

minutes

Elected Members Briefing
Session



To: His Worship the Mayor and Councillors

Please be advised that an Elected Members Briefing Session commenced at **6.30pm** on **Tuesday 5 June 2018** 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

8 June 2018

1 OPENING

Mayor Vaughan opened the meeting at 6:30pm.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 Recording of Proceedings

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

2.2 Public Question & Public Statement Time

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

In accordance with clause 5.15 of the *Town of Victoria Park Standing Orders Local Law 2011*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No Adverse Reflection

In accordance with clause 14.1 of the *Town of Victoria Park Standing Orders Local Law 2011*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees

2.4 Town of Victoria Park Standing Orders Local Law 2011

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Standing Orders Local Law 2011*.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhhda) Potter Cr K (Karen) Vernon
Jarraah Ward:	Cr J (Jennifer) Ammons Noble Cr B (Bronwyn) Ife Cr B (Brian) Oliver Cr V (Vicki) Potter (Deputy Mayor)
Chief Executive Officer:	Mr A (Anthony) Vuleta
Chief Operations Officer:	Mr B (Ben) Killigrew
Chief Financial Officer:	Mr N (Nathan) Cain
Chief Community Planner:	Ms N (Natalie) Martin Goode
Manager Development Services	Mr R (Robert) Cruickshank
Secretary:	Mrs A (Alison) Podmore
Public:	6

3.1 Apologies

Nil

3.2 Approved Leave of Absence

None

4 DECLARATIONS OF INTEREST

Declaration of Financial Interests

Name/Position	Ronhhda Potter, Councillor
Item No/Subject	Item 14.7 – Land Asset Optimisation Strategy – 12 Lathlain Place, Lathlain - Divestment
Nature of Interest	Financial and Proximity
Extent of Interest	Owens a business in Lathlain Place

Declaration of Proximity Interest

As above, Cr Ronhhda Potter for Item 14.7.

Declaration of Interest affecting impartiality

Name/Position	Anthony Vuleta – Chief Executive Officer
Item No/Subject	Item 10.1 – Conduct of Ward and Representation Reviews – Local Government Advisory Board
Nature of Interest	Impartiality
Extent of Interest	Member of the Local Government Advisory Board

Name/Position	Karen Vernon, Councillor
Item No/Subject	Item 10.2 – Australian Local Government Association;s 2018 National General Assembly
Nature of Interest	Impartiality
Extent of Interest	I am the person Council will be sending to Canberra to attend the 2018 National Local Government Assembly.

Name/Position	Ronhhda Potter - Councillor
Item No/Subject	Item 11.6 – Legal Advice in relation to JDAP approval of development at No. 232 Orrong Road, Carlisle
Nature of Interest	Impartiality
Extent of Interest	Previously involved in the Save Carlisle IGA campaign before being elected.

5 PUBLIC QUESTION TIME**5.1 Responses to Questions Raised and Taken on Notice at the Elected Member Briefing Session held on 1 May 2018**Alana Levett

- Q. When was the warrant ranking last undertaken for State Street? Was it since the park was established approximately three years ago?
- R. The warrant assessment was undertaken in November 2017 after receiving the petition. The latest available data (traffic counts of 2016-2017) and Main Roads crash data (2012-2016) was used in the assessment.

5.2 Responses to Questions Raised at the Elected Members Briefing Session held 5 June 2018

Greg Davis

1. At the last Perth Football Club (PFC) game day on 26 May, why was the parking on zone 2 opened up, when the overflow parking designated on the old bowls club only had 11 cars parked on it? It's is the first time they have had the side gate opened up?
R. The Chief Operations Officer, Mr Ben Killigrew advised that there is an agreement between the PFC to allow that parcel of land to be used for parking on game days.
2. In the West Australian on 1 June, in regards to the lighting on the ovals, it had in the article that Town of Victoria Park's preference was for fewer towers but higher; can I get some details on that please and will the lights on the top of the grandstand be removed when those towers are erected.
R. The Chief Operations Officer, Mr Ben Killigrew requested clarification on the question so took the question on notice to discuss with Mr Davis following the meeting.
3. On the detailed drawings for Zone 2 and 2x, will they be made available to the public to comment before construction starts?
R. The Chief Operations Officer, Mr Ben Killigrew understands they have been made available in the past and that Zone 2x is currently under detailed design at the moment. They will be shared with the public.

6 PUBLIC STATEMENT TIME

None

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr R Potter

Seconded: Cr V Potter

That the minutes of the Elected Members Briefing Session meeting held on Tuesday, 1 May 2018 be confirmed.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

8 PRESENTATIONS

8.1 Petitions

None

8.2 Presentations (Awards to be given to the Town)

None

8.3 Deputations (Planning / External Organisations)

6:45pm Item 11.1 – 32 Stiles Avenue, Burswood, 17 Claude Street, Burswood & 20 Claude Street, Burswood – Change of use to Educational Establishment & Unlisted use (carpark) – Ms Emma Dunning from Urbis was in attendance to discuss this application.

6:50pm Item 11.2 – 30 Stiles Avenue, Burwood – Application for Change of Use from ‘Factory/Showroom’ to Unlisted Use – Josh Arnott, Town Planner of Altus Planning, the applicant, was in attendance to discuss this application.

7:00pm Item 11.4 – No. 4-10 Hayman Road and 146-165 Hillview Terrace, Bentley – Masterplan for Rowethorpe Village - Fred Chaney of Taylor Robinson Chaney Broderick was in attendance to discuss this application.

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 – 14 REPORTS

Section 1:

No questions were asked in relation to the following:

- Item 10.1 Conduct of Ward and Representation Reviews – Local Government Advisory Board
- Item 10.2 Australian Local Government Association’s 2018 National General Assembly
- Item 14.1 Recommendation from the Finance and Audit Committee - Schedule of accounts for 30 April 2018
- Item 14.2 Recommendation from the Finance and Audit Committee - Financial statements for the month ending 30 April 2018
- Item 14.3 Recommendation from the Finance and Audit Committee - Fees and Charges – Effective from 1 July 2018
- Item 14.5 Recommendation from the Finance and Audit Committee - WALGA 2018 Annual General Meeting – Appointment of Delegates
- Item 14.6 Recommendation from Finance and Audit Committee – Endorsement of Taylor Reserve and McCallum Park River Edge Detailed Design
- Item 14.7 Recommendation from the Finance and Audit Committee - Land Asset Optimisation Strategy - 12 Lathlain Place, Lathlain Divestment
- Item 14.8 Recommendation from the Finance and Audit Committee - TVP/17/08 IT consultancy and support services
- Item 14.9 Recommendation from the Community Development Committee: Aquatic Facilities Purpose and Standards of Infrastructure Provision at the Aqualife Centre

Section 2:

Council Agenda Modifications; Additional Information Sought; Questions and Responses – in relation to the following:

- Item 11.1 No. 32 (Lot 46) Stiles Avenue, Burswood, No. 17 (Lot 801) Claude Street, Burswood & No. 20 (Lot 89) Claude Street, Burswood – Change of Use to Educational Establishment & Unlisted Use (Carpark)**

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr Ammons Noble

1. With regards to 17 Claude Street, have there been any complaints from the practical use that was undertaken there prior to realisation that planning approval was required for those activities ie. dust or noise complaints?

- R. The Manager Development Services, Mr Robert Cruickshank advised that he was not aware of any. As he understands it, the properties that were being used without approval were 18 and 20 Claude Street, so doesn't believe No. 17 has been used to date for the proposed purposes.

Cr V Potter

1. Is this application in line with the Transitional Use Policy (TUP) that was recently approved for this area?
- R. The Manager Development Services, Mr Robert Cruickshank said he didn't believe it was necessarily consistent with the TUP. The policy was more about getting activating uses within pre-existing buildings that may otherwise be vacant. The purpose of a TUP was largely to provide a means to be approving these more activated uses and a means to be approving concessions to development standards to allow those sorts of uses to occur. With this particular application, there aren't necessarily non-compliant standards in relation to car parking and outlined in the report. The report doesn't talk about the TUP because what is being proposed isn't necessarily one of those uses that the Administration would be encouraging to result in that sense of community of this little transitional period.

Item 11.2 No. 30 (Lot 47) Stiles Avenue, Burswood – Application for Change of Use from 'Factory/Showroom' to 'Unlisted Use (Recreation - Private)'

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr Ammons Noble

1. The text says that the gym is going to operate 6 days a week between the hours of 5am and 10pm, depending on the day. Condition 1.7 suggests there are controls put on operating times for 15 min between group sessions, but no hours of operation are specifically noted in the conditions; would this approval allow them to operate 24hrs?
- R. The Manager Development Services, Mr Robert Cruickshank said yes it would. While the applicants have indicated that they would be seeking operating hours from 5am to 8pm on most days, the Administration don't see a problem if it was to operate outside of those times, so therefore there are no conditions imposed saying they would be restricted to those hours, as proposed and as per the recommendation, in theory they could operate 24hours, of course that would be subject to other compliance with other regulatory regime including noise regulations and other requirements, if that was to occur.
2. With regard to landscaping, there was a chart in the report that talks about deemed to comply minimums, which was 25% in the report, and the proposed is only 7.3% of landscaping; would it be possible to get 25% on that site?

- R. The Manager Development Services, Mr Robert Cruickshank said that for the development to comply with the 25% onsite landscaping, it would effectively mean they would only have one (1) onsite car bay and all the other car bays would be converted to landscaping. In essence, the application already has a two (2) car bay shortfall, to achieve strict compliance with the landscaping requirements would further increase the parking shortfall.

Item 11.3 86 (Lot 248) Etwell Street, East Victoria Park – Change of Use from Single House to Residential Building (Short Term Accommodation)

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr V Potter

1. The reports suggests that the people that owns property nearby; how far away do the people live from this building?
- R. The Manager Development Services, Mr Robert Cruickshank advised that they don't live next door; in one submission they said it was a five (5) min drive and in another they said a 10min drive. I believe it may be East Victoria Park.

Cr R Potter

1. The recommendation is amending the Management Plan; is that something that could be amended and presented to Elected Members at the next Tuesday's Ordinary Council Meeting?
- R. The Manager Development Services, Mr Robert Cruickshank said if that was the mood of the council, the applicant could be asked for that, whether the applicant was in a position to deliver that in the next couple of days, for it to come to a council meeting next week, Mr Cruickshank does not know what the answer to that is. In putting the report together, the possibility of postponing the report until an amended Management Plan was prepared was raised, however the Administration was satisfied that if appropriate conditions were put in place and were clear about what this amended Management Plan should address, then it was sufficient without having to delay this item any further. Mr Cruickshank is comfortable with the recommendation for an amended Management Plan to be prepared after the council's decision next week, however, it would still need to be approved by staff.
2. Once that plan is amended, is that available to people who wrote submissions expressing concerns?
- R. The Manager Development Services, Mr Robert Cruickshank advised that one of the recommendations is that the final Management Plan be provided to all neighbours.

Cr Vernon

1. On the top of page 50, it states: it was brought to the Town's attention in January 2018 that this premises was operating short term accommodation without approval; can we have clarification how it came to the Town's attention, in other words, was it as a result of a complaint, if so, what was the complaint about?
 - R. The Manager Development Services, Mr Robert Cruickshank said yes it was subject to a complaint from an adjoining neighbour and understand there has been a number of complaints from the adjoining landowner in respect to some structures being built on that property and recently the use.
2. How long has it been operating as short term accommodation without approval?
 - R. The Manager Development Services, Mr Robert Cruickshank said that the Administration have asked the owner/applicant the question, but have not received an answer.

Item 11.4 No. 4-10 (Lot 4) Hayman Road and No. 145-165 (Lot 5) Hillview Terrace, Bentley – Masterplan for Rowethorpe VillageCouncil Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:Cr Ammons Noble

1. In terms of built form, the concerns raised regarding overshadowing and privacy (ie to residences on Hillview Terrace, in the common section) would be addressed in individual DA's after this process?
 - R. The Manager Development Services, Mr Robert Cruickshank said yes that would be the case. This is the overarching masterplan to provide guidance, some of the issues of detail and consideration of privacy and overshadowing are more detailed matters for each individual development application.
2. What is the likelihood that a DA for a six level height building would go through JDAP rather than the Town for approval?
 - R. The Manager Development Services, Mr Robert Cruickshank said it is highly likely that it would go to a JDAP and assumed that a building of that scale would be in the \$2million to \$10million threshold, where the applicant can elect to have the application determined by the DAP or a Council. It is a high proposition it would be a JDAP decision, but that would be for the applicants to decide.
3. Would there be any strategic benefit to the Town at this point in time to integrate this master plan into our local planning policy? I note in the Comments sections that was the way the applicant wanted to go at this time.

- R. The Manager Development Services, Mr Robert Cruickshank said it is commented on in the report, that the Masterplan, while it is not a statutory document in one sense, it is something that the decision maker, whether it be the JDAP or a Council, will need to have regard to when it makes a decision on individual development applications. Mr Cruickshank said he was satisfied that it is an instrument that will have to be used or have to have regard to and recommendations and decisions will have to be made having regard to that.

Item 11.5 Final Approval of Amendment No. 79 to Town Planning Scheme No. 1 relating to Lots 9 and 9525 Victoria Park Drive, Burswood

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr lfe

1. What would the consequences be if we did not give approval for this? Historically there has been reluctance, and understand from reading this that the Planning commission can just approve it anyway; are there any negative consequences of that happening?

R. The Manager Development Services, Mr Robert Cruickshank said that whatever Council's resolution is next week, whether to approve or not support, that is not the final decision, as the Amendment will go to the WA Planning Commission (WAPC) and the Minister for Planning to make a decision. If it was to play out that the Council was to decide not to support this Amendment any further, Mr Cruickshank advised as indicated in the report, that there is a high prospect that the WAPC and the Minister would approve the Amendment because it is consistent with the Structure Plan Amendment that was approved by the WAPC in 2017, which was against the Council's recommendation. Mr Cruickshank advised that there is a high likelihood that the Amendment will be approved based upon the WAPC's approval of the Structure Plan amendment. In terms of some negative implications, there may be a risk to the Town's reputation if the Town were to oppose the Amendment in the knowledge that what is proposed is consistent with what the WAPC have already approved, and when it is reasonably clear what the WAPC's position already is on this matter.

Cr Ammons Noble

1. So if the Town refused this or made a recommendation not to proceed with the final approval of this amendment, does that have an impact on the hotel and serviced apartments on future development of the site?

R. The Manager Development Services, Mr Robert Cruickshank said that hotel and serviced apartments are currently a prohibited uses of the land. However as part of the structure plan amendment, that was approved by WAPC in 2017, the applicant was fairly clear that their intention was to have a hotel and serviced apartments on Lot 9525, which is the one that directly adjoins the railway line. In approving the structure plan amendment, the WAPC had acknowledged the acceptability of those

uses on that lot. While it is the case, unless the amendment is approved, a development application can't be approved for hotel or serviced apartments. Again pointing out that the decision for this amendment ultimately will be made by the WAPC and the Minister for Planning.

Item 11.6 Legal Advice in relation to JDAP approval of development at No. 232 (Lot 310) Orrong Road, Carlisle

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr Oliver

1. How much was the legal advice?
- R. The Manager Development Services, Mr Robert Cruickshank said the Town is yet to receive the final bill, but was advised it is likely to be around \$7,500.

Item 14.4 Recommendation from the Finance and Audit Committee - Memorandum of Understanding – Town of Victoria Park and Shire of Morawa

Council Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:

Cr Oliver

1. Can the CEO provide an update as to interactions with the Shire of Morawa since the first meeting with them?
- R. The Chief Executive Officer, Mr Anthony Vuleta said that he had spoken on the phone a number of times, haven't had any formal meetings. Mr Vuleta said he was meeting with the CEO on Thursday, to talk about enacting some of this already and will be talking about IT services. As well as this, in the early afternoon of the same day, myself, the Mayor, the Shire President and the CEO of Morawa will be meeting with Minister Templeman to talk to him about the arrangement and how we may see it as a possible opportunity for other local governments to enact within their own patch to help support our regions.

Cr R Potter left the Chamber at 7:13pm

Item 14.7 Recommendation from the Finance and Audit Committee - Land Asset Optimisation Strategy - 12 Lathlain Place, Lathlain Divestment

Cr R Potter returned to the Chamber at 7:14pm

Item 14.10 Recommendation from the Future Planning Committee: Draft Public Open Space Strategy Project PlanCouncil Agenda Modifications:

Nil

Additional Information Sought:

Nil

Questions / Responses:Cr Oliver

1. On page 207 of the agenda, the risk consequences, it states that staff resourcing is inconsistent, potentially unreliable and insufficient; from an operational prospective, what is or/can be done to avoid this situation happening? With this being a very important strategy for the Town to deliver, how achievable is the project timeline for completion towards the end of next year?
- R. The Chief Community Planner, Ms Natalie Martin Goode advised the project scope is quite detailed, and the Administration are doing project scopes much better than in the past. There is quite a lot of work that has gone into the project scope that has quite accurate timeframes. The project scope was developed across several disciplines across the Town, so it not only has buy-in but also accurate dates, in terms of what is achievable across all those cross-functional teams. Ms Martin Goode said she was quite confident that the timeline can be delivered in the timeframe that is in the project scope. It is a well put together and consultative project plan. With regards to the resource issues, again because there has been a very detailed scope, if a staff member resigned, that quite easily could be passed onto other staff members. Whether it is one in the same project team, or one that has been involved, but not directly in the team, the way the project scope has been written it is very easy to transfer to another staff member.

Item 14.11 Recommendation from the Economic Development Committee: Embargo BarCouncil Agenda Modifications:

Nil

Additional Information Sought:Questions / Responses:Cr Oliver

1. In the report it notes that the Town received \$32,860.50 revenue from the Embargo Bar booking; did the Town expect revenue and how has it been allocated within out budget?
- R. The Chief Financial Officer, Mr Nathan Cain said yes, the Town would have received the funds, they can go forward until such time as the funds have been received. It has been brought into general revenue, however Mr Cain understands there is a view that Council use those funds for other activities.

2. Were we expecting that revenue?

R. The Chief Financial Officer, Mr Nathan Cain said he would suspect that was additional revenue, however, the Administration has a general allocation of revenue towards events. It would probably have been additional to the original estimates.

15 APPLICATIONS FOR LEAVE OF ABSENCE

Mayor Trevor Vaughan – 17 August 2018 to 31 August 2018 and Cr Karen Vernon – 17 June 2018 to 20 June 2018 inclusive.

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

None

18 NEW BUSINESS OF AN URGENT NATURE

None

19 PUBLIC QUESTION TIME

None

20 PUBLIC STATEMENT TIME

None

21 MEETING CLOSED TO PUBLIC

RESOLVED:

Moved: Cr Vernon

Seconded: Cr Jacobs

That the meeting be closed at 7:20pm to members of the public in accordance with Clause 5.2 of the *Town of Victoria Park Standing Orders Local Law 2011* and Section 5.23(2) of the *Local Government Act 1995*.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

21.1 Matters for Which the Meeting May be Closed

21.1.1 Recommendation from the Finance and Audit Committee:
Mindarie Regional Council – Deed of Guarantee for Resource
Recovery Facility – *Confidential Item*

RESOLVED:

Moved: Cr Ife

Seconded: Cr V Potter

That the meeting be reopened to members of the public at 7:21pm.

The Motion was Put and

CARRIED (9-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

21.2 Public Reading of Resolutions That May be Made Public

22 CLOSURE

There being no further business, Mayor Vaughan closed the meeting at 7:21pm.