

12.4 Amendment No. 56 to Town Planning Scheme No. 1– Lots 1003-1005 on South-Eastern Side of Roberts Road and Miller Street Adjacent to Miller’s Crossing, East Victoria Park and Carlisle – Option to Purchase Land

Location	Carlisle
Reporting officer	Jess Gannaway
Responsible officer	David Doy
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Town of Victoria Park Public Open Space Strategy [12.4.1 - 1 page] 2. To VP POS Strategy - Appendix A [12.4.2 - 22 pages] 3. To VP POS Strategy Appendix B [12.4.3 - 35 pages] 4. To VP POS Strategy - Appendix C [12.4.4 - 73 pages] 5. Proposed Development Options Communication and Engagement Report June 2018 [12.4.5 - 54 pages] 6. Options Analysis [12.4.6 - 7 pages]

Recommendation	
<p>That Council:</p> <ol style="list-style-type: none"> (a) Resolves to not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis. (b) Advises the Western Australian Planning Commission of the Town’s intention to require a local development plan for the subject site to address access, landscaping and building envelopes. (c) Advises the Western Australian Planning Commission of the decision. 	

Purpose

For Council to consider all options relating to the potential purchase of the land known as Miller's Crossing, considering public engagement outcomes and the strategic direction provided by the Town’s Public Open Space Strategy. Once Council has endorsed an option the Town will advise the Western Australian Planning Commission of its decision.

In brief

- The Town has been given the opportunity to purchase the three lots of land known as the Miller’s Crossing Open Space from the Western Australian Planning Commission (WAPC).
- Council has been presented with five (5) options to consider relating to the purchase of the subject land.
- At its Ordinary Council Meeting in August 2018, Council decided to delay its decision until the Public Open Space Strategy was complete.
- Following the adoption of the completed Public Open Space Strategy in December 2019 the Town has prepared five (5) options, including a recommended option, for Council’s consideration and determination.
- The Town recommends that Council resolve to not purchase the three lots of land known as the Millers Crossing Open Space as outlined below and in Attachment 5.

Background

1. The lots the subject of this report (subject land) total 4,581m² in area as follows:
 - (a) Lot 1003 (No. 7) Raleigh Street, Carlisle – 2,081m²;
 - (b) Lot 1004 (No. 6) Raleigh Street, Carlisle – 1,343m²; and
 - (c) Lot 1005 (No. 45) Bishopsgate Street, Carlisle – 1,157m².
 2. The subject land is owned by the WAPC and was formerly part of the 'Other Regional Roads' reservation of Miller Street and Roberts Road. The land is surplus to the 'Other Regional Roads' reservation following construction of the Miller's crossing railway overpass.
 3. The subject land is identified as partly No Zone and Residential R30 under the provisions of the Town Planning Scheme No.1 (TPS1). Despite its zoning, the land is used by the Town's residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller's crossing railway overpass in 2004. The subject land is known as Miller's Crossing open space.
 4. Amendment 56 (as initiated by the Town in November 2011) proposed that the whole of Lots 1002, 1003, 1004 and 1005 (the land) be reserved for 'Parks and Recreation' under Town Planning Scheme No. 1, to ensure their continued use as a recreational corridor and passive open space for residents of the surrounding medium density residential area.
 5. Between February and April 2012, the Amendment was advertised for 42 days with 5 submissions being received (3 supporting and 2 arguing in favour of a residential zoning of Lot 1004 by and on behalf of the owner of 8 Raleigh Street).
 6. In April 2012, after considering submissions Council resolved to support the Amendment and the Amendment documents were subsequently forwarded to the WAPC for endorsement.
 7. In February 2013, the WAPC requested further justification for Amendment 56 having regard to a number of matters that were considered by the Department to make the subject land preferable for Residential zoning.
 8. In July 2013, Town planning staff provided the WAPC with detailed justification for the proposed "Parks and Recreation" reserve (please refer to *Appendix 4 - 14 November 2017 OCM Council Report* for details).
 9. In May 2016 the Town received a letter from the WAPC advising that (summarised):
 - (a) As the landowner the WAPC plans to sell the land for infill development;
 - (b) The lots are not considered to have any public open space benefit;
 - (c) The WAPC will not donate the land to the Town for public open space and has an obligation to sell the land at market value;
 - (d) The WAPC will agree that Lot 1002 be reserved and that this lot be created a Crown Reserve to be placed under the management of the Town of Victoria Park to continue its use as part of John Bissett Park.
 10. In June 2016 the Town provided the WAPC with data that indicated a lack of public open space in the Lathlain and Carlisle areas (6.65% and 5.58% respectively) and therefore the importance of the lots being retained as public open space.
 11. In May 2017 the Town was advised that the Minister required modifications to the Amendment such that Lots 1003, 1004 and 1005 be rezoned Residential R30 and not reserved for "Parks and Recreation". This modification was then publicly re-advertised and a total of 97 submissions were received, with 96 of these objecting to the modified Amendment.
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12. In November 2017 Council resolved to not support the Minister's request, and to reiterate Council's April 2012 resolution to rezone Lots 1003 – 1005 to "Parks and Recreation" and advised the WAPC accordingly.
13. In February 2018 the Towns' staff met with the WAPC with a view to obtaining an update on the status of the Amendment from the WAPC and to explore the option of the Town acquiring the lots from the WAPC. The WAPC advised that if the Town wanted to purchase the lots, they would need to do so at a value that represents the highest and best use of the land at Residential R30. The WAPC also provided preliminary estimated values for Lots 1003 – 1005 that ranged from approximately \$2.7 to \$2.9 million for the Town to consider.
14. In May 2018 Council resolved to:
 - (a) "Undertake a minimum of 21 days of public advertising regarding all five (5) Development Options as detailed in the appendices of this report."
 - (b) A report be presented to Council detailing the outcome of public consultation as undertaken in point one (1) above that also recommends a preferred development option.
 - (c) The Council resolution regarding point two above be communicated to the Western Australian Planning Commission.
 - (d) The above recommendation be forwarded to the Western Australian Planning Commission seeking a further extension of time for public consultation to occur and a report to be referred back to Council outlining the preferred development option."

The WAPC subsequently granted an extension of time in order to allow Council to consider the matter.

15. The five (5) options considered as part of the public advertising are summarised below. A detailed analysis of each of the five (5) development options is included as Attachment 6.

Option	Summary Description
Option 1: Do not acquire lots	Council does not acquire the three lots from the WAPC.
Option 2: Acquire all lots for public open space	All three lots are acquired from the WAPC with independent valuations and retained as public open space.
Option 3: Acquire only some lots for public open space	One to two of the lots are acquired from the WAPC rather than all three and retained as public open space.
Option 4: Acquire all lots and develop into 13 housing lots for sale	All three lots are acquired from the WAPC with independent valuations and developed for 13 housing lots.
Option 5: Acquire all lots and develop into 8 housing lots and maintain a reduced linkage to green space area	The Town would acquire all lots and maintain a linkage to green space albeit a reduced area. This would help lower the cost burden whilst allowing the maintenance of a greater linkage to green space than that which would otherwise result from not acquiring the lots.

16. The estimated value of the land provided by the WAPC in February 2018 is as detailed below. It is noted that these are estimated valuations only and would likely be the subject of change should the Town enter negotiations.

Lot details	Estimated summary valuation range
Lot 1003 (No. 7) Raleigh Street, Carlisle	R30; 6 Unit development potential, dual street frontage, close to rail and bridge. Estimated valuation range: <ul style="list-style-type: none"> • 2,081 sqm @ \$550/sqm = \$1,140,000 • 2,081 sqm @ \$575/sqm = \$1,200,000
Lot 1004 (No. 6) Raleigh Street, Carlisle	R30; 4 Unit development potential, close to bridge, busy road. Estimated valuation range: <ul style="list-style-type: none"> • 1,343 sqm @ \$600/sqm = \$805,000 • 1,343 sqm @ \$650/sqm = \$875,000
Lot 1005 (No. 45) Bishopsgate Street, Carlisle	R30; 3 Unit development potential, busy street. Estimated valuation range: <ul style="list-style-type: none"> • 1,157 sqm @ \$650/sqm = \$750,000 • 1,157 sqm @ \$700/sqm = \$810,000

17. The Town sought updated independent valuations to better inform its decision and was given the following valuations as at January 2020. The valuer provided valuations based on two scenarios as outlined below:

- Scenario 1 – wholly zoned at 'R30'
- Scenario 2 – wholly reserved as Parks and Recreation

Given the WAPC's letter from November 2016 Scenario 1 is the most likely scenario. These are independent valuations and purchase prices would need to be negotiated with the WAPC.

Lot details	Estimated summary valuation range
Lot 1003 (No. 7) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$1,020,000 Scenario 2 – wholly reserved as POS = \$105,000
Lot 1004 (No. 6) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$725,000 Scenario 2 – wholly reserved as POS = \$65,000
Lot 1005 (No. 45) Bishopsgate Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$625,00 Scenario 2 – wholly reserved as POS

= \$60,000

18. At its Ordinary Council Meeting in August 2018 Council was presented with the outcomes of the public consultation (which are further detailed within the Engagement section of this report) and resolved to request an extension of time from the WAPC to consider the purchase of Lots 1003-1005 until the completion of the Towns Public Open Space Strategy.
19. In December 2019, Council adopted the Public Open Space Strategy which is included as an attachment to this report (Attachment 1, 2, 3, and 4). In relation to Miller's Crossing, the Public Open Space Strategy outlines:

(a) Background information

- (i) The subject land is classified as a 'local park', being a small space that provides for the day to day recreation of the immediate residential population.
- (ii) The subject land functions as passive open space with a traditional setting. This means that it is open space without organised sporting facilities and areas of open turf, trees, and places for respite.
- (iii) That Carlisle as a whole suburb has gaps in the supply of accessible public open space (within a 400m walkable catchment) for its residents. The gaps in supply do not exist in the area of the subject land and would not be created in that area by removing the open space provided by the subject land. Section 3.0 and 4.5 of Appendix A of the Public Open Space Strategy outlines the current supply gaps.
- (iv) Carlisle is currently undersupplied with public open space having 2ha of public open space per 1000 persons in lieu of the recommended 3.36ha per 1000 persons. It is forecast that this shortfall will increase to 0.5ha of public open space per 1000 persons by 2036.

(b) Overarching strategies

- (i) The focus of recommendations of the public open space strategy is to increase the supply of public open space appropriately, improve access to public open space and to improve the quality of the Town's public open space.
- (ii) In relation to increasing supply, the strategy focuses on addressing the gaps in supply in identified gaps, where residents currently have no accessible public open space. This can be achieved via the purchase of new land, transforming drainage infrastructure, creating new public open space as part of future development and advocating for the sinking of the railway line. The area in which the subject land sits does not have a gap in supply.

(c) Specific Recommendations

- (i) Appendix C of the Public Open Space Strategy provides a specific recommendation for the land at Millers Crossing. It states:

"Millers Crossing was space retained by the state government for future road widening. This use is no longer required and has been offered for purchase to the Town. To assist with this decision the Public Open Space strategy has considered the retention of this space as POS.

With the development of Tom Wright Park (Zone 2X) the community will continue to have pedestrian access to local parks, i.e. no additional gaps will occur. It is noted that utilising a population calculation Carlisle is undersupplied by POS.

Millers Crossing has some significant trees, circled on map adjacent, both native and exotic species, and a good quality embankment vegetation to the north of the space. Other than bench seats there is no significant infrastructure on site. It is strongly recommended that the Town work with the State Government to advocate for the requirement to retain all mature trees on this lot should it be developed into the future.

To date Millers Park has been considered Public Open Space by the community and maintained as such by the council. It should be noted that the community may oppose the development of this site."

20. Should the Town not purchase the subject land, advice from the WAPC suggests that there are no immediate plans to sell it otherwise. It is however possible that at any time this matter may escalate in priority and the WAPC will have the right to dispose of the land in the timeframe and manner they see fit.
21. The Town can consider the implementation of a Local Development Plan (LDP) to guide future development of the site. A Local Development Plan (LDP) is a planning tool used to coordinate and facilitate the design of development on difficult lots and to streamline the development approval process. Given the subject site abuts an 'Other Regional Road' and the strong desire to ensure the retention of significant trees onsite the preparation of an LDP is well justified. Decision makers are to give 'due regard' to an approved LDP when making decisions in respect to the development of land. Once approved, an LDP is valid for a duration of ten (10) years.
22. The Town can prepare and approve an LDP once its requirement has been approved by the WAPC as part of any rezoning process, a structure plan, subdivision application or activity center plan. The Town can also require a developer (such as a private developer) to prepare an LDP for the site under the same circumstances.
23. In this instance, it is possible to require an LDP at two stages within the planning framework. These are outlined in the table below.

Stage of the planning process	Option Analysis
Impose a requirement for an LDP when the land is rezoned	<p><i>How it would work</i></p> <p>Given that a significant portion of the land is un-zoned, it will be necessary for the land to undergo a rezoning through the Town Planning Scheme to allow for residential development to occur.</p> <p>The Town can build a requirement for an LDP into the rezoning approval.</p> <p><i>Risks</i></p> <p>The WAPC will need to support the need for an LDP for it to be required as part of the rezoning.</p> <p><i>Strengths</i></p> <p>Should the WAPC sell the land to a private developer they would be subject to the requirements of the scheme and therefore the need for an LDP.</p>
Impose a requirement for an LDP when the land is subdivided	<p><i>How it would work</i></p>

	<p>Should either the WAPC or a private developer apply for subdivision the Town could recommend a condition that requires the preparation of a LDP. Assuming that the WAPC implements the recommended condition, any subdivision could not occur without the preparation of a LDP.</p> <p><i>Risks</i> The WAPC may not impose the recommended condition for a LDP.</p> <p><i>Strengths</i> The land will not be able to be subdivided without the LDP being prepared and approved by the Town. This ensures that all relevant development applications will need to comply with the LDP.</p>
Impose a requirement for an LDP when a development application is made for the development of the site.	It is not possible to require an LDP at development application stage as no statutory mechanism exists to allow for this to occur. Additionally, should the development application be for a single house on a green title lot, it would be exempt from the requirement for a development application.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Depending on which option is chosen, the purchase of subject land could have nil or significant financial impact on the Town.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Elected members have been provided with all relevant information to make their decision. This includes the Public Open Space Strategy, financial impact, community consultation outcomes and issue history.

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Whilst not zoned as 'Parks and Recreation' the land known as Millers Crossing has been used as passive open space since 2004. The Public Open Space strategy does not identify a shortfall in the provision of public open space in the immediate area surrounding Millers Crossing but does identify a shortfall in Carlisle as a whole.
EN07 - Increased vegetation and tree canopy.	Millers Crossing contains significant trees that contribute to the Town's urban forest, with potential to increase this with appropriate planting if the site is retained as public open space.

Engagement

Internal engagement	
Financial services	Financial services reviewed the proposed options and the proposed actions to raise funds should the Council pursue the purchase of the land.
Property Manager	Development The Property Development Manager supported the preparation of this report and the prepared the overall option development that is presented.
Parks Operations	<p>It was reported by the Parks Operations team that the 2019/2020 budget for the maintenance of Miller's Crossing is \$25,000 of which approximately 50% has been spent.</p> <p>The maintenance budget in recent years is as follows:</p> <ul style="list-style-type: none"> • 2018/19 financial we had a budget of \$26,000 and spent \$31,590 (121.5%) • 2017/18 financial we had a budget of \$25,500 and spent \$22,467.60 (88%) • 2016/17 financial we had a budget of \$27,000 and spent \$29,000 (107%)
Urban Planning	Urban Planning reviewed and considered the information in the report relating to the statutory planning framework.

External engagement	
Stakeholders	<ul style="list-style-type: none"> • Local residents and ratepayers • Local community members
Period of engagement	28 May 2018 – 21 June 2018
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> • Yourthoughts page including an online submission form (Miller's Crossing land zoning proposal) • Hard copy submission available at Town of Victoria Park Buildings • Pop up information session onsite • Flyer drop to adjacent residents
Advertising	<ul style="list-style-type: none"> • Emails to engaged and registered participants • On-site signage • Sponsored social media posts • Media release • Posters and flyers at local businesses and Town of Victoria Park buildings • Town of Victoria Park website

	<ul style="list-style-type: none"> • Your Thoughts online consultation hub • Southern Gazette advertising • Life in the Park Winter edition printed newsletter • Life in the Park eNewsletter • Your Thoughts eNewsletter • Adjacent resident's flyer drop • Pop-up onsite information session
Submission summary	<p>A total of 199 online submissions were received, 15 hard copy submissions and approximate 40 people attended the onsite pop up event.</p>
Key findings	<p>Of the total 214 submissions received the preferred development option was Option 2 – Acquire all lots for public open space (148 submissions or 69.2%).</p> <p>The second preferred development option is Option 5 – Acquire all lots and develop into eight housing lots and maintain a reduced linkage to public space area (25 submissions or 11.7%).</p> <ul style="list-style-type: none"> • Option 2 – Acquire all lots for public open space: 148 submissions • Option 5 - Acquire all lots and development into 8 housing lots for sale and maintain a reduced linkage to public open space: 25 submissions • Option 1 – Do nothing: 21 submissions • Option 3 – Acquire only some lots for public open space: 14 submissions • Option 4 – Acquire all lots and development into 13 housing lots for sale: 6 submissions <p>Key themes mentioned in the submissions included:</p> <ul style="list-style-type: none"> • Carlisle/Lathlain short of public open space • Perfect location for increasing housing density • Utilise the funds on Lathlain and Tom Wright • Increase of public open space • Green corridor and space • Cost to rate payers • Bird haven (cockatoos) • Maintain open space • Lot 1002 remained as parkland • Increase of tree canopy <p>A detailed Community Engagement Report can be found in Attachment 5.</p> <p>In addition to the advertising of the public engagement that occurred in 2018, the Town has public advertised the progress of this report to council. This did not seek feedback from the community but intended to make the community aware that the matter was progressing.</p>

Legal compliance

Depending on the Option chosen by Council, consideration should be given to the following sections of the *Local Government Act 1995*:

- Section 6.8 – Expenditure from municipal fund not included in the annual budget;
- Section 6.11 – Reserve accounts; and
- Section 6.20 – Power to borrow.

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) - Schedule 2, Part 6 – Local development plans.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town about the perceived loss of public open space	Moderate	Likely	High	Community consultation about the project. Communications strategy to correct any misunderstandings of facts.
Reputational Negative public perception towards the Town about the spending of significant funds on the purchase of the subject site	Moderate	Likely	High	Community consultation about the project. Communications strategy to correct any misunderstandings of facts.

Financial implications

Current budget impact	<p>The Option chosen by Council will determine the budget requirements, as shown below:</p> <ol style="list-style-type: none"> Option 1 – No cost to Council, estimated future annual rate revenue in the order of \$21,000 if the land is developed by the WAPC into 13 residential lots; Option 2 – Land acquisition cost between \$2.37 million to \$2.9 million, continuation of annual maintenance expense (already budgeted); Option 3 – Land acquisition cost between \$0.625 million to \$1.6 million, continuation of some annual maintenance expense (already budgeted) and future annual rate revenue (dependent on configuration of lots acquired); Option 4 – Land acquisition cost between \$2.37 million to \$2.9 million, estimated initial profit of \$0.5 million, estimated future annual rate revenue in the order of \$21,000; and
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- (e) Option 5 – Land acquisition cost between \$2.37 million to \$2.9 million, estimated initial profit of \$0.3 million, estimated future annual rate revenue (dependent on final design configuration).

Sufficient funds do not exist within the annual budget to undertake any of the land acquisition options. Depending on the Option chosen, Council would need to consider one, or more of the following actions:

Action	Comment
Reduce current budget allocations on other projects	One option is for service reduction/removal of (up to) \$2.9 million dollars which is a significant reduction. Another option is for a reduction in capital works which would have the impact of increasing Council’s asset renewal gap.
Change the purpose of Reserve fund holdings	Council does not have a Reserve Fund specifically for this purchase (unless the purchase is for revenue generation i.e. development). Other options include a repurposing of Reserve Funds, which requires a one month advertising period during which time members of the community may be vocal of their level of support, or non-support, regarding the change of use of Reserve Funds.
Reducing transfers to Reserve Funds	Council could choose not to direct funds to Reserve and instead purchase this land.
Undertake loan borrowings	Interest rates are at the lowest they have ever been and would be fixed for the life of the loan. Council is already borrowing \$10 million this year for Underground Power, although these loans should not influence the Debt Ratio as they are non-municipal funded (i.e. paid for directly by benefiteres of the Underground Power).
Increase in rates	\$2.9 million (worst case cost) represents and approximate six percent (6%) increase in rates. A Specified Area Rate could be applied if the likely benefiteres/users of the land are able to be readily determined. This could be used to fund a loan over a number of years.
Crowd funding	One scenario for crowd funding could be that 2,900 people would need to contribute \$1,000

	<p>each. It is unclear whether this could be achieved, and Town staff do not have significant experience in the effectiveness of these schemes.</p>
Increased Revenue	<p>State, Federal, Lotterywest grants may be available. How quickly they can be sourced may present an issue.</p> <p>Philanthropic individuals may also be an option.</p> <p>Fees and charges – not an option.</p> <p>Service Charges – not an option.</p> <p>Asset Disposal – Council could sell a parcel/s of land to purchase this</p>
Deficit Budget	<p>Council could choose to operate a deficit budget for a period of time. Eventually though the budget should be returned to balance.</p>
Negotiate with WAPC on price	<p>There is the potential for the Town to enter into discussions with the WAPC over price. Having regard to the fact that the WAPC are gifting Lot 1002 to the Town which is over 5000m² in area, the Town is not in a strong negotiating position however the Town will certainly attempt to reduce the price and refer to the Town's maintenance costs of approximately \$300,000 over the last 12 years. The WAPC's approach is likely to be to maximise the amount they can sell the land for so there is no guarantee that the Town's attempts to negotiate a reduced price will be successful.</p> <p>Not unlike local government, it is likely that State Government would be required to undertake some process to allow the land to be sold below market price. This would be something staff would need to discuss with the WAPC once Council have formed a position.</p>

Other options exist, such as seeking developer / private business partnerships, however these are not readily within the control of Council at this time.

Future budget impact

The Option chosen by Council will determine the total asset management requirements, as shown below:

- (a) Option 1 – No additional asset management cost to Council (once fully developed, asset management costs will be reduced);

- (b) Option 2 – Continuation of current annual asset management costs (already budgeted);
- (c) Option 3 – No additional asset management cost to Council (once developed, asset management costs will be reduced);
- (d) Option 4 – No additional asset management cost to Council (once fully developed, asset management costs will be reduced); and
- (e) Option 5 – No additional asset management cost to Council (once developed, asset management costs will be reduced).

Analysis

24. The Town recommends that Council do not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis.
25. Although it is identified that Carlisle has an overall shortfall in the provision of public open space the subject site is in an area of Carlisle that is very well serviced by public open space. The Town has recently invested a large amount of funding into public open space in this area with the delivery of the Lathlain Park Redevelopment Project.
26. The community has expressed a strong desire to acquire all lots for public open space. As part of the consultation program gaps in supply locations and population per hectare targets contained within the now completed Public Open Space Strategy were not available.
27. Based on the findings of the Public Open Space Strategy, it is considered that the identified gaps in supply in those areas of Carlisle where residents have no access to public open space (within a 400m walkable catchment) are a higher financial priority than the purchase of the subject land.
28. The community expressed very little desire to acquire the lots for redevelopment and sale (being Options 4 and 5). These options should therefore not be further pursued.
29. Should Council support the recommended Option One, the Town will again advocate to the WAPC to retain the land as public open space, notwithstanding the direction outlined in the WAPC's letter from November 2016.
30. On the basis of the Town not acquiring the lots, the recommendation of the Public Open Space Strategy to ensure the retention of the significant tree's on site, and the WAPC's direction outlined in their November 2016 letter, the Town would seek permission from the WAPC to prepare an LDP to support the retention of significant trees and design access to and through the site. The Town would seek permission to prepare an LDP immediately following any reaffirmation of the WAPC's intent to not re-zone the land for Parks and Recreation. If the WAPC were to consent to the preparation of an LDP, the Town would immediately commence work on that LDP.
31. The Town will also commence implementation planning for the strategic purchase/development of land for POS at the properties identified below in the Public Open Space Strategy, as well as the investigation of a Cash in Lieu of Public Open Space Scheme:
 - (a) 91 Planet Street, Carlisle;
 - (b) 76 Planet Street, Carlisle;
 - (c) 6 Paltridge Avenue, Carlisle;
 - (d) 30 Satellite Place, Carlisle; and

Relevant documents

Not applicable.

Further discussion

32. The following questions were asked at the Agenda Briefing Forum at 4 February 2020 that were taken on notice. Answers are provided below:

Question	Answer																																																																
Does the Council own the land identified for acquisition/development in Carlisle in the Public Open Space Strategy?	There are 21 sumps located in Carlisle. The ownership details of these sumps are as follows:																																																																
	<table border="1"> <thead> <tr> <th data-bbox="727 568 895 741">Asset ID</th> <th data-bbox="903 568 1062 741">Location</th> <th data-bbox="1070 568 1230 741">Ownership</th> <th data-bbox="1238 568 1398 741">Identified by POSS for development</th> </tr> </thead> <tbody> <tr> <td data-bbox="727 752 895 819">SUMP_017</td> <td data-bbox="903 752 1062 819">26 Raleigh Street</td> <td data-bbox="1070 752 1230 819">TOVP</td> <td data-bbox="1238 752 1398 819"></td> </tr> <tr> <td data-bbox="727 831 895 965">SUMP_018</td> <td data-bbox="903 831 1062 965">166 Rutland Avenue (rear)</td> <td data-bbox="1070 831 1230 965">TOVP</td> <td data-bbox="1238 831 1398 965"></td> </tr> <tr> <td data-bbox="727 976 895 1043">SUMP_021</td> <td data-bbox="903 976 1062 1043">91 Planet Street</td> <td data-bbox="1070 976 1230 1043">TOVP</td> <td data-bbox="1238 976 1398 1043">*</td> </tr> <tr> <td data-bbox="727 1055 895 1122">SUMP_022</td> <td data-bbox="903 1055 1062 1122">76 Planet Street</td> <td data-bbox="1070 1055 1230 1122">TOVP</td> <td data-bbox="1238 1055 1398 1122">*</td> </tr> <tr> <td data-bbox="727 1133 895 1200">SUMP_023</td> <td data-bbox="903 1133 1062 1200">140 Mars Street</td> <td data-bbox="1070 1133 1230 1200">TOVP</td> <td data-bbox="1238 1133 1398 1200"></td> </tr> <tr> <td data-bbox="727 1211 895 1279">SUMP_049</td> <td data-bbox="903 1211 1062 1279">8 Mars Street</td> <td data-bbox="1070 1211 1230 1279">TOVP</td> <td data-bbox="1238 1211 1398 1279"></td> </tr> <tr> <td data-bbox="727 1290 895 1357">SUMP_050</td> <td data-bbox="903 1290 1062 1357">28 Mars Street</td> <td data-bbox="1070 1290 1230 1357">TOVP</td> <td data-bbox="1238 1290 1398 1357"></td> </tr> <tr> <td data-bbox="727 1368 895 1435">SUMP_051</td> <td data-bbox="903 1368 1062 1435">27 O'Dea Street</td> <td data-bbox="1070 1368 1230 1435">TOVP</td> <td data-bbox="1238 1368 1398 1435"></td> </tr> <tr> <td data-bbox="727 1447 895 1514">SUMP_052</td> <td data-bbox="903 1447 1062 1514">6 Paltridge Avenue</td> <td data-bbox="1070 1447 1230 1514">TOVP</td> <td data-bbox="1238 1447 1398 1514">*</td> </tr> <tr> <td data-bbox="727 1525 895 1659">SUMP_053</td> <td data-bbox="903 1525 1062 1659">220 Orrong Road/30 Satellite place</td> <td data-bbox="1070 1525 1230 1659">TOVP</td> <td data-bbox="1238 1525 1398 1659">*</td> </tr> <tr> <td data-bbox="727 1671 895 1738">SUMP_054</td> <td data-bbox="903 1671 1062 1738">10-12 Gemini Way</td> <td data-bbox="1070 1671 1230 1738">TOVP</td> <td data-bbox="1238 1671 1398 1738"></td> </tr> <tr> <td data-bbox="727 1749 895 1861">SUMP_055</td> <td data-bbox="903 1749 1062 1861">39 Marchamley Street</td> <td data-bbox="1070 1749 1230 1861">TOVP</td> <td data-bbox="1238 1749 1398 1861"></td> </tr> <tr> <td data-bbox="727 1872 895 1939">SUMP_056</td> <td data-bbox="903 1872 1062 1939">3A Apollo Way</td> <td data-bbox="1070 1872 1230 1939">TOVP</td> <td data-bbox="1238 1872 1398 1939"></td> </tr> <tr> <td data-bbox="727 1951 895 2018">SUMP_057</td> <td data-bbox="903 1951 1062 2018">64-68 Star Street</td> <td data-bbox="1070 1951 1230 2018">TOVP</td> <td data-bbox="1238 1951 1398 2018"></td> </tr> <tr> <td data-bbox="727 2029 895 2096">SUMP_058</td> <td data-bbox="903 2029 1062 2096">53 Solar Way</td> <td data-bbox="1070 2029 1230 2096">TOVP</td> <td data-bbox="1238 2029 1398 2096"></td> </tr> </tbody> </table>	Asset ID	Location	Ownership	Identified by POSS for development	SUMP_017	26 Raleigh Street	TOVP		SUMP_018	166 Rutland Avenue (rear)	TOVP		SUMP_021	91 Planet Street	TOVP	*	SUMP_022	76 Planet Street	TOVP	*	SUMP_023	140 Mars Street	TOVP		SUMP_049	8 Mars Street	TOVP		SUMP_050	28 Mars Street	TOVP		SUMP_051	27 O'Dea Street	TOVP		SUMP_052	6 Paltridge Avenue	TOVP	*	SUMP_053	220 Orrong Road/30 Satellite place	TOVP	*	SUMP_054	10-12 Gemini Way	TOVP		SUMP_055	39 Marchamley Street	TOVP		SUMP_056	3A Apollo Way	TOVP		SUMP_057	64-68 Star Street	TOVP		SUMP_058	53 Solar Way	TOVP	
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	SUMP_060	45 Mercury Street	TOVP	
	SUMP_WC 13793	188 Star Street	WATER CORPORATI ON	
	SUMP_WC 13756	74 Jupiter Street	WATER CORPORATI ON	
	SUMP_063	8 Lion Street	TOVP	
	SUMP_WC 13757	91-97 Bishopsgate Street	WATER CORPORATI ON	
	<p>In addition to the above noted sumps, the POSS identifies 71 Oats Street for purchase/development. This land is a vacant block owned by the Town that used to be an infant health centre, and is incorrectly categorised as a drainage basin in the POSS. It is Administrations view that 71 Oats Street should not be considered for future public open space as it is identified in the Land Asset Optimisation Strategy (LAOS). Reference to 71 Oats Street has been removed from the report.</p>			
Are there any implications if Council delay a decision on the item to the March 2020 meeting?	<p>The WAPC has indicated that should the Council defer their decision to the March 17 Ordinary Council Meeting, that they would likely still have scope to meet the June 30 2020 deadline to present their report with the Towns recommendation on the purchase of the land to the Minister for Planning. Should the WAPC not have enough time to prepare their report, it is possible that they would seek a further extension in time from the Minister on behalf of the Town to provide their recommendation.</p> <p>Whilst it would be in their rights to progress their decision on Amendment 56 without a recommendation from the Town on the Purchase of Miller’s Crossing the WAPC have indicated that they would be unlikely to do so as they wish to have resolution from the Town on the matter.</p>			

33. At the 18 February 2020 OCM Council resolved to defer a decision with relation to the subject land until the 17 March 2020 OCM. Council resolved that the decision should be deferred until the extraordinary election for the vacant Banksia Ward seat is filled.
34. At the 17 March 2020 OCM Council resolved to defer a decision with relation to the subject land until the 21 April 2020 OCM.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Brian Oliver

The officer's recommendation be amended to insert the following additional paragraphs:

4. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 detailing a plan, inclusive of costs and timing, for the Town to develop and deliver the following Town-owned properties for use as public open space:
 - (a) 91 Planet St, Carlisle
 - (b) 76 Planet St, Carlisle
 - (c) 6 Paltridge Avenue, Carlisle
 - (d) 30 Satellite Place, Carlisle

5. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 outlining the Town's efforts to advocate to the WAPC:
 - (a) for the imposition of a condition on any subdivision requiring a Local Development Plan;
 - (b) for the retention of all mature trees on the subject lots as a condition of any future subdivision of the lots for development; and/or
 - (c) for consideration of the transfer of ownership of a sufficient portion of Lot 1003 to the Town to enable retention of the significant tree in the corner of that lot closest to the railway underpass, and for an indication of any associated costs thereof.

6. Directs the Chief Executive Officer to continue to include an annual maintenance allowance for Miller's Crossing in the Town's budget until such time as the WAPC sells or subdivides the lots for development.

CARRIED (8 - 1)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: Cr Luana Lisandro

Reason:

The proposed amendment is sought to ensure that:

1. A positive outcome is achieved towards increasing the public open space in Carlisle in line with the Public Open Space Strategy.
2. There is a commitment to developing those properties identified in the report in a timely manner.
3. The costs of the development of those properties can be prioritised by Elected Members during the budget process for 2020/2021.
4. All efforts are made to advocate for the preservation of the significant trees on each of the lots in line with the Urban Forest Strategy.

COUNCIL RESOLUTION (369/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

That Council:

1. Resolves to not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis.
2. Advises the Western Australian Planning Commission of the Town's intention to require a local development plan for the subject site to address access, landscaping and building envelopes.
3. Advises the Western Australian Planning Commission of the decision.
4. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 detailing a plan, inclusive of costs and timing, for the Town to develop and deliver the following Town-owned properties for use as public open space:
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6. Directs the Chief Executive Officer to continue to include an annual maintenance allowance for Miller's Crossing in the Town's budget until such time as the WAPC sells or subdivides the lots for development.

CARRIED (5 - 4)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Brian Oliver, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: Cr Vicki Potter, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks