

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 6 March 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

13 March 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.

2.3 No Adverse Reflection

Both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

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*.

2.5 Additional Comments

I would like to advise that an error occurred during the transfer of the February EMBS recording and has not been uploaded to the website. The Administration is currently trying to retrieve the recording, via back ups. If this does occur, the recording will be uploaded to the website immediately.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhda) Potter Cr K (Karen) Vernon
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr B (Bronwyn) Ife 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
Manager Development Services	Mr R (Robert) Cruickshank
Secretary:	Mrs A (Alison) Podmore
Public:	14

3.1 Apologies

None

3.2 Approved Leave of Absence

Jarrah Ward: Cr B (Brian) Oliver

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

Nil

Declaration of Proximity Interest

Nil

Declaration of Interest affecting impartiality

Name/Position	Karen Vernon - Councillor
Item No/Subject	Item 11.1 – 20 Teague Street, Victoria Park
Nature of Interest	Impartiality
Extent of Interest	Owner of 11 Sunbury Road, Victoria Park which is located to the rear of 20 Teague Street, across the Right of Way.

Name/Position	Vicki Potter – Councillor, Deputy Mayor
Item No/Subject	Item 11.1
Nature of Interest	Impartiality
Extent of Interest	Children attend Ursula Frayne College

Name/Position	Ronhhda Potter – Councillor
Item No/Subject	Item 11.5
Nature of Interest	Impartiality
Extent of Interest	Children attend Ursula Frayne College

Name/Position	Ronhhda Potter – Councillor
Item No/Subject	Item 11.5
Nature of Interest	Impartiality
Extent of Interest	Children attend Ursula Frayne College

5 PUBLIC QUESTION TIMEVince Maxwell

1. In the payment Summary page 134, a payment to Ms N Brydon, Engineering and Surveying services \$1750; is this the same Nicola Brydon that used to work for the City of Belmont and now with a company called Believe Mentoring, who was engaged by the Town a few months ago to deliver the Travel Smart Program and if so, is she now an engineer and surveyor as well?

- R. The Chief Operations Officer, Mr Ben Killigrew said he was not sure of Ms Brydon's background, and doesn't think she is an engineer or a surveyor.
2. Is something going to be done about that payment, because it is paid for engineering and surveying services?
- R. The Chief Operations Officer, Mr Ben Killigrew said it is his understanding that it was for assistance in the community consultation process for engineering and surveying.
3. In the payment summary at Item 14.3, it relates to a question in the agenda from the Finance and Audit Committee, page 77, for legal services and one of the items is for legal fees in relation to the Local Government Act Prosecution; do you care to elaborate on what was that for?
- R. The Chief Financial Officer, Mr Nathan Cain said he was not sure, however, if it is a prosecution, then it may be subject to confidentiality, but will follow that up.

Kim Holland

1. In the Precinct Plan it states that Ursula Frayne should have adequate parking and set down areas to be provided on site, they have 40 car bays on the corner of Duncan and Shepperton, no other car bays are on their site, is this adequate parking? Are Ursula Frayne complying with the carpark requirements?
- R. The Manager Development Services, Mr Robert Cruickshank advised that the school has had various approvals over the years, the issue of car parking has been an issue that has always been looked at as part of those applications. The Council has made previous decisions as to what is adequate parking for particular developments that have been approved there. We have another application for a different property for car parking and that is before council to determine.
2. Why have there been several developments done on the site, but they have never ever been required to come up to code? Normally when you add something or change something you would be required to then comply with the new requirements. They are never required to comply with the parking requirements on site; why is that always omitted, every time an application comes forward?
- R. The Manager Development Services, Mr Robert Cruickshank advised that with each application, each application is treated on its merits; there may be some historical parking issues that relate to existing buildings on the site. For applications received for new buildings then the assessment of car parking occurs in relation to that particular new building or that particular new addition. As you would be aware Mr Holland, with some of the more recent approvals that have been issued for the school, the question has been asked by Council staff as to whether that particular application is going to generate an increase in staff or student numbers and the response that has been received is no. So if there is no increase in staff or student numbers, then the Council's car parking requirements don't necessarily require increased parking provision.

Melissa Dawson

1. Is Teague Street commercial zoning or residential zoning?
- R. The Manager Development Services, Mr Robert Cruickshank said that if the question relates to Teague Street where the school is and properties opposite the school, which is zoned residential.

2. This carpark is right next to our house; does that have to be rezoned for that to be changed to a carpark?
- R. The Manager Development Services, Mr Robert Cruickshank advised that with residential zoned land, it goes without saying that the principle or preferred use is for it to be used for residential purposes, however the residential zoning does allow for consideration for some other none residential type uses. The Town has a zoning table that indicates what other sorts of uses can be contemplated. An application needs to be made and the Council needs to, in each instance, determine whether that particular use is appropriate or not. In this particular instance, Council has an application for a car park, which the applicant has put forward as being a temporary car park. As outlined in the report, it is considered to be an unlisted use, under the Town Planning Scheme and what that means that an unlisted use is at Council's discretion as to whether they are prepared to approve that particular use in that particular instance. An application has been made, it's an unlisted use and Council has the power to approve it if council considers it is appropriate.

John Vivienne

1. Does the Council or is the Council aware of any intention to build house, homes or units on the four (4) demolished sites in Teague Street? Has there been any applications or is there any long-term plan put forward as to the use of that land, other than grass and trees and cyclone fences?
R. The Manager Development Services, Mr Robert Cruickshank said that would be a question you might have to ask the school, whether they have considered it but from what Mr Cruickshank understands, that is not what the school is considering or contemplating and believes there has been a newsletter circulated recently that probably most councillors and the community are aware of potentially what the schools short term intentions are.
2. What is the Council's view on the planning of this area? What can that land be used for other than homes, units, duplexes etc?
R. The Manager Development Services, Mr Robert Cruickshank said that he mentioned earlier that there is a range of non-residential uses that can be contemplated. Some non-residential uses which are discretionary, not automatically permitted, for which an application is to be made for Council to consider would include things like medical consulting rooms, a day-care centre, an educational establishment, a place of worship, a nursing home potentially. Those uses in addition to the principle preferred use being residential.
3. What is the view of the Council in relation to this increase in students and what cap is placed on the student numbers at Ursula Frayne??
R. The Manager Development Services, Mr Robert Cruickshank advised that there is an approval from some years ago where there was a recommendation put forward by Council staff as to there being a limited on the number of staff and students permitted on the site. That Council officer's recommendation was modified by the Council when the Council made its final decision on the application. I would appear by making the change that occurred, there is now a question raised as to whether there is a valid condition on the approval, from some years ago, limiting the number of staff and students at the school.

4. Has the Council considered closing off Teague Street, between the hours of 7am and 5pm on school days, making that a no through road, because it is dangerous? Has the Council considered any restrictions in the street or dispense with the parking restrictions in that street, whilst that building is being constructed?
- R. The Manager Development Services, Mr Robert Cruickshank said that he doesn't believe it is not something that has been contemplated at this time.

Rowena Holland

1. Are you aware the school numbers of have increased on the my school website and do they have to comply with any student area ratio?
- R. The Manager Development Services, Mr Robert Cruickshank said as mentioned before, the Administration is aware that there has been an increase in staff and student numbers, particularly from that approval that was perhaps made in 2009, for memory. As mentioned before, there is actually a question as to whether or not the conditions imposed by the Council, at that time, do bind the school to a maximum numbers of staff and students. Concerning the student/land ratio, that is not a planning consideration, but would understand that the relevant institutional educational bodies would have such a requirement. It is not a Council requirement, but believes it is governed but not sure by whom.

Vince Maxwell

1. In item 14.2, under fees and charges, page 69 in the agenda, there is one fee called 'function cancellation fee' and there is two (2) lines, the wording is not very clear; perhaps you could get rid of the first line all together?
- R. The Chief Financial Officer, Mr Nathan Cain said that can be looked at.

6 PUBLIC STATEMENT TIME

Emma Lawrence

Made a statement regarding the proposed development at IGA on Archer Street and said there is a petition of 3000 names. Ms Lawrence continued to provide her opinions on why the IGA should remain instead of putting a fast food outlet that would be a detriment to the area. It would increase traffic and hopes that any decision made is made in the interest of the community.

Vince Maxwell

Mr Maxwell made a statement regarding the Security Incentive Scheme and responses that he has received recently to questions he asked at previous meeting and questioned whether the scheme is being followed correctly.

Sylvia Sawford

Made a statement regarding the proposed demolition of the IGA and went on to say that she attends the shop daily, mainly for exercise. The traffic is already busy and changing it would only make it busier. Ms Sawford also said that having a fast food outlet there, would only increase obesity in children.

Kim Holland

Made a statement regarding Item 11.1 on the agenda for 20 Teague Street and Ursula Frayne Catholic College.

Melissa Dewson

Made a statement regarding Item 11.1 on the agenda, relating to 20 Teague Street and shared her concerns with what is happening in Teague Street. Ms Dewson is also concerned with re-sale value of their properties.

John Vivienne

Made a statement regarding Item 11.1 and shared the same concerns as Ms Dewson. Our properties should increase, but the property values are plummeting.

Rowena Holland

Made a statement regarding Item 11.1 and said that their house is a third generation home. Mrs Holland said it's very distressing seeing how the street has changed.

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr R Potter

Seconded: Cr Jacobs

That the minutes of the Elected Members Briefing Session meeting held on Tuesday, 6 February 2018 be confirmed.

The Motion was Put and

CARRIED (8-0)

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

8 PRESENTATIONS

8.1 Petitions

8.2 Presentations (Awards to be given to the Town)

8.3 Deputations (Planning / External Organisations)

6:50pm Item 11.1 Geoff Mills was in attendance and provided a statement from the school with regards to their application.

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 14 REPORTS

Section 1:

No questions were asked in relation to the following:

- Item 11.2 No. 184A (Lot 7) Shepperton Road, East Victoria Park – Amendment to Development Approval for Extension to Operational Times for Existing ‘Professional Office with Training Facility’.
- Item 11.3 46/328 Albany Highway Victoria Park – Change of Use from Office to Educational Establishment
- Item 11.4 Rowethorpe Village Masterplan – No. 4-10 (Lot 4) Hayman Road and No. 145-165 (Lot 5) Hillview Terrace, Bentley
- Item 11.5 No.232 (Lot 310) Orrong Road, Carlisle – Demolition and Construction of Convenience Store and Fast Food Outlet
- Item 14.1 Recommendation from the Future Planning Committee: Taylor Reserve and McCallum Park Concept Design
- Item 14.2 Recommendation from the Finance and Audit Committee: 2017-2018 Schedule of Fees and Charges review
- Item 14.3 Recommendation from the Finance and Audit Committee: Schedule of accounts for 31 January 2018
- Item 14.4 Recommendation from the Finance and Audit Committee: Financial statements for the month ending 31 January 2018

Section 2:

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

- Item 11.1 20 (Lot 28) Teague Street, Victoria Park - Retrospective Change of Use to Unlisted Use (Temporary Carpark)**

Council Agenda Modifications:

None

Additional Information Sought:

None

Questions / Responses:

Cr Ammons Noble

1. Would the use of the site temporarily as a carpark, if approved, would set any precedent related to its extended/permanent use of carpark in the future?
- R. The Manager Development Services, Mr Robert Cruickshank said he did not believe so, the report conveys that quite clearly, that dealing with an application for a temporary use of a car park versus a permanent use are two different proposals. In fact in the report it says that a permanent would not be an appropriate use.

2. If approved, what recourse is available if conditions are breached or the site continues to be used as a carpark after the approved period?
- R. The Manager Development Services, Mr Robert Cruickshank said if the application is to be approved with the conditions or similar conditions that are before Council, conditions of any planning approval run with the development, so potentially if there was a breach of those conditions it would be open to the Council to prosecute the land owner for the non-compliance
3. How would compliance of condition be monitored and enforced if it was approve?
- R. The Manager Development Services, Mr Robert Cruickshank advised that in a normal manner, the Town has Planning Compliance Officer that is responsible for dealing with any particular complaints or breaches that conditions of approvals might not be complied with. So I guess through investigation and observing what occurs, is should be readily apparent whether the conditions are bring complied with or not.
4. Has the school lodged a Masterplan with the Town or indicated an intention to do so?
- R. The Manager Development Services, Mr Robert Cruickshank said no, this is something that given the concerns that have been expressed by some members of the community, particularly the uncertainty that exists at the moment as to what the schools intentions may be. It was felt requiring a masterplan to at least provide some guidance or some direction should be considered by Council might be worthy, so at least there is a little bit more certainty for what may or may not occur in the future.
5. In the absence of an additional private temporary carpark as proposed, how has parking in this precinct and the parking needs of the school been dealt with to date?
- R. The Manager Development Services, Mr Robert Cruickshank said that in terms of parking for the school itself and the ongoing use, his recollection is that there is the ability for some onsite parking already available. There may have been, at some point in time, an agreement between the school, the church and the Town in terms of some parking arrangements, particularly on the corner of Harper Street and Teague Street. So there is some existing onsite parking already available?

Cr Vernon

1. In recommending the approval of this policy, did the Town's Administration give consideration to the parking policy and streetscape policies?
- R. The Manager Development Services, Mr Robert Cruickshank advised there was no consideration to the streetscape policy. The streetscape policy is quite clear up front that the scope of the policy applies to residential development and this is not a residential development. While it is residential zoned land, the use of land for car parking is not a residential development, so it is not applicable. With respects to the parking policy, there was some consideration given to the parking policy, acknowledging that the parking policy is largely geared towards the permanent use of land for car parking as opposed to temporary use. So there was consideration but not to a great extent.

2. With regards to the parking policy, is there a requirement within the Victoria Park Precinct that there be vegetation associated with car parks? In the application, there is nothing in it to do with that it is just the limestone hardstand; is that on the basis similar to your previous answer that this area is residential and this is a temporary car park, so is that the reasons why only some consideration has been given to the parking policy, generally?
- R. The Manager Development Services, Mr Robert Cruickshank said that is correct, it is a temporary use not permanent use of car parking. To impose the full range of policy requirements that would otherwise apply to a permanent use for car parking is being deemed not necessary in this instance while it is a temporary use.
3. With relation to that part of the report, which appears on page 18 in the last paragraph, the report says 'from an amenities prospective, it is considered that the temporary use of the land will have no adverse impact upon the adjoining residential properties'. With regards to those properties that are not adjoining but are in close proximity, to what extent has consideration been given to the amenity for residents of the neighbouring properties, even if they are not immediately joining?
- R. The Manager Development Services, Mr Robert Cruickshank said the Administration's view is that if any properties are to be affected by the proposed car park, you would expect that it would be those directly adjoining that would be the most effected. It would follow that if the Administration believes that those that are directly adjoining not affected, then we would not see that owners of properties further removed wouldn't be affected either. The comments made in the report, really are of the view that any impacts of the carpark would not be detrimental to surrounding properties not only the directly adjoining properties.

Mayor Vaughan

1. Is it correct that do we do not have any control over the demolition of the houses, it was done through the State Governments decision? Can you clarify that?
- R. The Manager Development Services, Mr Robert Cruickshank advised that prior to October 2015, the Town's Town Planning Schemes said you needed planning approval from Council to demolish a dwelling. These particular houses in Teague Street, are identified as original dwellings in the Town's residential character study area. Prior to 2015, an application would have been required to demolish the houses and Council would have had to make a decision to do that or not. Without pre-empting what the outcome may have been, Council is obviously aware that there are a number of circumstances where in some instances Council agreed to demolish some older houses, there is also just as many that were not agreed to the demolition of old houses. The planning framework changed in 2015 through the introduction of State Government Legislation, which essentially now negates the need for approval to demolish a house. On that basis, the school made applications to the Town's Building Department only, to demolish the house because they no longer needed planning approval. The Council had no ability to reject or refuse that application, so demolition permits were issued.

15 APPLICATIONS FOR LEAVE OF ABSENCE

None

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

Vince Maxwell

1. In relation to the Standing Orders Local Law, given that all bar one of the Town's Local Laws are more than eight (8) years old, what is the real reason for initiating the Standing Orders and what changes to the Standing Orders do you have in mind?
R. The Chief Executive Officer, Mr Anthony Vuleta said that he mentioned in the last meeting that he believed the eight (8) years were up. On further investigation, the eight (8) years isn't up. This has been driven by the Administration to review the Local Law. The Local Law has to be reviewed within eight (8) years not at eight (8) years. The Administration is a bit tardy on some of the Local Laws. The Administration has put this forward, so there is no agenda, other than that. The only other conversations that have occurred in relation to Standing Orders in the past 12 months relates to a Notice of Motion that was put up to review the EMBS/OCM protocols late last year by one of the Councillors. It then went through a committee, which requires the CEO to put another report to Council in June this year, once a survey has been undertaken. There is no agenda to take it down any path, other than to review the Local Law.
2. Why would you initiate a review if you're not planning on making any changes; have the Elected Members discussed what changes they would like?
R. Mayor Vaughan said not at this stage.
3. Isn't it normal, before you go to public consultation, that you would you provide a discussion paper to go out with the documents, so that members of the public have something to comment on?

- R. The Chief Executive Officer, Mr Anthony Vuleta advised that he does not believe there is a requirement to put an outline of what you are intending to do, or a discussion paper. Just follow the legislative approach and advertise the Local Law. There is a possibility that we could do that, but I do not believe we have in the past.

The Chief Financial Officer, Mr Nathan Cain added that the general process is that you first advertise that you are going to review the Local Law and that is simply the ad, nothing more.

4. Is there an intention to also review the other Local Laws, as some are 12, 14 and 18 years old? Clearly in excess of 8 years, not two (2) years short, as this one is.
- R. The Chief Executive Officer, Mr Anthony Vuleta advised that yes there is and one that has been lagging is the Parking Local Law and currently in the process of being reviewed as well.
5. In regards to Item 11.1, there are two of the conditions that contradict each other. One is a condition to maintain the crossover while the car parks is being used and the other is to remove and reinstate the verge and the kerb at the completion; is that the intention that the crossover be removed at the completion of it being used as a car park?
- R. The Manager Development Services, Mr Robert Cruickshank said yes that was the intention.
6. Item 11.4 is withdrawn, will that come back again?
- R. The Manager Development Services, Mr Robert Cruickshank said yes, the applicant wanted further time to refine an aspect of the Masterplan.
7. The Masterplan discussed some commercial mixed use space; is that area rateable?
- R. The Chief Financial Officer, Mr Nathan Cain said it may well be.

Kim Holland

1. Considering Ursula Frayne has 40 car bays on their site; can you give some indication of how many staff, teachers and students park in the churchyard each day?
- R. The Manager Development Services, Mr Robert Cruickshank said he didn't know the answer, that the school would be the only ones that could answer that, however, will ask the question

Melissa Dewson

1. Currently on Sunday, when the Church had their service, people are parking in the temporary carpark. Can there be a lock put on there, so that nobody can get in there?
- R. Mayor Vaughan said the Administration will look at that.

Rowena Holland

1. In the same vein, is it acceptable use in a temporary car park for skip bins to be stored there with building rubble and a concrete pump truck to be parked there and hosed down and emptied out on that land?

- R. The Manager Development Services, Mr Robert Cruickshank said that recommendation 1.1 does say towards the end of it, that the subject property is not permitted to be used for heavy vehicle parking nor is it permitted to be used as a material laydown/storage area.
2. Are you regulating the use of the site with regard to this use?
- R. The Manager Development Services, Mr Robert Cruickshank said there is an application before Council and if approved with that condition in place, then it forms a condition of approval. If Council Officers inspect the site and note that it is being used for material laydown or storage, then the school will be in breach and the Town could take action.
3. Is it in breach doing it on residential land before it is approved?
- R. The Manager Development Services, Mr Robert Cruickshank said there is no approval for the school to use the land today, for car parking or storage purposes.
4. Will you follow that up?
- R. The Manager Development Services, Mr Robert Cruickshank advised that the Administration have corresponded with the school already about some of the activities that have been occurring while this application is being processed. Mr Cruickshank suggested that people in the gallery were probably listening and hearing what you are saying and would like to think they would take it on-board and there might be a further instruction to the builder at the contractors.

20 PUBLIC STATEMENT TIME

Vince Maxwell

Made a statement regarding rates and the 3% increase that Council are budgeting for this year. Mr Maxwell referred to the surplus in the current budget. Mr Maxwell mentioned many of the community who are struggling to make ends meet and suggests that because of the surplus then perhaps there should not be an increase this year.

Kim Holland

Made a statement regarding Item 11.1 on the agenda, referred to a question earlier relating to the payment of rates on the blocks, and ask if they could be advised at the Ordinary Council Meeting.

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

There being no further business, Mayor Vaughan declared the meeting closed at 7:46pm.