUNDARY
PROPOSED WEST COAST EAGLES LEASE BOUNDARY
AREA TO BE EXCISED FROM PERTH FOOTBALL CLUB LEASE - APPROXIMATELY 13,210m2
NOTES:
1. AREA OF PERTH FOOTBALL CLUB LEASE REMAINING AFTER EXCISION OF PORTION - APPROXIMATELY 2,820m2
TENNIS COURTS
LATHLAIN PARK
LATHLAIN PL
McCARTNEY CRESCENT
STREET
GODDARD
BISHOPSGATE
TOWN OF VICTORIA PARK
99 SHEPPERTON ROAD, VICTORIA PARK
LATHLAIN OVAL
PERTH FOOTBALL CLUB
LEASE AREA
E 9452

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

Luana Losandra

1. It appears that the old Lathlain Bowls club is going to be included in the Lathlain Precinct; what is Council going to do to ensure that that piece of land, remains public open space?

R. The Chief Executive Officer, Mr Anthony Vuleta said that the intention of the Town to do anything on that particular site will be something that will require a significant amount of community engagement. There is a resolution on the table that says it is going to be remaining as public open space. Council wouldn't proceed on doing anything on that site in that sort of form, however, there needs to be community engagement to determine exactly what needs to be on that site. Whether it forms part of this particular project or not, still needs to be considered. That conversation hasn't been had. In some ways, eight (8) zones is a lot of work to chew in one hit as well as having another parcel of land to also deal with. Future planning does need to consider what does happen on that site, but what will ultimately happen on that site still needs to be considered. The community needs to be involved to determine what the best outcome is for that site.

2. Why has the tennis courts being relocated completely been taken off the table? Can the Councillors look at relocating it to the bowls club?

R. The Chief Executive Officer, Mr Anthony Vuleta said he didn't believe what was discussed tonight mentioned that it would be taken off the table. What was said is that it's an important part of that area; it is still part of the considerations. The Administration anticipates that there will be some form of multi-use courts in or around that site. If the planning undertaken says it doesn't fit there, or the Town want to relocate it to another site, then we'll take the community along with us. However, the intention is not to get rid of that particular facility.

3. When will the nominations be called for community members to be on the committee for Zones 1, 2 and 3?

R. The Director Renew Life Program, Mr Warren Bow advised that it was intended to commence the community and stakeholder engagement plan associated with Management Plan development, as soon as possible. There is a lead in time for advertising to advise the public of the engagement process for the Management Plan Council intend to undertake. Nominally there was a workshop planned for 9 July 2016, however, mindful of the Special Electors Meeting that the Deputy Mayor announced this evening, it's likely that that community and stakeholder engagement plan and the process associated with that won't commence until after the Special Electors Meeting. So that puts it back a couple of weeks.

Chris Locantro

Q. Will Council in its budget preparation indicate financial flow of costs, revenue, who is paying for what?

R. The Director Business Life Program, Mr Nathan Cain advised that all appropriate declarations of financial natures will be mentioned in the budget.

Natalie Esther

Q. Are the two (2) Christmas trees on Lathlain Reserve going to be kept?

R. The Deputy Mayor, Mr Brian Oliver said that Mr Hillman would be able to assist after the meeting.

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

Rainer Repke
Commended Council on the way Council meetings are conducted and made a further statement regarding the loss of trees at the Lathlain, however said the potential is too big for the Town to knock back.

11 MEETING CLOSED TO PUBLIC

11.1 Matters for Which the Meeting May be Closed

Nil

11.2 Public Reading of Resolutions That May be Made Public

N/A

12 CLOSURE

The Deputy Mayor expressed his thanks to the community members that attended, who asked questions and made statements; the presenters for their deputations to Council and the efforts of Elected Members and the Administration.

There being no further business, Deputy Mayor, Cr Brian Oliver closed the meeting at 9:25pm.

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

Signed: ……. Deputy Mayor

Dated this: …….. Day of 2016