



Special Meeting of Council 1 October 2013

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Amalgamation Proposal

to the

Local Government Advisory Board

4 October 2013





Implementation Timeline

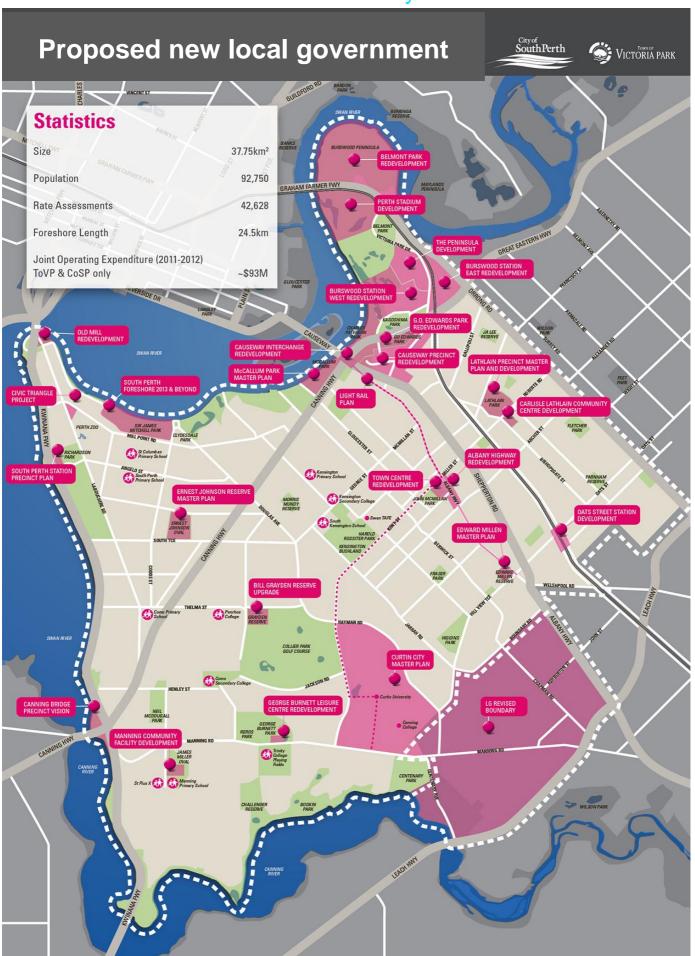
•30 July, Government's response to the report of the Metropolitan Local Government Review Panel announced Jul 2013 Mayors, CEOs and significant stakeholders briefed prior to public announcement •The Department meets with all local governments to outline the process and the availability of State Government assistance ·Local governments invited to submit proposals to the LGAB that conform with the Government Aug 2013 model •5 September, nominations for local government elections open •12 September, nominations for local government elections close Sep 2013 •Legislation to amend the Local Government Act 1995 introduced into Parliament •4 October, deadline for local government submissions to LGAB Oct 2013 • After 4 October 2013 Minister submits proposals to the LGAB if necessary •19 October, local government elections held •Government appoints two more members to LGAB (subject to legislation) LGAB inquiry process starts Dec 2013 •State government undertakes community consultation LGAB inquiry process finishes Jun 2014 Minister considers LGAB recommendations Jul 2014 · Governor's Orders issued for new local governments Aug 2014 New local governments established and Commissioners commence 1 Jul 2015 ·Local government elections conducted New Councils commence Oct 2015 Commissioners cease · For more information: metroreform.dlg.wa.gov.au

LGAB – Local Government Advisory Board

Minister – Minister for Local Government

Department – Department of Local Government

The new Council: Key features



Attachments to this Proposal

- A. Minutes of Special Meetings of Council
- B. Minutes of Joint Taskforce meetings
- C. Assessment against the Local Government Advisory Board guiding principles
- D. New LG entity scenario investigation
- E. Support letter from City of Canning
- F. Benefits matrix
- G. The City of South Perth Draft Economic Development Strategy 2013-2016
- H. The Town of Victoria Park Economic and Tourism Plan 2013-2017
- I. The Town of Victoria Park Integrated Movement Network Strategy
- J. Strategic Community Plan Town of Victoria Park
- K. Strategic Community Plan City of South Perth

Joint Letter from Mayors and Chief Executive Officers

Dear Minister Simpson,

In response to the State's recently announced preferred position and recommendations on local government reform, including amalgamations, the City of South Perth and the Town of Victoria Park have collaboratively prepared this submission.

Whilst time constraints in preparing this report have not enabled a fully robust and comprehensive analysis, the findings certainly indicate a range of benefits and opportunities in merging the Town of Victoria Park, the City of South Perth and portion of the City of Canning.

At Special Meetings of Council held on 1 and 2 October 2013, the City of South Perth and the Town of Victoria Park individually resolved to submit the attached joint proposal to the LGAB, pursuant to clause 2(1)(c) of Schedule 2.1 of the *Local Government Act 1995*. Minutes of the Special Meetings of Council are included as Attachment A to this proposal.

Pursuant to clause 2(2) the attached document outlines:

The nature of the proposal, including a plan which illustrates the proposed changes to boundaries, the reasons for the proposal and the effect of the proposal on the local government.

The Town of Victoria Park and the City of South Perth have pleasure in lodging this proposal and await your response in due course.

Sincerely

Trevor Vaughan

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Town of Victoria Park

MAYOR

Sue Doherty

Se Doley

City of South Perth

MAYOR

Athanasios (Arthur) Kyron

Kyram

CHIEF EXECUTIVE OFFICER

Cliff Frewing

CHIEF EXECUTIVE OFFICER

Preface

This proposal from the Town of Victoria Park (the Town) and the City of South Perth (the City) is largely supportive of the Government's aims for local government reform in relation to sustainability and finance; particularly in terms of improving the financial autonomy of local government and improving accountability measures.

This proposal focuses on opportunities that the Town and the City firmly believe that the proposed metropolitan area council amalgamations could deliver; particularly regarding retention of local character and delivering meaningful benefits to the communities involved - but not if the Government persists with its plan to hive off parts of the Burswood Peninsula to the City of Perth. If the government persists with its proposition to transfer a portion of the Peninsula (Crown Casino and the new Major Stadium) to the City of Perth, both the Town and the City cannot support the amalgamation.

Under the State's present proposition, the Town (and the new local government entity) will lose its largest ratepayer (Crown Casino), potentially 10,000 residents in the proposed high rise developments and, as some form of notional recompense, secure an older portion of the City of Canning (north-west of Leach Highway) with decaying infrastructure that is in need of multi-million-dollar repair, replacement and upgrade.

The Government's belief that placing as many of Perth's tourist facilities under one Council will assist in promoting Perth on the world stage is a proposition without justification. There is no relationship between Perth's international recognition as a global city and the make-up of its assets.

This round of Council amalgamations has fundamentally been built on the proposition that it will deliver financial efficiencies. The Government has failed to cite any data in support of this position in the proposed Victoria Park – South Perth model.

The Town and the City do not believe that a compelling case for depriving the proposed combined authority of parts of the Peninsula has been made. The case, as provided, lacks evidence. No single, tangible benefit for residents and ratepayers has been identified. We do not believe there is a sufficient community of interest across the river in the CBD to justify the annexure. The Government has not put forward a compelling, evidence-based case for the proposed change, let-alone a true business case that demonstrates the significant transition costs would be outweighed by the benefits.

The Town and the City believe that local government is 'local' for a reason. It builds on shared interests and shared spaces to enable communities to function and grow effectively and it is our contention that our proposed amalgamation can do this. But it can only be achieved with a sustainable rate base. Local Government is a mechanism for creating a civil society but it is impossible to do that from a diminished and unsustainable base.

In the metropolitan area, the Town and the City see this amalgamation process as an opportunity to establish a system of local government that has the capacity to be a real partner of State Government.

The Town and the City are prepared to:

1. Face the challenges of change together;

- 2. Create a sustainable new entity;
- 3. Keep the 'local' in local government;
- 4. Confront financial realities, ensure fiscal responsibility;
- 5. Bolster the revenue base;
- 6. Tackle the infrastructure backlog;
- 7. Promote innovation, productivity and competitiveness;
- 8. Advance improvement and accountability; and
- 9. Improve political leadership and governance.

Amalgamations and boundary changes are not the panacea for local government's problems. However, there is no doubt that they can be an essential element of a wider package of reforms.

The Town and the City have not sought an 'incentive package' but do believe that the arbitrary and ad-hoc division of the Peninsula is nothing more than that; aimed at securing the City of Perth's compliance and support for what appears to be nothing more than a land-grab, or perhaps better described as a facilitiesgrab.

The Town and the City are providing the Government with a willing servant to model inner city council amalgamations, but cannot do that to the detriment of its ratepayers and residents and must insist on a fair outcome – retention of the entire Burswood Peninsula.

Previous Council resolutions have specified that the amalgamation of the City of South Perth and the Town of Victoria Park is subject to the retention of the Burswood Peninsula.

The Proposal

On 14 May 2013 at the Town of Victoria Park Ordinary Council meeting and a Special Council meeting held by the City of South Perth, both Councils resolved to establish a Joint Taskforce. Notes taken at each meeting, and media statements that were released after each meeting to keep the community informed of the work being conducted by the Taskforce, are appended as Attachment B to this proposal.

The immediate formation of the Joint Taskforce was endorsed, with its objectives being to:

- a. Explore and implement resource sharing in the region;
- b. Explore opportunities for boundary adjustments; and
- c. Identify scenario planning for a joint City of South Perth and Town of Victoria Park.

Membership of the Joint Taskforce comprises:

- ° The Mayor, City of South Perth Sue Doherty
- The Mayor, Town of Victoria Park Trevor Vaughan
- ° Two elected members from each local government:
 - ° City of South Perth Ian Hasleby and Fiona Reid
 - Town of Victoria Park David Ashton and Vicki Potter
- ° The Chief Executive Officer from each local government:
 - City of South Perth Cliff Frewing
 - ° Town of Victoria Park Athanasios (Arthur) Kyron

The first meeting of the Joint Taskforce was held on 12 June 2013, with consecutive meetings held on 21 June, 3 July 2013, 12 July, 23 July, 26 August, 5 September, 18 September and 23 September. In addition to these meetings, a joint-meeting was hosted by the City of Canning, seeking feedback and input into preliminary directions and findings of the Joint Taskforce. The City of Canning also attended the Joint Taskforce meeting held on 26 August.

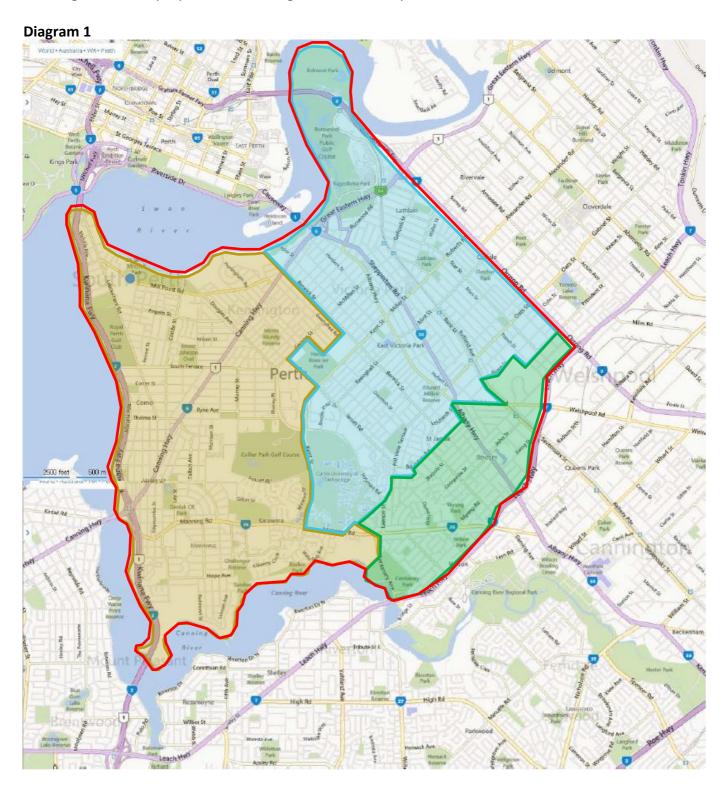
Following the announcement made by the Premier and the Minister for Local Government on proposed boundary changes and amalgamations, a meeting of all Executive and Elected Members from both the City of South Perth and the Town of Victoria Park was held to discuss the changes and analyse the effects that the proposed boundary changes could have on the 'new' local government and its residents. It was agreed at this meeting that the Taskforce would take on the role of overseeing the development of the joint proposal to the Local Government Advisory LGAB. The City of South Perth and the Town of Victoria Park's proposal is as follows:

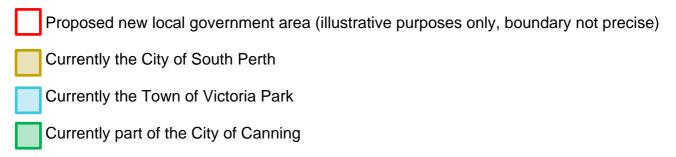
- 1. That the City of South Perth and the Town of Victoria Park, being affected local governments within the meaning of Schedule 2.1 of the Local Government Act 1995 (LGA), resolve to submit the proposal to the Local Government Advisory Board as contained within the Appendices, pursuant to clause 2(1) of Schedule 2.1 of the LGA, that order be made by the Governor under Section 2.1 of the LGA which would:
 - 1.1 amalgamate the whole of the district of the Town of Victoria Park and the whole of the district of the City of South Perth;
 - 1.2 change the boundaries of the districts to incorporate that area of the City of Canning presently located to the north-west of Leach Highway; and
 - 1.3 change the boundaries of the districts to incorporate that area of the City of Belmont known as Balbuk Reserve,

in accordance with the attached plans (Plan 1, Plan 2a and 2b) illustrating the proposed changes.

- 2. That both Councils recommend to the Local Government Advisory Board, as part of their proposals, that:
 - 2.1 Retention of the whole of the Burswood Peninsula and GO Edwards Park Reserve is critical to the sustainability of both the present Town of Victoria Park and the proposed new Town of Victoria Park City of South Perth local government entity;
 - 2.2 The State Government should fund all reasonable transition costs; and
 - 2.3 Transfer of portion of the City of Canning to the new City of South Perth Town of Victoria Park local government entity must be contingent on the transfer of an equivalent proportion of resources, assets and funds.

The diagram for the proposed new local government is depicted below:





Minor boundary anomaly for LGAB consideration

'Balbuk Reserve' was created when the Graham Farmer Freeway was created. The Reserve operates as a boat ramp area, typically for launching ski boats into the adjacent approved water skiing area. The entire Reserve is 1.3767 hectares in area; however is presently split over the City of Belmont and Town of Victoria Park municipal boundaries. Entry points to the Reserve are solely from within Town of Victoria Park borders and both the Town and the City of Belmont maintain the Reserve, with proportionate financial contribution from each.

In the interest of eliminating this illogical and impractical boundary issue, the Town proposes that this very minor boundary anomaly is considered and resolved by the LGAB. The Town's recommendation is that the practical portion of the Reserve associated with the use and maintenance of the boat ramp area be included within the new local government entity (Town of Victoria Park, City of South Perth and portion City of Canning). Whilst this presents a minor additional financial and resource burden to the new local government entity, it presents a better governance, administrative and practical outcome.

Present Balbuk Reserve siting over two local government boundaries Diagram 2



--- Present municipal boundary (Town of Victoria Park / City of Belmont)

--- Balbuk Reserve

Proposed Balbuk Reserve siting within the Town of Victoria Park / new local government entity Diagram 3



--- Proposed municipal boundary (Town of Victoria Park / City of Belmont)

--- Balbuk Reserve

Reasons for the Proposal

In the interest of scenario planning for an amalgamated City of South Perth and Town of Victoria Park, the Joint Taskforce conducted a preliminary, high level analysis of the 'new' local government against each of the LGAB's guiding principles. Consideration was also given to the impacts of the portion of the City of Canning (north-west of Leach Highway) being transferred to the new merged local authority. Included in this analysis are ward structure and number of elected member investigations, which indicate that the proposal could be satisfactorily implemented. Final ward and elected member structure can be determined at a later stage in the process. This investigation is appended as Attachments C and D to this proposal.

2.1 The importance of retaining Burswood Peninsula in its entirety

The City and the Town do not agree with the Government proposal to transfer the Crown Casino and the new Perth Stadium to the City of Perth. The two local governments are prepared, as part of the local government reform process, to recommend that they amalgamate with a portion of the City of Canning and request the LGAB to assess the joint proposal by the City of South Perth and the Town of Victoria Park.

The Department of Local Government Tool Kit and Guidelines on Local Government submissions states that:

Local governments may amend anomalies they identify in the Government's model. These must be minor in nature and may affect street boundaries or block boundaries but not entire suburbs. The amendments must have minimal impact on the overall plan.

This proposal is based on the view that the whole of the City and Town are amalgamated. The local governments are united in their views that the transfer of the Crown Casino and the new Perth Stadium must be treated as an *anomaly* when previous decisions of the LGAB on the same topic and same parcel of land are examined.

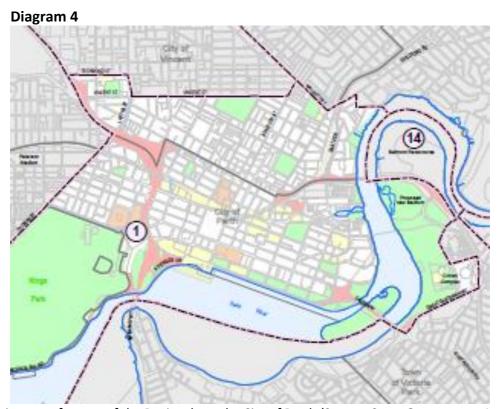
In 2007, the LGAB (in a proposal to transfer the Belmont Park Racecourse and surrounding area bounded by the Freeway and the Swan River from the Town of Victoria Park to the City of Belmont) concluded:

Having regard for the structure planning being undertaken on both sides of the Peninsula to ensure connectivity and a strong community of interests, the Board considers that the proposal to divide the Burswood Peninsula between two local governments is not in the best interests of local government or the affected stakeholders, current and future.

The LGAB has already therefore considered a proposal to alienate a portion of the Burswood Peninsula and the proposal was defeated. The Board is encouraged to adopt the same position in relation to the current proposal.

The Proposal by the State Government

The State Government has, as part of its Local Government Reform initiatives, announced that the City of Perth's boundaries will be expanded to take in the Crown Casino and the new Perth Stadium, with the remainder of the land on the Burswood Peninsula to remain with the new Town of Victoria Park-City of South Perth entity.



Map showing transfer part of the Peninsula to the City of Perth (Source: State Government August 2013)

The Government's stated justification of an expanded City of Perth is that it:

- Includes the capital city of Perth, specialised centre of UWA/QEII and the secondary centre of Leederville;
- Incorporates strategic assets and iconic places known and used by people across the metropolitan area and State;
- Minimises residential areas to retain CBD focus; and
- ° Better reflects its strategic position as the capital city of Western Australia.

Based on media statements by the Premier it would seem that he believes that it is a good planning and tourism idea to put all icons under one Council. By expanding the City of Perth it is contended that the new Council can better promote Perth on a world stage.

"The changes lay the foundations for building a greater capital. A bigger City of Perth will be better equipped to respond to the demands of a growing State - and better represent WA internationally."

This proposal and the statements made by the Premier are not supported by any analysis or research. From an international and even national perspective the Crown Casino and new Perth Stadium are referred to as being in Perth as a whole and are not associated with any one local government. There is nothing to stop the City of Perth marketing the Casino and Stadium as key attractions if they wish; they don't have to be in the City itself for that to occur.

Further, the City of South Perth and the Town of Victoria Park already have enviable records in accommodating and managing State 'strategic icons' such as the casino, Perth Zoo, Royal Perth Golf Club, Curtin University and Belmont Park, and will continue to manage all of these in the future.

Future developments in the Burswood Peninsula

Burswood Peninsula itself is in transition from an area predominated by a mix of entertainment activities and light industrial uses to one which will have a significant residential component featuring two major mixed use transit orientated developments.

The Western Australian Planning Commission's (WAPC) Draft District Framework Plan (the Plan) published in 2010 envisions the creation of two high density and high activity transit oriented urban centres focused on Burswood and Belmont Park railway stations, optimising existing investment in public transport infrastructure and capitalising on proximity to central Perth, Perth airports and the Swan River.

More detailed Master Plans have now been prepared for both Burswood Station East (prepared by the Town of Victoria Park for that area bounded by Graham Farmer Freeway, Great Eastern Highway and the railway), and Burswood Station West (Prepared by DoP for the area between the Railway and the river, south of The Peninsula Development and north of Great Eastern Highway). These two Master Plans form the whole of the TOD and should be treated as one TOD and developed within one local government area to ensure appropriate coordination.

When the Plan is adjusted to include the new Perth Stadium it still has the potential to provide approximately 7,000 dwellings with 14,000 new residents on both sides of the freeway but not including the 'Springs' development.

The development of the Stadium on the golf course site is expected to create opportunities for complementary uses to ensure the area attracts visitors throughout the week and not just on event days. These uses could include cafes and restaurants, other sporting facilities, medical and fitness centres and

other activities such as Scitech. An additional hotel has already been approved by the State Government although this decision may be challenged.

Assessment of Proposal – matters to be considered by the LGAB

In considering the proposal to transfer the Crown Casino and the Perth Stadium to the City of Perth, consideration must be given to assessing the impacts under clause 5(2) of Schedule 2.1 of the LG Act.

The LGAB, in assessing proposals under clause 5(2) of Schedule 2.1 of the Act, is required to consider the below principles, and commentary on each of these follows:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- history of the area
- transport and communications
- matters affecting the viability of local governments
- the effective delivery of local government services

Community of interest

Community of interest includes parts of a district that share common interests, values, characteristics or issues - giving rise to a distinct sense of identity or community.

The issue of community of interest should be based not just on the current populations but those coming in the future. This was the situation when the LGAB considered the City of Belmont proposal to transfer Belmont Racecourse to that Council. The LGAB noted that there is a clear intent in the planning of the Peninsula to ensure connectivity between communities on both sides of the Freeway and as the developments progress and the proposal area begins to populate, communities of interest will develop.

The LGAB "decided that the most appropriate approach was to consider the proposal on the basis that the development was complete and the area fully populated". In their investigation they found that:

"Everything points to the likelihood of a distinct community of interests of residents of the redeveloped Belmont Park, and that this will lie squarely with the Town of Victoria Park, and particularly with the other existing and proposed developments on the Burswood Peninsula. The same is also true in reverse – the community of interests of residents of the existing Peninsula development and other proposed developments on the Burswood Peninsula will clearly integrate with the facilities proposed for the redeveloped Belmont Park."

The significant developments planned for the Peninsula will have a substantial impact on the establishment of communities of interest.

The relative proximity of a significant residential population to the new stadium and the Casino related activities (with expansion potential) suggests the need for a high level of integrated planning and consideration for the emerging community of interest.

The role of local government in managing this community of interest is critical. The Town of Victoria Park has consistently tried to manage this interest in the context where it is not the decision maker on development proposals.

The *Burswood Island Casino Agreement Act* takes the responsibility of planning approvals for the Crown six-star hotel from the Town and places it with the Minister for Racing and Gaming. As such there was no consultation with the residents of Mirvac's *The Peninsula* development prior to the Premier announcing that the hotel would be built in a location directly in front of two towers and a number of mid-rise apartments.

The Department of Planning, as a courtesy due to the good relationships built through the Burswood Peninsula Structure Plan Working Group, when asked by Racing and Gaming to comment on the proposal, did forward the proposal to the Town of Victoria Park for comment which was then added to their response and which resulted in a better outcome than otherwise would have occurred. This did not fully satisfy the concerns of the residents of *The Peninsula* who were under the impression that they would have a Golf course or similar in front of then, with unrestricted views down the Swan River and to the CBD. There is a current class legal action pending on this matter from the residents and owners.

As more and more residents move into the area, the issues described above and others such as car parking, traffic, anti-social behaviour and event management have to be dealt with.

The transfer of part of the Burswood Peninsula to the City of Perth breaks the management of the community of interest as the overall area will come under the authority of two different Councils with different approaches to planning.

A broader level of community interest also exists between the residents in Victoria Park and those generally located south of the Swan River and the recreational activities that are around the Crown Casino complex. Many local residents have a connection with Burswood; residents go there rather than Kings Park.

The suggestion could be made that to deal with the community of interest issue, it could be suggested that all of the Burswood Peninsula could be transferred to the City of Perth. This is not considered to be appropriate for the following reasons:

- ° There is no demonstrated community of interest between communities on either side of the Swan River which forms a major barrier in this regard.
- ° At least 10,000 people would be added to the City of Perth's population which is against the stated intention of the current boundaries which are that it "Minimises residential areas to retain CBD focus".
- ° It would also reduce the future population of the combined Cities by 10,000 reducing the scale of its operations and according to the government would make them less efficient.
- ° It would have a significant negative impact on the financial stability of the combined Councils of Victoria Park and South Perth because of an un-anticipated loss of future income.

Physical and topographic features

Physical and topographic features may be natural or man-made and will vary from area to area. They may include:

- water features (such as rivers)
- catchment boundaries
- coastal plain and foothills
- parks and reserves
- man-made features (such as railway lines or freeways)
- ° The suburb of Burswood would be split between the two local governments and would create unnecessary conflict between operational and access issues.

Rivers make the most common and easily understood boundary between different administrative jurisdictions. It's a lot easier to just say that the eastern boundary of a local government is the Swan River than it is to survey and mark the boundary the hard way. This is very much the historic case in Perth.

River boundaries are very important in the legibility of Perth, as a whole. A river like the Swan River is very important in creating different communities with a sense of place. Often in Perth we talk about coming from the South or North side of the River and each of these communities do see themselves differently.

The LGAB, in 2007 when considering the Burswood Peninsula, noted the two significant features impacting on the area and they are the Graham Farmer Freeway and the Swan River. These features, together with the shape of the area create an unusual set of circumstances when determining appropriate boundaries.

The central idea for the future development of the Peninsula is the Government's strategy of linking both sides of the Freeway to create a whole-of-Peninsula community of interest. The Government's proposal to create a boundary which effectively divides the Peninsula along the freeway creating two local government districts is at odds with the planning philosophy being espoused for the area.

The LGAB, in its 2007 report:

"endorsed the view of the Department of Planning and Infrastructure (now Department of Planning) that it is undesirable for a local government boundary to divide the Peninsula. The emphasis on connectivity between both sides of the Freeway is an overarching principle behind development on the Peninsula. The City of Belmont argues that the Freeway provides a clear and unambiguous boundary, however it is the Board's view that the design proposals contained in the development plans override this argument".

The proposal to retain the whole of the Burswood Peninsula by the Town of Victoria Park and the City of South Perth minimises the number of Local Governments having responsibility for the management of the southern side of the Swan River to between Canning Bridge and Guildford. The two local governments would be the Town of Victoria Park/City of South Perth and the City of Bayswater (and south of Kalamunda). This is also seen as a district advantage.

It is important to note that the State electorates of South Perth and Victoria Park, the Federal electorate of Swan and State Government service departments all utilise the river as the natural boundary. Apart from the upper reaches of the Swan to the east of Guildford and part of the port facilities at Fremantle, there are no other examples where local government boundaries cross the Swan River.

Demographic trends

Local Government should consider the following characteristics when determining the demographics within its locality:

- population size
- population trends
- distribution by age
- ° gender
- ° occupation

The long term plans for the development of the Peninsula show the potential for approximately 5,000 dwellings resulting in about 10,200 people. It is difficult to estimate what the future demographics will be; however, stated planning objectives encourage a residential population diverse in culture, income and age.

Economic factors

Economic factors can include any factor that reflects the character of economic activities and resources in the area including:

- o industries within the local area
- distribution of community assets
- infrastructure

In 2009 the State Government released Directions 2031 - Draft Spatial Framework for Perth and Peel, to guide growth of the city over the next 20 to 25 years. Directions 2031 anticipates that Burswood will evolve into a mixed use regional-level activity centre, that offers significant opportunities to build on its existing tourism, entertainment and recreation base.

Importantly, Burswood Peninsula does not exist in isolation; it is part of a well-developed network of places and centres that perform established roles and functions. In planning for the future of Burswood Peninsula it is important to acknowledge the relationship that the area has with surrounding centres and avoid duplication of services, facilities and functions.

Primary employment, retail and service functions are located in the Perth central business district, while secondary functions are situated in the adjacent Victoria Park, East Victoria Park and Belmont. The planning intent for Burswood Peninsula is to reinforce and support the role and function of existing centres, while also providing a complementary range of attractions and land uses for locals and visitors.

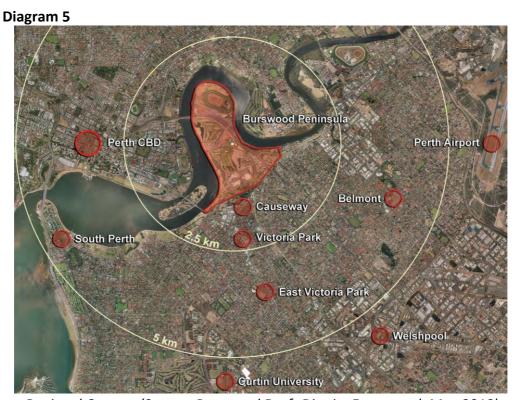
Therefore, while it is estimated that a significant new population of about 10,000 residents may ultimately call the Burswood Peninsula home, it is proposed that all but the necessary services and amenities for day to day local needs will continue to be provided within existing established centres.

Proposals for a luxury Westfield shopping centre at Crown Casino have recently received publicity in the press. The newspaper article indicated that under the control of the City of Perth the proposed shopping centre may be supported. The position of the Town of Victoria Park is that any development in the area should be on a planned basis and not ad hoc. The Department of Planning has prepared a strategic planning framework for the area in conjunction with the Town; it does not contemplate a major shopping centre development. If approved, the shopping centre development would undoubtedly have an impact on other local centres. It is critical that the responsible local government (currently the Town of Victoria Park) has a major say in developments of this type around the Casino.

Planning for Burswood Peninsula also provides an opportunity to build on an emerging synergy with the Town of Victoria Park's Causeway Precinct, which adjoins the southern boundary of the district framework area. The tourism, entertainment and recreation character of the Peninsula can be reinforced through this connection as an enduring and recognisable feature of the area.

The Town released the Causeway Precinct Review Final Report in May 2008, which proposes to transform the precinct into a sustainable, mixed use urban environment with its own distinctive identity on the CBD doorstep. The review suggests the location has the potential to provide significant employment and housing opportunities, and offers scope for people to live and work locally. It is estimated that when combined with

commercial development in Burswood Peninsula, the Burswood/Causeway area could have a total commercial floor space in the order of 200,000m², or close to half the size of West Perth. In the context of Perth metropolitan growth forecasts, this is considered viable and is one of the few inner city locations with the capacity to accommodate new employment activity of this scale.



Regional Context (Source: Burswood Draft District Framework May 2010)

Fragmentation of planning and development of the Burswood Peninsula and its separation from the planning of surrounding areas creates the potential for a less than optimum outcome. There is considerable potential for duplication of activities if the entire area, including Victoria Park, is not under the general control of one Council.

The State's principal objective for local government reform is financial sustainability; however, this will not be achieved if the amalgamated council does not contain the Crown Casino. Inevitably it will result in a substantial loss of services and facilities, or a marked rate increase.

History of the Area

The history of an area can be a relevant consideration, although the LGAB believes that in the majority of cases this will not be a primary justification for changing or retaining local governments and local government boundaries.

Burswood Peninsula has undergone significant change since European settlement. Through successive reclamation and changing land use, the area has evolved from an isthmus and series of islands in tidal mud flats, to what we now know as Burswood Peninsula and Heirisson Island. Culturally and functionally the area has also changed from aboriginal hunting and fishing grounds on the banks of the Swan River, to farming and agriculture, horse racing and golf, landfill and industrial activity - and has more recently become one of Perth's most important tourism, entertainment and recreation destinations. In the future it will also be a major residential location.

In terms of local government control, the Belmont Racecourse was originally under the control of the Victoria Park Roads Board which was proclaimed in 1894. In 1897 the Board became the Municipality of Victoria Park and this was dissolved in 1917 and joined with the City of Perth. In 1993 the City of Perth was restructured and the current Town of Victoria Park was established on 1 July 1994.

There have been three attempts in recent times to amend existing boundaries in the Burswood Peninsula to transfer the Belmont Racecourse to the City of Belmont. The first attempt was in 1972 when the Shire of Belmont submitted a proposal to the Boundaries Commission and again in 1973 when the Shire submitted a proposal to the Royal Commission on Metropolitan Municipal Boundaries. The third attempt was in 2007, and has already been stated, was unsuccessful.

Transport and Communication

The transport and communications linkages between towns and other areas may be a significant barrier to movement and therefore an appropriate boundary between local governments. Consideration of the following factors is important in any assessment of local government boundaries:

- port access
- ° neighbouring towns
- ° railways
- major roads

The area is serviced by existing roads, rail, and pedestrian and cycle paths. The developments planned for the Peninsula will strain the existing road, pedestrian and cycle networks and improve connectivity with the CBD, Victoria Park and Belmont. Under the proposal, the existing Belmont Park Railway Station will be converted from a special events station to an 'all stops' rail station. This is expected to have a positive impact on the use of public transport within the area.

The State Government is responsible for major transport infrastructure on the Peninsula, including the Burswood and Belmont Park Railway Stations and the Graham Farmer Freeway. The future developments on the Peninsula most notably the development of the Major Stadium are to be developed as a part of the Network City strategies which include reducing the dependence on motor vehicle use and the need to develop a more balanced transport strategy for Perth.

The Government is adamant that at maximum capacity, 83 per cent of fans will use public transport to get to and from the game and normal operations more than 70%. It estimates public transport will get 50,000 from the venue within an hour of an event completing. It is argued that:

- ° More than 35,000 people are expected to depart by train, with 28,000 to use the new, six-platform stadium station.
- ° Over 14,000 are expected to use the new footbridge over the river, with 8,600 to use the Windan Bridge.
- Another 14,000 are expected to take buses 8100 from a new stadium bus facility and 6200 from a shuttle service between the CBD and Nelson Avenue next to Gloucester Park.

In the longer term post 2018 transport planning for Perth a light rail connection is being considered between the Stadium/Casino and Victoria Park. This link shown in diagram 6 will reinforce ties between the new Council and the Burswood Peninsula.

Diagram 6



Proposed MAX light rail link to Burswood (Source: State Government 2013)

It would seem that the issue of people wanting to access the venue by car is not being given enough consideration. A large number of people will still choose to drive to the venue and the parking impacts will in fact be experienced by residents living in the new Council of Victoria Park-South Perth.

In terms of car parking, the new Stadium will only have approximately 250 bays with perhaps 700 more in the sports precinct. The casino has approximately 3,400 bays with a new multi-storey structure planned for about 1,000 bays. It is obvious that car parking will be at a premium and that people who wish to come to events by car will need to park in other parts of Victoria Park and walk to the ground.

In comparison terms, the proportion of fans attending AFL games at Subiaco which use public transport is 40%. A residential parking scheme applies for the City of Subiaco and the Town of Cambridge, which restricts the amount of kerbside parking and means that people find parking at considerable distance from the Stadium and walk. This results in a number of problems including:

- ° A large number of local residents impacted by parking restrictions on event days
- ° Increased problems and costs to Council with traffic congestion and management
- ° Significant parking and costs to Council with management problems for the council
- Increased levels of anti-social behaviour in residential areas as patrons walk back to their car

The point about all these problems is that they will be borne by the new Council without any recompense for the costs from either the Casino or the Stadium. As discussed in the viability section below, the benefits of the proposed arrangement go to the City of Perth who will not be paying any of the costs.

Matters Affecting the Viability of Local Governments

One of the stated and generally accepted benefits of Local Government Reform is related to 'financial sustainability'. A number of publications refer to the importance of the principle:

- 1. The Final Report of the Metropolitan Local Government Review Panel –" Robson Report" prepared in July 2012 details one of the benefits of reform as improved financial sustainability (page 112).
- 2. The Better, Stronger Local Government The Case for Sustainable Change document prepared by the Independent Local Government Review Panel in November 2012 notes a distinction between to sustainability and viability on page 16, and refers to the 2006 report of the Independent Inquiry into the Financial Sustainability of NSW Local Government (the 'Allan' report), which defines sustainability as follows:

"A council's finances should be considered sustainable in the long term only if its financial capacity is sufficient – for the foreseeable future – to allow the council to meet its expected financial requirements over time without having to introduce substantial or disruptive revenue (and expenditure) adjustments" (page 283).

3. A paper prepared in August 2011 by Deloitte Access Economics on behalf of the property council of Tasmania titled *Local Government Structural Reform in Tasmania* (pages 32-33) provides commentary on the broader benefits of reform, including fiscal sustainability, and the impacts on the community.

The impact of the loss of the Crown Casino to the City of Perth will be immediately apparent. Current rates revenue of \$2.4 million will be lost. If the whole of the peninsular is transferred to the City of Perth, the current value of annual rates lost will be \$4.8 million. Further rates will be lost as the Burswood Peninsula is developed. If one of the principles of local government reform is improved financial sustainability then the proposal to transfer either whole or part of the Burswood Peninsular fails miserably. The City of Perth will become more financially sustainable and the Town of Victoria Park/City of South Perth will become less sustainable resulting in adverse impacts on their communities.

Local government should have a sufficient resource base:

- ° to be able to efficiently and effectively exercise its proper functions and delegated powers and operate facilities and services;
- to be flexible and responsive in the exercise of its functions and powers and operation of its facilities and services;
- ° to employ appropriate professional expertise and skills; and
- ° to be capable of embracing micro-economic reform.

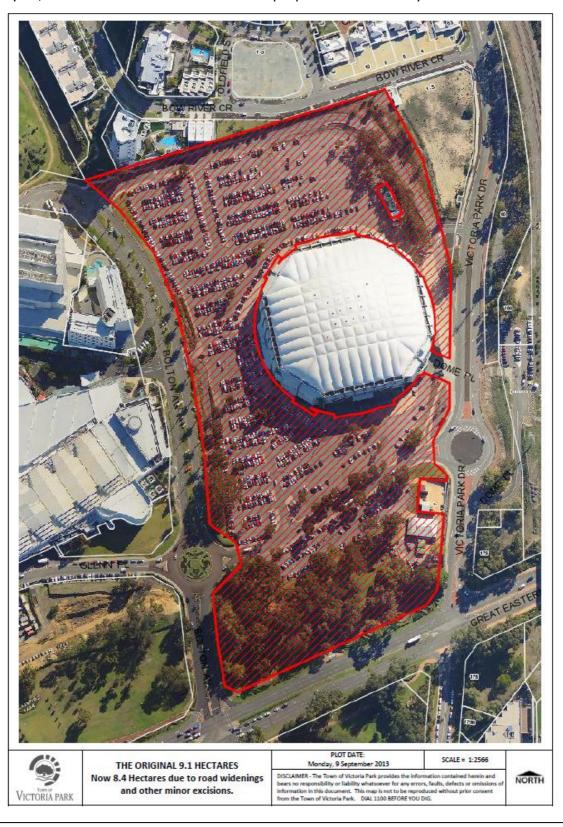
The future rating potential of the area of the Burswood Peninsula proposed to be transferred to the City of Perth is significant; \$8.8 million per annum in lost rate revenue, based on:

- 2013-14 values (present value);
- ° An estimate of 5,000 dwellings;
- ° The present Town of Victoria Park average GRV assessment of \$23,500; and
- An average rate in the dollar of 0.0738

There will also be a measurable return from commercial rates in the area, however it has not been possible to estimate the quantum involved due to the contingent nature of any commercial developments in the area. The increase in population in the area will also impact on the financial assistance grants for both local governments. For indicative purposes this would add approximately \$80,000 to the financial assistance grant of whichever local government assumes responsibility for the area.

Case example

The land referenced is generally known as the 'land around the Dome'. It is approximately 6.8 hectares of land, being the balance of the original 9.1 hectares resumed by the State Government in 1985 without compensation being paid. The land is currently Crown (State Government) land under the management of the Burswood Park Board and forms part of Reserve 39361. Cadastral information provided by Landgate shows that Reserve 39361 currently has a total area of 1,087,759m², but is subject to excision of approximately 58,000m² to allow construction of the proposed new hotel by Crown Perth.



Case example continued...

In respect to the 9.1 hectares of land resumed without compensation, clause 4 of the 1985 State Agreement states:

- "4. The State HEREBY GIVES the following undertaking and assurances to the City:
 - (a) The State shall not vest the remainder of the 9.1 hectares except in the City pursuant to this Clause.
 - (b) If at any time after the creation of the Reserve and the establishment of the Board;
 - (i) the Reserve is cancelled, vested other than in the Crown in right of the State, or otherwise ceases to be under the management and control of the Board; or
 - (ii) the remainder of the 9.1 hectares ceases to form part of the Reserve,

Then the State shall, if requested by the City to do, as soon as practicable after the request, cause the remainder of the 9.1 hectares to be vested in the City in fee simple free of any consideration, compensation or cost."

A portion of the 9.1 hectares, being approximately 2.3 hectares immediately north of Great Eastern Highway and between Bolton Avenue and Victoria Park Drive, is to be retained by the State, part to remain as part of Reserve 39361 and part to be excised for road reserve. The balance of the 9.1 hectares, being 6.8 hectares, is the land that the Town has an interest in and is the land referred to in the video.

Based on the reported value of \$95m as determined by the Valuer General for the 5.8 hectares of land ex Reserve 39361 sold to Crown Perth for the development of the new Crown Perth hotel, the figure of \$90m referred to as the value of the land in which the Town has an interest which will be forfeited should the City of Perth be successful in having portion of the Burswood Peninsula included within its' boundaries, is accurate, given that the subject area is approximately 6.8 hectares and a recent precedent of land value has been set.

To clarify, the land referred to is not the land where the fully demolished Dome was. The land under the Dome is owned in fee simple by Crown Perth and compensation was paid at the time it was resumed.

Attached is the press report from 11 February 2013 wherein the value of land sold to Crown Perth was reported.

BURSWOOD LAND DEAL

Court threat to Crown hotel plan

■ Gareth Parker

James Packer's \$570 million sixstar hotel plan could become mired in the Supreme Court.

Angry Burswood residents are on the verge of legal action against the Barnett Government to halt its proposed sale of 5.8ha.

Lawyers for 23 residents from units and townhouses in Mirvac's Burswood Peninsula development are incensed that public processes governing the sale and any development application to build the hotel will not apply.

The hotel would be within metres of some homes, block city views and ensure Burswood Park golf course closed.

They did not learn of the proposal until Colin Barnett and Crown announced it in August and the Government has not allowed them a right of review under the public planning system.

The Government intends to use the 1985 Casino Agreement Act to sell the 5.8ha to Mr Packer's Crown Limited for \$60 miltion and exempt the casino from having to lodge its plans with the

Town of Victoria Park or the WA Planning Commission.

The Premier says Crown has an "entitlement" to buy the land, which the Government intends to sell at a \$35 million discount on the Valuer-General's valuation.

The move is based on the Act that says the State can "excise" up to 10ha from the "resort site" to "grant or lease" it to Crown.

The "resort site" includes the existing Crown development, the Dome, carpark, Burswood Park and the golf course.

The Government also says

The Government also says usual planning processes will not apply because the Act allows the Gaming Minister to take over planning powers for the site

planning powers for the site.
Lawyer Doug Solomon, for the residents, said the Premier's contention that Crown has an "entitlement" to buy the land was "clearly fictional".

He will also argue that once the land is excised from the resort site to be sold, the planning exemption should no longer apply.

emption should no longer apply.
"All we want is the opportunity
to have normal State planning
procedures to apply to this land

and not some sort of secret process," Mr Solomon said.

Last week he served a notice on the Government to get documents about the case because he said residents were frustrated by the lack of detail the Government gave at meetings

gave at meetings.

He told the State Solicitor's Office that, depending on the information handed over, his clients would seek court declarations that Crown did not have an entitlement and that usual planning rules applied. He might also seek an injunction to stop the sale.

Developer and Burswood resident Neil Kidd said he expected many more of the 1000 nearby residents to join an action.

residents to join an action.

Mr Barnett's office said it would be inappropriate to comment with legal action pending.

A lawsuit could delay or halt construction of the hotel, which Crown wants to begin within months. The hotel and a big expansion of gaming tables are central for Mr Packer's plans to market Crown Perth to Asian high rollers and tourists.

Crown declined to comment.

Effective Delivery of Local Government Services

A broad range of factors can be relevant to the effective delivery of local government services and these are often directly relevant to those that also affect the viability of local governments. They include:

- the size and geographical spread of the population
- management effectiveness and efficiency
- ° the availability of staff expertise
- appropriate infrastructure and equipment
- customer satisfaction and feedback

The effective delivery of services requires a high level of co-operation with a focus on place management and effective local delivery. For example, most of the policing of the area comes out of Kensington Police Station, not Perth. The Town of Victoria Park works closely with the Kensington Police to manage antisocial behaviour that currently occurs at the Casino as well as the existing parking and access issues.

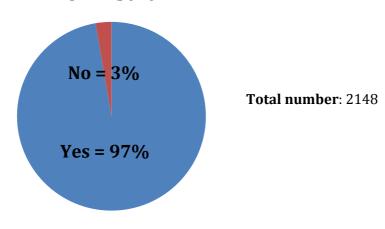
A massive parking problem will undoubtedly be created when the new Perth Stadium is built. People will park in nearby residential streets and walk to the oval creating traffic and parking problems as well as antisocial behaviour. The City of Perth will get all of the benefit and the new Victoria Park – South Perth entity will have all of the responsibility.

Council is, at the end of the day, the effective force and voice of the people in an area. If Burswood is split between two Councils an effective voice for the residents will be lost.

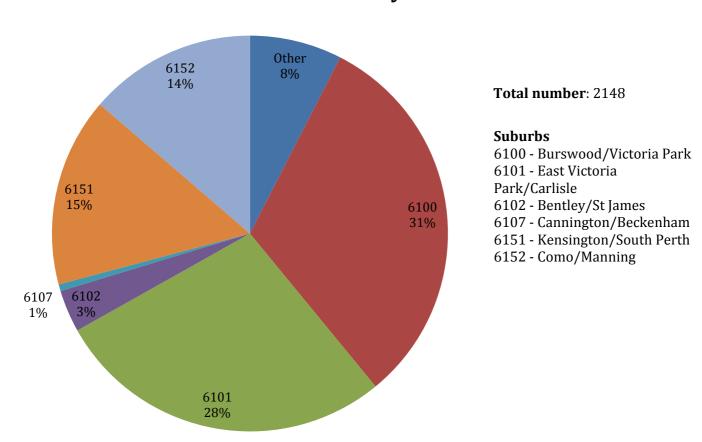
2.2 Community concern: The 'Battle for Burswood'

Responding to strong local community interest and concern in the amalgamation topic, the Town and the City coordinated a public rally on Saturday 15 September under the banner of the 'Battle for Burswood'. The rally was very well attended (estimates between 1,000 - 2,000 people) and an exemplar of civil demonstration on an important topic with significant local community impacts. A voluntary survey was undertaken on the day (and days leading up to the event), the results of which are illustrated below.

Should we retain the Burswood Peninsula?



Postcode Breakdown of Surveys



2.3 Transfer of a portion City of Canning

Based on data provided by the City of Canning, there are 11,683 residents within the area proposed by the State for transfer to the new City of South Perth – Town of Victoria Park entity. This area incorporates 4,910 rateable properties, 34 non-rateable properties and at least one major redevelopment project of State significance – the Bentley Regeneration Project (coordinated by the Department of Housing in collaboration with the City of Canning). This project is premised on strong local government collaboration and funding; a liability which is shifting from the City of Canning to the new local government entity, under State direction. With this major State-local project already committed to, it will be imperative that the new local government entity is resourced properly to continue this important project.

The Chief Executive Officer and Commissioner of the City of Canning have provided a letter of support to the Mayors of South Perth and Victoria Park, with reference to transfer of portion of the City of Canning to this new local government entity. This letter is appended at Attachment E.

2.4 Conclusion

An examination of the LGAB's criteria for considering the merits of changing local government boundaries shows that the proposal to transfer part of the Burswood Peninsula to the management of the City of Perth is not in the best interests of local government and the community.

The planning strategies being adopted for the Burswood Peninsula are based on connecting both sides of the Freeway to create an 'all of' Peninsula approach to development. The focus is to remove the barrier created by the Freeway through an effective internal road network and by improving cycle and pedestrian access. This can be best summed up in the following statement relating to the design approach in the Structure Plan:

"In summary there was support for access to the river, foreshore regeneration, cultural facilities, greater connectivity in all directions and sustainable development."

The Structure Plan identifies connectivity as one of the guiding principles and is described as follows:

"It is important that redevelopment connects to existing networks/facilities. Integration with, and use of existing road, rail and river transport infrastructure should be maximised. Potential linkages to the balance of Burswood Peninsula (shared services and facilities, ease of traffic movement, convenience of locations and visual linkages) should be maintained. The development should connect and visually integrate with surrounding development and landforms. It needs to respond to the Gateway exposure qualities on the site."

This submission is based on the view that the transfer of the Crown Casino and the new Perth Stadium must be treated as an *anomaly* when previous decisions of the LGAB on the same topic and same parcel of land are examined.

The Burswood Peninsula, as the LGAB noted in their 2007 investigation, has always been under the control of a single local authority and the LGAB at that time concluded that this should not change:

The proposal to split the Peninsula between two local governments is not in the best interests of local government from a boundary perspective. The Board's view is that long term planning and development on the Peninsula will be more effective with the involvement of one local government, rather than two.

Having regard for the structure planning being undertaken on both sides of the Peninsula to ensure connectivity and a strong community of interests, the Board considers that the proposal to divide the Burswood Peninsula between two local governments is not in the best interests of local government or the affected stakeholders, current and future.

Effects of the proposal

After a transition period, a merged Victoria Park-South Perth Council may have increased capacity to fund services, increase their scope and/or fund infrastructure projects. This is due mainly to forecast reductions in overhead costs that are currently separately incurred by both, and that a merged local government might not.

The extent to which this can be achieved is subject to the outcome of decisions that the merged local government will need to make during the transition process, but could be up to \$6M pa or 6% of the estimated operating income of the combined entity.

This, of course, is contingent on retention of the entire Burswood Peninsula in a merged local government. If transferred to the City of Perth, a merged local government would need to impose increases in rates to maintain present funding levels.

Transfer of an area of the present City of Canning to the new local government may partially offset some of this loss, but given its primarily residential nature, will be a cost neutral exercise.

A number of assumptions have had to be made when calculating costs and savings associated with merger, timing as to when it might happen, and more. In particular:

- Of the 'savings' that may be possible, some \$4.3M pa after the transition has been completed are derived on the basis of comparison to other local governments and may not be achievable in reality.
- There is considerable volatility associated with calculating both costs and savings associated with employees. The precise quantum will depend on the industrial relations approach the merged local government might take, both in terms of any redundancy costs that might apply for positions not required, and appropriate pay scales post-merger.
- It has been assumed that any new civic centre that may be required would be built on reserve land which can be made available at no cost to the merged local government, and that the new building is funded by borrowings.

Other points to note are that:

- Costs are likely to rise during a transition period while the two local governments are being merged. At the time of writing this report it was not clear who would meet these costs;
- In the long term, merging the rating structures of the two local governments is manageable without significant impact on ratepayers. Critically, this is solely reliant on the Burswood Peninsula being wholly retained within the new local government.

In terms of a transition period and costs, given the limitations above, a range of upper and lower figures have been calculated. Over a three year transition period, it is estimated that merger costs are in the range of \$8.8M to \$12.5M. Savings over the same period are estimated to be in the range of \$8.2M to \$14.7M. Ongoing savings per year after the transition period are estimated in the range of \$1.7M pa to \$6.0M pa.

If the Burswood Peninsula is not retained in the merged district, and services are to be maintained at present levels, significant increases in taxes (rates) will be required for ratepayers of both Victoria Park (7.5% above forecast 2013/14 amounts) and South Perth (14% above forecast 2013/14 levels). Financially, if the Peninsula were removed, the above ranges should be reduced by \$4.6M pa.

While ratepayers in the merged local government would be subject to less of an increase in rates than those in the present Town of Victoria Park, potential removal of the Peninsula (and the volatility of the savings forecasts) poses a fundamental question as to whether or not the likely benefits are worth the disruption created or risk involved to bother with a merger.

In the time available, it has not been possible to determine if either local government is facing significant infrastructure funding gaps. A direct comparison of the condition of major non-current assets (e.g. roads, footpaths, buildings) is not possible in the time available and using the local government's 2012 financial statements, due to different methods of recording asset values. Similarly, it has not been possible to value any freehold assets that the two local governments may be contributing to a merged entity.

The future of cash backed Reserve funds needs careful consideration. Even after allowing for 'location specific' items, South Perth would be contributing higher levels to a merged entity than Victoria Park (\$13.1M vs \$3.6M). Any concerns that this may present could be overcome by designating existing Reserves as 'Former City of South Perth (or Victoria Park) *ABC* Reserve Fund', with the purpose of the Fund designated as only able to be spent within the former districts of South Perth or Victoria Park, post-merger.

The extent to which this could be enshrined in any Orders creating the new local government would need exploration but appears possible under item 11 of Schedule 2.1 of the *Local Government Act 1995* (which deals with mergers of local governments).

Total debt levels after removing loans relating to underground power projects that are funded by a levy on the properties benefitting from projects and self-supporting loans (i.e. loans taken out via the local government to obtain a better interest rate than what would otherwise be available) by each are comparable at around \$9M each. Victoria Park is slightly higher per head of population that South Perth and its loans appear to be taken out over longer periods.

There are differences in the rates in the dollar used by the two local governments at present and in their rating structures. However, once the effects of the amount contained in general rates raised for domestic refuse collection and disposal are accounted for, these differences are not considered insurmountable, even allowing for possible changes in rates in the dollar that may be adopted by South Perth or Victoria Park in 2013/14. If considered problematic, changes could be phased in over a (say) three year period. Again, any Orders creating a new merged entity should provide it with the option to do this.

It has also been assumed that a new local government would seek to establish a new civic centre or office on a new site, funded by loans and with the old civic centres leased to commercial organisations and the proceeds used to repay that loan.

There are costs associated with merging the two entities, as well as savings. Both can be viewed as one-off and ongoing. Given present operational similarities and data systems in particular, a three year transitional period has been selected. A longer period may be desirable or necessary depending on external funding assistance that may be provided.

Endorsement

As detailed in the covering letter to this proposal, Special Meetings of Council were held on 1 and 2 October October 2013 where the Councils of the City of South Perth and the Town of Victoria Park individually resolved as follows:

City of South Perth

- 1. That the City of South Perth, being an affected local government within the meaning of Schedule 2.1 of the Local Government Act 1995 (LGA), resolves to submit the proposal to the Local Government Advisory Board as contained within the Appendices, pursuant to clause 2(1) of Schedule 2.1 of the LGA, that order be made by the Governor under Section 2.1 of the LGA which would:
 - 1.1 amalgamate the whole of the district of the City of South Perth and the whole of the district of the Town of Victoria Park;
 - 1.2 change the boundaries of the districts to incorporate that area of the City of Canning presently located to the north-west of Leach Highway; and
 - 1.3 change the boundaries of the districts to incorporate that area of the City of Belmont known as Balbuk Reserve,

in accordance with the attached plans (Plan 1, Plan 2a and 2b) illustrating the proposed changes.

- 2. That Council recommends to the Local Government Advisory Board, as part of its proposal, that:
 - 2.1 Retention of the whole of the Burswood Peninsula and GO Edwards Park Reserve is critical to the sustainability of both the present Town of Victoria Park and the proposed new Town of Victoria Park City of South Perth local government entity;
 - 2.2 The State Government should fund all reasonable transition costs; and
 - 2.3 Transfer of portion of the City of Canning to the new Town of Victoria Park City of South Perth local government entity must be contingent on the transfer of an equivalent proportion of resources, assets and funds.

Town of Victoria Park

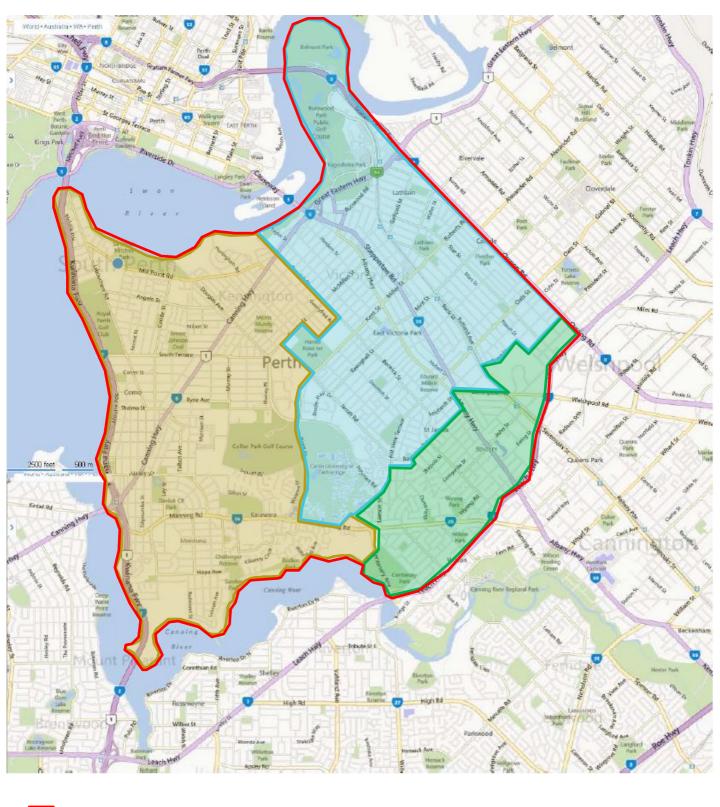
- 1. That Council, by AN ABSOLUTE MAJORITY REVOKES Clause 2 of the Council decision made on 29 January 2013 (Item Reference 7.1) as follows:
 - "2. Based on the community survey results and the Final Report on the Metropolitan Local Government Review the Council adopts the position to retain the Town of Victoria Park within its current gazetted boundaries, noting that this position replaces that of the 8 May 2012 OCM, where the Draft Findings were presented for consideration;"

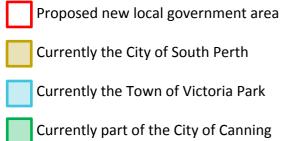
- 2. That the Town of Victoria Park, being an affected local government within the meaning of Schedule 2.1 of the Local Government Act 1995 (LGA), resolves to submit the proposal to the Local Government Advisory Board as contained within the Appendices, pursuant to clause 2(1) of Schedule 2.1 of the LGA, that order be made by the Governor under Section 2.1 of the LGA which would:
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 - 3.2 The State Government should fund all reasonable transition costs; and
 - 3.3 Transfer of portion of the City of Canning to the new Town of Victoria Park City of South Perth local government entity must be contingent on the transfer of an equivalent proportion of resources, assets and funds.

Plan 1: The map for the proposed new local government







Plan 2a: Present Balbuk Reserve siting over two local government boundaries

- --- Present municipal boundary (Town of Victoria Park / City of Belmont)
- --- Balbuk Reserve

Plan 2b: Proposed Balbuk Reserve siting within the Town of Victoria Park / new local government entity



- --- Proposed municipal boundary (Town of Victoria Park / City of Belmont)
- --- Balbuk Reserve