

# agenda

Elected Members Briefing  
Session



To: His Worship the Mayor and Councillors

Please be advised that an Elected Members Briefing Session will be held at **6.30pm** on **Tuesday 4 August 2015** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

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

**MR ANTHONY VULETA**  
**CHIEF EXECUTIVE OFFICER**

**31 July 2015**

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## ELECTED MEMBERS BRIEFING SESSION

### **Purpose of Elected Members Briefing Session (EMBS)**

The EMBS is a constituted Committee of the Council in accordance with Section 5.8 of the *Local Government Act 1995*. The function of the EMBS is to inform Elected Members of relevant and material facts and circumstances pertaining to matters to be decided at a forthcoming Ordinary Council meeting.

The EMBS:

1. Has no delegated power to make decisions;
2. Does not make recommendations about the adoption of reports of employees or others to the forthcoming Ordinary Council meeting;
3. Will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public; and
4. Provides an opportunity for Elected Members to be equally informed and seek additional information on reports, items and matters prior to them being presented to the forthcoming Ordinary Council meeting for formal consideration and decision.

### **Procedures for EMBS**

A meeting of the EMBS will be conducted in accordance with the Standing Orders Local Law. The following procedures will also apply:

1. The EMBS will be open to the public except for matters of a confidential nature. The guide for determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
2. There is no debate amongst Elected Members on any matters raised during the EMBS.
3. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda of the EMBS.
4. A record (brief minutes) shall be kept of all EMBS meetings. As no decisions are made at an EMBS, the record will only be a record of;
  - 4.1 items listed on the agenda by heading and number;
  - 4.2 questions asked and the response provided; and
  - 4.3 any disclosure of interest as declared by individuals.
5. Persons having an interest in or knowledge of matters to be decided by the Council may be invited by the Chief Executive Officer to address an EMBS. Such persons making an address will be limited to 15 minutes. An address must relate to matters listed on the Agenda.

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## 1 OPENING

## 2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

- 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 the Elected Members Briefing Session.
- There are guidelines that need to be adhered to in our Council meetings and while we are not as strict as we could be, it is important to remember that during question and statement time, I would like to request that the people speaking do not personalise any questions or statements about Elected Members or staff or use any possible defamatory remarks.
- At the conclusion of Public Question Time, Public Statement Time and Deputations, Elected Members will be provided with an opportunity to ask questions regarding each item on the Agenda. Members of the public are therefore invited to remain in attendance should they wish to hear the questions raised and the answers provided relating to the Agenda Items.

## 3 ATTENDANCE

**Deputy Mayor:** Cr C (Claire) Anderson

**Banksia Ward:** Cr J (John) Bissett  
Cr K (Keith) Hayes  
Cr M (Mark) Windram

**Jarraah Ward:** Cr V (Vince) Maxwell  
Cr D V (Vin) Nairn  
Cr B (Brian) Oliver  
Cr V (Vicki) Potter

**Chief Executive Officer:** Mr A (Anthony) Vuleta

**Director Future Life & Built Life** Ms R (Rochelle) Lavery  
**A/Director Renew Life** Mr W (Warren) Bow  
**Director Community Life** Ms T (Tina) Ackerman  
**A/Director Business Life** Mr G (Graham) Patrick

**Executive Manager Built Life:** Mr R (Robert) Cruickshank

**Secretary:** Miss A (Amy) Noon

**Public:**

### 3.1 Apologies

**Mayor:** Mr T (Trevor) Vaughan

## 3.2 Approved Leave of Absence

### 4 DECLARATIONS OF INTEREST

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

#### Declaration of Financial Interests

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

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

#### Declaration of Proximity Interest

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

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

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

### **Declaration of Interest affecting impartiality**

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

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

## **5 PUBLIC QUESTION TIME**

## **6 PUBLIC STATEMENT TIME**

## **7 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the minutes of the Elected Members Briefing Session meeting held on Tuesday, 7 July 2015 be confirmed.

## **8 PRESENTATIONS**

### **8.1 Petitions**

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## **8.2 Presentations (Awards to be given to the Town)**

## **8.3 Deputations (Planning / External Organisations)**

6:35pm Item 11.4 – Lyle Robertson and Martin Steens of DMG will be in attendance to discuss this application.

6:45pm Item 11.4 – Linley Lutton, Design Review Committee Member will be in attendance to discuss this application.

## **9 METHOD OF DEALING WITH AGENDA BUSINESS**



## 10 CHIEF EXECUTIVE OFFICER REPORTS

### 10.1 Review of Council Policies and Procedures

|   |                 |
|---|-----------------|
| <b>File Reference:</b>  | COR/14/0002     |
| <b>Appendices:</b>  | Yes             |
| <b>Date:</b>  | 23 July 2015    |
| <b>Reporting Officer:</b>   | R. Fishwick     |
| <b>Responsible Officer:</b>   | A. Vuleta       |
| <b>Voting Requirement:</b>  | Simple Majority |
| <b>Executive Summary:</b>   |                 |
| <b>Recommendation – that the “Policies of Council” be endorsed</b>  |                 |
| <ul style="list-style-type: none"> <li>• The Policies and Procedures of Council have been reviewed.</li> <li>• Some of the previous Policies and Procedures need to be revoked and consolidated into one Policy.</li> <li>• Amendments have also been made to some existing Policies and Procedures.</li> </ul> |                 |

#### **TABLED ITEMS:**

Nil.

#### **BACKGROUND:**

The revision of Policies and Policy Procedures or the introduction of new or additional Policies is something that is constantly undertaken as they are submitted to Council whenever the need arises. However, a complete revision, where Directors and Executive Managers are requested to examine all existing Policies and Policy Procedures, is a task that needs to be undertaken periodically to ensure that the existing Policies and Procedures still remain relevant.

The Policies and Procedures of the Council have therefore been reviewed to identify any amendments that are required due to changes in the operational procedures within the Program Areas and to identify any Policies and Procedures that are redundant resulting from changes to legislation and management practices.

#### **DETAILS:**

The Administration has conducted a review of Council’s Policies and associated Policy Procedures to ascertain if any modifications are required so that they remain compliant with statutory requirements and relevant to the Town’s administrative practices.

It is also a legal drafting requirement when amending legislation whereby clauses have been deleted to renumber the remaining clauses consecutively. This practice has been applied to the Policy and Procedures Manual so that only current Policies are retained within the Manual with consecutive numbering.

Detailed below are the Policies that require amending or revoking:

| Number               | Policy   | Action             | Reason  |
|----------------------|--|--------------------|---|
| ENG1                 | Directional Signs  | Amend              | Policy re-written to include comprehensive details on the provision, erection and maintenance of directional signs within the road reserve. |
| ENG4                 | Plant Containers on Commercial Paved Areas                     | Amend              | Policy re-written to clearly define responsibility of Town and property owner.  |
| ENG5                 | Vehicle Crossovers   | Amend              | Updated construction materials and clearly determining the annual fees.   |
| ENG6                 | Waste Removal – Residential Properties                         | Amend              | Clearly defining the annual fees in accordance with the Schedule of Fees and Charges contained within the Annual Budget.                    |
| ENG7                 | Waste Removal – Commercial Properties                          | Amend              | Clearly defining the annual fees in accordance with the Schedule of Fees and Charges contained within the Annual Budget.                    |
| ENG10                | Street Verges – Reinstatement of Lawns Following Council Works | Amend              | Clarifying the Town's responsibility following works on a street verge.   |
| ENG11                | Fences Between Council and Adjoining Property                  | Amend              | Updated construction materials  |
| ENG12                | Graffiti Removal Management                                    | Amend              | Clearly defining the Town's role in the removal of graffiti.  |
| ENG13                | Recycling Collection – Residential and Commercial Properties   | Amend              | Clearly defining the annual fees in accordance with the Schedule of Fees and Charges contained within the Annual Budget.                    |
| PKS2<br>PKS3<br>PKS4 | Street Trees – Planting/Removal & Pruning                      | Revoke & Adopt New | Current 3 policies consolidated into one new policy document PKS2 for easy reference by Staff, Elected Members and the community.           |
| PKS5                 | Mowing of Street Verges  | Amend              | Updated table that reflects the verges maintained by the Town.  |

#### **Legal Compliance:**

There is no legal requirement to review policies and procedures however, it is recommended as best practice.

#### **Policy Implications:**

The Policies and Procedures of the Council will be updated to reflect changes to management practices for the benefit of both staff and Elected Members.

#### **Strategic Plan Implications:**

Nil.

**Financial Implications:**Internal Budget:

Nil.

Total Asset Management:

Nil.

**Sustainability Assessment:**External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

**COMMENT:**

The Policies and Procedures of the Council should be reviewed from time to time to ensure that they are still relevant and compliant with legislation. The Policies and Procedures have been reviewed by the relevant Program Areas of the Council to ensure that are still required and not redundant.

**CONCLUSION:**

It is recommended that the Council endorses the amendments made to various Policies and Procedures contained within the Appendices and revokes Policies PKS2 Street Trees – Planting; PKS3 Street Trees – Pruning and PKS4 Street Trees – Removal, as these three (3) Policies have been consolidated into one new policy (PKS2 – Street Trees).

**RECOMMENDATION/S:****That the Council:**

- 1. Revokes the Policies listed below:**  
**Policy PKS2 – Street Trees – Planting;**  
**Policy PKS3 – Street Trees – Pruning; and**  
**Policy PKS4 – Street Trees – Removal.**

**2. Adopts:****2.1 New Policy PKS2 – Street Trees.****2.2 The Amendments proposed for the Polices listed below:**

- Policy ENG1 – Directional Signs;**
- Policy ENG4 – Plant Containers on Commercial Paved Areas;**
- Policy ENG5 – Vehicle Crossovers;**
- Policy ENG6 – Waste Removal – Residential Properties;**
- Policy ENG7 – Waste Removal – Commercial Properties;**
- Policy ENG10 – Street Verges – Reinstatement of Lawns Following Council Works;**
- Policy ENG11 – Fences between Council and Adjoining Land;**
- Policy ENG12 – Graffiti Removal Management;**
- Policy ENG13 – Recycling Collection – Residential and Commercial Properties; and**
- Policy PKS5 – Mowing of Verges.**

**All as shown as Appendix 1 within the Appendices.**

- 3. Subject to clauses 1. and 2. above being adopted, endorses the Policies and Procedures as shown in the document entitled “Polices of Council’ at Appendix 2 contained within the Appendices.**

## 10.2 Delegations Register – Annual Review

|                        |                  |
|------------------------|------------------|
| <b>File Reference:</b> | CVC0013 & POL008 |
| <b>Appendices:</b>     | YES              |

|                             |                   |
|-----------------------------|-------------------|
| <b>Date:</b>                | 22 July 2015      |
| <b>Reporting Officer:</b>   | R. Fishwick       |
| <b>Responsible Officer:</b> | A. Vuleta         |
| <b>Voting Requirement:</b>  | Absolute Majority |

### Executive Summary:

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

- The Register of Delegations (Council to CEO) requires an annual review.
- Delegations “1.24” as contained in the Register has been amended to increase the amount from \$100,000 to \$250,000 that the CEO can accept on a tender for the purchase of goods and services where provision has been made in the adopted budget.
- Delegations “11.2 Street Tree – Planting”, “11.3 Street Tree – Pruning” and “11.4 Street Tree – Removal” can be revoked and amalgamated into a new delegation “11.2 Street Trees”.
- New Delegation “16.9 Policy Relating to Development in Burswood Station East” which was adopted on 14 July 2015 is included in the Register.

### TABLED ITEMS:

Nil.

### BACKGROUND:

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

### DETAILS:

In accordance with the Act an annual review is required of the Delegated Authority Register.

### Delegations to be Amended:

In order to improve timing efficiencies in relation to the acceptance of tenders it is proposed to amend “*Delegation 1.24 Limits on Delegations to CEO*” to increase the amount from \$100,000 to \$250,000 that the CEO can accept on a tender for the purchase of goods and services where provision has been made in the adopted budget.

The effect of the amended delegation will provide expediency in awarding contacts or purchasing goods where the funds have been approved by the Council in the adopted Budget. The amount of \$100,000 has been eroded over time since the Town was established in 1994. It is now considered that an amount of \$250,000 is reflective of increases over time of the cost of goods and services.

Some larger local governments have approved delegations of up to \$350,000 for their CEO to accept tenders.

The use of the delegation will be limited to acceptance of a tender that is in compliance with the *Local Government (Function and General) Regulations) 1996* and has been duly evaluated and recommended by the Administration's internal assessment panel process.

In amending Delegation "1.24 Limits on Delegations to CEO" it is also proposed to amend the title to read "1.24 Acceptance of Tenders by the CEO" to clearly identify the purpose of the delegation.

#### **Delegations to be Revoked:**

As a consequence of consolidating Council Policies "PKS2 Street Tree Planting", "PKS3 Street Tree Pruning" and "PKS4 Street Tree Removal" into a new Policy "PKS2 Street Trees" there is no longer a need for the three (3) individual delegations "11.2 Street Tree – Planting", "11.3 Street Tree – Pruning" and "11.4 Street Tree – Removal" as they can be revoked and amalgamated into a new delegation "11.2 Street Trees".

#### **New Delegation:**

New Delegation "16.9 Policy Relating to Development in Burswood Station East" which was adopted by the Council on 14 July 2015 is now included in the Register

#### **Legal Compliance:**

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

The relevant sections of the Act are as follows:

#### **5.16. Delegation of some powers and duties to certain committees**

(1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required*

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

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

*\* Absolute majority required.*

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

#### **5.43 Limits on delegations to Chief Executive Officer**

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

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

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

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

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

**5.45 Other matters relevant to delegations under this Division**

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

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

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

**Policy Implications:**

Nil.

**Strategic Plan Implications:**

Nil.

**Financial Implications:**

Internal Budget:

Nil.

Total Asset Management:

Nil.

**Sustainability Assessment:**

External Economic Implications:

Nil.

Social Issues:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

**COMMENT:**

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

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

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

**CONCLUSION:**

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its statutory responsibilities under the Act. It is therefore recommended that the Council reviews its Delegations.

It is recommended that the Council endorses the Delegations Register as contained within the Appendices.

**RECOMMENDATION/S:****That Council BY AN ABSOLUTE MAJORITY:**

- 1. REVOKES the Delegations as shown below;**  
**11.2 Street Tree – Planting;**  
**11.3 Street Tree – Pruning; and**  
**11.4 Street Tree – Removal.**



2. **AMENDS** Delegation “Delegation 1.24 Limits on Delegations to CEO” to read as follows:

| <b>1.24 ACCEPTANCE OF TENDERS BY THE CEO</b> |  |
|--|--|
| <b>Date Adopted</b>                          | <b>30 August 2011</b>  |
| <b>Date Reviewed</b>                         | <b>10 September 2013<br/>11 August 2015</b>  |
| <b>Authority</b>                             | <b>Local Government Act 1995 – s. s.5.42</b>   |
| <b>Reference</b>                             | <b>Local Government Act 1995 – s. 5.43.(b)</b>   |
| <b>Delegation</b>                            | <b>Accept tenders for the purchase of goods or services</b>  |
| <b>Conditions</b>                            | <b>Not exceeding \$250,000. Only for goods or services for which provision has been made on adopted budget</b> |
| <b>Sub-delegation</b>                        | <b>Yes</b>   |

3. **APPROVES** the new Delegation 11.2 as shown below:

| <b>11.2 STREET TREES</b> |   |
|--------------------------|---|
| <b>Date Adopted</b>      | <b>11 August 2015</b>                     |
| <b>Date Reviewed</b>     |   |
| <b>Authority</b>         | <b>Local Government Act 1995 – s.5.42</b> |
| <b>Reference</b>         | <b>PKS2</b>                               |
| <b>Delegation</b>        | <b>Administer Policy "Street Trees"</b>   |
| <b>Conditions</b>        | <b>No</b>                                 |
| <b>Sub-delegation</b>    | <b>Yes</b>                                |

4. **ENDORSES** the review of the Register of Delegation of Authority in accordance with section 5.46 of the *Local Government Act 1995* and **APPROVES** the revised Register of Delegation of Authority’ as contained within the Appendices.

**(Absolute Majority Required)**

### 10.3 Town Centre Redevelopment Project – Engagement Review Report

|                        |            |
|------------------------|------------|
| <b>File Reference:</b> | PLA/6/0003 |
| <b>Appendices:</b>     | Yes        |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 24 July 2015    |
| <b>Reporting Officer:</b>   | B. Rose         |
| <b>Responsible Officer:</b> | A. Vuleta       |
| <b>Voting Requirement:</b>  | Simple Majority |

**Executive Summary:**

**Recommendation – that Council endorse the Town Centre Redevelopment: Engagement Review report as the basis for feedback to the community on the Town Centre Redevelopment Project.**

- Item 3 of the 10 February 2015 Council resolution directed the preparation of a Project Review for the Town Centre Redevelopment Project.
- The Project Review is now complete and is presented to Council for consideration.
- If endorsed by Council, the Project Review report will form the basis of feedback to the community on the Project.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Advertising of the Town Centre Redevelopment Project (the Project) Business Plan commenced on 19 December 2014, following direction from the 9 December 2014 Council resolution.

With substantial community feedback received during the advertising period, the Council resolved, on 10 February 2015:

- “1. That Council extend the public consultation period for the Town Centre Redevelopment Business Plan by three weeks to close at 5.00pm Friday 27 February 2015.
2. That Council resolves not to progress the advertised Town Centre Redevelopment Business Plan following the conclusion of the public consultation period.
3. That Council requests the Acting Chief Executive Officer to undertake a project review following the conclusion of the public consultation period, with that project review to present recommendations back to Council for any forward actions on the project.
4. That any future action on this land be driven by the community’s aspirations.”

With the Project now terminated, item 3 of the above resolution (the Project Engagement Review) remains outstanding; this report addresses that matter.

**DETAILS:**

Following closure of the Business Plan advertising period (including a 'grace period' for late submissions), the Town's Administration sought quotes from suitably qualified organisations to deliver a Project Engagement Review. This out-sourcing approach was adopted to ensure independence of the assessment process.

Three competitive quotes were received during May 2015, with the successful candidate appointed in early June 2015. The appointed consultant firm was 'TPG', which has a discrete division called 'TPG Conversations'; a specialist community engagement 'arm' of the firm.

The contract for the Project Engagement Review was structured to include the following deliverables:

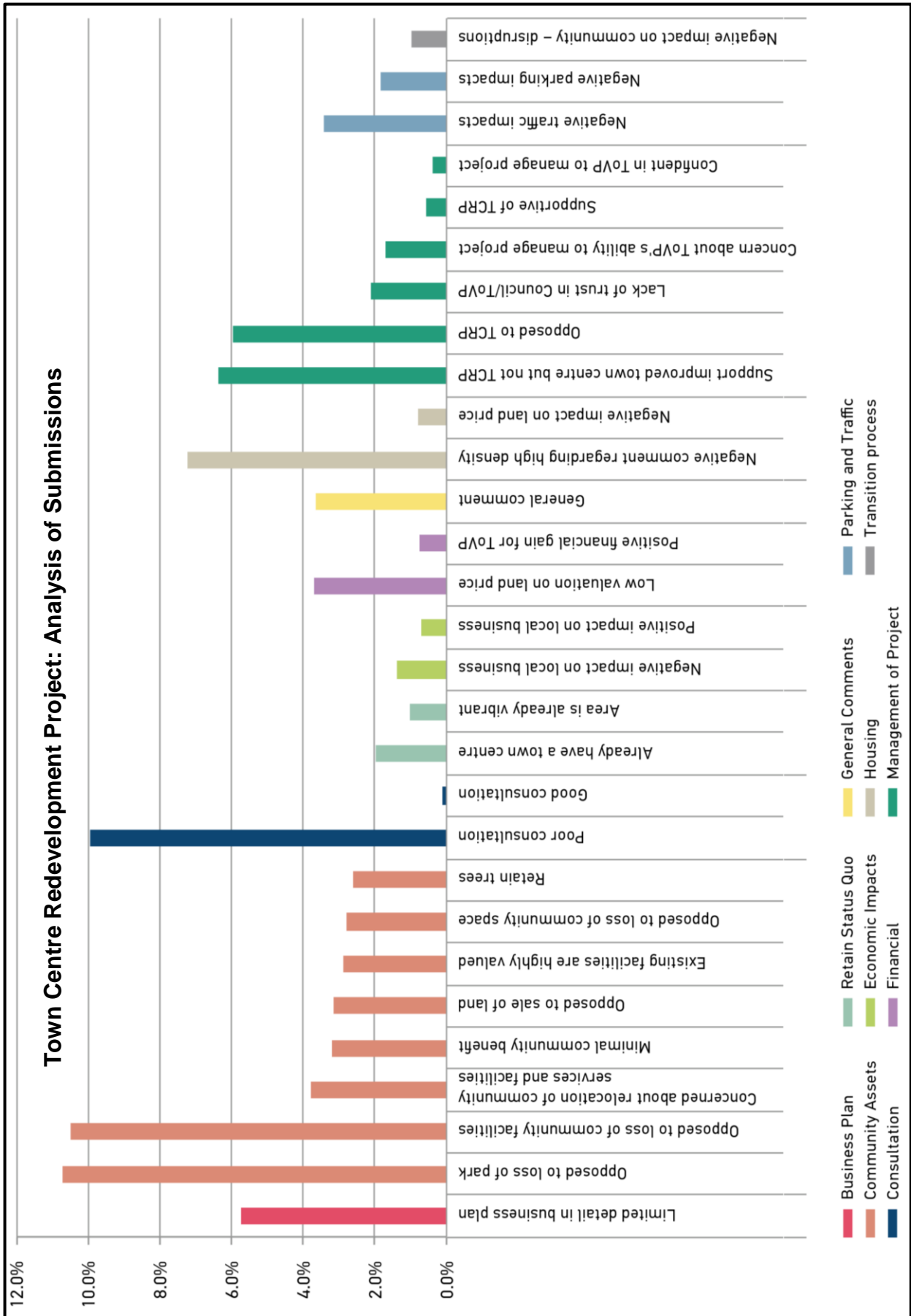
1. Review (overview) of the project processes, as they related to the Business Plan;
2. Review of the submissions received;
3. Review of the engagement methodology; and
4. Recommendations in relation to future engagement programs by the Town.

A full copy of the Project Engagement Review is contained within the Appendices, which will be made publicly accessible in multiple formats, if approved by Council at the August Meeting.

The Project Engagement Review Report includes a detailed analysis of all submissions received and should be referred to for full detail. By way of summary, however, there were:

- 358 submissions received;
- Approximately 133 submissions which used the Town of Victoria Park pro-forma from the Business Plan document;
- 54 submissions facilitated by the Vic Park Collective, using their own questions;
- 171 unstructured responses (generally as emails);
- One petition (seeking to maintain John MacMillan Park in its entirety), including 109 unique signatures;
- A total of 1,867 unique comments made within the 358 submissions.

The graph over-page illustrates the weightings / proportions of key themes of the submissions received.



**Legal Compliance:**

With the Project now terminated and the Business Plan discontinued (under direction of the Council resolution from 10 February 2015), there are no remnant legal issues.

**Policy Implications:**

Recognising the inadequate consultation and engagement methodology for the project, the Town has expedited progress of the review of its Public Participation Policy (Policy GEN6). The review of this policy is based upon the International Association for Public Participation guidelines and re-establishes the Town's commitment to actively pursuing public participation in matters that affect the community.

**Strategic Plan Implications:**

Delivery of the Project remains a core outcome for the Corporate Life Program within the Town's Strategic Community Plan (2013-2017). Obviously, with the Project terminated via independent resolution of Council, this anomaly will be examined through the review of the Strategic Community Plan now commencing.

**Financial Implications:**

Acquittal of the Project budget was undertaken via the 2014-2015 'end of financial year' process and is reflected in the 2015-2016 Annual Budget, adopted by Council at its 14 July 2015 Ordinary Meeting.

**COMMENT:**

The Project Engagement Review identifies that planning and delivery of the Project, as a long-standing commitment under the Town's Strategic Community Plan, was placed under considerable pressure by being aligned to the State Government's (then) timeline of local government amalgamations (i.e. June 2015). A project engagement and planning process that would normally take 12-18 months was compressed into a six-month timeline, with the robust engagement of stakeholders and the community the main casualty of this constriction.

Whilst the Town's intentions in progressing the project were genuinely in the interests of the community, the actual delivery fell-short of expectations and of the Town's historically engaging approach on these types of matters.

An introspective review of the how the Project 'unfolded' has already led to modification of the Town's key Policy on community engagement (GEN6) and will further see the holistic examination of the Town's strategic documents, which reference this Project, via the review of the Integrated Planning and Reporting Framework.

**CONCLUSION:**

Delivery of a Town Centre Redevelopment Project has remained a commitment of the Town since at least 2001, when the Town Centre MasterPlan was endorsed. The 'artificial timeline' generated through the State Government's program of amalgamations led the Town to expedite planning for the Project, which in-turn resulted in an inadequate stakeholder and community engagement process. Responding to community sentiment on the project during the advertising period, the Council terminated the project on 10 February 2015, requesting a review of the public submissions and the project engagement

processes. The Project Engagement Review contained within the Appendices provides the review of submissions and the Project's engagement processes. If adopted by the Council, the Project Engagement Review will provide the basis for feedback to respondents, petitioners and the community.

## **RECOMMENDATIONS:**

### **That Council:**

- 1. Endorses the Town Centre Redevelopment Project: Engagement Review report, as contained within the Appendices;**
- 2. Acknowledges the Petition dated 7 February 2015 lodged by Councillor John Bissett and Councillor Vicki Potter, which seeks to retain John MacMillan Park to its present size; and**
- 3. Requests the Chief Executive Officer to provide feedback on the terminated status of the Town Centre Redevelopment Project to the consultation respondents, petitioners and community, based on the Town Centre Redevelopment Project: Engagement Review report.**

## 11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

### 11.1 No. 15 (Lot 25) Brodie-Hall Drive, Bentley – Additions and Alterations to Existing Research and Development Facility

|                            |                               |
|----------------------------|-------------------------------|
| <b>File Reference:</b>     | PR10926                       |
| <b>Appendices:</b>         | No                            |
| <b>Landowner:</b>          | Pfizer (Perth) Pty Ltd        |
| <b>Applicant:</b>          | Pfizer (Perth) Pty Ltd        |
| <b>Application Date:</b>   | 12 June 2015                  |
| <b>DA/BA or WAPC Ref:</b>  | 5.2015.266.1                  |
| <b>MRS Zoning:</b>         | Urban                         |
| <b>TPS Zoning:</b>         | Special Use – Technology Park |
| <b>TPS Precinct:</b>       | Precinct P13 ‘Curtin’         |
| <b>Use Class:</b>          | Research & Development        |
| <b>Use Permissibility:</b> | ‘P’ use                       |

|                             |   |
|-----------------------------|---|
| <b>Date:</b>                | 24 July 2015  |
| <b>Reporting Officer:</b>   | T. Barry  |
| <b>Responsible Officer:</b> | R. Cruickshank  |
| <b>Voting Requirement:</b>  | Approval - Absolute Majority; Refusal – Simple Majority |

#### Executive Summary:

#### Recommendation – Approval, subject to conditions.

- Proposed additions to existing Research and Development Facility including patio areas, additional storage areas and new and replacement water cooling towers and associated framing.
- Non-compliant with the provisions of Town of Victoria Park Town Planning Scheme No. 1 in relation to building height.
- Consultation with surrounding property owners and occupiers in accordance with Council Policy GEN3 ‘Community Consultation’ for 14 days, which commenced on 29 June 2015 and concluded on 13 July 2015. During the consultation period no submissions were received.
- The proposed additions are consistent with the intended development outlined in Precinct Plan P13 ‘Curtin’ for the ‘Special Use – Technology Park’ zone.

#### TABLED ITEMS:

- Development application form dated 12 June 2015;
- Amended plans and elevations dated received 12 June 2015 and 25 June 2015; and
- Consultation letters to adjoining landowners and occupiers dated 29 June 2015.

#### BACKGROUND:

The land is zoned ‘Special Use – Technology Park’ under Town Planning Scheme No. 1. The site is currently developed with a Pharmaceutical Research and Development Facility that has been in place and operating as such since 1986.

**DETAILS:**

A development application has been received by Council that proposes some additions and alterations to the existing Research and Development Facility on the subject site. The proposal includes an additional building entrance, a patio for bike storage, a patio over mechanical equipment, a structural frame to support new and replacement cooling water towers and some building extensions to existing store areas.

The most significant addition on the site is the new and replacement water cooling towers which are the only non-compliant aspect of the development in terms of the proposed building height. The water cooling towers are used in the air conditioning system and to remove heat load generated in the manufacturing of pharmaceuticals as part of the research and development undertaken in the building.

The site currently has one cooling tower located within 2.4 metres of the lot boundary. This tower is being removed and is being replaced by three new cooling towers with the closest point now being 4.5 metres from the property boundary. The new cooling towers and associated walkways occupy an area of approximately 72m<sup>2</sup> with the actual tower elements being 12m<sup>2</sup> each.

The cooling towers are located in the same area as the existing tower that is being replaced. This location whilst being close to the property boundary abuts a car park and is not in an area that is highly visible to the surrounding streets.

**Legal Compliance:**Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 36 of the Scheme Text;
- Clause 38 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P13 'Curtin Precinct'.

Compliance with Development Requirements

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

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

| Item                   | Relevant Provision | Requirement                 | Proposed                   | Compliance |
|------------------------|--------------------|-----------------------------|----------------------------|------------|
| Plot Ratio             | Precinct Plan P13  | 0.5                         | 0.33                       | Complies   |
| Primary Street Setback | Precinct Plan P13  | 7.5 metre minimum to street | Setback exceeds 7.5 metres | Complies   |
| Boundary Setbacks      | Precinct Plan P13  | 4.5 metre minimum           | 4.5 metres                 | Complies   |



|  |                   |  |  |                                   |
|--|-------------------|--|--|-----------------------------------|
| Building Height (measured from the natural ground level) | Precinct Plan P13 | 2 storey / 7.5 metre maximum                                     | 8.965 metre maximum  | Non-compliant (see Comment below) |
| Car Parking  | Precinct Plan P13 | 1 bay per 40m <sup>2</sup> = 292 bays                            | 298 bays   | Complies                          |
| Landscaping  | Precinct Plan P13 | 25% of site (8732.25m <sup>2</sup> )                             | 25.5% of site (8916m <sup>2</sup> )                                    | Complies                          |
| Building Design  | Precinct Plan P13 | Designed to prevent noxious emissions from activities conducted. | No noxious emissions will result from the additions or cooling towers. | Complies                          |

**Submissions:**Community Consultation:

In accordance with Council's GEN3 'Community Consultation' Policy, the proposal was the subject of consultation for a 14 day period, with letters being sent to the owners and occupiers of the surrounding affected properties. The consultation commenced on 29 June 2015 and concluded on 13 July 2015. No submissions were received.

**Policy Implications:**

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The proposal is fully compliant with the Town Planning Scheme No. 1 and Precinct Plan P13 – Curtin Precinct with the exception of a building height variation to the new and replacement cooling towers and associated stand.

Building Height

Precinct Plan P13 – Curtin Precinct has a building height limit of 2 storeys or 7.5 metres. The proposed building height of the cooling towers is 8.965 metres from the natural ground level. The area that has the increased height is well setback from the surrounding streets and is adjacent to a car parking area.

The area proposed to have an increased building height has limited visibility from the surrounding streets due to its distance from the road. The surrounding land also has sloping ground levels which further ameliorate any impacts caused by the increased height of the water cooling towers. Given the setbacks and slope of the land the height is not a significant issue and causes no adverse impacts to the surrounding properties or streetscape of the area.

#### Town Planning Scheme No. 1 – Clause 38

As the proposal does not comply with a requirement of Town Planning Scheme No. 1, Clause 38 of the Scheme requires that the Council needs to be satisfied by an Absolute Majority that any approval granted would be consistent with the orderly and proper planning of the area, the conservation of the amenities of the land and any statement of intent set out in a relevant Precinct Plan. The subject proposal is deemed to meet these requirements as the height is not considered to have any impact on the amenity of the surrounding area.

Council also needs to be satisfied that the non-compliance will not have any undue adverse effect on the occupiers or users of the development, the property or inhabitants of the locality and the future development of the locality. The slight increase in building height does not have any significant impact on the users of the building or the inhabitants of the locality. It will not have any impact on the future development of the subject site or those surrounding.

#### **CONCLUSION:**

The proposed additions to the existing building on the subject property are considered relatively minor and the resulting increase in height will not have any adverse impact on the surrounding properties. Given the minimal impact, the application is recommended for Approval by Absolute Majority.

#### **RECOMMENDATION/S:**

**In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Pfizer (Perth) Pty Ltd (DA Ref: 5.2015.266.1) for Additions and Alterations to Existing Research and Development Facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley as indicated on the amended plans dated received 25 June 2015 be Approved by Absolute Majority subject to the following conditions:**

- 1. All building works to be carried out under this planning approval are required to be contained within the boundaries of the subject lot.**
- 2. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this Planning Approval.**

**Advice to Applicant**

3. The applicant/owner should refer to the **Requirements of Other Council Business Units**, enclosed with this Planning Approval, 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 Planning 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 Council.
4. The building being used for the purpose of Research and Development and incidental uses as defined under the Town of Victoria Park Town Planning Scheme No 1;  
*“Means scientific and industrial research and the development, production and assembly of products associated with that research.”*
5. Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
6. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

**(Absolute Majority Required)**



## 11.2 61-61B (Lot 1) Shepperton Road Victoria Park – Alterations to Façade of Existing Motor Vehicle Sales Premises

|                            |   |
|----------------------------|---|
| <b>File Reference:</b>     | PR12596                                       |
| <b>Appendices:</b>         | No  |
| <b>Landowner:</b>          | Gilpin Park Pty Ltd                           |
| <b>Applicant:</b>          | Bruce McLean Architect Pty Ltd                |
| <b>Application Date:</b>   | 21 May 2015                                   |
| <b>DA/BA or WAPC Ref:</b>  | 5.2015.228.1                                  |
| <b>MRS Zoning:</b>         | Urban   |
| <b>TPS Zoning:</b>         | Commercial Zone                               |
| <b>TPS Precinct:</b>       | Precinct P11 - Albany Highway                 |
| <b>Use Class:</b>          | Motor Vehicle Sales Premises (Additional Use) |
| <b>Use Permissibility:</b> | 'X' (Prohibited) use                          |

|                             |   |
|-----------------------------|---|
| <b>Date:</b>                | 24 July 2015  |
| <b>Reporting Officer:</b>   | D. Rowley   |
| <b>Responsible Officer:</b> | R. Cruickshank  |
| <b>Voting Requirement:</b>  | Approval - Absolute Majority; Refusal – Simple Majority |

### Executive Summary:

#### Recommendation – Approval

- Application for Alteration to Façade of Existing Motor Vehicle Sales Premises.
- Proposal is non-compliant with Town Planning Scheme No. 1 Precinct Plan P11 in relation to the Shepperton Road street setback, being 2.9 metres in lieu of a minimum of 4.5 metres.
- Consultation undertaken for 14 days with the surrounding property owners and occupiers in accordance with Council Policy GEN3 'Community Consultation' with no submissions being received.

### TABLED ITEMS:

- Application form dated 21 May 2015;
- Amended plans dated received 23 June 2015;
- Main Roads Referral Response dated 11 June 2015; and
- Community Consultation letters dated 30 June 2015.

### BACKGROUND:

Approval was granted in 1985 by the City of Perth for a Showroom and Warehouse building on the property at 61-61B Shepperton Road. The two storey building on the subject site is currently occupied by a Motor Vehicle Sales Premises (John Hughes - Volkswagen), which has been located on the premises since the early 1990's.

The building on the subject site has undergone several alterations and additions, with the most recent alteration to the Motor Vehicles Sales Premises being granted by Council in 2004. The 2004 planning approval consisted of an entry statement to the building located at a 2.8 metre setback from the boundary fronting Shepperton Road. The remainder of the ground floor building fronting Shepperton Road has a staggered setback from 3.5 metres to the fascia and 5.0 metres to the glass façade.

**DETAILS:**

The applicant seeks approval to alter both the Shepperton Road façade and a portion of the Rushton Street ground floor façade of the existing Volkswagen showroom, on the property at 61-61B Shepperton Road.

The application proposes a new entry statement to be constructed in the location of the existing entry statement onto Shepperton Road and a new building frame at a 2.9 metres minimum setback from the Shepperton Road front boundary, in lieu of a 4.5 metre minimum setback. The proposed alterations also extend to the building façade at the Rushton Street frontage with a 3.45 metre minimum setback.

The subject building is located within the “Albany Highway Gateway” area of the “Commercial” zone of Precinct P11 ‘Albany Highway’. The existing Motor Vehicle Sales Premises on the subject site is classified as an “X” (Prohibited) use within the “Commercial” zone but has Additional Use rights under Schedule 2 of the Scheme. Vehicular access to the premises exists from Rushton Street and the rear right-of-way. The on-site car parking on the premises remains unaltered by the proposed development.

The application was referred to Main Roads WA for comment as the proposed development is on land abutting a road reserved “Primary Regional Road” under the Metropolitan Region Scheme, being Shepperton Road, which is under the control of Main Roads. The proposed development is considered to be acceptable to Main Roads WA, as stated in the response letter dated 16 June 2015.

**Legal Compliance:**Relevant General Provisions of Town Planning Scheme No. 1

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

- Clause 17 and Schedule 2 – Additional Uses;
- Clause 36 of the Scheme Text – Determination of Application – General Provisions;
- Clause 38 of the Scheme Text - Determination of Non-Complying Applications; and
- Albany Highway Precinct Plan P11 ‘Commercial’ Zone Development Standards.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan P11 ‘Commercial’ Zone Development Standards;

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

| Item     | Relevant Provision   | Requirement  | Proposed  | Compliance  |
|----------|--|--|---|---|
| Setbacks | Albany Highway Precinct Plan P11 – Commercial Zone Development Standards | Rushton Street Frontage - Buildings shall have setbacks consistent with development on adjoining sites; Nil setback is permitted to side streets | 3.45 metre minimum setback to Rushton Street (currently 4.0 metre setback)  | <b>Complies</b> - Nil setback to existing building on adjoining property on 252-254 Albany Highway. |
|          |  | Shepperton Road Frontage - 4.5m minimum setback required.  | 2.9 metre minimum setback to new entry statement and new building frame over fascia. (currently 2.8 metre setback to entry statement and 3.5 metres to building fascia) | Non-Compliant   |

#### Town Planning Scheme No. 1 - Clause 38

As the proposed development is non-compliant with a requirement of Town Planning Scheme No. 1, Council must be satisfied that the proposal meets the requirements listed under Clause 38 (3) of the Scheme if approval were to be granted as follows:

- “(3) *The Council cannot grant planning approval for a non-complying application unless –*
- (a) *if so required by the Council under clause 36 (2), the application has been advertised; and*
  - (b) *the Council is satisfied by an absolute majority that –*
    - (i) *if approval were to be granted, the development would be consistent with–*
      - *the orderly and proper planning of the locality;*
      - *the conservation of the amenities of the locality; and*
      - *the statement of intent set out in the relevant Precinct Plan; and*
    - (ii) *the non-compliance would not have any undue adverse affect on –*
      - *the occupiers or users of the development;*
      - *the property in, or the inhabitants of, the locality; or*
      - *the likely future development of the locality.”*

#### **Submissions:**

##### Community Consultation:

In accordance with Council’s Town Planning Scheme No. 1 Clause 36 (2) and Policy GEN3 ‘Community Consultation’, the application was advertised for a period of 14 days to surrounding owners and occupiers. The consultation period commenced on 30 June 2015 and concluded on 15 July 2015. No submissions were received.

**Policy Implications:**

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The application proposes to alter the existing entry statement and fascia of the existing Volkswagen showroom fronting Shepperton Road and a portion of Rushton Street. The existing entry statement at a 2.8 metre setback from Shepperton Road is an inverted U-Shape structure, which stand at 4.5 metres high and 4.5 metres wide.

The proposed new entry statement facing Shepperton Road stands at approximately 4.95 metres high and 7.4 metres wide and the proposed building frame (fascia) aligned with the proposed entry statement stands at 6.0 metres high from the natural ground level, which also extends to a portion of the commercial building onto the Rushton Street frontage. Removal of a doorway and replacement with glazing matching the remainder of the building facade is also proposed to a portion of the ground floor building fronting Shepperton Road.

The existing building does not comply with a 4.5 metre setback requirement to Shepperton Road, with the entry statement being setback 2.8 metres and the fascia having a 3.5 metre setback. The current application proposes a marginal increase in the setback of the entry statement (2.9 metres) and a reduction in the fascia setback (2.9 metres). The proposed alterations are considered to improve the external appearance of the building with the reduced setbacks having no impact upon adjoining properties or the streetscape.

Based on the proposed form, quality and appearance of the alterations to the existing façade of the existing Motor Vehicle Sales Premises, the building will continue to serve as a high quality building to the Shepperton Road and Rushton Street streetscapes, which will accord with the orderly and proper planning of the locality.

**CONCLUSION:**

In view of the above, it is considered that the application for Alterations to Façade of Existing Motor Vehicles Sales Premises on the property at 61 – 61B Shepperton Road will not have an undue adverse affect or detrimental impact onto the adjoining commercial sites and therefore the application is recommended for Approval by an Absolute Majority of Council.



**RECOMMENDATION/S:**

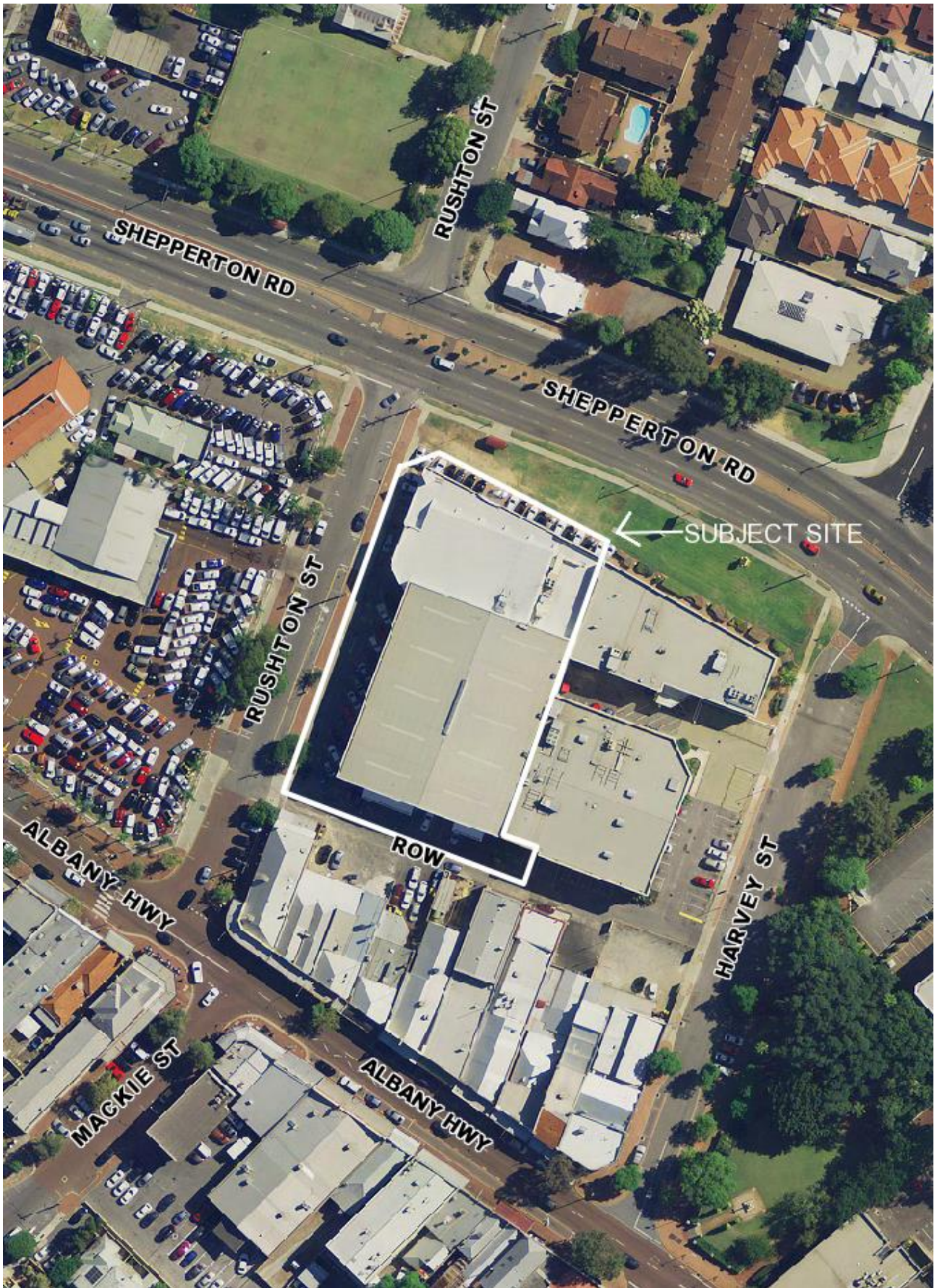
In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme the application submitted by Bruce McLean Architect Pty Ltd (DA Ref: 5.2015.228.1) for Alterations to Façade of Existing Motor Vehicle Sales Premises at 61-61B (Lot 1) Shepperton Road, Victoria Park dated received 21 May 2015, be Approved by an Absolute Majority subject to the following conditions:

1. External colours, finishes and materials to be used in the construction of the building alterations are to be in accordance with the details as indicated on the approved plans, unless otherwise approved in writing by the Manager Urban Planning.
2. This approval does not authorise the display of vehicles within the Shepperton Road road reserve.
3. The street verge area between the kerb and the property boundaries are to remain clear of obstructions and be landscaped, reticulated and maintained to the satisfaction of the Manager Urban Planning.
4. All works to be carried out under this planning approval are required to be contained within the boundaries of the subject lots.

**Advice to Applicant**

5. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, 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 Planning 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 Council.
6. Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
7. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

(Absolute Majority Required)



### 11.3 Amendment to Town Planning Scheme No. 1 – Reclassify 874 (Lot 442) Albany Highway, East Victoria Park from ‘Public Purpose – Civic Use’ Reserve to ‘District Centre’ Zone

|                            |                                    |
|----------------------------|------------------------------------|
| <b>File Reference:</b>     | PLA/7/71                           |
| <b>Appendices:</b>         | No                                 |
| <b>Landowner:</b>          | Town of Victoria Park              |
| <b>Applicant:</b>          | N/A                                |
| <b>Application Date:</b>   | N/A                                |
| <b>DA/BA or WAPC Ref:</b>  | N/A                                |
| <b>MRS Zoning:</b>         | Urban                              |
| <b>TPS Zoning:</b>         | Public Purpose Reserve – Civic Use |
| <b>TPS Precinct:</b>       | Precinct P11 'Albany Highway'      |
| <b>Use Class:</b>          | N/A                                |
| <b>Use Permissibility:</b> | N/A                                |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 24 July 2015    |
| <b>Reporting Officer:</b>   | T. Barry        |
| <b>Responsible Officer:</b> | R. Cruickshank  |
| <b>Voting Requirement:</b>  | Simple Majority |

#### **Executive Summary:**

**Recommendation – Council initiate an Amendment to Town Planning Scheme No. 1 to reclassify the subject lot from ‘Public Purpose – Civic Use’ Reserve to ‘District Centre’ Zone.**

- It is proposed to amend the Town Planning Scheme to reclassify the subject property from a ‘Public Purpose’ Reserve for ‘Civic Use’ to ‘District Centre’ Zone to provide for consistency with the adjoining properties and greater diversity in potential uses of the site.
- The site is adjoined by District Centre zoned land to the north, south and west with a Right of Way providing access to the rear.

#### **TABLED ITEMS:**

- Nil

#### **BACKGROUND:**

The subject site is occupied by a single storey building that is well setback from the street. The site is owned by the Town and has been leased and occupied by Protective Behaviours for some time. Council at its July 2015 Ordinary Meeting resolved to grant a 12 month lease to Enkel and The Vic Park Collective for use of the building for community purposes.

#### **DETAILS:**

The subject lot is within Precinct P11 – Albany Highway under the Town of Victoria Park Town Planning Scheme No. 1. The site is 526m<sup>2</sup> in area, having a frontage of 10.0 metres and side boundaries of 52.1 metres. The proposed Amendment seeks to reclassify the subject lot from the current ‘Public Purpose’ reserve to ‘District Centre’ zone to be consistent with the adjoining properties along Albany Highway.

The current reservation for 'Public Purposes – Civic Use' limits the range of possible uses and development potential of the site.

The proposed Amendment will seek to reclassify the land to a 'District Centre' zone which will enable greater flexibility in the possible future uses of the site, and consistency with the zoning of the adjoining properties.

**Legal Compliance:**

In accordance with Clause 47(1) of the Town of Victoria Park Town Planning Scheme No. 1 and Part 5, Section 75 of the *Planning and Development Act 2005*, an Amendment to Council's Town Planning Scheme No. 1 is required to zone the site 'District Centre'.

Should Council resolve to initiate an Amendment, the statutory processes for a Scheme Amendment would need to be followed including advertising of the proposal for public comments for a period of 42 days. The Hon. Minister for Planning will ultimately be responsible for determining the Scheme Amendment.

**Sustainability Assessment:**

External Economic Implications:

The site has a value to the Town of Victoria Park as a freehold site. It is located in a commercial area on the main street being Albany Highway. Rezoning the site to 'District Centre' will allow for a greater range of future uses of the site.

Social Issues:

The site is currently reserved for 'Public Purpose – Civic Use' which provides for a site that is dedicated to providing a space for local organisations and groups that service the community. The proposed Amendment to zone the site 'District Centre' would not prevent these types of activities from continuing on the site, but would allow greater flexibility in possible uses in the future.

Cultural Issues:

Nil

Environmental Issues:

The property is in a low lying location and is subject to flooding in extreme weather. This will require remediation or consideration in the event of any future redevelopment of the site.

**COMMENT:**

The proposed Scheme Amendment seeks to reclassify the property at 874 Albany Highway to 'District Centre' zone to be consistent with the adjoining properties along Albany Highway and the overall intent of the area. The rezoning will open up the possible future uses of the site in comparison to the limited uses possible under the existing reservation.

The proposed reclassification of the land to 'District Centre' Zone under the Town of Victoria Park Town Planning Scheme No. 1 is consistent with the recommendations made in the *Land Asset Optimisation Strategy*.

**CONCLUSION:**

The Town of Victoria Park owned land asset at 874 Albany Highway is currently reserved for 'Public Purposes' and as such its development potential is significantly diminished. The proposed Scheme Amendment to reclassify the site to 'District Centre' Zone will allow for its future use in line with the overall intent of the area along Albany Highway.

**RECOMMENDATION/S:**

1. Council resolve pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 71) to the Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan P11 Sheet A to reclassify 874 Albany Highway from Local Scheme Reserve 'Public Purpose – Civic Use' to 'District Centre' zone.
2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 71 documents.
3. Amendment No. 71 be forwarded to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
4. Subject to no objections being received from the Environmental Protection Authority, Amendment No. 71 be advertised for public comments for a period of 42 days in accordance with the *Town Planning Regulations 1967*, with the following advice being included in all advertising notices and consultation letters circulated:

*This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.*



## 11.4 Belmont Park Racecourse Redevelopment Precinct D – Approval of Detailed Area Plan

|                            |  |
|----------------------------|--|
| <b>File Reference:</b>     | PLA/6/17                               |
| <b>Appendices:</b>         | No                                     |
| <b>Landowner:</b>          | Golden River Developments (WA) Pty Ltd |
| <b>Applicant:</b>          | Hassell Ltd                            |
| <b>Application Date:</b>   | 19 December 2014                       |
| <b>DA/BA or WAPC Ref:</b>  | N/A                                    |
| <b>MRS Zoning:</b>         | Urban and Parks and Recreation         |
| <b>TPS Zoning:</b>         | Special Use and Parks and Recreation   |
| <b>TPS Precinct:</b>       | Precinct P1 'Burswood Peninsula'       |
| <b>Use Class:</b>          | N/A                                    |
| <b>Use Permissibility:</b> | N/A                                    |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 28 July 2015    |
| <b>Reporting Officer:</b>   | J. Kober        |
| <b>Responsible Officer:</b> | R. Lavery       |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – that the Detailed Area Plan for Precinct D within the Belmont Park Racecourse Redevelopment area is adopted subject to conditions.**

- High density mixed use development in close proximity to the future Stadium Train Station.
- 977 – 1500 dwellings, 20,000m<sup>2</sup> office floorspace, 5,000m<sup>2</sup> retail floorspace, including cafes and a public open space plaza connecting the development to the foreshore reserve.
- Development provisions and design guidelines for future development applications and subdivision works within the public realm.

### TABLED ITEMS:

- Draft Detailed Area Plan for Precinct D of the Belmont Park Racecourse Redevelopment dated 22 May 2015;
- Appendices to the draft Detailed Area Plan for Precinct D dated 22 May 2015; and
- Submissions made as part of the community consultation period.

### BACKGROUND:

A Structure Plan for the entire Belmont Park Racecourse site, as required under the Town of Victoria Park Town Planning Scheme No. 1, was approved by Council at the Ordinary Council Meeting on 11 September 2012 and subsequently approved by the Western Australian Planning Commission on 26 March 2013. The Structure Plan requires that a Detailed Area Plan is prepared and approved by Council prior to any subdivision or development occurring on the site.

The approved Structure Plan for the Belmont Park Racecourse site makes provision for creation a vibrant mixed use transit oriented development focused on both the Swan River and its foreshore and the existing racecourse facility. There is provision to create between

3,000 and 4,500 dwellings, up to 31,000m<sup>2</sup> of retail floorspace and up to 60,000m<sup>2</sup> of office floorspace. A public marina with festive shopping and hotel is envisioned on the western side of the peninsula.

The Structure Plan includes rehabilitation and improvements to 16ha of foreshore reserve to provide for a variety of uses including recreation areas and conservation areas.

Aboriginal heritage is proposed to be recognised with an interpretive centre on the foreshore which is to be combined with a boatshed to create a further tourist attraction on the site.

The Structure Plan requires that separate Detailed Area Plans are prepared for each of the Precincts identified in the Structure Plan.

#### **DETAILS:**

The subject Detailed Area Plan has been prepared for Precinct D, which has also been referred to as the “TOD Precinct”. The site is located at the south-eastern portion of the Belmont Park Racecourse Redevelopment area, bounded by the racetrack to the north, Graham Farmer Freeway to the south and the Swan River to the east. This Precinct is located in close proximity to the new Stadium Train Station.

The Detailed Area Plan provides the more detailed stage of planning to the very broad, high level Structure Plan, which sets out broad parameters and principles for land use, density, built form and public realm. The Detailed Area Plan refines these broad principles and sets development standards and design guidelines for the built form as well as the public realm.

#### **Process**

The proponent approached Council’s Strategic Town Planning Business Unit in August 2014 to advise that they wish to recommence work on the Detailed Area Plan for Precinct D after initial discussions had been halted in December 2013 at the applicant’s request.

A project team was formed to assist in the development of the Detailed Area Plan. The project team comprised the Director Future Life and Built Life Programs, Senior Strategic Planner (project manager), Manager Street Improvement, Traffic and Transport Engineer and in the later stages Executive Manager Built Life. Additional officers were involved if and when required. The Design Review Committee was involved during the entire process.

Regular fortnightly meetings were held with the project team and Design Review Committee to discuss all aspects of the proposed development and draft Detailed Area Plan with the proponent. Additional meetings were held if and when required to discuss some technical aspects of the development, including some issues arising from the technical appendices.



### Development Concept

The approved Structure Plan requires Precinct D to be developed into a high density and vibrant transit oriented development due to the Precinct's close proximity to the new Stadium Train Station. While no commitment has been forthcoming from PTA regarding the timeframe for conversion of the station from an events station to a commuter station, it is expected that this will occur at some point during the development of the Precinct.

The approved Structure Plan requires a minimum of 977 dwellings to be constructed in Precinct D, with a notional maximum of 1500 dwellings. The maximum is based on a total maximum of 4,500 dwellings within the entire Structure Plan area. In addition to the dwellings, 20,000m<sup>2</sup> of office floorspace is proposed as well as 5,000m<sup>2</sup> of retail floorspace and a 250 room hotel.

The development is proposed to be located in a podia and tower configuration with a total of eight towers. The podia are limited in height to between four and six storeys to allow for sunlight penetration into the public realm during winter while providing a sound barrier from the freeway to the south. The height of towers has been determined by the Structure Plan as being unlimited except by the airport height controls.

Precinct D has been separated into three sub-precincts as follows:

#### Trackside:

- Four storey podia;
- Two towers up to 160m to 166m AHD (42 – 44 storeys);
- Residential land use in towers; and
- Car parking within podia, to be partially sleeved by residential, retail and commercial uses.

#### Riverside:

- Four to six storey podia;
- Three towers up to 160m AHD (up to 42 storeys);
- Residential land use in two towers and office and hotel in the third tower; and
- Car parking within podia, to be partially sleeved by residential, commercial and retail uses.

#### Freeway:

- Four to six storey podia
- Three towers up to 166m AHD (44 storeys);
- Residential land use in two towers and office in the third tower; and
- Podium to accommodate the majority of the retail uses within a retail arcade as well as the central parking station for all non-residential uses as well as residential visitor parking.

A public open space plaza connects the development with the Swan River foreshore and forms the central meeting space for the community. Active land uses such as cafes, restaurants and shops are proposed around the public open space to activate the space and draw people to the area.

A separate mid-block pedestrian access way is proposed to connect Victoria Park Drive to the foreshore.

The foreshore reserve located between the Swan River and the development site is proposed to be restored with landscaping and a pedestrian boardwalk. A pedestrian and cyclist promenade is proposed to run alongside the development lots to provide easy access along the foreshore.

A temporary community facility is proposed to be located within the first stage of development in Precinct D to ensure community meeting rooms are available when the first residents move into the Precinct. The Structure Plan requires a permanent community facility to be located within the Grandstand building in Precinct C once 2000 dwellings have been constructed within the Structure Plan area. A community development plan will be prepared as a condition of subdivision of the site into superlots to promote creation of a viable and vibrant community in Belmont Park.

### **DAP Format**

The Detailed Area Plan contains six parts as follows:

Part One: Administration – sets out the structure of the DAP and its relationship with other planning instruments as well as the requirements for lodging an application for planning approval.

Part Two: Vision and Concept – outlines the overall vision for the Precinct and concept of the development.

Part Three: Design Elements – outlines the site specific design guidelines for individual development sites and provides the following design elements to guide the development of the Precinct:

- Site Planning Response;
- Building Interface and Land Use;
- Built Form;
- Transport and Access; and
- Building Performance and Resource Efficiency.

Part Four: Subdivision Design – deals with issues relating to the public realm and provides design guidelines for the public realm and services infrastructure.

Part Five: Implementation – sets out staging principles, requirements for services and future works to be provided at later stages of the planning process.

Part Six: Appendices – includes eleven technical appendices.

### **Implementation**

While the DAP is a more detailed stage in the planning process than the Structure Plan, further more detailed planning is required to implement the DAP. The next stage is subdivision of the Precinct into development sites and application for planning approval for individual buildings. Further works are triggered by these processes and these are listed in the implementation table in Part Five of the DAP document.

### **Legal Compliance:**

Most of the site is zoned “Urban” under the Metropolitan Region Scheme with the portion of the site abutting the Swan River being reserved for “Parks and Recreation”.

Under the Town of Victoria Park Town Planning No. 1, the Metropolitan Region Scheme Reservation for “Parks and Recreation” is reflected. The majority of the site is zoned “Special Use – Racecourse”. The provisions of the Precinct Plan P1 – Sheet A of the Town Planning Scheme includes specific provisions in respect to the Special Use zone.

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

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

A Structure Plan was approved by Council at the Ordinary Council Meeting on 11 September 2012 and subsequently approved by the Western Australian Planning Commission on 26 March 2013. The Structure Plan requires that a Detailed Area Plan is prepared and approved by Council prior to any subdivision or development occurring on the site.

Town Planning Scheme No. 1 Clause 29AB(15) sets out the requirements for preparation of a Detailed Area Plan, which can be prepared by the local government or a land owner.

Once a DAP has been submitted, the local government is required to advertise the DAP for a minimum of 21 days. The specific advertising process was determined by Council at the Ordinary Council Meeting on 8 October 2013 with the following Resolution:

1. *“Upon receipt of the draft Detailed Area Plan for Precinct D of the Belmont Park Racecourse Redevelopment, the advertising period is to be twenty one (21) days in accordance with the following at the expense of the applicant:*
  - 1.1 *Two copies of the draft Detailed Area Plan for Precinct D of the Belmont Park Racecourse to be placed on public display at the Council Administration Centre and Council Library for public information during the twenty one (21) days advertising period. One copy of the draft Detailed Area Plan is displayed either at the Administration Centre or a Library located within the Cities of Bayswater and Belmont.*
  - 1.2 *A display advertisement is placed in the Southern Gazette on the first day of the advertising period and the subsequent two (2) weeks providing the details of the advertising period, that information is available for viewing and that written submissions may be lodged with the Council. During the advertising period the Council notifies in writing the relevant statutory authorities and the Cities of Bayswater and Belmont.*

- 1.3 Council notifies in writing the owners and occupier of all the properties within the Cities of Bayswater and Belmont and the Town of Victoria Park as depicted on the plan attached to this report and tabled. That notification is subject to those Local Authorities providing the requested information in respect to details of owners and occupiers.
- 1.4 The WATC is required to erect signs on the site displaying notice of the proposal for the duration of the advertising period.
2. The advertising will not be commenced until the Detailed Area Plan for Precinct D of the Belmont Park Racecourse Redevelopment has been assessed by Council officers and the Director Future Life and Built Life Programs is satisfied that it addresses all requirements of the Structure Plan.”

### Submissions:

#### Community Consultation:

The community consultation process commenced on Tuesday 2 June 2015 and concluded on Monday 22 June 2015. During the 21 day consultation period a total of 13 submissions were received, with 11 being in support of the proposal and two objecting. In addition, four late submissions were received.

The following table details the submissions received and provides officer’s comments:

| No. | Location                         | Comment   | Response |
|-----|----------------------------------|---|----------|
| 1   | Department of Aboriginal Affairs | The proposed jetties are within the boundary of registered Aboriginal Heritage Site DAA 3536 (swan River). Consent is required under Section 18 of the Aboriginal Heritage Act 1972   | Noted    |
|     |                                  | A recent Supreme Court decision has had ramifications as to how Aboriginal heritage places are assessed under the AHA. Consequently, there is some potential that there are places protected under the AHA within the area associated with the land based developments associated with this project. DAA recommends that the developer, or its agents, seek advice from DAA as to what ramifications the Supreme Court decision has with respect to the proposed development plans. | Noted    |

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| 2 | Metropolitan Redevelopment Authority             | No comment. The MRA notes that they are opposed to the potential bridge to Summers Street.   | Noted  |
| 3 | Department of Education                          | No objection   | Noted  |
| 4 | Department of Training and Workforce Development | No objection   | Noted  |
| 5 | Department of Parks and Wildlife                 | No objection   | Noted  |
| 6 | Maylands property owner/resident                 | Concerns relating to: <ul style="list-style-type: none"> <li>• Construction noise</li> </ul>   | Construction noise is controlled by the Environmental Protection (Noise) Regulations 1997.   |
|   |  | <ul style="list-style-type: none"> <li>• Height of towers as it detracts from the beauty of the Swan River in this area, and the skyline and natural light.</li> </ul>   | Building heights have been set by the approved Belmont Park Redevelopment Structure Plan and are not subject to change as part of the DAP.   |
|   |  | <ul style="list-style-type: none"> <li>• Lack of public transport given proposed density</li> </ul>  | Transport (including public transport) has been assessed as part of the approved Structure Plan. There is no change in density proposed as part of the DAP that warrants further assessment of transport issues. It is noted that discussions are ongoing with DoT regarding the conversion of the new Stadium train station to an all stops commuter station. |
|   |  | There is a need for high quality retail, food and drinking venues in this development, in order to build the community and encourage people to stay in the area.<br>The area needs to be family friendly with facilities for children such as playgrounds and skate ramps etc. | Noted and agreed. The DAP includes a playground within the foreshore reserve. A full community development plan is required to be prepared as a condition of subdivision and refined in consultation with residents once the first stage is occupied.  |

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| 7 | Maylands resident | <p>Object for the following reasons:</p> <p>1. Negative impact on natural environment of the Swan River, Peninsula foreshore and wildlife (including fish and bird life) caused by ferries and boating.</p>   | <p>1. Any jetties are subject to separate approval. The operation of ferry services are controlled by the PTA and the DAP merely makes provision for a jetty should a ferry service to Belmont Park be contemplated in the future. Any potential impacts will be subject to further investigation at that time.</p>  |
|   |                   | <p>2. Increase of pollution - water pollution from run-off and noise pollution from high density area and entertainment precinct.</p>   | <p>2. The approved Belmont Park Redevelopment Structure Plan sets development parameters, including building heights and density as well as the range of land uses within the Structure Plan Area. This is not proposed to be varied by the DAP. An Environmental Report was prepared as an appendix to the approved Structure Plan and any impacts will be addressed in accordance with the recommendations of the Structure Plan and Appendices.</p> |
|   |                   | <p>3. Negative impact on recreation including sailing boats from Maylands Yacht Club, fishing, rowing from Trinity Rowing Club (and other rowing clubs that use this part of the river) and water skiing due to ferries and boating.</p>  | <p>3. As per point 1 above.</p>  |
|   |                   | <p>4. High rise buildings (governed by Perth Airport standards) negatively impact the visual aesthetic of the low rise residential landscape of the surrounding suburbs of Mount Lawley (Joel Terrace for example), East Perth and Maylands (Kirkham Hill Terrace). The height of the towers are clearly out of character with the surrounding residential areas of this part of the river.</p> | <p>4. As per point 2 above.</p>  |

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|    |                       | 5. Density is too high and unjustified.  | 5. As per point 2 above.                                       |
| 8  | State Heritage Office | No objection   | Noted  |
| 9  | Tourism WA            | Tourism WA supports the intent of the detailed plan and the vision to create a mixed use transit oriented development in this location This will complement the Perth Major Stadium and has the potential to create a significant entry statement to the city.   | Noted  |
|    |                       | In particular, inclusion of a hotel and retail, hospitality facilities which provide services for visitors and help to activate the Stadium precinct.  | Noted  |
|    |                       | The proposed ferry stop, recreational jetty and river boardwalk and promenade are also supported.  | Noted  |
| 10 | Western Power         | Western Power recommends the following:<br><br>A feasibility study being undertaken by Western Power at the request and cost of the Town and/or Developers to assess network capacity for the development and subsequent network augmentation required to be integrated into subdivision and development. This should be undertaken prior to subdivision and/or development. | Noted. The feasibility study would be at the developer's cost. |
|    |                       | Advice being noted that line relocations and network augmentations will be at the cost of the Developer(s). Also that these should be determined by the developer(s) prior to subdivision and/or development.  | Noted  |

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|    |               | Safe set-backs from distribution and transmission infrastructure and other network infrastructure are required to be adhered to and should be reflected in Structure Plan <i>'Power' provisions</i> - see <i>Local Planning Strategy Western Power Preliminary Input</i> document. (Note: R Codes, Structure Plan and /or Local Planning Scheme set-backs often conflict with the recommended easement and restriction zones clearances of Western Power which need to be adhered to by subdivision and development). | Noted  |
| 11 | Perth Airport | No objection.   | Noted.   |
|    |               | Perth Airport advises that the airport height limits shown in the Belmont Park Racecourse Redevelopment Structure Plan have changed and are no longer accurate.   | Noted. The Structure Plan requires compliance with the airport height limits current at the time of application for development. The diagram is only indicative.   |
|    |               | Perth Airport recommends that the wording in "Part Two: Vision and Concept" Section "5.3 Design Objectives" be changed to read: <i>"Allow high rise residential towers (up to 42 storeys subject to detailed assessment by Perth Airport and confirmation that proposed development will not impede on Perth Airport Prescribed Airspace) to take advantage of views to the river and the racetrack."</i>   | Further discussions with Perth Airport resulted in agreement that development applications that include development that comes within 10 metres of the Perth Airport Prescribed Airspace will be referred to Perth Airport for assessment. This is to be included in the DAP as a requirement. |
|    |               | Perth Airport also recommends that the approved Structure Plan is amended to reflect the most current height limitations.   | The Structure Plan requires compliance with the airport height limits current at the time of application for development. The diagram is only indicative. Amendments to the Structure Plan are therefore not required.   |



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| 12 | Department of Transport – Integrated Transport Planning | Assessment of parking documents only:<br>The Department has been working with Arup and GRD since mid-2014 with respect for the PSMS for Belmont Park and the PMP for Precinct D. I reviewed earlier drafts of these documents and provided comments and advice to Arup and GRD.   | Noted. |
|    |   | The documents in their present forms demonstrate a great initiative and are appropriate for the development. They are also consistent with the draft WAPC Activity Centres Parking Guidelines.  | Noted  |
|    |   | It is clear that conversion of Belmont Park Train Station from events-only to commuter operations is necessary for TOD aspirations to be realised, and for the relevancy of the PSMS and PMP. The Department would be happy to help facilitate further dialogue with the Public Transport Authority regarding timing of the conversion. | Noted  |
|    |   | There is strong support for the proposed model of centralised supply of publicly-available parking in Precinct D. The proposed 50% minimum allocation of non-residential parking for public use is consistent with the draft WAPC Activity Centres Parking Guidelines.  | noted  |
|    |   | The concept of parking demand profiling based on land use and time-of-day is supported. This will help with efficient utilisation of parking assuming parking subject to this profiling is publicly-accessible (e.g. available for shared use).   | Noted  |

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|           |                                      | The application of dwell time limits and a fee regime are supported as key elements of a management strategy.   | Noted  |
|           |                                      | Cash-in-lieu may be one instrument considered to help deliver public parking given uncertainties regarding future land tenure at Belmont Park   | Cash-in-lieu of parking is not feasible at Belmont Park as Council does not own any land in the area which could be used to provide public parking.  |
|           |                                      | The Department supports the requirement for travel plans for each development and considers that this can be built into leasing or sale requirements.   | Noted. This is proposed to be included in the DAP.   |
| 13        | Department of Environment Regulation | The subject site is classified "Possibly contaminated – investigation required" under the Contaminated Sites Act 2003. Only limited investigation has been undertaken on the site and the quality of soil and groundwater is unknown. | Noted  |
|           |                                      | The site is also is an area subject to moderate to high Acid Sulphate Soil risk. Appropriate conditions will be applied on the subdivision application.   | Noted  |
| 14 (late) | Main Roads WA                        | Objection.  |  |
|           |                                      | The proponent is required to carry out further engineering works to demonstrate land requirements for upgrades to the road network infrastructure.<br><br>The applicant is advised to meet with Main Roads WA to resolve this matter. | The access arrangements have been resolved as part of the approved Structure Plan. No changes are proposed by the proponent and as a result further engineering and design work is not justified at this stage. This should be a condition of subdivision. |

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|              |                        | The applicant is required to undertake a transport noise assessment in accordance with the WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning".   | A Transportation Noise Assessment has been prepared for the Structure Plan. This Noise Assessment demonstrates that compliance with SPP 5.4 can be achieved through glazing requirements. A further Noise Assessment should be carried out as a part of a DA.   |
| 15<br>(late) | Telstra                | Telstra does not propose to make a submission in relation to the Draft Plan.<br>Nevertheless it should be noted that Telstra is has initiated the deployment of additional mobile base stations and in building coverage to the new Stadium precinct at Burswood and it is expected that coverage from these projects will be available into the Belmont Park development. | Noted.  |
| 16<br>(late) | Department of Planning | Supportive with the following comments:  | Noted.  |
|              |                        | Affordable Housing should be addressed in the DAP.   | Affordable housing has been further discussed with DoP and DoP advised that the section included in the DAP is sufficient.  |
|              |                        | Parking caps should be included in the DAP.  | Parking ratios have been set as part of the approved Local Structure Plan. The Parking Management Plan for Precinct D proposes reduced parking provision for non-residential uses based on peak demand analysis. A parking cap based on the parking ratios of the Structure Plan has effectively been imposed by the Parking Management Plan. |
|              |                        | Subdivision conditions listed in Section 4 should be removed.  | A note should be added stating that this is for guidance only and subdivision conditions will be imposed by the WAPC.   |

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| 17<br>(late) | Swan River Trust | Support  | Noted   |
|              |                  | Concern with a nil setback to the foreshore reserve due to a potential to overcrowd and alienate the public domain. However, it is acknowledged that the site is constraint by the location of the Victoria Park Drive bridge the interface with the foreshore has been improved through inclusion of a public open space area connecting with the foreshore. In addition, the Town and the WAPC have overridden the SRT's concerns about setbacks as part of the Structure Plan. As a result, the SRT is supportive of the draft DAP. | Noted   |
|              |                  | The SRT is looking forward to providing detailed advice on the subsequent Development Applications for the buildings under Clause 30A of the Metropolitan Region Scheme.   | Noted   |
|              |                  | Given that the Department of Parks and Wildlife, principally under a new Rivers and Estuaries Division, has assumed all planning authority under the <i>Swan and Canning Rivers Management Act 2006</i> and <i>Swan and Canning Rivers Management Regulations 2007</i> , the Trust defers to the Department with regard to the Foreshore Management Plan for Precinct D, which was provided as an appendix to the Detailed Area Plan.  | Noted. A separate submission has been received from the Department of Parks and Wildlife. |

**Policy Implications:**

Nil

**Sustainability Assessment:**External Economic Implications:

The proposed development and anticipated land uses are expected to attract visitors to the northern portion of the Burswood peninsula and create a vibrant mixed use centre that houses residents as well as office workers and hotel guests. The proposed development is expected to contribute positively to the economy of the Town.

Cultural Issues:

The DAP does not impact on any heritage buildings. However, the DAP provides commitment to providing public art, a temporary community facility until the permanent community facility proposed for the Grandstand building has been constructed as well as preparation of a Community Development Plan for Precinct D. Community meeting spaces are being provided as a plaza and on the foreshore reserve. The foreshore reserve, which is currently not publically accessible, will be opened up and developed into an accessible and usable space, incorporating a playground and barbeque facilities as well as a boardwalk connection past Precinct C to the future Precinct A.

Environmental Issues:

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

**COMMENT:**

The draft Detailed Area Plan complies with Part One (Regulatory Section) of the approved Belmont Park Racecourse Redevelopment Structure Plan 2013. It is also generally in accordance with Part Two (Explanatory Section), with some changes to the arrangements of buildings within Precinct D.

While the Masterplan included in the Structure Plan envisaged buildings between four and thirteen storeys, with three tall towers of up to 42 storeys, the proposed Detailed Area Plan proposes a more traditional arrangement of towers above podia. The proposal now includes podia between four and six storey heights with towers of up to 42 storeys. This allows creation of a public open space plaza connected to the foreshore and a clear distinction between the public and private realm.

The concept proposed as part of the Detailed Area Plan is considered to be well resolved and provides a good outcome for the development of Precinct D. This is considered a better outcome than that envisaged as part of the Structure Plan. As the proposal is fully compliant with the regulatory part of the Structure Plan, no amendment to the Structure Plan is required.

Airport Height Limits

The approved Structure Plan and the draft Detailed Area Plan do not set building height limits for towers other than the height limits controlled by Perth Airport. In their submission during the community consultation period, Perth Airport pointed out that the plan showing the PANS-OPS height limits with the approved Structure Plan have been superceded and the most current plan will have to be used for assessment of development applications.

Furthermore, Perth Airport have requested that any development application for Precinct D is referred to Perth Airport for assessment in accordance with Airport height limits.

While there is merit in referring development applications that include development that comes close to reaching the Airport height limits, it is not considered appropriate to refer all development applications. It is recommended that the Detailed Area Plan is amended to reflect a requirement to refer developments that come within 10 metres of the PANS-OPS height limits to Perth Airport for assessment. Perth Airport have agreed to this.

#### Road Access

Main Roads WA have made a submission stating that the proposed access arrangements at the Victoria Park Drive intersection are unacceptable and requested further engineering and design work to be carried out to determine whether road reserve requirements are sufficient.

The access arrangements proposed as part of the draft Detailed Area Plan are in accordance with those agreed with the Transport Portfolio and approved as part of the Structure Plan in 2013. As a result, no further changes can reasonably be required.

The detailed land requirements are a matter for the subdivision and cannot reasonably be expected to be resolved as part of this Detailed Area Plan.

It is therefore recommended that no changes are made to the Detailed Area Plan in relation to road access matters.

#### Railway Station

A new railway station is proposed to be constructed for the Perth Stadium and it is envisaged that this station would also be available for the proposed development at Belmont Park. The station is intended to be used as an events only station initially, but will be converted to a fully operational commuter station once sufficient boardings are available at Belmont Park. However, no firm commitment has been obtained from State government for timeframes for the conversion of the station to a full commuter station.

As a result, the Parking Management Plan prepared for Precinct D provides for greater parking ratios for the first stages of the development to accommodate a larger proportion of vehicle trips into and out of the site. This would be capped at the maximum number of bays envisaged for Precinct D, which have been set based on the assumption of the station being available for commuter use.

Council officers will continue to work with the Department of Transport to obtain commitment from the State government to providing commuter use of the new station as early as possible in the development of Precinct D. It is important that the station is available for commuter use as early as possible as travel patterns tend to be difficult to change once established.

#### Parking

As part of the draft Detailed Area Plan, the proponent has prepared a Parking and Supply Management Strategy for the entire Belmont Park Racecourse Redevelopment Area and a Parking Management Plan for Precinct D. The Parking Management Plan proposes the development of a central parking station to accommodate all non-residential parking (with the exception of parking for the hotel) as well as residential visitor parking. It is therefore proposed that only residential tenant parking is located on each development site. This is a different approach to parking as traditionally all parking required for a particular

development is required to be accommodated on-site.

The reasons for the alternative approach relate to the ability to use car parking more efficiently if it is unallocated to a particular site or use as well as to provide less parking within podia as only residential tenant parking will have to be accommodated within tower podia. This allows for podia to have a lower height and incorporate greater areas of activation.

The proposal furthermore envisages that parking bays provided within the central parking station are not allocated to individual land uses and are essentially available as a large pool of parking. This ensures efficiency of the use of parking bays as different peak demand applies to different land uses. It is envisaged that the total car parking requirement can be reduced based on peak demand analysis to ensure that surplus bays are not provided as the Precinct is intended to function as a TOD once the Stadium Train Station is operational as a commuter station.

It is acknowledged that additional parking will be provided in the interim, until such time as the train station is fully operational. Over time the ratio of bays will be reduced to a maximum based on peak demand analysis. Effectively, this results in a cap of parking bays being provided within Precinct D.

Dwell time limits and a fee regime is proposed to discourage use of bays by commuters or employees of the businesses located within Precinct D.

Council officers are supportive of this approach in principle. However, the implementation of this central parking station through the planning system is difficult. Legal advice has been sought to obtain clarification of how the parking on a different lot can be permanently tied to a development. This can be achieved by requiring all car parking associated with proposed Lots 1, 2, 3 and 4 that are not located within the development site are to be provided on the site of the central parking station prior to occupation of the first dwelling of either Lots 1, 2, 3 or 4. A total caveat would be required to be placed on the land containing the central parking station to ensure that those 200 car parking bays associated with Lots 1, 2, 3 and 4 are available to these lots in perpetuity. In addition an amendment is required to the draft Detailed Area Plan to show the site referred to as "Freeway Sub-Precinct" and shown as proposed Lots 6, 7, and 8, as one single lot with a stipulation that this lot cannot be subdivided in the future. This allows for any car parking associated with that lot to be constructed as part of development of that lot as per standard development application processes.

Other queries relate to concerns with management arrangements and how Council can ensure that the Town's interests are being protected in the management of the parking station. Independent advice has been obtained from Luxmoore Parking who have recommended that a Parking Control and Management Plan is being prepared to resolve the detailed operation of the central parking station. A condition requiring preparation of this Plan is recommended.

Discussions with Department of Transport have given Council officers the confidence that these matters can be resolved. It is therefore not considered justified to hold up the determination of the draft Detailed Area Plan to allow resolution of these matters of detail.

It is therefore recommended that relevant conditions are imposed requiring all outstanding matters relating to parking to be resolved to the satisfaction of the Director Future Life and Built Life Programs prior to Council determining a development application or making recommendation on a subdivision.

#### Foreshore Interface

Officers of the Swan River Trust have raised concerns about the interface of the development with the Swan River foreshore relating to the potential to overcrowd and alienate the public domain. The officers suggested that a minimum 10 metre setback should be applied to the foreshore reserve to be consistent with SRT policy and to avoid setting a precedent.

Council officers are of the view that a 10 metre setback would impact negatively on the amenity of the foreshore and the public realm as the constraints of the site mean that the height of podia would be increased and any activation along the public realm would be lost. This would result in a 6 storey screened car park wall facing the foreshore without any activation and opportunity for visual surveillance of the public realm. With a nil setback on the other hand, podia can be kept to a minimum and sleeving with occupied land uses can occur, such as residential apartments and some small areas of retail or cafes located adjacent to the foreshore. This can provide interest to passing pedestrians as well as visual surveillance of the very narrow foreshore reserve and therefore improve the safety of this very narrow and isolated foreshore reserve.

The matter was discussed by the Swan River Trust Board on 21 July 2015. The Board acknowledged the unique nature of the foreshore reserve within Precinct D and the positive design response applied to the buildings abutting the foreshore. In particular, the Board acknowledged that the inclusion of a large area of public open space connecting the development to the foreshore had made a significant contribution to the development and the foreshore. As a result the Board of the Swan River Trust resolved to support the development as it is currently proposed and to not impose a setback.

#### Defects Liability

A five year defects liability period is considered appropriate for the proposed road works in the public realm based on the quality of soils. This is also consistent with the legal agreement prepared as a condition of the superlot subdivision which was approved in 2013 to subdivide the development site from the racetrack. A five year defects liability period was agreed for the roads to be created as part of that subdivision to provide access to the development lots.

The proponent has now argued that a lesser defects liability period of 12 months should apply to the roads within Precinct D based on the soils within this Precinct being of higher quality than those in the western portion of the Belmont Park Redevelopment area.

Advice obtained from an independent geotechnical engineer confirmed that a five year defects liability period is indeed justified and it is recommended that a condition is included requiring a five year defects liability period for all roads within Precinct D.



Text Changes

A number of relatively minor text changes have been identified by Council officers. It is considered that these should be included in the final Detailed Area Plan as follows:

| <b>Location</b>                             | <b>Change Required</b>   |
|---|--|
| Page 2                                      | Amend 1.2 to refer to the DAP comprising five parts, including Part Two 'Vision and Concept'.  |
| Page 2                                      | Amend the heading for 1.2.1 to read 'Design Elements in Part Three'.   |
| Page 3                                      | Amend the heading in 2.3.2 to read 'Determination of Applications'.  |
| Page 3                                      | Amend the text in 3.3.2 to read "... and each Development Criterion in the General Design Elements ..."  |
| Page 15                                     | Amend Figure 14 so that the height of the podium for the building on Lot 4 is consistent with the height indicated in Figure 41.   |
| Page 20                                     | Modify the 'Car Parking Design Requirements' to delete the words "(as a minimum at ground, first and second floors)."  |
| Page 20                                     | Under 'Other Requirements' add the word "scale" after the words "fine grain" in the ninth bullet point.  |
|   |  |
| Pages 20, 22, 24, 26, 28, 30, 32, 34 and 36 |  |
|   | (i) include an asterisk next to the headings 'Ground Floor Land Uses', 'Land Uses for all Podium Levels other than Ground Floor' and 'Tower Land Uses; and   |
|   | (ii) add a heading 'Notes' under the table titled 'Specific Building Requirements' and an asterisk;  |
|   | (iii) under the heading 'Notes' add the following : 1. Also refer to 6.3.5 for General Design Elements relating to Land Use and Activation.  |
|   | (iv) add "2." in front of the words "Any other uses not defined ..."   |
| Pages 22, 24, 26 and 28                     | Modify the requirements for 'Lot Setbacks to Podium' to make specific reference to Figure 66.  |
| Pages 22 and 32                             | Modify the sentence "The podium frontage at ground level ..." under 'Other Requirements' to replace the words "pedestrian scale" with "fine grain scale".  |
| Figures 21, 26, 31, 53 and 58               | Modify to depict the tower of any building being located within the building envelope and not encroaching within the 5m setback area.  |
| Page 24                                     | Modify the eleventh bullet point under the heading 'Other Requirements' to add "(c) views from future/existing buildings on Lot 7 to the Swan River will still be maintained to the satisfaction of the determining authority."  |
| Page 26                                     | Modify the requirements for 'Ground Floor Land Uses' in relation to the "Interface with Swan River" to read : "Interface with Swan River : Primarily residential, but may also contain shop, restaurant, tavern or office, lobby, terrace/landscaped areas as a minor proportion of the frontage." |
| Page 28                                     | Replace reference to Figure 45 with Figure 46 for 'Car Parking Design Requirements'.   |

|  |   |
|--|---|
| Page 32                                  | Modify the 'Car Parking Design Requirements' by replacing the word "may" in the first sentence with the words "is to be".   |
| Figure 53                                | Delete all uses of the word "maximum" and insert angles where appropriate to define the extent of the building envelope for the tower.  |
| Page 34                                  | Modify the ninth bullet point under the heading 'Other Requirements' by adding the following words at the end of the incomplete sentence "to Placid Avenue, a pedestrian awning shall be provided."   |
| Page 47                                  | Modify the fifth bullet point under the heading 'Development Criteria' for '6.3.5 Land Use and Activation' by adding the words "uses to streets and public spaces" after the word "residential".  |
| Page 47                                  | Modify the first bullet point under the heading 'Development Criteria' for '6.3.6 Dwelling Mix' by adding the words "on each lot" after the word "provided".  |
| Page 50                                  | Transfer relevant statements under the heading 'Design Guidance' for '6.4.3 Residential Dwelling Amenity' to under the heading 'Development Criteria' as determined by the Director Future Life and Built Life Programs.  |
| Page 54                                  | The sixth bullet point relating to reduced car parking provision to be modified to read: "Car parking provision may be reduced from that required, subject to approval from the local government authority and where Belmont Park Train Station is fully operational. |
| Page 54                                  | Modify the eighth bullet point under the heading 'Development Criteria' by deleting the words "where required by the local authority".  |
| Pages 60, 61, 64, 65, 66, 67, 68, 69, 70 | Under the heading 'Subdivision Condition(s)' add the following text: "Note: subdivision conditions are intended as a guide only and specific conditions will be imposed by the WAPC as part of an application for subdivision approval."                              |

### Design Review Committee

The Design Review Committee has been involved in the discussions with the applicant from an early stage and has been working with Council Officers and the applicant's consultant team to achieve a good development for Precinct D.

The Design Review Committee is satisfied that the development is now of an appropriate standard.

A meeting of the Design Review Committee to formally endorse the draft Detailed Area Plan was held on 28 July 2015. The Design Review Committee resolved to support the proposed Detailed Area Plan subject to conditions and recommend approval to Council.

### **CONCLUSION:**

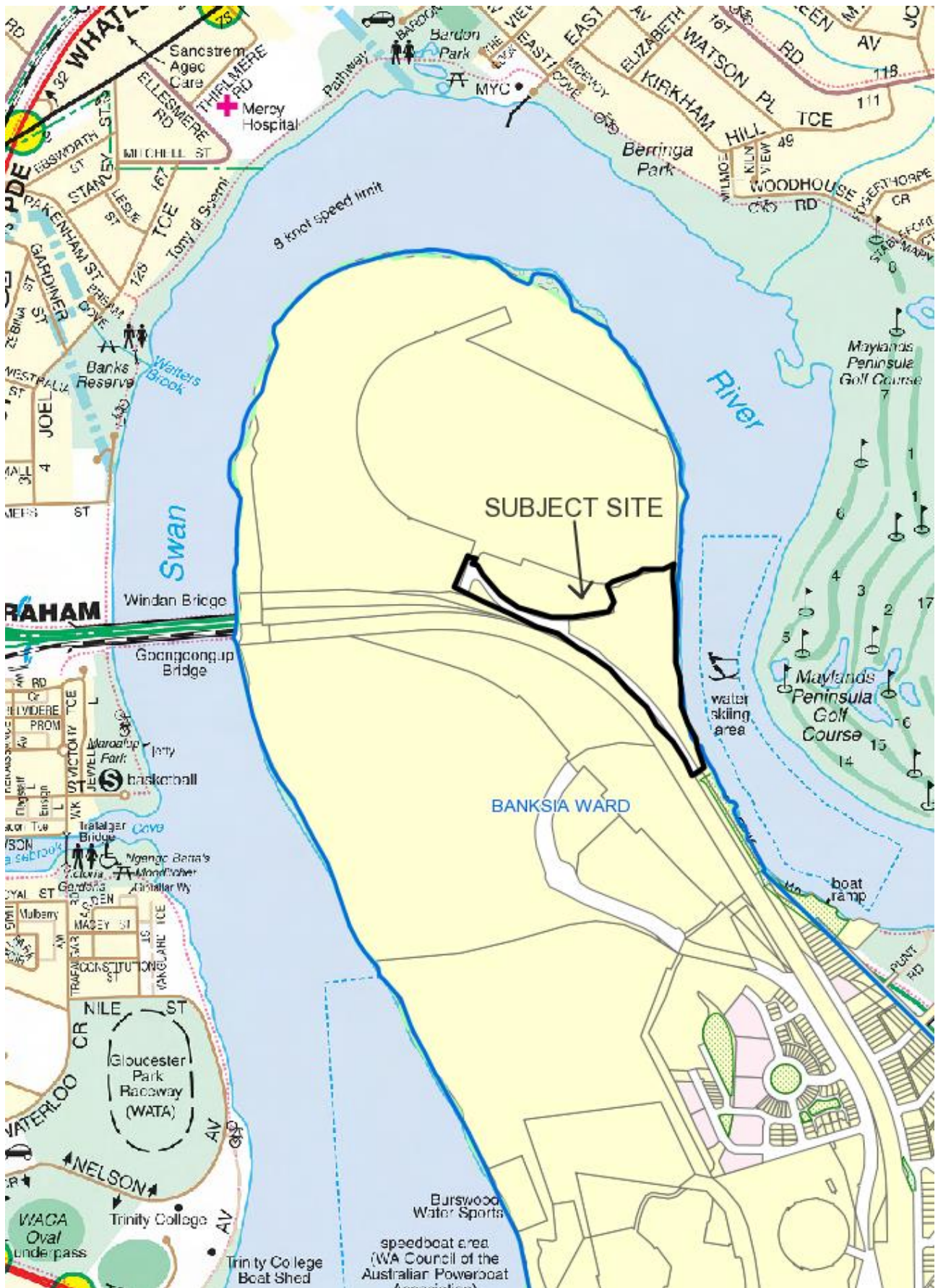
Based on the comments above it is considered that the draft Detailed Area Plan reflects a well-developed concept and provides a good outcome for development within Precinct D. Council officers and the Design Review Committee have been working with the proponent to obtain a good urban design outcome for the Precinct and to ensure design guidelines will appropriately guide development. On this basis it is recommended that the Detailed Area Plan for Precinct D of the Belmont Park Racecourse Redevelopment is approved

subject to conditions.

#### **RECOMMENDATION/S:**

- 1. The Detailed Area Plan for Precinct D of the Belmont Park Racecourse site is approved, subject to the following conditions:**
  - 1.1 The text changes listed in the report of the Director Future Life and Built Life Programs of 28 July 2015 being incorporated into the Detailed Area Plan to the satisfaction of the Director Future Life & Built Life Programs.**
  - 1.2 A section 3.4 'Airport Protected Airspace' to be inserted to read: "Where a development comes within 10 metres of Perth Airport protected airspace controlled by the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS), the application for development is required to be referred to Perth Airport for assessment."**
  - 1.3 The Detailed Area Plan and Appendix D 'Parking Management Plan' being amended to require a minimum of 200 car parking bays to be constructed within the lot referred to as "Freeway Sub-Precinct" prior to occupation of the first dwelling on either Lot 1, 2, 3 or 4 to be available for use of residential visitors and non-residential tenants and visitors on proposed Lots 1, 2, 3, and 4 and a caveat being placed on the title of the "Freeway Lot" requiring these car parking bays to be available in perpetuity for use of these lots in accordance with legal advice obtained from Council's solicitors to the satisfaction of the Director Future Life & Built Life Programs. The absolute caveat on the "Freeway Lot" is to be placed on the land prior to issue of the first building permit for either Lots 1, 2, 3 or 4.**
  - 1.4 The Detailed Area Plan is to be amended to show the entire site bounded by Placid Avenue, Seabiscuit Drive and Victoria Park Drive as one single lot and a notation is to be added to the Site Specific Guidelines stating that this lot cannot be subdivided, to the satisfaction of the Director Future Life and Built Life Programs.**
  - 1.5 The Detailed Area Plan is to be amended to include a statement within the Site Specific Guidelines for Lots 1, 2, 3 and 4 to state that residential visitor parking and any non-residential parking is not required to be provided on those lots.**
  - 1.6 Appendix D 'Parking Management Plan' is to be amended by inserting a requirement for preparation of a travel plan as part of each development application and by inserting a requirement for preparation of a Parking Control and Management Plan prior to commencement of operation of the central parking station to the satisfaction of the Director Future Life and Built Life Programs.**

- 1.7 **Appendix G ‘Open Space Management’ to be amended to include a requirement for a 12 months defects liability period for all hard landscaping within the public realm and two summers for soft landscaping.**
- 1.8 **Appendix F ‘Services Handover Strategy’ to be amended to require a five (5) year defects liability period from Practical Completion for sections 7. ‘Earthworks’, 8. ‘Stormwater Drainage’, and 9. ‘Road Works’.**
- 1.9 **Appendix F ‘Services Handover Strategy’ to be amended to include a maintenance period for all local road infrastructure assets (including drainage, etc) to be at least 2 years to read as follows: *“Prior to construction commencing, a route will be agreed with the Town of Victoria Park for construction traffic with the intent of avoiding already constructed areas wherever possible. Should a construction vehicle route go through an already constructed area, an agreement will be reached between the developer and the Town of Victoria Park in relation to any potential damage to existing infrastructure by construction vehicles. This will be implemented as a condition of subdivision.”***
2. **The Detailed Area Plan as amended in 1. above be forwarded to the Western Australian Planning Commission for information.**
3. **Those persons/ authorities which lodged a submission regarding the Detailed Area Plan are advised of Council’s decision.**



## 11.5 Proposed Disposal by Sale of 6A (Lot 41) McMaster Street, Victoria Park

|                        |        |
|------------------------|--------|
| <b>File Reference:</b> | PR1610 |
| <b>Appendices:</b>     | No.    |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 21 July 2015    |
| <b>Reporting Officer:</b>   | T. McCarthy     |
| <b>Responsible Officer:</b> | R. Lavery       |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – That Council approves carrying out consultation with residents and property owners, seeking comment on a proposal to consider sale of 6A (Lot 41) McMaster Street, Victoria Park.**

- 6A (Lot 41) McMaster Street, Victoria Park, has been identified as property that could potentially be disposed of.
- Valuation of Lot 41 for sale purposes has been carried out.

### TABLED ITEMS:

- Transfer document A645185 dated 26 April 1972 transferring ownership of Lot 41 to the City of Perth.

### BACKGROUND:

At the Ordinary Meeting of Council held 10 September 2002, Council considered a proposal to sell portion of Lot 41 to the owner of the adjoining property, 8 (Lot 72) McMaster Street. The then owner of Lot 72 had intended to develop Lot 72 and in addition to offering to purchase portion of Lot 71, also requested that permanent access be granted over Lot 41 to facilitate vehicle access to Lot 72. Council, at its Ordinary Meeting of Council held 10 September 2002, resolved:

*That the owners of Lot 72 McMaster Street, Victoria Park, be advised that Council does not wish to dispose of any portion of Lot 41 McMaster Street, Victoria Park.*

The development proposed on Lot 72 at that time did not proceed.

In November 2014 the Town received a development application proposing construction of 24 dwellings on Lot 72. The applicant was apparently unaware that Lot 41 is land owned in fee simple by the Town and is not a public road or access way. Following several meetings and discussion with Town staff regarding various access options, the applicant has been advised that access via Lot 41 to the proposed development will not be permitted.

### DETAILS:

Lot 41 is owned in fee simple by the Town of Victoria Park on Certificate of Title Volume 1347 Folio 52 and is Lot 41 on Plan 2594. Lot 41 is currently zoned "Residential R80" under the Town of Victoria Park Town Planning Scheme No. 1.

Lot 41 was transferred to the City of Perth (the City) by transfer document A645185 dated 26 April 1972. The transfer was the subject of a deed of agreement between the City of Perth and the previous owners, the Colonial Mutual Life Assurance Society Limited (the Society). The Society at that time owned Lots 42, 535, 536, 537 and 5, all located at the corner of Albany Highway and McMaster Street, where the Paramount Apartments and Dome Coffee are now situated. The Society wished to use Lots 42, 535, 536, 537 and 5 for the purposes of shops and associated parking and in order to facilitate that agreed to transfer Lot 41 to the City.

The Society agreed to construct a service road on Lot 41 to enable vehicle access to Lots 42, 535, 536, 537 and 5. The City agreed that it would *“keep and maintain the said lot as a service road as hereinafter described and to keep it open for use for that purpose so long as Lots 42, 535, 536, 537 and 5 are used for the purposes of shops with associated car parking”* (extract from the deed of agreement).

### **Legal Compliance:**

Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

#### *“3.58. Disposing of property*

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned;*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:*

*(a) the names of all other parties concerned;*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”*

The requirements for Local Public Notice are contained in Section 1.7 of the *Local Government Act 1995* as follows:

#### *“1.7. Local public notice*

*(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*

*(a) published in a newspaper circulating generally throughout the district;*

*(b) exhibited to the public on a notice board at the local government’s offices; and*

*(c) exhibited to the public on a notice board at every local government library in the district.*

- (2) *Unless expressly stated otherwise it is sufficient if the notice is —*
- (a) *published under subsection (1)(a) on at least one occasion; and*
  - (b) *exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*
    - (i) *the time prescribed for the purposes of this paragraph; or*
    - (ii) *if no time is prescribed, 7 days.”*

In this instance it is recommended that prior to Council consideration of any proposal to sell Lot 41, consultation with nearby residents and property owners is carried out and any comments received from that consultation be reported to Council for consideration.

**Policy Implications:**

At its Ordinary Meeting held 8 October 2013, Council resolved:

1. *The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
2. *Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council’s Strategic Community Plan and Long Term Financial Plan.*

The Land Asset Optimisation Strategy recommendation to Council in respect to Lot 41 was:

*That the Council consider:*

- *The subdivision and sale of portion of this property to the adjacent property on McMaster Street, providing a greater lot yield from this development site.*
- *Development of this site (in conjunction with the adjacent vacant site) with protection of access to the rear properties at ground level.*

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

If the sale of Lot 41 is approved by Council, and the property is ultimately sold, revenue of a significant amount approximating the valuation determined by the licensed valuer will be received by the Town. It is recommended that income derived from the sale of Lot 41 be placed in the Future Projects Reserve.

Total Asset Management:

The subject site will no longer require maintenance by the Town if sold.

**Sustainability Assessment:**

External Economic Implications:

Nil



Social Issues:

Lot 41 is currently used for vehicle access by some residents in the local vicinity. Traffic counts have been taken to identify the extent of use, and are addressed under Comment in this report. There are alternative access points available to those currently using Lot 41 for access.

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

As there are no longer shops located on Lots 42, 535, 536, 537 and 5 in the manner described in the Deed of agreement with the Society, the Town is not obliged to keep the service road on Lot 41 open and available to a parking area which no longer exists. The Town is free to consider the sale of Lot 41, provided that the disposal is in accordance with Section 3.58 of the *Local Government Act 1995*.

In order to assess the amount of vehicle usage of Lot 41, traffic counts were taken within Lot 41 and at strategic points in the vehicle thoroughfares immediately adjoining Lot 41. The count showed that Average Weekday Traffic (AWT) in Lot 41 was 151 vehicles per day. The count was slightly higher in the access way off King George Street (AWT 179) but lower at the access leg parallel to Hordern Street (AWT 94 and AWT 41). The traffic count AWT figures are depicted in the sketch below.

It is considered that sale of Lot 41 and subsequent closure of the access way over Lot 41 would not have significant impact on vehicle access to the area, given the low volume of vehicle traffic detected in the traffic count. It is considered appropriate that prior to Council considering potential sale of Lot 41, consultation with residents and owners of properties within the area bounded by Albany Highway, McMaster Street, Hordern Street and King George Street be carried out and comment obtained, particularly in respect to the impact on vehicle access if Lot 41 is sold.

Discussion has taken place with the owner/developer of Lot 72 in respect to vehicle access from Lot 41 to the proposed development on Lot 72. The owner/developer has expressed interest in acquiring portion of Lot 41 and obtaining agreement for ongoing access via Lot 41 to the proposed development. The possibility of the owner/developer acquiring the whole of Lot 41 has been considered, but not negotiated as any sale would be subject to Council approval and compliance with Section 3.58 of the *Local Government Act 1995*. The owner/developer of Lot 72 has been advised that vehicle access to Lot 72 via Lot 41 will not be considered, and that the possible sale of Lot 41 will be considered by Council.

An option for Council to consider is retention of Lot 41 and dedication as a road reserve or Crown Right of Way. Exercising that option would provide no realisation of the asset and would commit Council to ongoing maintenance of the road surface within Lot 41. The existing road surface within Lot 41 is in poor to fair condition and would require upgrading at some time if the access way is to be retained and become a public road.

**CONCLUSION:**

It is not considered appropriate to subdivide and sell portion of Lot 41 to the adjacent property (Lot 72) on McMaster Street as recommended in the LAOS report, as that would provide only a small return to Council on an asset of significant value, and provision of vehicle access to Lot 72 over the remaining balance Lot 41 would remove forever the possibility of fully realizing the asset.

It is recommended that the proposal to consider sale of Lot 41 be the subject of consultation, and that Council further consider the matter after the conclusion of the consultation period.

**RECOMMENDATION/S:**

1. **Local consultation with residents and owners of properties within the area bounded by Albany Highway, McMaster Street, Hordern Street and King George Street be carried out, advising the residents and owners that Council intends to consider sale of Lot 41 McMaster Street, Victoria Park, and that in the event of such sale vehicle access over Lot 41 will no longer be available.**
2. **Signs be erected at both ends of Lot 41 McMaster Street, advising that Council intends to consider sale of Lot 41 McMaster Street, Victoria Park, and that in the event of such sale vehicle access over Lot 41 will no longer be available.**
3. **At the conclusion of the consultation period indicating Council's intention to consider sale of Lot 41, a further report be presented to Council for consideration of the proposed sale.**





## 11.6 No. 64 (Lot 1000) Bishopsgate Street, Carlisle - Land Adjacent to Tom Wright Reserve

|                        |            |
|------------------------|------------|
| <b>File Reference:</b> | PAR/4/0037 |
| <b>Appendices:</b>     | No         |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 1 July 2015     |
| <b>Reporting Officer:</b>   | R.Lavery        |
| <b>Responsible Officer:</b> | R.Lavery        |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – The land to be retained as neighbourhood public open space to meet the needs of the surrounding areas of Carlisle and Lathlain.**

**The land only to be considered for sale at any time in the future if it is for the purpose of purchasing alternative more appropriately located public open space to meet the need for public open space in the locality.**

**The options for use of the site for neighbourhood open space to be considered in accordance with the Sport and Recreation Facilities strategy and in conjunction with the Lathlain Park Precinct.**

- Council should consider the recommendations of the Land Asset Optimisation Strategy, and the Draft Public Open Space Assessment which identifies the current provision and future needs for open space in the Town (copies of relevant extracts are provided under separate confidential memorandum) in making any determination on the future use of this land.

### TABLED ITEMS:

Nil

### BACKGROUND:

This site was previously used as the Lathlain Carlisle Bowling Club and is currently vacant land. The most recent decision made on the future use of the land was in regard to the decision of Council on 11 February 2014 as follows:

1. *The Business Case for the Carlisle Lathlain Community Centre be endorsed;*
2. *The Carlisle Lathlain Community Centre project not proceed due to the Business Case report identifying the estimated total lifecycle costs for the facility to be \$37 million;*
3. *The Carlisle Lathlain Community Centre Project Team be disbanded;*
4. *Letters to be sent from the Chair of the Carlisle Lathlain Community Centre Project Team to members thanking them for their valuable contribution;*

5. *The recommendation contained within the Town's Land Asset Optimisation Strategy regarding the site considered for the Carlisle Lathlain Community Centre be noted; and*
6. *The recommendations contained within the Town's Sport and Recreation Facilities Strategy pertaining to the Carlisle Lathlain Community Centre development and potential stakeholders be noted. The Motion was Put and Carried 6-3.*

In February 2015 the reprioritised recommendations in the Sport and Recreation Facilities Strategy were received by Council and circulated to Elected Members. The original recommendations are all listed, each with a comment and revised priority in the row beneath the original recommendation. The first recommendation below refers to the former Carlisle Lathlain Bowling Club site.

**HIGH PRIORITY – SHORT TERM (ORIGINAL):**

*Lathlain Park - Undertake an integrated master plan of Lathlain Park and old Carlisle Bowling Club to develop the ToVP 'Elite Sporting Precinct' with Perth Football Club and West Coast Eagles as the key tenants. To potentially also consider the incorporation of the WAFC as potential aligned partner. To provide:*

- *The rejuvenated Lathlain Park Precinct to provide expanded open space for community access including BBQ areas, community running/walking tracks, playgrounds, landscaping and access to one oval for community sports club use. The development should also consider alignment with Rayment Park which is seen as an important component of the revitalisation of the broader precinct.*
- *A community hub incorporating education areas / community meeting rooms and activity areas adjacent to a café and WCE merchandise store / club museum.*
- *Negotiated public access to a gymnasium and indoor training area.*
- *The development of an indigenous facility incorporating a new base for the David Wirrpanda Foundation.*
- *Function facility and new / improved clubrooms for the Perth Football Club*
- *As a past user of the facility, explore the potential with Western Australian Rugby League to develop the site for a training and administration base, as well as a facility to host State Grade matches as a co-tenant at Lathlain Park.*
- *Explore the potential for baseball to be hosted at Lathlain Park if the redevelopment to accommodate two ovals is compatible with their needs and access requirements*

The above recommendation was not supported and the following was adopted:

**RECOMMENDATION NOT SUPPORTED (REVISED):**

*Lathlain Precinct Redevelopment Project supercedes this recommendation.*

The Lathlain Precinct Redevelopment Project currently has no reference or relevance to this site however if this notice of motion is supported then there needs to be a direct relationship between what happens in the Lathlain Park Precinct and this site such that facilities are complimentary and are not duplicated.

A Registrar's Caveat that land be held for all time for the purposes of Recreation for the People was placed on the land on 19 May 1942 by the City of Perth which states: This Trust Deed is made the 19<sup>th</sup> day of May 1942 by the City of Perth whose principal office is at 207 Murray Street Perth

*WHEREAS The City of Perth is the registered proprietor of the lands mentioned in the Schedule hereto and holds and uses the same for the purposes of recreation and desires that the said lands should be held for all time for such purpose.*

*NOW THAT THIS DEED WITNESSETH that the said City of Perth HEREBY DECLARES that it holds the said lands in trust for the purposes of recreation for the people, reserving unto itself the right to exercise all or any of its powers under Section 250 of the municipal Corporations Act 1906-1941 and all other of its powers under the said Act relating to Reserves.*

It then states a number of parcels of land including those relating to this site and Tom Wright Reserve as follows:

*Portions of Canning Location 2 and being Lots 541 to 557 inclusive and portion of the land coloured brown on Plan 1740 the whole now being the subject of a diagram 10714 and being the whole of the land comprised in Certificate of Title Volume 1059 Folio 406.*

*Portions of Canning Location 2 and being Lots 558, 559 and 560 on Plan 1740 in Certificate of Title Volume 791 Folio 107.*

More recently the land was considered as part to the adopted Land Asset Optimisation Strategy (LAOS) and associated policy which remain confidential documents due to commercial sensitivities. The Land Asset Optimisation strategy was adopted by Council in September 2013 as follows:

- 1. The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
- 2. Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.*

This Caveat can be withdrawn by the Town of Victoria Park as the responsible agency. However both Section 20A Reserves (Planning and Development Act 2005) acquisitions and freehold title transfers are not as of right processes and require the endorsement of the Department of Regional Development and Lands (and the Department of Planning) and the approval of the Minister for Lands. As such any such applications need to have a compelling case as to why the State Government should support such a proposal and the clear benefits that will arise to the community as a direct result of any such application being approved. It must also be demonstrated that the walkable catchment on the locality is well served by at least 10% public open space.

Relevant Extracts of the LAOS have been forwarded to Elected Members under separate confidential memorandum dated 3 July 2015.

**DETAILS:**

The Notice of Motion from Cr Bissett seeking to have the land known as the former Lathlain Carlisle Bowling Club retained as public open space to serve the projected increase in population anticipated for the area and that the land be maintained to an appropriate standard was considered by Council at the Ordinary Council Meeting of 14 July 2015 and determined as follows:

Notice of Motion by Cr Bissett at OCM 14 July 2015:

*“That the land bounded by Bishopsgate Street, Roberts Road, Planet Street and Tom Wright Reserve, formally the site of the Carlisle/Lathlain Bowling Club be established and maintained as a public open space.”*

Resolution:

*The future use of the land adjacent to Tom Wright Reserve (known as the former Lathlain Carlisle Bowling Club) to be discussed at the Elected Members Workshop of 21 July 2015 prior to a report being presented to Council at a future Ordinary Council Meeting.*

In addition to the recommendations of the LAOS that need to be considered in making this determination, the Town’s Strategic Town Planning unit has undertaken draft Public Open Space (POS) Assessment to consider the amount, distribution, nature and accessibility of public open space in the Town. The assessment is undertaken having regard to both the State and Local context in relation to public open space standards, relevant studies and population characteristics. The POS Assessment is limited to a quantitative desktop study only and has little qualitative content or analysis.

The definitions of public open space vary, but for the purposes of the draft POS Assessment it means:

- Recreation spaces- including open parkland and landscaped areas suitable for passive recreational activities and some active recreational opportunities such as walking cycling and ‘informal’ sporting activity;
- Sport spaces - including district and regional sports fields/ facilities equipped for organised sport; and
- Nature spaces - areas that are worthy of protection and enhancement due to environmental values.

The distribution of public open space within the Town is shown in the plans in Appendix 3 of the draft POS Assessment and the accessibility for each open space area is also illustrated based on the *Classification framework for public open space* as follows:

- Local – within 400m or a 5 minute walk;
- Neighbourhood – within 800m or a 10 minute walk; and
- District – within 2km or a 5 minute drive.

The *Classification framework for public open space* developed by the Department of Sport and Recreation in November 2012 is now regarded as the industry standard and importantly the framework will be included in the next review of *Liveable Neighbourhoods, 2009*. This is a document adopted by the Western Australian Planning Commission as an operational policy for the design and assessment of structure plans and subdivision for new urban areas on greenfield and large urban infill sites.



The uneven distribution of open space is not unusual for older suburbs which were subdivided and developed prior to contemporary planning standards, and therefore public open space within the Town does not reflect the standards for either sizes or distribution of open spaces set out in the current *Classification framework for public open space*.

The draft POS Assessment makes recommendations for additional investigation and more detailed analysis required as a basis for developing a POS Strategy to guide future decision making. The purpose in developing a POS Strategy is to:

- Capture the community’s vision for POS and assist in its delivery;
- Focus and coordinate the activities of different parts of Council relating to POS development;
- Ensure that recreational and health needs of the community are met;
- Provide high quality, sustainable and accessible places ;
- Provide new opportunities for the use of spaces; and
- Provide input into local government planning framework –
  - Strategic Community Plan;
  - Long Term Financial Plan;
  - Capital and Operational budgets;
  - Local Planning Strategy and Policies;
  - Community Facilities Plans;
  - Asset Management Plans; and
  - Development Contributions Schemes.(Planning Context, 2015)

**Legal Compliance:**

Nil

**Policy Implications:**

GEN7 Strategic Management of Land and Property Assets – This Policy provides a framework to guide Council in the effective management of its land and property assets with the view to increasing the future economic capacity of the Town of Victoria Park and assisting the delivery of Objectives outlined in the Strategic Community Plan.

Specifically the Town’s land and property assets will be used to achieve the following:

- The delivery of strategic projects as identified in the Strategic Community Plan and 4 Year Corporate Business Plan;
- The facilitation of environmental, economic and social benefits to the Community;
- The stimulation and regeneration of areas within the Town of Victoria Park;
- Where appropriate enable the adoption of a commercial approach to the management of land and property assets capable of producing an income; and
- Development of non-operational land and property assets that will facilitate additional income streams for the Town.

**Strategic Plan Implications:**

The LAOS is identified as an Objective of the Strategic Community Plan as a Key Project and Services “*To identify and optimise the management, and/or disposal of the Town’s Land Assets including research, identification and management of Council’s Land Assets to derive best returns*” and is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council’s Strategic Community Plan.

**Financial Implications:**Internal Budget:

Funds have not been identified within the 2015/16 budget for improvements to this site.

Total Asset Management:

The opportunity cost of the proposal in addition to the budget implications of improvements to the site, needs to be considered as part of the overall cost of the proposal.

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Will provide improvements to the amount of public open space available for use by the community.

Cultural Issues:

The previous use of the site is well documented to indicate the cultural history of the site.

Environmental Issues:

Nil

**COMMENT:**

As there are a number of options for the future use of this site identified in the LAOS and a variety of differing implications of those options, the options were Elected Members Workshop on 21 July 2015.

In addition to the recommendations of the LAOS that need to be considered in making this determination, the Town's Strategic Town Planning unit has undertaken draft Public Open Space (POS) Assessment to consider the amount, distribution, nature and accessibility of public open space in the Town.

The draft POS Assessment indicates that:

- Lathlain is well served by district open space, but the northern parts of the suburb do not have reasonable access to neighbourhood and local open space.
- Carlisle is well served by district open space, but the southern parts of the suburb do not have reasonable access to neighbourhood and local open space.

A summary of the amount and classification of public open space by suburb is as follows:

- Lathlain has little public open space, but has a range of local, neighbourhood and district open space. Future development of Lathlain Park has potential to increase the amount of local and neighbourhood space.
- Carlisle has about half of the 10% provision of public open space, most of which is in district open space. The only potential neighbourhood site is the vacant land formerly used as the Lathlain Carlisle Bowling Club.

Given the recommendations of the “Perth and Peel @ 3.5 million” report prepared by the Department of Planning indicates a target of an additional 19,400 dwellings for the Town of Victoria Park by 2050 in addition to the approximately 15,742 existing dwellings (2014) it is anticipated that there will be increasing demands on all existing public open space in the Town. For the areas of Carlisle and Lathlain where there is insufficient neighbourhood open space and this site is the only possible site available to be added as neighbourhood open space without purchasing additional land at market price, it is considered imperative that this land be retained for public open space.

**CONCLUSION:**

It is therefore recommended that the land be retained for neighbourhood public open space for the foreseeable future. The only situation that should give rise to consideration of sale of or swap this land in the future would be an opportunity to purchase land for open space in a more appropriate location, being the southern part of Carlisle or the northern part of Lathlain which are significantly deficient in neighbourhood open space as identified in the draft Public Open Space Assessment.

**RECOMMENDATION:**

- 1. Lots 1000 and 64 Planet Street Carlisle (former Carlisle Lathlain Bowling Club site adjacent to Tom Wright Reserve) to be retained as neighbourhood public open space to meet the needs of the surrounding areas of Carlisle and Lathlain.**
- 2. The land only to be considered for sale at any time in the future if it is for the purpose of purchasing alternative more appropriately located public open space to meet the need for public open space in the locality.**
- 3. The options for use of the site as neighbourhood public open space to be considered in accordance with the Sport and Recreation Facilities Strategy and in conjunction with the Lathlain Park Precinct.**



## 12 RENEW LIFE PROGRAM REPORTS

### 12.1 Tender TVP/15/03 Fraser Park Irrigation Renewal

|   |                 |
|---|-----------------|
| <b>File Reference:</b>  | TVP/15/03       |
| <b>Appendices:</b>  | No              |
| <b>Date:</b>  | August 2015     |
| <b>Reporting Officer:</b>   | G Wilson        |
| <b>Responsible Officer:</b>   | W. Bow          |
| <b>Voting Requirement:</b>  | Simple Majority |
| <b>Executive Summary:</b>   |                 |
| <b>Recommendation – That Tender TVP/15/03 for the Fraser Park Irrigation Renewal be awarded to Horizon West Landscape and Irrigation at a cost of \$84,750.00 (excluding GST)</b>   |                 |
| <ul style="list-style-type: none"> <li>• A tender was called for the Renewal of the Irrigation System on Fraser Park.</li> <li>• An evaluation of the six (6) tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the tender submission from Horizon West Landscape and Irrigation.</li> </ul> |                 |

#### **TABLED ITEMS:**

- Reticulation Plan; and
- Tender Assessment documents.

#### **BACKGROUND:**

Fraser Park is one of the Town's Active Sporting ovals, catering for summer cricket and winter soccer.

The irrigation system is of an older design, and is no longer as efficient as required. This is affecting the quality of the turf surface.

A new irrigation system was designed by an external consultant to allow for more control over the three watering areas –

- Active playing surface;
- Surrounds; and
- Verges.

TVP/15/03 was created for tenderers to submit a price to install the new system as per the new design.

**DETAILS:**

TVP/15/03 was advertised in The West Australian on Saturday 30 May 2015. A compulsory site meeting formed part of the criteria, and was held at Fraser Park on 9 June 2015.

The tender closed at 2pm, Tuesday 23 June 2015. Six (6) submissions were received.

**Description of compliance criteria**

Compliance criteria for TVP/15/03 included tenderers being able to answer 'Yes' to the three (3) questions, which are listed below.

- Tenderer has attended the tender briefing in accordance with Cl.6 of 'Part 1 – Invitation and Conditions of Tendering';
- Tenderer has provided all information as requested in the Tender document, enabling Town of Victoria Park to evaluate tender submission; and
- Tenderer has provided signed 'No Deviation Form' with the tender submission (Schedule 1 of Part 4 Form of Tender).

**Description of selection criteria**

Selection criteria for TVP/15/03 included each submission being assessed against four criteria, which are listed below.

| Selection Criteria  | Weighting                                  |
|---|--|
| <p><b>Experience of Tenderer in supplying and completing <u>recent</u> similar projects:</b></p> <ul style="list-style-type: none"> <li>• Description and relevance to the tendered project;</li> <li>• Role of the tenderer;</li> <li>• Project cost;</li> <li>• Duration of the project; and</li> <li>• Client References.</li> </ul> <p>Tenderers must address the information enquired in an attachment and label it as "<b>Experience of Tenderer</b>"</p> | <p><b>Weighting</b></p> <p><b>25 %</b></p> |
| <p><b>Tendering Organisation's performance in completing <u>recent</u> similar projects :</b></p> <ul style="list-style-type: none"> <li>• Project Name;</li> <li>• Tender price, variations and final cost;</li> <li>• Completion date and extensions granted; and</li> <li>• Details of OHS&amp;R record.</li> </ul> <p>Tenderers must address the enquired information in an attachment and label it as "<b>Past Performance of Tenderer</b>"</p>            | <p><b>Weighting</b></p> <p><b>25 %</b></p> |

| Selection Criteria   | Weighting                       |
|--|---------------------------------|
| <b>Technical Skills of the Proposed Project Team:</b> <ul style="list-style-type: none"> <li>Names;</li> <li>Function; and</li> <li>Technical Expertise (CV's to be provided).</li> </ul> Tenderers must address the enquired information in an attachment and label it as <b>"Technical Skills"</b> | <b>Weighting</b><br><b>20 %</b> |
| <b>Tendered Price/s</b> <ul style="list-style-type: none"> <li>The price to supply the goods or services in accordance with the Request; and</li> <li>Rates or prices for variations.</li> </ul>   | <b>Weighting</b><br><b>30 %</b> |
| <b>TOTAL</b>   | <b>100%</b>                     |

The six (6) submissions were all deemed compliant. They were assessed against the selection criteria by a panel of three staff comprising the Acting Executive Manager Park Life, the Acting Business Unit Manager Parks and the Reserves Supervisor.

Their individual scores were averaged and the weightings applied, as per the table below.

| SELECTION CRITERIA  | WEIGHTING (%) | WATERLINK    |                | HORIZON WEST |                | HYDROQUIP    |                |
|---|---------------|--------------|----------------|--------------|----------------|--------------|----------------|
|   |               | SCORE (/100) | WEIGHTED SCORE | SCORE (/100) | WEIGHTED SCORE | SCORE (/100) | WEIGHTED SCORE |
| Experience of tenderer of supplying and completing recent                     | 25            | 73.33        | 18.33          | 83.33        | 20.83          | 81.67        | 20.42          |
| TENDERING<br>Organisation's performance in completing recent similar projects | 25            | 76.67        | 19.17          | 81.67        | 20.42          | 75.00        | 18.75          |
| Technical Skills of the proposed project team                                 | 20            | 73.33        | 14.67          | 80.00        | 16.00          | 78.33        | 15.67          |
| Tendered Price/s  | 30            | 98.49        | 29.55          | 100.00       | 30.00          | 95.76        | 28.73          |
| <b>TOTAL</b>  |               |              | <b>81.71</b>   |              | <b>87.25</b>   |              | <b>83.56</b>   |

| SELECTION CRITERIA  | WEIGHTING (%) | ELLIOTTS     |                | TOTAL EDEN   |                | DOWSING CONCRETE |                |
|---|---------------|--------------|----------------|--------------|----------------|------------------|----------------|
|   |               | SCORE (/100) | WEIGHTED SCORE | SCORE (/100) | WEIGHTED SCORE | SCORE (/100)     | WEIGHTED SCORE |
| Experience of tenderer of supplying and completing recent                     | 25            | 75.00        | 18.75          | 81.67        | 20.42          | 38.33            | 9.58           |
| TENDERING<br>Organisation's performance in completing recent similar projects | 25            | 68.33        | 17.08          | 80.00        | 20.00          | 41.67            | 10.42          |
| Technical Skills of the proposed project team                                 | 20            | 75.00        | 15.00          | 78.33        | 15.67          | 55.00            | 11.00          |
| Tendered Price/s  | 30            | 83.78        | 25.13          | 84.83        | 25.45          | 84.87            | 25.46          |
| <b>TOTAL</b>  |               |              | <b>75.97</b>   |              | <b>81.53</b>   |                  | <b>56.46</b>   |

**Legal Compliance:**

*Local Government Act 1995 Section 3.57; aND*

*Local Government (Functions and General) Regulations 1996 Division 2 Part 4.*

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 ("the Regulations")*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$100,000.

**Policy Implications:**

Council Policy FIN4 Purchase of Goods and Services has been complied with.

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

A budget of \$99,250 for the renewal of irrigation at Fraser Park is included in the 2015/16 Parks Capital Works Budget, and will be allocated to Work Order 1250 (general ledger 37757.3006).

Total Asset Management:

The budget allocation for this tender relates to asset renewal, including upgrade works to ensure our sports ovals and associated irrigation infrastructure are maintained at an optimum standard.

**Sustainability Assessment:**External Economic Implications:

Nil



Social Issues:

Providing high quality turf surfaces on the Town's active reserves, encourages participation in sports and promotes a healthier lifestyle, which have a positive effect on residents as well as assisting the Town to be an aesthetically pleasing and liveable environment. The Town will undertake a consultation process with the clubs using the site to discuss the proposed works and timeframes involved.

Cultural Issues:

Nil

Environmental Issues:

The renewal irrigation system will be more water efficient. It will also allow additional control over watering areas, so more water can be used on the playing surfaces, while being able to reduce the water use on the surrounds and verge areas.

**COMMENT:**

The tender evaluation process identifies that Horizon West Landscape and Irrigation has achieved the highest score on the evaluation of all the tenders. It has also submitted the lowest tendered price.

**CONCLUSION:**

It is recommended that the tender submitted by Horizon West Landscape and Irrigation be accepted as the most advantageous to the Town for the renewal of the irrigation system at Fraser Park.

**RECOMMENDATION/S:**

**That Tender TVP/15/03 Fraser Park Irrigation Renewal be awarded to Horizon West Landscape and Irrigation at a cost of \$84,750.00 (excluding GST).**

## 12.2 Tender TVP/15/04 Supply of Sprinklers, UPVC Pressure Pipe & Ancillary Equipment

|                        |           |
|------------------------|-----------|
| <b>File Reference:</b> | TVP/15/04 |
| <b>Appendices:</b>     | No        |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | August 2015     |
| <b>Reporting Officer:</b>   | G. Wilson       |
| <b>Responsible Officer:</b> | W. Bow          |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – That tender TVP/15/04 for the Supply of Sprinklers, UPVC Pressure Pipe & Ancillary Equipment be awarded to Total Eden based on its schedule of rates supplied as part of the tender submission for the period 1 September 2015 – 30 June 2018.**

- A tender was called for the supply of Sprinklers, UPVC Pressure Pipe & Ancillary equipment.
- An evaluation of the two tender submissions against the prescribed criteria has been completed.
- It is recommended that Council accepts the tender submission from Total Eden.

### TABLED ITEMS:

- Tender assessment documents; and
- Schedule of Rates.

### BACKGROUND:

The Town of Victoria Park requires a stock of irrigation parts including sprinklers, fittings and pipe to be maintained, in order to facilitate reticulation maintenance and repairs during the watering season. Last Financial Year, the Town spent approximately \$49,500 on irrigation materials.

Tender TVP/15/04 replaces the current supply contract which has expired.

### DETAILS:

TVP/15/04 was advertised in The West Australian on Saturday 6 June 2015.

The tender closed at 9.30am on 1 July 2015. Three (3) submissions were received one of which was an alternative tender.

### Description of compliance criteria

Compliance criteria for TVP/15/04 included submissions being able to answer 'Yes' to the four (4) questions, which are listed below.

- Five (5) year history of supplying irrigation products;
- Tenderer has quoted price (rates for all items enlisted in 'Schedule of Rates', and where the products are not available, an equivalent alternative has been mandatorily

quoted;

- Tenderer has provided all information as requested in this tender document, enabling Town of Victoria Park to evaluate tender submission; and
- Tenderer has provided signed 'No Deviation Form' with the tender submission (Schedule 1 of Part 4 – Form of Tender).

### Description of selection criteria

Selection criteria for TVP/15/04 included each submission being assessed against three criteria, which are listed below.

| SELECTION CRITERIA   | WEIGHTING (%) |
|--|---------------|
| Experience of Tenderer in supplying irrigation products  | 25            |
| Tendering Organisation's capability/capacity to supply: Stock Volumes, Details of Staff, Fleet to deliver, Details of OHS&R record | 25            |
| Tendered Price/s   | 50            |

The two (2) submissions were deemed compliant.

An alternative tender total also supplied by one of the two (2) Tenderers. Prices were assessed based on the cost of purchasing an estimated quantity of all items listed on the price schedule. They were assessed against the selection criteria by a panel of three (3) staff comprising the Acting Executive Manager Park Life, the Acting Business Unit Manager Parks and the Reserves Supervisor.

Their individual scores were averaged and the weightings applied, as per the table below.

| SELECTION CRITERIA   | WEIGHTING (%) | TOTAL EDEN   |                | THINK WATER  |                |
|--|---------------|--------------|----------------|--------------|----------------|
|  |               | SCORE (/100) | WEIGHTED SCORE | SCORE (/100) | WEIGHTED SCORE |
| Experience of Tenderer in supplying irrigation products  | 25            | 95.00        | <b>23.75</b>   | 71.67        | 17.92          |
| Tendering Organisation's capability/capacity to supply: Stock Volumes, Details of Staff, Fleet to deliver, Details of OHS&R record | 25            | 88.33        | <b>22.08</b>   | 83.33        | 20.83          |
| Tendered Price/s   | 50            | 92.47        | <b>46.24</b>   | 82.07        | 41.04          |
| <b>TOTAL</b>   |               |              | <b>92.07</b>   |              | <b>79.79</b>   |

The alternative tender as provided by one of the two (2) tenderers is not included in the chart, as the changes relate to how the pricing is structured.

**Legal Compliance:**

*Local Government Act 1995 Section 3.57; and  
Local Government (Functions and General) Regulations 1996 Division 2 Part 4.*

In accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996 ("the Regulations")*, tenders shall be invited before the Town enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$100,000.

**Policy Implications:**

Council Policy FIN4 Purchase of Goods and Services has been complied with.

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

Irrigation maintenance is included in the 2015/16 Park Life's Budget, and will be allocated to individual work orders under general ledger 17753, Parks Maintenance.

Total Asset Management:

The budget allocation for this tender relates to asset preservation, including upgrade works to ensure our sports ovals, passive reserves and associated irrigation infrastructure are maintained at an optimum standard.

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Providing good quality reserves, encourages participation in sports and passive recreation, and promotes a healthier lifestyle, which have a positive effect on residents as well as assisting the Town to be an aesthetically pleasing and liveable environment.

Cultural Issues:

Nil

Environmental Issues:

Maintaining and repairing the Town's irrigation systems, saves water and promotes healthy green scapes which reduce heat soak and filter pollution.

**COMMENT:**

The tender evaluation process identifies Total Eden as having achieved the highest score on the evaluation of all the tenders. It has also provided the lowest priced tender.

Total Eden also submitted an alternative tender, allowing for 12 months fixed pricing. After 12 months, the supplier rise and fall clauses will apply based on the price variation mechanism. While this tender submission in the first year is cheaper, irrigation prices tend to be volatile, as manufacturing costs are related to the petroleum industry. It is therefore not recommended to take this option.

**CONCLUSION:**

It is recommended that the tender submitted by Total Eden be accepted as the most advantageous to the Town for the supply of Sprinklers, UPVC Pressure Pipe & Ancillary equipment.

**RECOMMENDATION/S:**

**That the Tender TVP/15/04 for the Supply of Sprinklers, UPVC Pressure Pipe & Ancillary Equipment be awarded to Total Eden based on its schedule of rates supplied as part of the tender submission, for a period commencing 1 September 2015 – 30 June 2018.**

## 12.3 Proposed Creation and naming of Jirdarup Bushland Precinct

|                        |     |
|------------------------|-----|
| <b>File Reference:</b> | PR3 |
| <b>Appendices:</b>     | No  |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 31 July 2015    |
| <b>Reporting Officer:</b>   | G. Wilson       |
| <b>Responsible Officer:</b> | W. Bow          |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – That Council endorses the creation of a single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve, not including the Harold Rossiter Reserve and the Kensington Police Community Youth Centre (PCYC) complex, and that the bush precinct so created be called the Jirdarup Bushland Precinct.**

- Community Environmental Working Group (CEWG) has made a recommendation to create a bushland precinct.
- Council supported the creation of a bushland precinct, and recommended a community engagement process be undertaken, prior to Council's ultimate decision on the creation of the "Jirdarup Bushland Precinct".
- The results of the community consultation process showed support for the creation of the Jirdarup Bushland Precinct.

### TABLED ITEMS:

Nil

### BACKGROUND:

At the August 2013 meeting of the Community Environmental Working Group (CEWG), it was proposed that the areas of George Street Reserve, Kensington Bushland and Kent Street Sand Pit be amalgamated into one area to become a "bushland precinct". The reason for this was to afford protection of the parcel of lands as a whole in light of the (then) pending Local Government amalgamations.

This proposal was referred to the Culture and Local History Working Group for consideration of naming the precinct, with reference to the flora and fauna of the area, including suggestions for an Aboriginal name.

The Culture and Local History Working Group engaged Mr Trevor Walley, EcoEducation Aboriginal Officer, Perth Hills Centre, to provide input on the cultural significance of the area and discuss suggestions for the naming of the bushland precinct.

### DETAILS:

The primary objectives of the Council-endorsed George Street Reserve 11 Year Revegetation Plan include the provision of habitat to the endangered Carnaby's Black Cockatoos and the provision of a protective buffer to the Kensington Bushland.

When the matter was referred to the Culture and Local History Working Group, a 'generic

term' Jirdarup – "Place of Birds" – was recommended as the name of the proposed bush precinct. This preferred name for the precinct was presented to and endorsed by the CEWG.

At the August 2013 meeting, the CEWG recommended:

1. *The creation of a single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve (not including the Harold Rossiter Reserve and the PCYC complex).*
2. *The bush precinct so created be called the Jirdarup Bushland Precinct.*

The matter was referred to Council for consideration and at its 14 April 2015 meeting, it resolved as follows:

1. *That Council propose the creation of a single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve (not including the Harold Rossiter Reserve and the Kensington Police Community Youth Centre complex), and undertake a community consultation process with the result to be referred back to Council for consideration.*
2. *The consultation process to be undertaken will involve sending the relevant information and feedback forms to the owners and residents of properties immediately surrounding Kensington Bushland, George Street Reserve and the Kent Street Sand Pit, also through the provision of the same information and feedback forms on the Town's web page, social media and include an advertisement in the Community Newspaper.*

In June 2015 the Town undertook a four-week community consultation process which comprised feedback forms to the owners and residents of properties immediately surrounding Kensington Bushland, George Street Reserve and the Kent Street Sand Pit. There was also a survey tool made available to the community on the Town's web page and various media.

The results of the community consultation were as follows:

1. Should the Town of Victoria Park create a single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve?  
**Yes 68**  
No 3
2. If "yes", do you support the proposed name of the precinct of "Jirdarup Bushland Precinct"?  
**Yes 69**  
No 2

The results show that a significant number of respondents voted in favour of the creation of the Jirdarup Bushland Precinct.

**Legal Compliance:**

Nil

**Policy Implications:**

The Town's *GEN6 COMMUNITY ENGAGEMENT POLICY* provides a process for community engagement within the Town. This includes guidance on engagement techniques appropriate to the level of consultation desired.

Consultation regarding the creation of the Jirdarup Bush Precinct was undertaken in accordance with the GEN6 policy.

**Strategic Plan Implications:**

The Town's *Strategic Community Plan* sets the strategic direction for the Town, including key projects and services regarding parks:

*Provision of high standard parks and natural areas that are safe, clean and attractive.*

***"Town Greening Plan***

*Including the Foreshore Access and Management Plan, McCallum Park Master Plan including Taylor St Café/Restaurant, GO Edwards Park Concept Plan".*

**Financial Implications:**Internal Budget:

It is anticipated that the only cost to the Town will be in the design and installation of signage referring to the naming of the precinct as a whole.

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

The creation of the Jirdarup Bushland Precinct will demonstrate to the community the Town's commitment to maintaining valuable open and recreational space which benefits both the community and the environment.

Cultural Issues:

Consideration of single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve will serve to provide a local and regional recreational space (e.g. for tourism, social and cultural activities).



**Environmental Issues:**

The creation of the Jirdarup Bushland Precinct recognises not only the importance of the Kensington Bushland and the protection this valued bush remnant warrants, but also that the surrounding parcels of George Street Reserve and Kent Street Sand Pit do not function independently from the Kensington Bushland. They are linked and, with revegetation, will continue to provide valuable corridors for fauna and offer protection through buffering. Thus, it is critical that they be collectively considered as a precinct.

**COMMENT:**

Community Environmental Working Group (CEWG), members of the public and relevant staff at the Town support the creation of the Jirdarup Bushland Precinct.

With the support of surrounding residents, this will assist in ensuring that the community has custodianship of the area.

**CONCLUSION:**

The creation of the Jirdarup Bush Precinct recognises the importance of protecting and enhancing the holistic current and future environmental and recreational value of the Kensington Bushland, George Street Reserve and Kent Street Sand Pit.

**RECOMMENDATION/S:**

**That Council endorses the creation of a single bush precinct incorporating the Kent Street Sand Pit, the Kensington Bushland and George Street Reserve, not including the Harold Rossiter Reserve and the Kensington Police Community Youth Centre (PCYC) complex, and that the bush precinct so created be called the Jirdarup Bushland Precinct.**

## 12.4 Proposed Disposal by Sale of 93m<sup>2</sup> Portion of Lot 401 Riversdale Road, Burswood

|                        |                     |
|------------------------|---------------------|
| <b>File Reference:</b> | PR17423 ROA/28/0081 |
| <b>Appendices:</b>     | No.                 |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 23 July 2015    |
| <b>Reporting Officer:</b>   | T. McCarthy     |
| <b>Responsible Officer:</b> | W. Bow          |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

**Recommendation – That Council approves the sale of a 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, by private treaty to the owner of adjoining properties 7 & 9 (Lots 1 & 164) Riversdale Road, in accordance with s.3.58 of the *Local Government Act 1995*.**

- The 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, has been identified as property that can be disposed of.
- Valuation of the 93m<sup>2</sup> portion of Lot 401 for sale purposes has been carried out.
- The owner of the two adjoining properties has offered to purchase the 93m<sup>2</sup> portion of Lot 401.
- Local public notice of the proposed sale has been given.

### TABLED ITEMS:

- Valuation of 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, dated 15 April 2015.
- Letter dated 11 May 2015 from Australia Treasury Management Burswood Pty Ltd.

### BACKGROUND:

Council, at its Ordinary Meeting held 14 July 2015, resolved:

1. *Local Public Notice be given advertising Council's intention to dispose of a 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, for sale by private treaty to the owner of adjoining properties 7 & 9 (Lots 1 & 164) Riversdale Road, Australia Treasury Management Burswood Pty Ltd, in accordance with s.3.58 of the Local Government Act 1995.*
2. *At the conclusion of the time allowed for submissions following the advertising of the proposed sale, a further report be presented to Council for consideration of the proposed sale.*
3. *The proposed sale be subject to Australia Treasury Management Burswood Pty Ltd entering into a contract of sale and deed of agreement to amalgamate at its own cost the 93m<sup>2</sup> portion of Lot 401 Riversdale Road with Lots 1 & 164 Riversdale Road.*
4. *Any income derived from the sale of the 93m<sup>2</sup> portion of Lot 401 Riversdale Road be placed in the Future Projects Reserve.*

5. *For the period that the 93m<sup>2</sup> portion of Lot 401 remains in the Town's ownership, the CEO is not to sign relevant application forms for planning approval to authorise an application for development on this portion of land unless satisfied that the development will not prejudice the future planning for the Burswood Station East area in accordance with Council Policy PLNG9.*

Lot 401 is comprised of several parcels of land which act as access thoroughfares for many properties in the Burswood area bounded generally by Goodwood Parade, Great Eastern Highway and Graham Farmer Freeway. Lot 401 looks and functions in similar manner to a Right of Way, but is not a Right of Way and is freehold land owned in fee simple by the Town of Victoria Park.

Portion of Lot 401, bounded by Great Eastern Highway, Griffiths Street, Stiles Avenue and Goodwood Parade, was dedicated as public road in 1985 by the Minister for Lands at the request of the City of Perth. Portion of Lot 401 was previously resumed by Main Roads Western Australia for land requirements associated with the Graham Farmer Freeway project.

The remaining portions of Lot 401 are in the Town's ownership and provide vehicle access to abutting properties. The subject portion (93m<sup>2</sup>), or indeed any portion of Lot 401, is not of sufficient size and shape to be suitable for development as a standalone parcel of land. The owner of an adjoining property has made an offer to purchase the subject portion and there has not been previous opportunity to sell it to an owner of adjacent property.

Lot 401 was not identified in the Land Asset Optimisation Strategy, adopted by Council, as a property that could be considered for disposal. The majority of Lot 401 provides vehicle access to abutting properties and it would be impractical to consider disposal of other than those portions not necessary for that purpose.

#### **DETAILS:**

Lot 401 is owned in fee simple by the Town of Victoria Park on Certificate of Title Volume 2219 Folio 580 and is Lot 401 on Deposited Plan 30745. The portion of Lot 401 to be considered for disposal is 93m<sup>2</sup> in area.

The subject portion of Lot 401 and all abutting parcels of land, excepting the Graham Farmer Freeway, are currently zoned "Office/Residential" under the Town of Victoria Park Town Planning Scheme No. 1.

#### **Legal Compliance:**

Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

*"3.58. Disposing of property*

*(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

*(a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned;*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:*

*(a) the names of all other parties concerned;*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”*

The requirements for Local Public Notice are contained in Section 1.7 of the *Local Government Act 1995* as follows:

*“1.7. Local public notice*

*(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*

*(a) published in a newspaper circulating generally throughout the district;*

*(b) exhibited to the public on a notice board at the local government’s offices; and*

*(c) exhibited to the public on a notice board at every local government library in the district.*

*(2) Unless expressly stated otherwise it is sufficient if the notice is —*

*(a) published under subsection (1)(a) on at least one occasion; and*

*(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*

*(i) the time prescribed for the purposes of this paragraph; or*

*(ii) if no time is prescribed, 7 days.”*

In this instance it is recommended that the subject 93m<sup>2</sup> portion of Lot 401 be sold by private treaty to the owner of abutting properties 7 and 9 (Lots 1 and 164) Riversdale Road. Section 3.58 of the *Local Government Act 1995* requires that a proposal to sell property by private treaty must be advertised for no less than two weeks before a local government agrees to sell the property. The local public notice of the proposed disposition must contain a description of the property, the details (consideration) of the proposed disposition and an invitation for submissions to be made to the local government before a date specified in the notice.

**Policy Implications:**

At its Ordinary Meeting held 8 October 2013, Council resolved:

3. *The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*

4. *Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.*

Lot 401 was not taken into consideration in formulation of the Land Asset Optimisation Strategy.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

Sale of the subject 93m<sup>2</sup> portion of Lot 401 will provide revenue of \$95,500.00, which is the valuation determined by the licensed valuer, to the Town. It is recommended that income derived from the sale of the subject land be placed in the Future Projects Reserve.

Total Asset Management:

The subject site will no longer require maintenance by the Town if sold.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

The subject 93m<sup>2</sup> portion of Lot 401 is an unutilised asset of the Town. It contains no playground or other equipment and is not used for access, recreation or any other worthwhile purpose by the surrounding community.

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The Town has been approached by the owner of abutting properties 7 and 9 (Lots 1 and 164) Riversdale Road, requesting that the Town consider selling the 93m<sup>2</sup> portion for amalgamation with abutting properties 7 and 9 (Lots 1 and 164) Riversdale Road. The request has been considered and subsequently a valuation has been obtained for the 93m<sup>2</sup> portion of Lot 401. The licensed valuer engaged to carry out the valuation has determined the value of the 93m<sup>2</sup> portion of Lot 401 to be \$95,500.00 exclusive of GST.

The proponent has offered to purchase the 93m<sup>2</sup> portion of Lot 401 for \$95,500.00 (exclusive of GST) with settlement to occur at the earliest opportunity.

It is proposed that the 93m<sup>2</sup> portion of Lot 401 be sold to the owner of Lots 1 and 164 subject to conditions indicated to the owner of Lots 1 and 164, which are:

- The 93m<sup>2</sup> portion of Lot 401 will be sold only on the condition that it is amalgamated with the adjoining Lots 1 and 164.
- The purchaser will be responsible for all costs involved in amalgamation of the 93m<sup>2</sup> portion of Lot 401 with Lots 1 and 164.
- Any proposed redevelopment of the new lot created by the amalgamation of the 93m<sup>2</sup> portion of Lot 401 with Lots 1 and 164 to its maximum potential will be subject to normal planning conditions, including setback requirements.
- The purchase price of the 93m<sup>2</sup> portion of Lot 401 will be \$95,500.00 exclusive of GST.

In accordance with Council's resolution, local public notice was given by way of advertisement in the "*West Australian*" newspaper, Friday 17 July 2015, and on Council public notice boards at the Administration Centre and at the Library. At the time of compilation of this report, no submissions had been received. If at the completion of the specified time for the lodgement of submissions, 4pm Monday 3 August 2015, any submissions are received, they will be tabled.

#### **CONCLUSION:**

As the Town has no current or anticipated future use for the subject 93m<sup>2</sup> portion of Lot 401, it is recommended that the property be sold to the owner of abutting properties 7 and 9 (Lots 1 and 164) Riversdale Road for the amount of the valuation as assessed by the licensed valuer, being \$95,500.00 exclusive of GST.

#### **RECOMMENDATION/S:**

1. **Council approves the disposal of a 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, for sale by private treaty to the owner of adjoining properties 7 & 9 (Lots 1 & 164) Riversdale Road, Australia Treasury Management Burswood Pty Ltd, in accordance with s.3.58 of the *Local Government Act 1995*.**
2. **The sale price of the 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, will be \$95,500.00 exclusive of GST.**
3. **The proposed sale be subject to Australia Treasury Management Burswood Pty Ltd entering into a contract of sale and deed of agreement to amalgamate at its own cost the 93m<sup>2</sup> portion of Lot 401 Riversdale Road with Lots 1 & 164 Riversdale Road.**
4. **Any income derived from the sale of the 93m<sup>2</sup> portion of Lot 401 Riversdale Road be placed in the Future Projects Reserve.**

5. **For the period that the 93m<sup>2</sup> portion of Lot 401 remains in the Town's ownership, the Chief Executive Officer is not to sign relevant application forms for planning approval to authorise an application for development on this portion of land unless satisfied that the development will not prejudice the future planning for the Burswood Station East area in accordance with Council Policy PLNG9.**
  
6. **The Mayor and the Chief Executive Officer be authorised to execute any documents relevant to the sale of the 93m<sup>2</sup> portion of Lot 401 Riversdale Road, Burswood, to Australia Treasury Management Burswood Pty Ltd.**





## **13 COMMUNITY LIFE PROGRAM REPORTS**

There are no reports from Community Life Program.

## 14 BUSINESS LIFE PROGRAM REPORTS

### 14.1 Schedule of Accounts for 30 June 2015

|   |                 |
|---|-----------------|
| <b>File Reference:</b>  | FIN/11/0001~09  |
| <b>Appendices:</b>  | Yes             |
| <b>Date:</b>  | 22 July 2015    |
| <b>Reporting Officer:</b>   | A. Thampoe      |
| <b>Responsible Officer:</b>   | N. Cain         |
| <b>Voting Requirement:</b>  | Simple Majority |
| <b>Executive Summary:</b>   |                 |
| <b>Recommendation - That Council confirms the schedule of Accounts paid for the month ended 30 June 2015.</b>   |                 |
| <ul style="list-style-type: none"> <li>• The Accounts Paid for 30 June 2015 are contained within the Appendices;</li> <li>• Direct lodgement of payroll payments to the personal bank accounts of employees are also included.</li> </ul> |                 |

#### TABLED ITEMS:

Nil

#### BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.

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

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

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

#### DETAILS:

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

| Fund                     | Reference     | Amounts             |
|--------------------------|---------------|---------------------|
| <b>Municipal Account</b> |               |                     |
| Recoup Advance Account   |               |                     |
| Automatic Cheques Drawn  | 606923-607010 | 326,346.04          |
| Creditors – EFT Payments |               | 4,908,624.53        |
| Payroll                  |               | 894,843.39          |
| Bank Fees                |               | 3,091.39            |
| Corporate MasterCard     |               | 4,418.82            |
|                          |               | <b>6,137,324.17</b> |
| <b>Trust Account</b>     |               |                     |
| Automatic Cheques Drawn  | 3088-3097     | 74,011.18           |
|                          |               | <b>74,011.18</b>    |

**Legal Compliance:**

Section 6.10 (d) of the Local Government Act 1995 refers, ie. -

6.10. Financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie. -

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

Nil

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

**RECOMMENDATION/S:**

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

1. The Accounts Paid for 30 June 2015 as contained within the Appendices; and
2. Direct lodgement of payroll payments to the personal bank accounts of employees.

## 14.2 Financial Statements for the Month ending 30 June 2015

|                        |                |
|------------------------|----------------|
| <b>File Reference:</b> | FIN/11/0001~09 |
| <b>Appendices:</b>     | Yes            |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 22 July 2015    |
| <b>Reporting Officer:</b>   | A. Thampoe      |
| <b>Responsible Officer:</b> | N. Cain         |
| <b>Voting Requirement:</b>  | Simple Majority |

### Executive Summary:

#### **Recommendation - The Council, accepts the Financial Activity Statement Report – 30 June 2015, as contained within the Appendices.**

- The Financial Activity Statement Report is presented for the Month ending 30 June 2015. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.

### **TABLED ITEMS:**

Nil

### **BACKGROUND:**

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

### **DETAILS:**

Presented is the Financial Activity Statement Report – 30 June 2015.

*The financial information as shown in this report (June 2015) does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the year ended 30 June 2015.*

For the purposes of reporting material variances from the Statement of Financial Activity (as contained in the Report), the following indicators, as resolved by Council, have been applied –

#### Revenue

Operating Revenue and Non-Operating Revenue – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

## Expense

Operating Expense, Capital Expense and Non-Operating Expense – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

For the purposes of explaining each material variance, a three-part approach has been applied. The parts are –

1. **Period Variation**  
Relates specifically to the value of the variance between the Budget and Actual figures for the period of the Report.
2. **Primary Reason(s)**  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. **End-of-Year Budget Impact**  
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change prior to the end of the financial year.

### **Legal Compliance:**

Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996* states –

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*

- (3) *The information in a statement of financial activity may be shown —*
- (a) *according to nature and type classification; or*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**Internal Budget:

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

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

**COMMENT:**

It is recommended that the Financial Activity Statement Report – 30 June 2015 be accepted.

**RECOMMENDATION/S:**

**That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 June 2015 as contained within the Appendices.**

### 14.3 Adoption of Value for Reporting Material Variances

|                        |                |
|------------------------|----------------|
| <b>File Reference:</b> | FIN/11/0001~09 |
| <b>Appendices:</b>     | No             |

|                             |                 |
|-----------------------------|-----------------|
| <b>Date:</b>                | 22 July 2015    |
| <b>Reporting Officer:</b>   | A. Thampoe      |
| <b>Responsible Officer:</b> | N. Cain         |
| <b>Voting Requirement:</b>  | Simple Majority |

#### Executive Summary:

**Recommendation – That Council adopts values to be used in monthly Statements of Financial Activity for reporting material variances of (+) or (-) \$25,000 for each Business Unit for the 2015-2016 financial year.**

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

#### TABLED ITEMS:

Nil

#### BACKGROUND:

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

#### DETAILS:

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

#### Outcome Sought

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

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

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



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

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

**Legal Compliance:**

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

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

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

**Policy Implications:**

Nil

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

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

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Taking into account the commentary held in Australian Accounting Standards Board 1031 (Materiality) and Australian Accounting Standards Board 108 (Accounting Policies, Changes in Accounting Estimates and Errors) and the understood intent for which the material variances values are intended to serve the values, as outlined in the details section of this agenda item, it is recommended that Council adopts values of (+) or (-) \$25,000 for each of the revenue and expenditure areas included in the Statement of Financial Activity.

**RECOMMENDATION/S:**

**That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, adopts values, to be used in monthly Statements of Financial Activity, for reporting material variances of (+) or (-) \$25,000 for Revenues and (+) or (-) \$25,000 for Expenses for each Business Unit being reported on for the 2015-2016 financial year.**

**15 APPLICATIONS FOR LEAVE OF ABSENCE**

**16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**17 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**18 NEW BUSINESS OF AN URGENT NATURE**

**19 PUBLIC QUESTION TIME**

**20 PUBLIC STATEMENT TIME**

**21 MEETING CLOSED TO PUBLIC**

**21.1 Matters for Which the Meeting May be Closed**

**21.2 Public Reading of Resolutions That May be Made Public**

**22 CLOSURE**



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

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

|                            |   |
|----------------------------|---|
| <b>Name &amp; Position</b> |   |
| <b>Meeting Date</b>        |   |
| <b>Item No/Subject</b>     |   |
| <b>Nature of Interest</b>  | Financial Interest* <span style="float: right;"><i>(*Delete where</i></span><br>Proximity Interest* <span style="float: right;"><i>not applicable)</i></span><br>Interest that may affect impartiality* |
| <b>Extent of Interest</b>  |   |
| <b>Signature</b>           |   |
| <b>Date</b>                |   |

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

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

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