

minutes

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting commenced at **6.30pm** on **Tuesday 13 September 2016** 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

14 September 2016

(To be confirmed 11 October 2016)

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	4
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
3	ATTENDANCE	5
	3.1 Apologies	7
	3.2 Approved Leave of Absence	7
4	DECLARATIONS OF INTEREST	7
5	PUBLIC QUESTION TIME	7
6	PUBLIC STATEMENT TIME	8
7	CONFIRMATION OF MINUTES	9
8	PRESENTATIONS	9
	8.1 Petitions	9
	8.2 Presentations (Awards to be given to the Town)	9
	8.3 Deputations (Planning / External Organisations)	9
9	METHOD OF DEALING WITH AGENDA BUSINESS	9
10	CHIEF EXECUTIVE OFFICER REPORTS	10
	10.1 WALGA South East Metropolitan Zone – Appointment of Member	10
11	FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS	13
	11.1 20 (Lot 21) Thorogood Street, Burswood – Change of Use to Unlisted Use (Function Centre)	13
	11.2 102 (Lots 102-106) President Street, Welshpool – Change of Use to Unlisted Use (Storage Facility)	30
	11.3 642 (Strata Lot 21) Albany Highway, Victoria Park – Change of Use from Showroom to Educational Establishment	38
	11.4 Classification of Amendment No. 73 to Town Planning Scheme No. 1 Relating to Creation of Residential Character Special Control Area	49
	11.5 Petition Requesting Town Planning Scheme and Precinct Plan Review and Amendment for Burswood Lakes Structure Plan	54
12	RENEW LIFE PROGRAM REPORTS	62
	12.1 Town of Victoria Park Water Efficiency Action Plan 2016 – 2021	62

(To be confirmed 11 October 2016)

13	COMMUNITY LIFE PROGRAM REPORTS	67
14	BUSINESS LIFE PROGRAM REPORTS	68
	14.1 Schedule of Accounts for 31 July 2016	68
	14.2 Financial Statements for the Month ending 31 July 2016	71
15	COMMITTEE REPORTS	75
	15.1 Recommendation from the Community Development Committee – Amendment to Community Development Committee Terms of Reference	75
16	APPLICATIONS FOR LEAVE OF ABSENCE	79
17	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	79
	17.1 Notice of Motion from Cr Oliver – Alternative Options for Use of Right-of-Way No. 52	79
18	QUESTIONS FROM MEMBERS WITHOUT NOTICE	84
19	NEW BUSINESS OF AN URGENT NATURE	84
20	PUBLIC QUESTION TIME	85
21	PUBLIC STATEMENT TIME	85
22	MEETING CLOSED TO PUBLIC	85
	22.1 Matters for Which the Meeting May be Closed	85
	22.2 Public Reading of Resolutions That May be Made Public	85
23	CLOSURE	85

(To be confirmed 11 October 2016)

1 OPENING

Mayor Vaughan opened the meeting at 6:30pm. The Chief Executive Officer, Mr Anthony Vuleta read the prayer.

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

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 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 Additional Comments

- I would like to congratulate our CEO, Mr Vuleta who has both been appointed as members of the Local Government Advisory Board for a term of four years. There is only one CEO on that committee and was nominated by the Local Government Managers Association. Congratulations and well done, your appointment is a reflection of acknowledgement of the progression and achievements of the Town. Added to that, the Town's Executive Manager Governance, Mr Fishwick, has also been appointed as members of the Local Government Advisory Board for a term of four years, representing Western Australian Local Government Association (WALGA).
- The Town recently hosted a contingent of Malaysian officers from the Johor Bahru City Council, the Federal Department of Town and Country Planning and the Malaysian Institute of Planners. The Director Future Life & Built Life,

(To be confirmed 11 October 2016)

Ms Rochelle Lavery and the Executive Manager Built Life Mr Robert Cruickshank provided them with the history of Victoria Park as well as an overview of the Town's Urban Planning and approval processes. The Town received a Royal Selangor pewter plate as thanks for hosting them.

- I was presented with a Certificate of Appreciation and signed jumper from the organisers of Eventing in the Park, for the Town's ongoing support of the event.
- On behalf of the Town, I would like to congratulate the following ratepayers who won packages in the Town's Rates Prize draw:

Winner of Package 1 - Mr P Lesiter

Your prize is a \$1000 cheque and Four (4) A-Reserve tickets to the Western Australian Symphony Orchestra

Winners of \$1000 cheque

Package 2 – Ms T Lindquist

Package 3 – Mr M Carlton & Mrs V Carlton

Package 4 – SKS Group Pty Ltd

Package 5 – Mrs S Smith & Mr G Smith

Mr Lesiter and Mr and Mrs Smith, please come forward to receive your prize.

3 ATTENDANCE

Mayor:	Mr T (Trevor) Vaughan
Banksia Ward:	Cr C (Claire) Anderson Cr K (Keith) Hayes Cr M (Mark) Windram
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr V (Vince) Maxwell Cr B (Brian) Oliver (Deputy Mayor) Cr V (Vicki) Potter
Chief Executive Officer:	Mr A (Anthony) Vuleta
Director Future Life & Built Life	Ms R (Rochelle) Lavery
Director Renew Life	Mr W (Warren) Bow
Director Community Life	Ms T (Tina) Ackerman
Director Business Life	Mr N (Nathan) Cain
Senior Governance Officer:	Ms T (Towela) Mbirimi
Secretary:	Mrs A (Alison) Podmore
Public:	19

(To be confirmed 11 October 2016)

Council Chambers – Seating Diagram



Podium for addressing the Meeting
&
Public Gallery

3.1 Apologies

Banksia Ward:

Cr J (Julian) Jacobs

3.2 Approved Leave of Absence

None

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

Nil

5 PUBLIC QUESTION TIME

Katie Biondo

1. Will the Council give The Friends of GO Edwards Park an assurance that the funds will be found this financial year and the development reinstated?
- R. The Director Renew Life Program, Mr Warren Bow agreed that was correct. The history of the funding for this project was clouded during the Local Government Reform. However, earlier in 2016, the Town's Finance and Audit Committee endorsed a two (2) year priority works list, of Capital Projects across the Town's Asset classes. Scheduled for 2017-18 is Stage 1 of the GO Edwards Park project. That has not yet been endorsed by Council, but it certainly has an allocation of \$680,000 as a priority for next year's Capital Works.

Eugenie Stockmann

1. When will the Council remove the Town's Planning department's staff delegated authority? If willing to do so, what would be the earliest it can be done?
- R. The Chief Executive Officer, Mr Anthony Vuleta advised that the Town will review the delegation, however can't commit a Council decision to Ms Stockmann, if they will be removed, as that will be part of the deliberations of Council and they may think that they don't need to be removed, they may think they need to be modified or adjusted in some ways. They might consider some of your concerns, but cannot give a commitment that they will be removed.

(To be confirmed 11 October 2016)

Cathol Smith

1. How much financial assistance has the Town provided to the Victoria Park Swim Club (VPSC) in the last 24 months?
 2. What form is the current sponsorship taken?
 3. Has the Council provided relief to the VPSC for unpaid lane hire fees?
 4. Does the Town currently provide fee and/or subsidised facilities to the VPSC? If so, please provide details?
 5. Will the Town provide similar support and sponsorship to the Somerset Swimming Club (SSC)?
 6. Why is the Town continuing to sponsor a club that unfairly discriminates against many local ratepayers and their children?
 7. Why is the Council not assisting SSC, which includes many ratepayers and other valid users and members of the Aqualife facility, on an equal basis to those that exist within the VPSC?
 8. Why has the Town tolerated the refusal of the VPSC to meet and negotiate a reasonable and sensible outcome for all parties and maintain Sponsorship of the VPSC at the same time?
 9. Is the Town aware the use of the Aqualife facility for the purposes of accredited swimming is being solely determined by the VPSC? A club that has materially less numbers than the SSC and a club that contributes less financially to the Aqualife facility?
 10. Has the Town requested from the VPSC valid reasons from the club as to why it will not sign an agreement given it has the capacity? If not, why not?
 11. Will the Town, in its capacity as Aqualife owner and a sponsor of the VPSC take immediate action to require VPSC to negotiate an agreement to sensibly resolve this matter?
 12. Will the Town execute a contract with the SSC immediately to resolve this situation and permit local ratepayers and their children to swim on a affiliated basis at the Aqualife facility?
 13. What other steps will the Town take to resolve this matter on behalf of ratepayers?
- R. The Director Community Life Program, Ms Tina Ackerman took the questions on notice. However, did respond clarifying a couple of points. As you and the Elected Members are very aware, the issues between the VPSC and the SSC have been ongoing for quite a long time, for the reasons stated by Mr Smith earlier. The majority of the impositions and inconveniences that the SSC are facing at the moment are a result of Swimming WA actions and their by-laws. The Town is allowing the club to swim there and happy for them to do so. Unfortunately the issues with Swimming WA have not been resolved yet. The Administration has not got control over what Swimming WA does.

6 PUBLIC STATEMENT TIME

Tim Hoskin

Mr Hoskin made a statement regarding his application for Locally Crafted, on the agenda at Item 11.1, 20 Thorogood Street, Burswood and thanked Elected Members and staff for their assistance they have received with their application.

7 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr Hayes

Seconded: Cr Potter

That the minutes of the Ordinary Council Meeting held on Tuesday, 9 August 2016 be confirmed.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

8 PRESENTATIONS

8.1 Petitions

None

8.2 Presentations (Awards to be given to the Town)

None

8.3 Deputations (Planning / External Organisations)

None

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 WALGA South East Metropolitan Zone – Appointment of Member

File Reference:	GOR/9/0007~07
Appendices:	No

Date:	19 August 2016
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – Appoint an Elected Member to the WALGA South East Metropolitan Zone.	
<ul style="list-style-type: none"> The Council gives consideration to making an appointment to replace Cr Windram. 	

TABLED ITEMS:

Nil

BACKGROUND:

The Council at its Special Meeting held in 19 October 2015 appointed Cr Windram and Cr Oliver to represent the Town on the Western Australian Local Government Association (WALGA) South-East Zone and Cr Jacobs as the first alternate Deputy and Cr Potter as the second alternate Deputy until 21 October 2017 and appoints the Chief Executive Officer as a non-voting Deputy Member until 21 October 2017;

WALGA's role is to lobby and negotiate on behalf of the 140 local governments in Western Australia.

WALGA's structure includes a State Council and geographically aligned groups of local governments called zones, which advise the WALGA State Council. The Town of Victoria Park belongs to WALGA's South Eastern Metropolitan Zone, which consists of two elected member representatives from each of the Cities of Armadale, Canning, Gosnells, South Perth and the Town of Victoria Park.

The South Eastern Metropolitan Zone is entitled to three members on WALGA's State Council.

DETAILS:

Cr Windram has advised that due to personal circumstances he is unable to regularly attend future WALGA South-East Zone meetings and has therefore tendered his resignation as one of the two Council delegates.

Whilst the Town can be represented by one of its deputy delegates it is considered that a permanent representative should be appointed to fill the vacancy until 21 October 2017.

(To be confirmed 11 October 2016)

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Council is requested to give consideration to appointing a delegate to replace Cr Windram.

CONCLUSION:

It is considered that the Council needs to appoint a permanent delegate to fill the vacancy on the South-East Zone of WALGA.

If the Council was to appoint one of its deputy members being either Cr Jacobs (the first alternate Deputy) or Cr Potter (the second alternate Deputy) it may also wish to consider making an appointment to replace one of its deputies.

(To be confirmed 11 October 2016)

RESOLVED:

Moved: Mayor Vaughan

Seconded: Cr Oliver

That the Council:

- 1. Appoints Cr Potter to replace Cr Windram as one of its representatives on the Western Australian Local Government Association (WALGA) South-East Zone until 21 October 2017.**
- 2. Appoints Cr Hayes to replace Cr Potter as its second alternative deputy on the WALGA South-East Zone until 21 October 2017.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 20 (Lot 21) Thorogood Street, Burswood – Change of Use to Unlisted Use (Function Centre)

File Reference:	PR2144
Appendices:	No
Landowner:	Andoryka Holdings Pty Ltd
Applicant:	T. Hosken (Locally Crafted)
Application Date:	27 June 2016
DA/BA or WAPC Ref:	5.2016.201.1
MRS Zoning:	Urban
TPS Zoning:	Office/Residential
TPS Precinct:	Precinct P3 'Causeway'
Use Class:	'Unlisted Use' (Function Centre)
Use Permissibility:	Discretionary

Date:	29 August 2016
Reporting Officer:	H. Stenning
Responsible Officer:	R. Lavery
Voting Requirement:	Refusal – Simple Majority Approval – Absolute Majority

Executive Summary:

Recommendation – Approval by an Absolute Majority subject to conditions

- Application seeks approval for the change of use of an existing Warehouse/Showroom to an Unlisted Use 'Function Centre'.
- A 'Function Centre' is not included as a Use Class in the Zoning Table and as such is an 'Unlisted Use'.
- Community consultation was carried out for 21 days in line with Council Policy GEN3 – Community Consultation and concluded on 2 August 2016. Letters were sent to surrounding property owners and occupiers, a sign was installed on-site, and a newspaper notice was published in the Southern Gazette for three (3) consecutive weeks. Three (3) submissions were received.
- The application proposes a departure from the requirements of Local Planning Policy 23 'Parking Policy'. The proposed use requires 45 on-site car bays to be provided. Four (4) on-site car bays are proposed, thus increasing the on-site car parking shortfall by 39 car bays. A reciprocal car parking arrangement has been proposed to mitigate the impact of this car parking shortfall.
- Council Officers consider that the use of the site for the purposes proposed by the applicant is consistent with the Statement of Intent of the Office/Residential zone, and that any concerns regarding the impact that the use may have on the surrounding vicinity can be mitigated through appropriate conditions of approval.
- As such the application is recommended for Approval for a period of 24 months.

TABLED ITEMS:

- Development application form received 27 June 2016;
- Plans and supporting documentation received 27 June 2016;

(To be confirmed 11 October 2016)

- Site plan received 8 July 2016;
- Further information from applicant received 20 July 2016;
- Community Consultation letter dated 12 July 2016;
- Additional supporting information dated received 22 August 2016; and
- Memorandum of Understanding – DVG Burswood & Locally Crafted dated received 24 August 2016.

BACKGROUND:

On 1st August 2016, following a meeting with Council Officers, the applicant withdrew the change of use application from the 9th August 2016 Ordinary Council Meeting Agenda, in response to Officer's suggestions to compile further information pertaining to the operations of the premises and parking management for the site. The further information was received on 22 August 2016 and is considered in the below report.

DETAILS:

Site and Proposal Details

An application for development approval has been received seeking approval for a change of use from Warehouse/Showroom to Unlisted Use (Function Centre). The subject site is located to the southern side of Thorogood Street, between Craig Street and Hawthorne Place. To the southern side of the lot, the site has access to Right-of-Way 104.

The applicant seeks development approval for the operation of a 'Function Centre' at the subject site. The subject tenancy consists of approximately 385m² of net floor area, of which 200m² is proposed to be utilised as the function space.

The subject site is zoned 'Office/Residential' under the Town of Victoria Park Town Planning Scheme No.1, and is located in the Causeway Precinct, within 'Area 7 – Commercial Core'. A 'Function Centre' does not fall within the interpretation of any of the use classes contained in the Town of Victoria Park Town Planning Scheme No. 1, and the proposal is therefore considered to be an "Unlisted Use".

Operational Details

The applicant has provided the following information which clarifies the proposed business operations:

- The premises will be operated by Locally Crafted, a collective of local producers of food and beverage who showcase and support local artisan producers through workshops and 'tasting experiences'. Locally Crafted also provide a consultation service offering brand representation, branding and promotion for products.
- The premises will be utilised for the following purposes:
 - Headquarters for Locally Crafted workshops to run experience-based food and beverage workshops and tasting events; and
 - Corporate and private venue hire to provide a space and service for producers to showcase their products.
- The applicant is seeking to utilise the premises for a minimum three (3) year term;
- The majority of events will cater for between 50 – 100 people. On occasion, events catering for up to 200 patrons may be requested.

(To be confirmed 11 October 2016)

Hours of Operation

From Monday – Friday, between 9:00am – 5:00pm, the site will operate as Locally Crafted Headquarters. No employees will be permanently on-site, and all meetings will be by appointment. Outside of these operations, the main operating hours of the business will be Wednesday – Sunday, with the hours of operation different depending on the booking or type of event. The table below summarises the hours of operation of the business.

Days	Hours	Operation	Description	Employees on-site
Monday to Friday	9:00am to 5:00pm	Locally Crafted Headquarters	Occasional meetings between Locally Crafted and potential clients on an appointment basis.	No permanent on-site employees. 1 employee to be on-site for meetings by appointment.
Wednesday to Sunday	8:00am to 6:00pm	Deliveries	Deliveries to the site only when booked or required by functions.	1 - 2
	12:00pm to 6:00pm	Small Showcase Functions	Workshops and tasting events between 0 – 50 people.	1 - 2
Wednesday to Sunday	6:00pm to 11:30pm	Showcase Functions	Workshops and tasting events between 0 – 200 people.	1

It is predicted that, if approved, the site will average two (2) showcase or tasting events per-week.

Additional Information

In addition to the change of use of the site, the applicant seeks to undertake minor internal modifications to the building to the value of \$30,000, including minor fit out works to service business operations. These works include the demolition of two (2) small store rooms, the installation of one (1) female toilet and one (1) unisex ambulant toilet, and adjustments of exits and other minor works to ensure compliance for Public Building approval to suit a maximum capacity of 200 people.

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Schedule 2, Clause 67 of the Local Planning Scheme Regulations 2015;
- Clause 37 'Determination of Application for an Unlisted Use';
- Clause 38 'Determination of Non-Complying Applications'; and
- Statement of Intent contained in Precinct Plan P3 – 'Causeway Precinct'.

(To be confirmed 11 October 2016)

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Local Planning Policy 23 ‘Parking Policy’; and
- Local Planning Policy 22 ‘Development Standards for Causeway Precinct’.

The Statement of Intent for the Precinct states the following in part:

“The Causeway Precinct presents a rare opportunity to achieve a sustainable mixed use urban environment with its own distinctive identity on the city doorstep. Providing significant employment and housing, the Precinct offers opportunities for people to live and work locally, with many services and facilities within easy walk.

This Precinct will become a major activity node providing homes for 2,300 people integrated with an intensive commercial centre of some 87,000m² floor space and 3,300 jobs within a high amenity setting. The centre will be of sufficient scale to become a sought after business destination in its own right. It will operate as part of the Perth inner metropolitan employment hub expanding the range of economic activity in the Town, particularly in professional and skilled employment areas.”

Local Planning Policy 23 – ‘Parking Policy’

Under the provisions of Local Planning Policy 23 ‘Parking Policy’, there is no parking ratio prescribed for a ‘Function Centre’, and therefore the number of bays required is to be determined by Council.

The Urban Planning Business Unit considers that the car parking ratio provided for ‘Public Assembly’ is a comparable rate to be applied in this instance.

ACTIVITY / USE	CAR PARKING REQUIREMENT
Public Assembly	1 bay for every 4.5m ² of net floor area.

Calculation of Existing Car Parking Shortfall

Council’s records indicate that the most recent approval issued in relation to the use of the premises was for a ‘Warehouse/Showroom’. In accordance with Local Planning Policy 23, the use would attract the following car parking requirement:

ACTIVITY / USE	CAR PARKING REQUIREMENT
Warehouse/Industry Or Showroom	3 bays for the first 150m ² net floor area, and thereafter 1 bay for every 75m ² net floor area.

The existing building has a total floor area of approximately 323m². Accordingly, a requirement of six (6) bays is applicable for the existing premises.

(To be confirmed 11 October 2016)

The applicant has indicated that four (4) parking bays are provided to the rear of the site on the hardstand area accessed from the Right of Way, with four (4) bays provided to the front of the existing building fronting Thorogood Street, on the existing paved area. These front car bays have been line-marked, and it is anticipated that the previous ‘Warehouse/Showroom’ use utilised these bays as designated parking areas.

Whilst these front car parking bays are not contained wholly within the lot boundary, it could reasonably be argued that they have previously serviced the use of the site. However, as Council Officers can only recognise the provision of car bays that are contained wholly within the lot boundaries of the site, these bays cannot be considered to contribute to the provision of on-site car parking bays.

As none of the four (4) front car parking bays can be credited as discussed above, the site has an existing car parking shortfall of two (2) bays.

Calculation of Car Parking Requirement for Proposed Use

The applicant has outlined that a maximum 200m² of net floor area will be utilised for the proposed use. As such, the car parking requirement for the proposed use is considered below:

Net floor area of 200m ²	45 bays required (1 bay per 4.5m ² net floor area)
Total bays provided:	4 bays
Total parking shortfall:	41 bays
Minus existing parking shortfall:	2 bays
Additional shortfall in parking:	39 bay increase

It is worth noting that this car parking shortfall was advertised in error as a 40 bay shortfall. Due to the minor nature of the error, it was considered that the application did not need to be re-advertised. The error was communicated to those who submitted a comment in response to the community consultation that was undertaken for the application.

The acceptability of the proposed shortfall is discussed in the Comments section of this report.

Submissions:

Community Consultation:

As the proposed ‘Function Centre’ is an “Unlisted Use” within the ‘Office/Residential’ zone, Council’s Policy GEN3 – Community Consultation requires the application to be the subject of consultation for a 21-day period to owners and occupiers of adjoining and surrounding properties. This required a sign to be placed on the site for the duration of the consultation period, as well as a notice to appear in the Southern Gazette for three (3) consecutive weeks, and letters to be mailed to surrounding property owners and occupiers inviting their comment. Three (3) submissions were received and are considered below.

(To be confirmed 11 October 2016)

CONSULTATION SUBMISSIONS	
<i>Submission from Tenant of 14/24 Thorogood Street, Burswood.</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Objection to the proposal. • The on-site car parking shortfall will result in parking pressure to the neighbouring properties surrounding the site. 	<p>Noted.</p> <p>Should the application be approved, it will be required to operate in line with the submitted management documents, and a noise management plan can be sought as a condition of approval.</p>
<ul style="list-style-type: none"> • The site is located within a business district and not within an entertainment precinct or retail area. • The operation of a licenced premise within the vicinity would not be appropriate. • Proprietors and tenants of existing properties within the vicinity are entitled to quietly enjoy their properties. • Sufficient challenges to surrounding landholders are already presented through the operation of massage parlours in close proximity. 	<p>The applicant has outlined that the majority of the larger-scale operations on the site would be occurring outside of normal office hours, and as such would have a minimal impact on surrounding commercial tenancies.</p> <p>The site is zoned Office/Residential, and as such, uses of a recreational nature can be considered to be appropriate within the vicinity.</p> <p>Comments regarding the operation of massage parlours within the area are not relevant to this application.</p>
<i>Submission from Tenant of 24-26 Thorogood Street, Burswood.</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> • Objection to the proposal. • There are existing car parking and traffic congestion issues within the vicinity due to the lack of parking and parking requirements of the surrounding uses. 40 car bays don't exist on the street around the site. • The parking bays associated with 24-26 Thorogood Street are already subject to inappropriate parking from neighbouring businesses during weekdays, the weekends and evenings • It is inappropriate and unfair to neighbouring properties to approve a facility with such a large shortfall. 	<p>Comments noted.</p> <p>Council Officers consider that car parking and congestion issues can be managed through the implementation of the car parking management plan and proposed reciprocal car parking arrangement.</p> <p>Should the application be approved, a temporary approval may be deemed to be appropriate to act as a trial period for the compatibility of the use within the precinct.</p>

<i>Submission from Tenant of Riverview Church, 1 Thorogood Street, Burswood.</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> Riverview Church's parking bays would not be available for use by the proposed Function Centre to contribute to the car parking shortfall 	<p>The applicant has sought support from other tenancies within the vicinity for a reciprocal car parking arrangement, and has not proposed the use of any of Riverview Church's car parking bays.</p>

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

As the application involves a change of use to an 'Unlisted Use – Function Centre', the Council must determine the application in accordance with Schedule 2, Clause 67 of the Local Planning Scheme Regulations 2015 and Clause 37 of Town Planning Scheme No. 1, having regard to the orderly and proper planning of the locality and the conservation of the amenities of the locality, and whether the use is consistent with the intended purpose of the 'Office/Residential' zone in which it is located.

Car Parking and Traffic Implications

In their submission, the applicant has outlined the following with regard to the location of the site, and the provision of car parking and alternate means of transport to the site for patrons of functions:

- The site is conveniently located within 5km of Perth CBD, and 1km from the Victoria Park café strip. Bus services run frequently 150m from the site location, and Burswood Train Station and Victoria Park Train Station are both approximately 1km from the site. The building is also located 150m from the nearest cycleway.
- It is a core policy of Locally Crafted to promote sustainable practices wherever possible. This includes through the use of alternate means of transport for patrons to and from events.
- Parking requirements will differ between events, depending on the size of floor area used. If it is identified by Locally Crafted that the required number of car bays cannot be provided for an event, the event will not proceed.

(To be confirmed 11 October 2016)

- Single use private vehicles are discouraged by Locally Crafted, as the nature of the business generally includes an element of paired alcohol and food tastings. The business seeks to promote sustainable transport options to minimise environmental and social impacts, and to reduce the potential for drink driving incidences.
- Previous events have sought partnership with the following ride sharing and charter services to heighten guest experience whilst reducing traffic and on-site parking requirements.
 - Locally Crafted has an agreement with Uber Perth to sponsor and provide promotional discount codes for patrons, offering up to \$20 off the Uber fare to or from the Locally Crafted event; and
 - Locally Crafted has an agreement with Always Bus Charters to provide services to patrons of Locally Crafted events at a discounted rate for up to 55 people per bus.

Proposed Reciprocal Car Parking Arrangement

The applicant has also outlined that four (4) properties surrounding the subject site have agreed to enter into a shared parking arrangement whereby the proposed ‘Function Centre’ can utilise a total of 47 car bays located on adjoining properties. These sites operate during normal office hours, and as such, the car bays are available to be used between the hours of 5:30pm – 7:00am Monday – Friday, and all hours as required on weekends.

The following reciprocal arrangements have been proposed:

	Address	Business name	No. reciprocal car bays for use by proposed ‘Function Centre’
1.	14-16 Thorogood Street, Burswood	DVG Burswood	7 bays accessed from Thorogood Street 16 bays accessed from Right of Way
2.	77 Burswood Road, Burswood	DVG Burswood	6 bays accessed from Thorogood Street 9 bays accessed from Right of Way
3.	21 Thorogood Street, Burswood	Icon Technology	5 bays accessed from Right of Way
4.	85 Burswood Road, Burswood	Jani King	4 bays accessed from Right of Way
TOTAL:			47 car bays

The table below demonstrates the on-site parking requirements for the site, taking into account the reciprocal car parking arrangement with DVG Burswood only, and considering the differing scales of functions and the proposed hours of operations.

(To be confirmed 11 October 2016)

Operating Hours	Operation	Parking requirement minus existing 2 bay shortfall	Bays provided on-site	Reciprocal bays provided – DVG Burswood	Total Parking Requirement
Wed - Fri 12pm – 6pm	Small Showcase: 0 – 50 people Max 50m ² net floor area	10 bays required	4 bays	Nil	6 bay shortfall
Wed – Sun 6pm – 11:30pm	Small Showcase: 0 – 100 people Max 100m ² net floor area	21 bays required	4 bays	38 bays	21 bay surplus
	Large Showcase: 0 – 200 people Max 200m ² net floor area	43 bays required	4 bays	38 bays	1 bay shortfall

As demonstrated above, a reciprocal car parking arrangement with DVG Burswood only would mostly bring the application into compliance with the relevant parking requirements, based upon the functions being restricted to weekends and after-hours on relevant weekdays. The one (1) bay shortfall generated as a result of the operation of larger functions of up to 200m² in area is considered to be insignificant, and could be accommodated through the utilisation of a car parking bay from one of the other businesses that have indicated support for entering into a reciprocal car parking arrangement.

Regarding the potential for the site to operate between 12pm – 6pm Wednesday – Friday, no reciprocal parking opportunities would exist during these times, as the hours of operation conflict with the hours of operation of the businesses entering the reciprocal parking arrangement. This may result in adverse parking pressures within the vicinity.

The table below considers the maximum floor area that could be utilised for functions during office hours, without resulting in an increased on-site car parking shortfall.

(To be confirmed 11 October 2016)

Operating Hours	Floor Area	On-site bays required	Bays provided on-site	Total Parking Requirement
Wed - Fri 12pm – 6pm	25m ²	6 bays required	4 bays	2 bays Minus existing parking shortfall (2 bays)
				TOTAL: 0 bays

As demonstrated, the applicant could utilise a maximum 25m² during weekday office hours to ensure compliance with the parking requirements outlined in Local Planning Policy 23. This would translate to a function being held for a maximum 25 patrons. Should the application be approved, it is recommended that a condition of approval be applied to ensure that any functions operating during office hours are limited to a maximum number of 25 patrons.

Considering the potential limitations that a reciprocal car parking arrangement may have for the development of the Causeway Precinct, a Memorandum of Understanding has been provided by the applicant showing DVG Burswood’s full support for the reciprocal parking arrangement during their lease term of five (5) years from 2015, and following that a five (5) year option. Locally Crafted have entered into a three (3) year lease starting from 2016, and following that 2x three (3) year options are available. As DVG Burswood have outlined that they have no plans to change the use of the site during their current lease term, it is unlikely that any reciprocal car parking arrangement will result in limitations to the future development of their site, or the Causeway Precinct in general.

Council Officers consider the provision of a Memorandum of Understanding to be sufficient in this instance, with no requirement for a notice to be placed on the Certificate of Title for DVG Burswood. Issuing a temporary approval for the use of the ‘Function Centre’ on the site would further ensure that the redevelopment of the DVG Burswood could occur in the future, without being burdened by the allocation of car bays to 20 Thorogood Street.

Due to the proposed car parking shortfall, Council may also consider the implementation of a Cash-in-Lieu payment by the applicant. However, due to the provision of the Memorandum of Understanding and other informal reciprocal arrangements between the applicant and surrounding businesses which largely brings the application into compliance with the car parking requirements of Local Planning Policy 23, Council Officers do not consider a Cash-in-Lieu payment to be required in this instance.

Town of Victoria Park Town Planning Scheme No. 1 – Precinct Plan P3 ‘Causeway Precinct’ and Local Planning Policy 22 – Development Standards for Causeway Precinct

As previously outlined, the Statement of Intent of the Causeway Precinct within Precinct Plan P3 in part states that *“The Causeway Precinct presents a rare opportunity to achieve a sustainable mixed use urban environment, providing significant employment and housing. The centre will be of sufficient scale to become a sought after business destination in its own right.”*

(To be confirmed 11 October 2016)

In this instance, Council Officers consider that the proposed use as a 'Function Centre' is consistent with the intent for the area to be consolidated as a mixed use urban environment. The proposed use is also considered to be a more acceptable use for the site than the existing 'Warehouse/Showroom' use. The proposed use would have the potential to create employment opportunities, whilst providing a specialised form of entertainment facility for the local and wider population. The provision of the use on the site would potentially add vibrancy to the area after-hours.

Council's Local Planning Policy 22 'Development Standards for Causeway Precinct' makes reference to the 'desired future character' of the area within which the subject site is located. Known as "Area 7 Commercial Core", the desired future character of the area is stated in part as follows:

"A vibrant commercial centre will develop here, having sufficient overall floor space to become a significant business destination of choice with high quality contemporary offices and support services."

Despite the proposed use being considered to be consistent with the Statement of Intent for the Causeway Precinct as a whole, when considering the specific 'Area' within which the site is located, the use as a 'Function Centre' does not reflect the desired future character of the Commercial Core, being a business destination incorporating office spaces and support services.

Council Officers acknowledge that whilst this is the desired future character of the area, the existing uses within the Causeway Precinct reflect a more 'Industrial' nature. The proposed change of use to 'Function Centre', despite not being of an overtly commercial or corporate nature, would have the capacity to operate in harmony with a commercial core, due to its normal hours of operation occurring outside of standard office hours. As such, the use of the site as a 'Function Centre' is considered to be acceptable.

Nature and Scale of Proposed Use

The applicant has stated that the majority of events would cater for between 50 – 100 people, with events for up to 200 people provided upon request. The nature of the business requires the space to be a 'blank canvas' in order for the space to be successful, as it needs to be flexible to cater for the requirements of each individual client. Whilst the applicant is seeking approval for the use of a 'Function Centre' with a maximum 200m² net floor area, the actual space being utilised for individual events will range from as little as 45m², with the majority of functions utilising no more than 100m² net floor area of the site.

As a maximum of two (2) events will be held each week, catering for between 50 – 100 people, Council Officers are satisfied that the nature and scale of the use can be considered as reasonable within the 'Office/Residential' zone. As the operating hours of the use will generally be outside of office hours, the premises will have no adverse impact on the surrounding properties. Should Council issue a time-limited approval for the site, there would be the potential to reconsider the application at a later date, and re-assess the nature and scale of the use and its impact on the vicinity after operations had occurred.

(To be confirmed 11 October 2016)

Clause 38 of Town Planning Scheme No. 1 and Schedule 2, Clause 67 of the Local Planning Scheme Regulations 2015

Having regard to the acceptability of the proposed use, regard must be given to the general matters listed under Clause 67 of the Local Planning Scheme Regulations 2015, as well as those matters listed under Clause 38 of the Scheme for non-complying applications, given the car parking shortfall as previously discussed. These include general matters concerning the orderly and proper planning of the locality, the conservation of amenities of the locality and whether the proposed development would have an adverse impact on the development's occupiers/users, the inhabitants of the locality or future development within the locality. More specifically, these matters include the development's consistency with the Statement of Intent contained in Precinct Plan P3 for the Causeway Precinct, and the intent of Council's Local Planning Policy 23 'Parking Policy'.

As previously outlined, the use of the premises as a 'Function Centre' is considered to be more consistent with the intent of the 'Office/Residential' zone contained in Precinct Plan P3 than the approved use of the site as a 'Warehouse/Showroom', as the Statement of Intent of the Precinct Plan seeks to redevelop the locality by achieving a sustainable mixed use urban environment which provides housing and employment, along with services and facilities to those who live within close proximity to the area. Council Officers acknowledge that the use of the site as a 'Function Centre' has the potential to provide employment opportunities and entertainment facilities to the future patrons of the area.

Concerns that Council Officers held regarding the scale of the use within the 'Office/Residential' zone have largely been mitigated through the applicant's Parking Management Plan and reciprocal car parking arrangement. Further, the use of the site for functions two (2) times per week, with functions generally catering for 50 – 100 patrons is considered to be appropriate within the 'Office/Residential' zone. A temporary approval for the use would ensure that the proposal wouldn't inhibit any future development within the locality.

Car Parking and Traffic Generation

Council Officers contend that if not managed adequately, the proposed development could have the potential to create significant adverse impacts of car parking and traffic generation within the vicinity. However, the Urban Planning Business Unit is satisfied that the parking management plan submitted by the applicant, as well as the reciprocal parking arrangement with DVG Burswood and agreements with ride share and charter vehicle services will assist in mitigating issues regarding car parking and traffic generation.

As the majority of the functions will take place outside of office hours, it is unlikely that the operation of the premises will adversely impact the surrounding tenancies. A condition of approval to limit the available function space to 25m² during office hours would also ensure compliance with the Town's Local Planning Policy 23 – 'Parking Policy'.

(To be confirmed 11 October 2016)

Noise Management

Considering potential noise issues, the business will be operated wholly within the existing building, however, due to the size of the building, the intensity of the use and the proposed number of patrons anticipated to be attending events, there is the potential for noise and potential disturbances to occur to surrounding properties. Should the application be approved, it is considered that a Noise Management Plan should be required as a condition of approval, to ensure that matters such as noise and potential disturbances to nearby properties can be minimised.

Waste Management

The applicant has provided information regarding waste management, and has stated that all waste will be removed from the premises after every event by the organisers, and will not impact the surrounding environment in any manner. Council Officers are satisfied that this will have no adverse impact on the amenity of the surrounding area.

Signage and Façade Alterations

This application does not deal with the provision of any signage, or any alterations to the façade of the existing building.

CONCLUSION:

Development approval is sought for the use of the subject premises as a 'Function Centre' which is an 'Unlisted Use' under the Town of Victoria Park Town Planning Scheme No. 1. In considering an application for any use within the Office/Residential zone, Council is to have regard for the objectives of the zone.

The use of the site as a 'Function Centre' is considered to be consistent with the Statement of Intent for the 'Office/Residential' zone. Council Officers are confident that the nature of the operations to be held on the site, and associated management plans submitted to control the operations of the premises will mitigate any potential adverse impacts on surrounding properties. The reciprocal car parking arrangement will also address the proposed parking shortfall.

In view of the above, Council Officers recommend that Council approves the application for a Change of Use to Unlisted Use (Function Centre), for a 24 month period subject to recommended conditions.

RECOMMENDATION/S:

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the application submitted by T. Hosken (Locally Crafted) (DA5.2016.201.1) on behalf of Andoryka Holdings Pty Ltd. for Change of Use to Unlisted Use (Function Centre) at 20 (Lot 21) Thorogood Street, Burswood, as indicated on the plans and written information dated received 26 July 2016 be Approved by Absolute Majority subject to the following conditions:
 - 1.1 This approval is valid for a period of 24 months only until 13 September 2018. Prior to or upon the expiry of this approval, the owner/applicant must cease the development or submit a fresh application for development approval for Council's consideration.

(To be confirmed 11 October 2016)

- 1.2 All functions operating during the hours of 12:00pm to 6:00pm Wednesday to Friday being restricted to a maximum floor area of 25m² only.
- 1.3 Operation of the Function Centre to be in accordance with the details provided in the application and supporting information dated received 26 June 2016, 20 July 2016 and 22 August 2016, or as modified by the conditions of this approval. Any changes to the operations will require lodgement of a new application for planning approval for consideration by Council.
- 1.4 Prior to commencement of the operation, a Noise Management Plan shall be submitted to and approved in writing by the Town.

Advice to Applicant

- 1.5 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
 - 1.6 This approval does not include the approval of any alterations to the front façade of the building. Any alterations to the front façade will require further Planning Approval to be obtained from the Council.
 - 1.7 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.
 - 1.8 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
 - 1.9 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

(To be confirmed 11 October 2016)

ALTERNATE MOTION:**RESOLVED:****Moved: Cr Oliver****Seconded: Cr Potter**

1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the application submitted by T. Hosken (Locally Crafted) (DA5.2016.201.1) on behalf of Andoryka Holdings Pty Ltd. for Change of Use to Unlisted Use (Function Centre) at 20 (Lot 21) Thorogood Street, Burswood, as indicated on the plans and written information dated received 26 July 2016 be Approved by Absolute Majority subject to the following conditions:
 - 1.1 This approval is valid for a period of 36 months only until 13 September 2019. Prior to or upon the expiry of this approval, the owner/applicant must cease the development or submit a fresh application for development approval for Council's consideration.
 - 1.2 All functions operating during the hours of 12:00pm to 6:00pm Wednesday to Friday being restricted to a maximum floor area of 25m² only with no additional parking; OR a maximum floor area of 50m² with the payment of an annual fee of \$4,680.00 for the exclusive use of six bays during this time at the Town of Victoria Park Carpark No. 23 payable prior to first commencement of the approved use and thereafter on the anniversary of the approval of this application and a once only fee of \$600 for signage; OR a maximum floor area of 50m² with the written agreement from the applicant prior to first commencement of the approved use that 50% of patrons attending during these hours will always arrive by chartered vehicle with such evidence to be produced if required.
 - 1.3 Operation of the Function Centre to be in accordance with the details provided in the application and supporting information dated received 26 June 2016, 20 July 2016 and 22 August 2016, or as modified by the conditions of this approval. Any changes to the operations will require lodgement of a new application for planning approval for consideration by Council.
 - 1.4 Prior to commencement of the operation, a Noise Management Plan shall be submitted to and approved in writing by the Town.

Advice to Applicant

- 1.5 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this Planning Approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This Planning Approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.

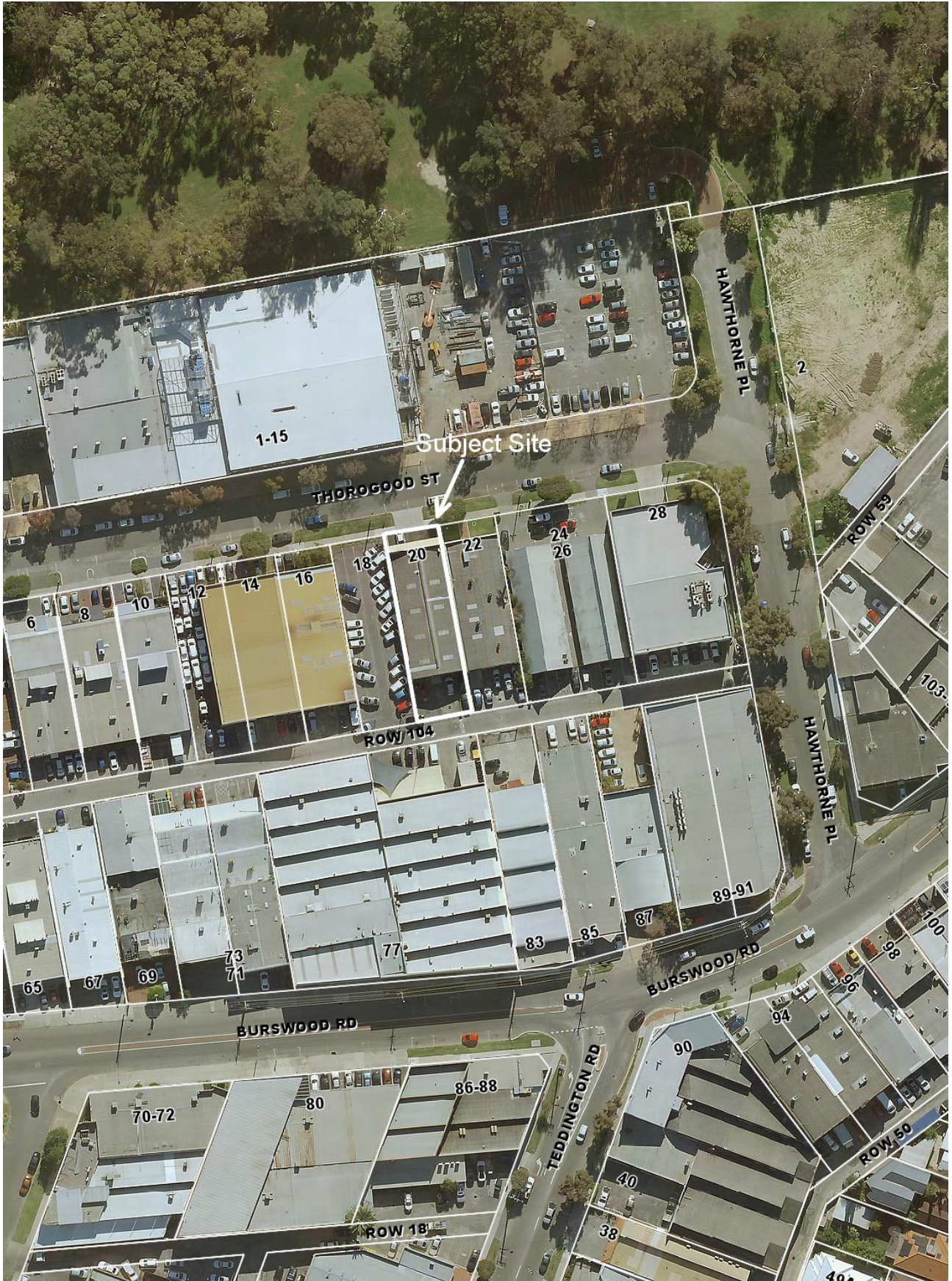
(To be confirmed 11 October 2016)

- 1.6 This approval does not include the approval of any alterations to the front façade of the building. Any alterations to the front façade will require further Planning Approval to be obtained from the Council.
 - 1.7 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law further Planning Approval will need to be obtained prior to a sign licence application being submitted to the Council.
 - 1.8 Any modifications to the approved drawings forming part of this planning approval may require the submission of an application for modification to planning approval and reassessment of the proposal.
 - 1.9 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

The Alternate Motion was Put and **CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter and Cr Windram.

(To be confirmed 11 October 2016)



(To be confirmed 11 October 2016)

11.2 102 (Lots 102-106) President Street, Welshpool – Change of Use to Unlisted Use (Storage Facility)

File Reference:	PR7280
Appendices:	No
Landowner:	M. Tichbon
Applicant:	J. Busby (Mobistore Australia Pty Ltd.)
Application Date:	21 July 2016
DA/BA or WAPC Ref:	5.2016.227.1
MRS Zoning:	Industrial
TPS Zoning:	Industrial (2)
TPS Precinct:	Precinct P9 'Welshpool'
Use Class:	'Unlisted Use' (Storage Facility)
Use Permissibility:	Discretionary

Date:	6 September 2016
Reporting Officer:	H. Stenning
Responsible Officer:	R. Lavery
Voting Requirement:	Approval – Absolute Majority Refusal – Simple Majority

Executive Summary:**Recommendation – Approval by Absolute Majority, subject to conditions**

- Application seeks approval to change the use of the site to 'Storage Facility'.
- Lots 102 – 104 are currently approved for use as a 'Telecom Depot'. Lots 105 & 106 are approved for use as 'Open Air Storage and Warehousing with Incidental Office Use'.
- A 'Storage Facility' is not included as a Use Class in the Zoning Table and as such is an 'Unlisted Use'.
- The application was subject to consultation with surrounding property owners and occupiers for 21 days in accordance with Council Policy GEN3 – Community Consultation. No submissions were received.
- Council's Urban Planning Business Unit considers the proposal to utilise the site as a 'Storage Facility' to be consistent with the intent of the Welshpool Precinct.
- The application for change of use is recommended for Approval by Absolute Majority, subject to conditions.

TABLED ITEMS:

- Development application form dated received 21 July 2016;
- Additional information received 8 August 2016;
- Site plan showing internal access arrangements for the site and additional information dated received 18 August 2016;
- Community Consultation letter dated 9 August 2016; and
- Referral response from Main Roads WA, dated received 22 August 2016.

(To be confirmed 11 October 2016)

DETAILS:

An application has been received for a change of use for Lots 102 – 106, situated to the south-eastern side of President Street, between Harris Street and Orrong Road. The parent site exhibits a large open bituminised area comprised of 11 individual lots, approximately 21,166m² in size. This application deals with Lots 102 – 106, which have a cumulative site area of approximately 10,385m², and are accessed via an existing crossover along President Street. The lots are mostly vacant, with Lot 106 housing an existing steel-framed outbuilding with an area of approximately 200m² that is proposed to be retained as part of this application.

Based on Council records, the last approved use for Lots 102 – 104 is 'Open Air Storage and Warehousing with Incidental Office Use' in October 1995. The last approved use for Lots 105 – 106 is 'Telecom Depot' in June 1985. No further change of use applications have since been received for the subject lots.

In accordance with the information provided with the application, the lots are intended to be utilised as a 'Storage Facility' by the tenant, Mobistorage Australia – a provider of self-storage containers. The lots in question will be used for the operation of Mobistorage administration and associated storage of empty containers. Upon lease of a container, Mobistorage deliver the storage unit to the customer's location of choice, or to the Mobistorage secure facility at 100 Daly Street, Belmont to be held.

The applicant has outlined that the site will mainly be utilised for the storage, delivery and removal of the container units, with the existing outbuilding to be utilised as an office building for administrative purposes. Two (2) permanent employees will be based on-site, being one (1) manager and one (1) driver to deliver the storage units. Customer visits to the site will be minimal. All administrative work with customers is undertaken off-site and as such there is little need for customers to visit the site. The applicant has outlined that there would be a maximum customer visitation rate of approximately one (1) to two (2) visits per month.

The storage containers to be held at the site come in three (3) sizes, all with a maximum height of 2.30 metres and a maximum width of 2.40 metres. The length dimensions of the containers differ as follows: Small – 2.30m; Medium – 4.90m; and Large – 5.90m. The applicant has outlined that there will be a total fleet of 500 storage containers once total operations reach a 100% capacity. This will entail an on-site/off-site ratio of 75:25, and as such, at any one time, the maximum number of containers kept on the site would be in the order of 375 units.

With regards to vehicles involved in the operation of the business, the applicant has outlined that all containers are transported by an 8-tonne tilt tray. The business does not utilise prime movers or semi-trailers as part of their operations. Regarding the number of vehicle trips, the applicant has outlined that there is likely to be up to ten (10) trips per day.

The site plan provided by the applicant on 21 July 2016 details 20 line-marked and existing car bays on the site, that can be utilised for staff and customer parking should the need arise to visit the site.

(To be confirmed 11 October 2016)

To the President Street frontage, the applicant has demonstrated a 1.0 metre wide landscaping strip on the plans dated received 18 August 2016. Further, the application seeks approval for a 1.80 metre high replacement fence to match the existing perimeter fence, with the addition of an automatic security gate to the entrance of the site. No signage is proposed as part of this application.

The subject land is zoned 'Industrial 2' under the Town of Victoria Park Town Planning Scheme No. 1, and is located within the Welshpool Precinct. A 'Storage Facility' does not fall within the interpretation of any of the use classes contained in the Town of Victoria Park Town Planning Scheme No. 1. The proposal is therefore considered to be an "Unlisted Use".

Legal Compliance:

Relevant General Provisions of Town Planning Scheme No. 1

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

- Schedule 2, Clause 67 of the Local Planning Scheme Regulations 2015;
- Schedule 2, Clause 68 of the Local Planning Scheme Regulations 2015;
- Clause 37 'Determination of an Application for an Unlisted Use'; and
- Statement of Intent contained in Precinct Plan P9 'Welshpool Precinct'.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan; and
- Local Planning Policy 23 'Parking Policy'.

Under the provisions of Local Planning Policy 23 'Parking Policy', there is no parking ratio prescribed for a 'Storage Facility', and therefore the number of bays required is to be determined by Council. The site plan submitted to accompany the application indicates the provision of 20 on-site car parking bays, accessed via President Street by an existing crossover to Lot 104. These bays are existing on the site, and are situated behind the 4.5m setback requirement.

Given the nature of the operation of the business, with two (2) permanent staff based on-site, and minimal customers expected to visit the site, this is considered to be sufficient.

Submissions:

Community Consultation:

As the 'Storage Facility' is an "Unlisted Use" within the 'Industrial (2)' zone, in accordance with Council's Policy GEN3 – Community Consultation, the application was the subject of consultation for a 21-day period. This required the application to be advertised in the Southern Gazette newspaper once a week for 3 consecutive weeks, and a sign to be placed on-site for the duration of the consultation period. Notices of the change of use were also mailed to surrounding property owners and occupiers inviting their comment. No submissions were received during the community consultation period.

(To be confirmed 11 October 2016)

Due to the location of the site in close proximity to Orrong Road, which is reserved as a "Primary Regional Road" under the Metropolitan Region Scheme, the application was referred to the Department of Main Roads for comment, which outlined no objection to the proposed development. The response has been tabled as part of this report.

Policy Implications:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Clause 37 'Determination of Application for an Unlisted Use' states that Council must be satisfied that the proposal meets the requirements listed under Clause 36(5) of the Scheme if approval were to be granted. Noting that Clause 36 of the Scheme has been overtaken by deemed clause 67 of the Local Planning Scheme Regulations 2015, the following relevant matters need to be considered:

- The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- The requirements of orderly and proper planning;
- The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - The amenity of the locality including the following –
 - The character of the locality;
 - Whether adequate provision has been made for the landscaping of the land to which the application relates; and
 - The adequacy of –
 - The proposed means of access and egress from the site; and
 - Arrangements of the manoeuvring and parking of vehicles.

(To be confirmed 11 October 2016)

The Statement of Intent for the Industrial (2) Zone in Precinct Plan P9 – Welshpool Precinct states the following:

‘This section of the precinct will be consolidated and developed as well maintained general industrial area. Non-industrial uses may be permitted where they are to be incidental to the primary industrial use or where they are to serve the needs of the local industrial community. Development shall be designed and constructed in a manner that ensures all unsightly aspects of the use are either contained within on-site buildings or are totally screened from the street.’

The proposed ‘Storage Facility’ is considered to be an appropriate use for a general industrial area. The applicant is not seeking to make any alterations to the internal layout of the property, including the construction of any improvements. The use of the site as a holding facility for the storage containers, with up to only ten (10) vehicle trips per day and few customer visits to the site will ensure that the activity will have a minimal impact on the amenity of the surrounding area.

The vehicle proposed to be used for the delivery of the storage units, being an 8-tonne tilt tray, is appropriate for use within the Industrial (2) Zone, and will not adversely affect the amenity of the surrounding area by emission of noise, vibration, smell or fumes. The applicant has stated that the building that will be utilised in relation to the proposed activity is an existing structure.

Considering the layout of the storage units on the site and as demonstrated in the submitted Site Plan dated received 21 July 2016, the applicant proposes that the smallest storage units be located to the south-western side Lot 106, abutting the boundary of Lot 107. The medium-sized storage units are proposed to be situated on the central and north-eastern end of the site, with some units abutting the boundary of Lot 101. The largest units are also proposed to be situated to the south-western end of the site, setback in excess of 30 metres from the President Street road reserve and located behind the existing commercial building and car parking area. This will reduce any adverse visual impact that the larger-sized storage units may have on the surrounding area.

Regarding the design of the storage containers, the units do not present as a standard shipping container. The units are all clad in white flat panelling, and denote the ‘Mobistorage’ branding. The consistent visual appearance of the containers will ensure they do not detract from the visual amenity of the site.

Landscaping

With regard to landscaping, the Development Standards pertaining to the Industrial (2) Zone within the Welshpool Precinct require:

‘A minimum of 25% of the front setback area between the site boundary and the building setback requirement shall be landscaped and maintained in such a manner. Where parking bays are provided in this area they shall be incorporated in the landscaping and shade trees will be provided at a rate of one tree per four bays’.

(To be confirmed 11 October 2016)

There is an existing vegetated drainage area between the site and the President Street road reserve which encroaches into the lot boundary of the subject site. This drainage area is approximately 5.0 metres in width, and provides a sparse visual screen between the site and adjoining properties. This area is proposed to be improved as part of this development application, through the addition of an allocated landscaping strip 1.0 metre in width, contained within the 5.0 metre drainage area for the entirety of the site frontage. This additional landscaping result in 104m² of additional landscaping, which will provide visual relief for the adjoining properties and is considered to satisfy the above-mentioned requirement.

Regarding the provision of landscaping and shade trees to parking bays, as the car parking is existing on the site, it is not considered appropriate to require additional landscaping to be provided to the car parking bays in this instance.

Setbacks

As per the Development Standards pertaining to the Industrial (2) Zone within the Welshpool Precinct, the following standards apply in relation to setbacks:

'All development shall be setback a minimum of 4.5 metres from all road alignments'.

As indicated on the submitted plans, the applicant is proposing to utilise the existing commercial building on the site, with no additional buildings proposed.

The proposed use will be setback behind the landscaping strip, with the containers proposed to be stored on the site at a minimum distance of approximately 9.50 metres from the President Street lot boundary. This is in excess of the requirements outlined above, and is therefore considered acceptable.

Fencing

The applicant proposes to install a 1.80 metre high perimeter cyclone fence to replace the existing fence. Further, the applicant proposes the installation of a new automatic sliding entrance gate, ten (10) metres in length and to match the perimeter fence, to provide additional security to the site. This is considered to be appropriate.

CONCLUSION:

Having regard to the Statement of Intent contained within Precinct Plan P9 for the Welshpool Precinct, the nature of the proposed use is considered to be appropriate and consistent with the Industrial (2) Zone in which it is located.

In view of the above, the application is recommended for Approval by Absolute Majority subject to conditions.

RESOLVED:**Moved: Cr Potter****Seconded: Cr Windram**

In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Mr J Busby (DA Ref: 5.2016.227.1) for Approval for Unlisted Use (Storage Facility) at 102 (Lots 102 - 106) President Street, Welshpool as indicated on the plans dated received 21 July 2016 be Approved by an Absolute Majority subject to the following conditions:

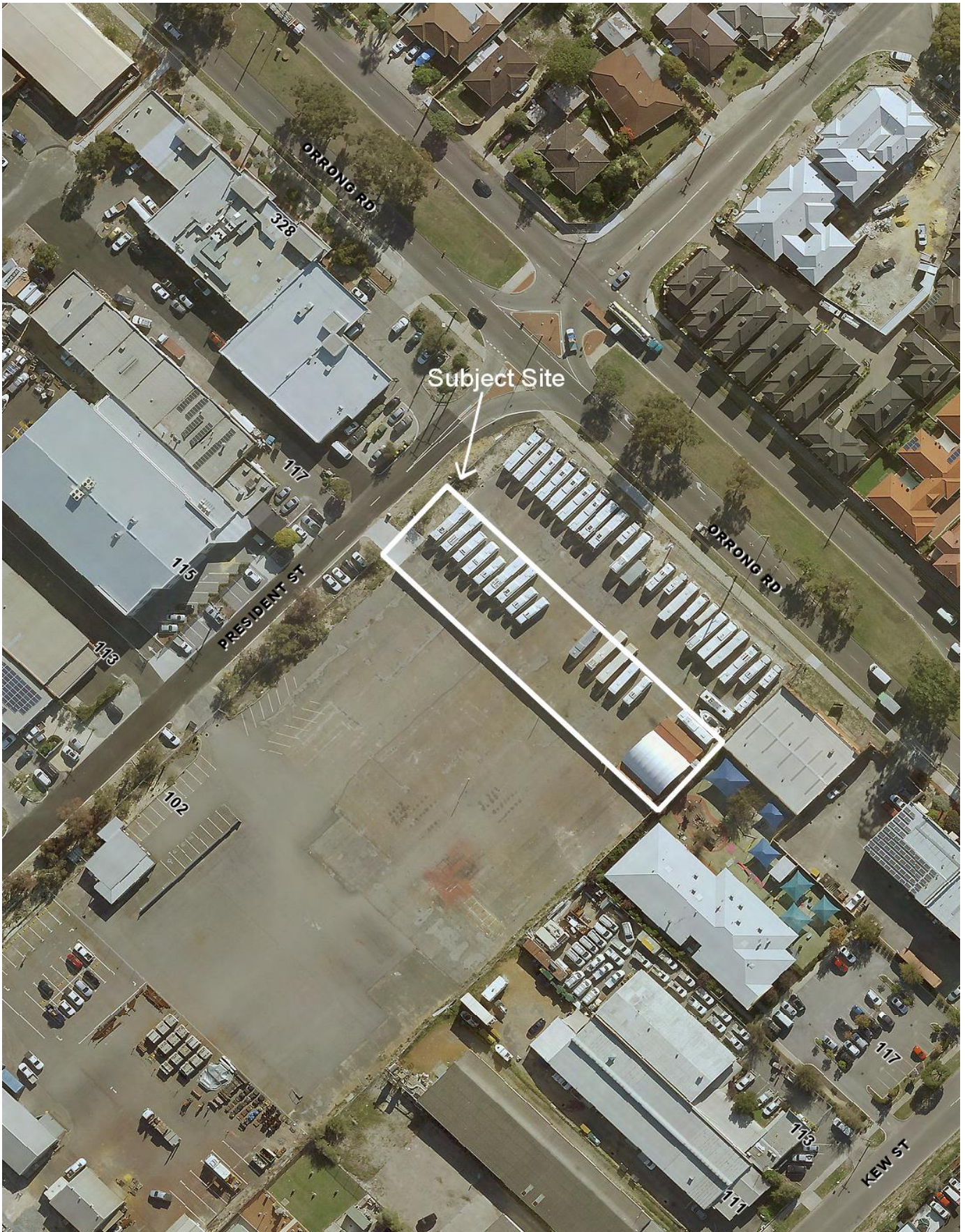
1. Operation of the Unlisted Use (Storage Facility) to be in accordance with the details provided in the application dated received 21 July 2016; 8 August 2016 & 18 August 2016. Any changes to the operations will require lodgement of a new application for planning approval for consideration by Council.
2. Landscaping shall be provided to the President Street frontage in accordance with the details provided in the application dated received 18 August 2016. All landscaping shall be provided prior to the commencement of the use and maintained to the satisfaction of the Manager Urban Planning.

Advice to Applicant

3. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.
4. This approval does not include the approval of any alterations to the existing commercial building on the site. Any alterations to the building may require further approvals to be obtained from the Council.
5. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

The Motion was Put and**CARRIED BY AN ABSOLUTE MAJORITY (8-0)**

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter and Cr Windram.



(To be confirmed 11 October 2016)

11.3 642 (Strata Lot 21) Albany Highway, Victoria Park – Change of Use from Showroom to Educational Establishment

File Reference:	D16/38159
Appendices:	No
Landowner:	Co Australian Christian Churches
Applicant:	Ms A Kelderman
Application Date:	21 June 2016
DA/BA or WAPC Ref:	5.2016.188.1
MRS Zoning:	Urban
TPS Zoning:	Commercial
TPS Precinct:	Precinct P11 'Albany Highway'
Use Class:	Educational Establishment
Use Permissibility:	'P' (Permitted) Use

Date:	29 August 2016
Reporting Officer:	N. Michael
Responsible Officer:	R. Lavery
Voting Requirement:	Refusal - Simple Majority Approval - Absolute Majority

Executive Summary:**Recommendation – Approval by Absolute Majority**

- Application seeks to change the use of an existing commercial tenancy approved as 'Showroom' to 'Educational Establishment' which is a 'P' Use.
- Community consultation was undertaken for a period of 14 days consisting of letters to surrounding property owners/occupiers. The consultation period commenced on 3 August 2016 and concluded on 17 August 2016 with three (3) submissions received.
- The application proposes a three (3) car bay shortfall on the site.
- The application is recommended for Approval by Absolute Majority, subject to conditions.

TABLED ITEMS:

- Development application form received 21 June 2016;
- Development application plans received 21 June 2016;
- Proposal information received 21 June 2016;
- Consultation letter sent to surrounding property owners/occupiers and corresponding map dated 3 August 2016; and
- Three (3) submissions received during consultation period.

BACKGROUND:

On 26 July 2005 Council issued approval for redevelopment of the site in question (including alterations to existing buildings) with a building containing 17 multiple units at first and second floor, and showrooms at ground floor (DA 05/0300). The Site has since been developed with modifications to the parking layout approved under DA 07/0271 and DA 07/0835.

(To be confirmed 11 October 2016)

On 7 July 2008 Council received an application for a Change of Use to Educational Establishment at No.642 (Strata Lot 16 & 21) Albany Highway, Victoria Park. The application proposed a 4 car bay shortfall. At the Ordinary Council Meeting on 11 September 2008 Council resolved to approve the application subject to conditions, this included the requirement for a cash-in-lieu payment for each car bay shortfall.

DETAILS:

An application has been received seeking approval to change the use of one ground floor unit from 'Showroom' to 'Educational Establishment'. The site is along Albany Highway within the Albany Highway Precinct and is zoned Commercial. No external changes are proposed and the unit will be accessed via a separate entrance which leads into the private car park towards the rear of the building. Internal alterations to the unit include partitioning to create individual areas including a library and two individual teaching areas.

The proposed use of the premises as an Educational Establishment attracts a parking requirement of 5 car bays. Vehicular access and parking at the premises will not alter as a result of these proposals.

The applicant has provided the following advice regarding the proposal:-

- The Educational Establishment will operate classes (limited to a maximum of 18 participants) within the hours of 9.00am to 12.00am, 1:00pm to 4:00pm and 5.00pm to 8.00pm on weekdays;
- A maximum 2 staff members will work in the tenancy at any one time; and
- A range of programs are offered to students from certificate to PhD in Theology, Ministry and Leadership.

In accordance with Council Policy GEN3 'Community Consultation', the proposal was the subject of community consultation for period of 14 days, with letters being sent to the owners and occupiers of affected properties. During the consultation three (3) submissions were received.

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

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

- Deemed Clause 67 of the Local Planning Scheme Regulations 2015;
- Clause 38 of the Scheme Text; and
- Statement of Intent contained in Precinct Plan P11 'Albany Highway Precinct'.

Compliance with Development Requirements

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

(To be confirmed 11 October 2016)

Town of Victoria Park Town Planning Scheme No.1

The statement of Intent for the Precinct states the following part:

“The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the “strip” imagery of its past development along the length of Albany Highway.

The precinct has three retail nodes connected by general commercial areas. A wide range of uses serving both the local and regional populations shall be permitted, with emphasis on the consolidations and intergration of existing uses.”

The text associated with the ‘Albany Highway Central’ section of the Precinct reads:

“This part of the precinct shall continue in its present capacity as a location for small to medium scale mixed general commercial and minor retail activites. Specialisation in fields of vehicle sales and household goods should be maintained and promoted as a feature of this area.”

Local Planning Policy 23 – Parking Policy

Local Planning Policy 23 – Parking Policy requires Educational Establishments, Technical Schools and Tertiary Institutions to be served by one (1) parking bay for every six (6) students and one (1) parking bay for each member of staff.

The applicant proposes a maximum number of 18 students in the premises, with a maximum of two (2) members of staff at any one time. This intensity of use attracts a minimum parking requirment of five (5) car bays. The current approved use of a Showroom required two (2) car bays.

In view of the above, with two (2) car bays required for the approved use of showrooms and five (5) bays required for the proposed change of use, the applicant proposes a shortfall of three (3) car bays as no additional car bays can be provided on site.

Clause 6.8 of the Town’s Parking Policy grants Council disretions to consider cash-in-lieu parking, in accordance with the following provisions:

- a) *Cash-in-lieu of parking shall be considered where developments have a shortfall of parking according to the requirements outlined in the above land use parking requirement table. The Council may accept money for this shortfall to provide bays in a nearby existing or proposed public parking facility. This Policy provision should not be seen to be replacing the developer's responsibility to provide on-site parking. The provision of an adequate supply of parking is the intent of this provision and as such the following matters apply:*
 - i. *cash-in-lieu contributions shall only be permitted in localities where the Council is proposing to provide a public car park in the near future or where a public car park already exists;*
 - ii. *cash-in-lieu contributions may comprise all or part of the on- site parking requirement for a development;*

(To be confirmed 11 October 2016)

- iii. *the contribution rate per bay shall be based on the estimated cost of the land (in the vicinity of the proposal), the cost of constructing the bay and any other related costs such as landscaping, lighting etc. Land costs will be as determined by the Council and include acquisition costs such as legal fees;*
- iv. *the contribution received from the applicant for proposed facilities shall be held in a Trust Fund of the Council for the purpose of acquisition of land for parking in appropriate areas or accepted by the Council as a contribution towards the cost of providing existing public parking facilities in the area. Contributions may consist of cash or land, or a combination of both, and must be made prior to the issue of a building license to the Trust Fund. Other means of payment may be suitable subject to Council agreement. Any bays for which a contribution has been provided shall be constructed in the locality where the development will generate the need for additional parking; and*
- v. *the Council will require, but not limit the use of the land on which parking facilities are provided to be used for that purpose. The bays provided as a result of cash-in-lieu contributions shall remain available to the public, be administered by Council, and fees for parking may be imposed by the Council.*

The calculation of cash-in-lieu payments is based on the Town of Victoria Park Budget for the 2016/2017 financial year, being \$40,000 per bay.

In a report accompanying the Development Application, received on the 21 June 2016, the following statements have been made by the applicant to explain how the business is intended to operate and to address the car parking shortfall:

“The proposal is to utilise Suite 6 of the subject site as an educational facility for AC, a tertiary education institution. The College proposes to utilise the unit for the education of 20 students with 2 teachers. The suite will contain two teaching spaces, a library and the existing kitchen and has a shared bathroom facility. Australian Christian Churches have granted access and use of their bathroom facilities (suite) if there is a shortfall for environmental health purposes (see attached letter of support). AC proposes to run three sessions that do not overlap with up to 20 students at each session. These will be a morning, afternoon and evening session.

The proposed use is a permitted use being Educational Establishment (Tertiary Institution). The proposal is for the use of an existing unit/suite within an approved existing mixed use development on Albany Highway. This application is for development approval for change of use, with a parking shortfall identified when considering the Town Planning Scheme parking requirement.

The development application is requesting approval for the change of use to Educational Establishment (Tertiary Institution) with the existing number of car bays provided and therefore requesting support for an approved shortfall.

(To be confirmed 11 October 2016)

The shortfall in parking is requested to be supported for this application as it can be demonstrated that adequate nearby parking facilities are available, and the proposed use provides a range of benefits to the Albany Highway Commercial Centre. These are further expanded below and include:

Within existing parking management facilities and approach of the City

- *Within existing parking management facilities and approach of the City*
- *Comparable shortfall for all of the permitted uses within the Commercial Zone within an existing approved mixed use development;*
- *Support and leadership in Sustainability and Travelsmart through utilisation of existing public transport; and*
- *Support of the Albany Highway Precinct revitalisation.*

The Town of Victoria Park has significant parking facilities within proximity of the subject site which includes on time restricted street parking (paid and unpaid) and formal carparks, including all day parking. The site is also in proximity to the large private carpark at The Park shopping centre. The parking map in the attachments identifies a large number of available parking in close proximity to the site. There are carparks nearby which have all day parking which include Miller Street, Kent Street and Hubert Street. The parking in close proximity to and on the highway is also time restricted (1P and 2P) which will ensure that students do not use valuable bays which support local businesses.

The site is not identified within a parking hotspot which supports that there is adequate parking within the area. The Hubert Street carpark which is in close proximity has also been upgraded as part of the Parking Management approach by the Town.

The subject site is located within a high frequency bus corridor with two train stations within the local vicinity as well. The applicant has selected this site as they wish to provide an educational facility with good public transport to support their students. The attached map identifies the large number of bus services supporting access to the subject site.

The Town of Victoria Park Parking Management Plan 2012 identifies a range of transport modes available to students for the area and these Transport modes include:

- *Buses along Albany Highway, Shepperton Road and crossing these two major thoroughfares*
- *Trains at Victoria Park Station and other stations*
- *Cycle ways*
- *Private vehicles and taxis*
- *Gophers (motorised wheelchairs)*

The Town of Victoria Park also supports the use of alternative transport modes to driving through the TravelSmart program. The applicant is happy to work with the Council to ensure all students are made aware of the TravelSmart program to maximise access to and usage of public transport.

The Towns Community Strategic Plan also identifies as one of its fundamental pillars Environmental Sustainability. One of the Key Missions is to be “Environmentally Sustainable:

(To be confirmed 11 October 2016)

- *We will be aware of the changing environment in which we operate, live, work and recreate*
- *We will make decisions based on environmental, economic and social impact on our environment*
- *We will create the best environment in which to live and work.*

There are excellent public transport facilities to and from the site with high frequency bus services along Albany Highway and the train line located within proximity with train stations at Victoria Park and Carlisle. The applicant selected this site for its excellent public transport and supports the students accessing the site in this manner.

A large amount of parking is available within close proximity to the site that could adequately cater for short term parking for class sessions if student decided to drive on occasion rather than take public transport. Most parking is paid parking which would encourage and support the use of public transport but also provides funding that would benefit the local council and community through its usage. The students would be highly likely to utilise local services and facilities further supporting the town centre.

The Town of Victoria Park Strategic Community Plan 2013-2028 comprises five program areas.

Environmental activity is encompassed under the 'Renew Life' program, the objectives of which are:

- 1. Ensure parks and natural areas are provided to the best standard;*
- 2. Ensure residents have safe, clean and attractive streetscapes;*
- 3. Effectively manage, maintain and renew the Town's assets; and*
- 4. Provide leadership on environmental, transport and infrastructure solutions.*

In an electronic mail received on the 20 July 2016, the applicant provided additional comments in relations to the operational hours:

"Classes will run from 9am-12pm, 1-4pm and 5-8pm on any given weekday. Day classes may be run up to 5 days a week Mon-Fri and evening classes may be run Mon-Thurs."

In a further electronic mail received on the 17 August 2016, has agreed to reduce the maximum number of students from twenty (20) to eighteen (18) students, thus reducing the car parking shortfall from four (4) car bays to three (3) car bays.

Submissions:

Community Consultation:

As the proposal demonstrates non-compliance with the Town's Local Planning Policy 23 'Parking Policy, Council's Policy GEN3 – Community Consultation required the application to be the subject of consultation for a 14-day period to owners and occupiers of adjoining and surrounding properties inviting their comment. The consultation period commenced on 3 August 2016 and concluded on 17 August 2016. Three (3) submissions were received at the conclusion of the advertising period.

CONSULTATION SUBMISSIONS	
<i>Submission from Tenant of 642 Albany Highway</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> Does not comply with car parking policy so additional vehicles will park on the verge congesting the bypassing traffic. 	Supported. The use does not comply with Local Planning Policy 23 – Parking Policy as such the Town will recommend a condition for a cash-in-lieu payment for each car bay shortfall to offset the impact on on-site and on-street car parking.
<i>Submission from Tenant of 642 Albany Highway</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> In favour of the proposal for the change of use to educational establishment. 	Noted.
<i>Submission from Tenant of 642 Albany Highway</i>	
Comments Received	Officer's Comments
<ul style="list-style-type: none"> In favour of the proposal for the change of use to educational establishment. 	Noted.

Policy Implications:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Car Parking and Traffic Implications

As per the rate specified in the parking table contained within Local Planning Policy 23 - Parking Policy, an 'Educational Establishment' use requires one (1) parking bay for every six (6) students and one (1) parking bay for every staff member. The current approved use of the subject unit as a Showroom requires two (2) car bays. Two (2) car bays are allocated for this unit on-site and therefore given that five (5) bays are required for the proposed use, a shortfall of three (3) car bays is proposed.

(To be confirmed 11 October 2016)

The applicant has indicated that there are a number of alternative transportation options available for students enrolled in their classes, including walking, cycling, public transport and taxis. In addition, the applicant notes that the additional parking requirement could be accommodated within the public car parking along Hubert, Miller and Kent Streets.

Despite the availability of alternative means of transport, the likely uptake of these alternatives cannot be controlled. Educational Establishments generally have significant parking demands encouraging the use of the private car for transport. The car parking shortfall will place greater pressure upon the available parking bays along Albany Highway, which are provided for the benefit of the patrons of all businesses in Victoria Park. It is therefore recommended that a cash-in-lieu payment be made for each car bay shortfall to offset their ability to provide a further three (3) car bays on-site.

In summary, a three (3) bay shortfall will rely on Albany Highway and surrounding public car parks in the vicinity however this can be offset by a cash-in-lieu payment which will contribute to the cost of providing existing and proposed public parking facilities along Albany Highway.

Clause 38

As the proposed development is non-complaint with a requirement of Town Planning Scheme No.1 Council must be satisfied that the proposal meets the requirements listed under Clause 38(3) of the Scheme. In this respect:

- **The orderly and proper planning of the locality and the conservation of the amenities of the locality**
The proposal will not harm the amenities of the locality, will retain vitality in this particular part of the Precinct, and the shortfall in parking bays will be offset by a cash-in-lieu payment to upgrade/provide car parking facilities within the vicinity of the site. Subject to appropriate conditions on any consent the development will not have a detrimental impact on traffic flows within the area.
- **The statement of intent set out in the relevant Precinct Plan**
In this instance, Council Officers consider the proposed Educational Establishment is consistent with the Statement of Intent for the Albany Highway Precinct, the text associated with the 'Albany Highway central' section of the Precinct and will not harm the existing character or vitality of the area, complying with the land use zoning table for the Precinct.
- **The non-compliance would not have any undue affect on the occupiers or users of the development**
The variation to parking requirement will not adversely impact upon the occupants/users of the development as the cash-in-lieu payment will allow public carparks to be upgraded/provided. Staff and customers will be able to park in relative close proximity to the subject property through on-street parking and Council car parks.

(To be confirmed 11 October 2016)

- **The non-compliance would not have any undue affect on the property in, or the inhabitants of, the locality**
The non-compliance will not have an undue impact on properties in the locality. The condition of a cash-in-lieu payment will allow further parking to be provided, off-setting any impact on inhabitants of the locality.
- **The non-compliance would not have any undue affect on the likely future development of the locality**
The item of non-compliance will not adversely affect the future development of the locality.

CONCLUSION:

The proposal is considered to be consistent with the Statement of Intent and the objectives for the Precinct and the text associated with the 'Albany Highway Central' section. It will therefore not adversely impact on adjoining properties or the general character of the area, subject to the condition of a cash-in-lieu payment to offset the impact of the on-site car parking shortfall on the existing character of the area.

Having regard to the above and Clause 38 of the Town Planning Scheme No.1, it is recommended that the application be approved by Absolute Majority, subject to conditions.

RECOMMENDATION/S:

Moved: Cr Ammons Noble

Seconded: Cr Hayes

In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme the application submitted by Ms A Kelderman (DA Ref: 5.2016.188.1) for Change of Use from 'Showroom' to 'Educational Establishment' at 642 (Lot 21) Albany Highway, Victoria Park, as indicated on the plans dated received 21 June 2016 be Approved by Absolute Majority subject to the following conditions.

1. A cash-in-lieu payment for car parking of \$120,000 to be placed in a fund for the upgrading and maintenance for the carpark at No. 2 Kent Street, Westminster Street or Public Car Park No. 37 prior to submission of an application for building permit or the occupancy of the premises, or the applicant entering into a legal agreement prepared by Council's Solicitors at the applicant's cost, to pay 20% of the \$120,000 prior to submission of an application for building permit or prior to the occupancy of the premises, with payments of 20% of \$120,000 to be paid on the anniversary of the first payment for four consecutive years.
2. A maximum number of two (2) staff and eighteen (18) students shall be present at any one time.
3. This approval is valid for a period of twenty four months only. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

(To be confirmed 11 October 2016)

Advice to Applicant:

4. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
5. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application, in accordance with Council's Signs Local Law. Please also note that should any signage not comply with the Signs Local Law a separate development approval will need to be obtained prior to a sign licence application being submitted to the Council.
6. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AMENDMENT:

Moved: Cr Ammons Noble

Seconded: Cr Hayes

That condition 1 be amended to read:

1. Prior to first commencement of the approved use, the applicant is to submit and receive written approval from the Manager Urban Planning for a Travel Plan which indicates how the applicant will required the students to come to the premises by transportation other than private vehicle and how that will be communicated and policed by the applicant.

PROCEDURAL MOTION:

Moved: Cr Potter

Seconded: Cr Hayes

That this item be deferred until the Ordinary Council Meeting, to be held on 11 October 2016.

The Procedural Motion was Put and

CARRIED (7-1)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Oliver; Cr Potter and Cr Windram.

Against the Motion: Cr Maxwell

Reason:

To allow Elected Members the opportunity to investigate the amendment from Cr Ammons Noble before implementing it.

(To be confirmed 11 October 2016)



11.4 Classification of Amendment No. 73 to Town Planning Scheme No. 1 Relating to Creation of Residential Character Special Control Area

File Reference:	PLA/7/73
Appendices:	No
MRS Zoning:	Urban
TPS Zoning:	Residential
TPS Precincts:	P5 – Raphael Precinct P6 – Victoria Park Precinct P10 – Shepperton Precinct P12 – East Victoria Park Precinct

Date:	26 August 2016
Reporting Officer:	L. Parker
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council reaffirms its decision to initiate Amendment No. 73 to Town Planning Scheme No. 1 and resolve that it is a ‘standard’ amendment as per Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- Council resolved to initiate Amendment No. 73 to the Town of Victoria Park Town Planning Scheme No. 1 at its meeting held on 14 June 2016, to designate the Residential Character Study Area as a Special Control Area and introduce provisions to provide for the conservation of ‘original dwellings’ and ensure development is of a sympathetic scale and character within this area.
- Following the receipt of advice from Officers of the Department of Planning, it is considered appropriate that Council formally resolve whether in its opinion Amendment No. 73 is a ‘basic’, ‘standard’ or ‘complex’ amendment in accordance with Regulation 35(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
- It is recommended that Council reaffirm its decision to initiate Amendment No. 73 and resolve that it is a ‘standard’ amendment for the reasons outlined in the Officer Recommendation.

TABLED ITEMS:

- Minutes of the Ordinary Council Meeting held on 14 June 2016; and
- Excerpt of Regulation 34 of Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND:

The Council at its Ordinary Meeting held on 14 June 2016 resolved to initiate Amendment No. 73 to Town Planning Scheme No. 1, as follows:

(To be confirmed 11 October 2016)

- “1. Council resolve pursuant to Section 75 of the Planning and Development Act 2005 to initiate an Amendment (Amendment No. 73) to the Town of Victoria Park Town Planning Scheme No. 1 by amending the Town Planning Scheme Text as follows:
 - 1.1. Amend Clause 29A (1) of the Scheme Text by including the following additional type of Special Control Area:
 - (c) Residential Character Areas shown on the Precinct Plans as RC with a number and included in Schedule 7.
 - 1.2. Insert in to ‘Division 3 – Special Control Areas’ of the Scheme Text the following Clause:

29AC. RESIDENTIAL CHARACTER AREAS
Schedule 7 describes the Residential Character Areas in more detail and sets out the purpose and particular requirements that may apply to the Residential Character Areas.
 - 1.3. Amend “SCHEDULE 7: SPECIAL CONTROL AREA” contained in the Scheme Text to include a new Special Control Area – RC 1 and to incorporate the following text:

[Schedule 7 Table Removed for brevity]
 - 1.4. Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A & B by including in the legend a heading “Land Use and Development Controls” and then underneath a black border and number RC 1 within the boundaries of the border described as Residential Character Area subject to Division 3 and Schedule 7 of the Town Planning Scheme Text.
 - 1.5. Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A & B by delineating the Residential Character Special Control Area using a black border and the number RC1 within the boundaries of the border.
2. The Chief Executive Officer and Mayor be authorised to execute the Town Planning Scheme No. 1 Amendment No. 73 documents.
3. Amendment No. 73 be referred to the Department of Environment and Conservation prior to the commencement of advertising of the Amendment.
4. On receipt of advice from the Environmental Protection Authority under Section 48A of the Environmental Protection Act indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 for 42 days.

(To be confirmed 11 October 2016)

DETAILS:

Advice received from Department of Planning Officers following Council's initiation of Amendment No. 73 to Town Planning Scheme No. 1 has indicated the requirement for the Council to formally resolve whether, in its opinion, the amendment is a 'basic', 'standard' or 'complex' amendment in accordance with Regulation 35(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Whilst the Officer report presented to Council did specify that the amendment would be required to follow the statutory processes for a "Standard Scheme Amendment", the resolution adopted by Council did not include a part classifying the amendment as one of the three types (and the reasons for that classification) as required by the Regulations. Therefore, it is considered appropriate that the Council formally resolve to classify

Amendment No. 73 as a 'standard amendment' to ensure that the process undertaken by Council in initiating the amendment has been carried out in accordance with all relevant requirements. This will also serve to avoid doubt or speculation occurring at the end of the statutory amendment process, which may lead to delays in its consideration by the Western Australian Planning Commission and ultimately the Honourable Minister for Planning.

Legal Compliance:

Regulation 35(2) contained within Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a resolution of a local government to to prepare or adopt an amendment to a local planning scheme to do the following:

"(2) A resolution must –

- (a) *specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) *include an explanation of the reason for the local government forming that opinion."*

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

The protection of the established residential character in the Town needs to be a high priority of the Council and should be a key consideration in all future development of the Town.

Environmental Issues:

Nil

(To be confirmed 11 October 2016)

COMMENT:

Regulation 34 contained within Part 5 - Division 1 of the Regulations (an excerpt of Clause 34 is included as a Tabled Item to this report) provides definitions of what may constitute a 'basic', 'standard' or 'complex' amendment to a local planning scheme.

Having regard to these definitions and the nature of proposed Amendment No. 73, it is considered that the amendment is a 'standard amendment' as outlined below, having regard to criteria (a) and (e) in its definition under Regulation 34 of the Regulations, which specifies that a 'standard amendment' includes:

- “(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve; and*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;”*

As noted in the Officer report at the 14 June 2016 Ordinary Council Meeting, the intent of Amendment No. 73 is not to impose additional requirements upon the development of land or buildings. Instead the purpose is to ensure that those provisions that applied throughout the area prior to the introduction of the Regulations, namely the need for development approval for demolition, new dwellings and additions to dwellings, and the need to comply with Council's Local Planning Policy – Streetscape, continue to apply. The only new element to the proposed Scheme Amendment is the ability for Conservation Notices to be served to owners of 'original dwellings' who do not maintain their properties.

The 'Residential Character Special Control Area' proposed by Amendment No. 73 affects 'Residential' zoned land within the Raphael, Victoria Park, Shepperton and East Victoria Park Precincts under Town Planning Scheme No.1. The 'Statement of Intent' and objectives outlined for the 'Residential Zone' in the Precinct Plans for all of these Precincts contain objectives seeking the retention of existing housing stock, particularly dwellings of traditional character and design, and to ensure that any redevelopment that occurs is consistent with the existing style, character and scale of dwellings.

The designation of the Residential Character Study Area as a Special Control area will not have any further implications for land outside of the Special Control Area.

In view of the above, Amendment No. 73 is considered to constitute a 'standard amendment'.

CONCLUSION:

In order to proceed with advertising and subsequent adoption of Amendment No.73 for Final Approval by Council (with subsequent consideration by the Western Australian Planning Commission to follow), it is recommended that Council reaffirm its decision of 14 June 2016, and resolve to amend its resolution to state that in its opinion, Amendment No.73 to Town Planning Scheme No. 1 is a 'standard amendment' in accordance with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

RESOLVED:**Moved: Cr Potter****Seconded: Cr Oliver**

1. Council reaffirms its decision of 14 June 2016 to initiate Amendment No. 73 to the Town of Victoria Park Town Planning Scheme No. 1; and
2. Council amends its resolution of 14 June 2016 to initiate Amendment No. 73 to the Town of Victoria Park Town Planning Scheme No. 1 by adding the following part to its resolution:

“5. Council considers Amendment No. 73 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a ‘standard amendment’ in accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- (i) The amendment is consistent with the ‘Statement of Intent’ and objectives for the ‘Residential’ Zone contained within the Precinct Plans for the Raphael, Victoria Park, Shepperton and East Victoria Park Precincts under Town Planning Scheme No.1; and*
- (ii) The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment.”*

The Motion was Put and**CARRIED (8-0)**

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

11.5 Petition Requesting Town Planning Scheme and Precinct Plan Review and Amendment for Burswood Lakes Structure Plan

File Reference:	PLA/7/0022
Appendices:	No
MRS Zoning:	Urban
TPS Zoning:	Special Use
TPS Precincts:	P2 – Burswood Precinct

Date:	25 August 2016
Reporting Officer:	R Lavery
Responsible Officer:	R Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That the Petition dealing with the Request for a Town Planning Scheme and Precinct Plan Review and Amendment to the Burswood Lakes Structure Plan be received by Council and that the petitioner’s aims to have certainty and input into the future planning direction for their estate and to stop development that does not comply with the Burswood Lakes Structure Plan until such time as there is a clear future direction for development on the Peninsula, be noted.

- A 202 signature petition has been received from surrounding Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment.
- Recommended that the petition identifying the concerns of the residents of the Burswood Lakes Estate (Burswood Lakes Structure Plan area) be noted and that Council also note their request to be involved in the future planning for the Burswood Peninsula.

TABLED ITEMS:

- Petition received by Council’s administration on 12 July 2016 requesting a Town Planning Scheme and Precinct Plan Review and Amendment for Burswood Lakes Estate.

BACKGROUND:

The Town has received a petition signed by 202 residents and landowners of the “Burswood Lakes Estate” the area the subject of the Burswood Lakes Structure Plan adopted under Town Planning Scheme No. 1.

The Burswood Lakes Structure Plan was developed to guide the future subdivision and development of the land and was approved by Council on 17 December 2002 and by the Western Australian Planning Commission on 22 April 2003.

(To be confirmed 11 October 2016)

Since that time most of the development of the area has been generally in accordance with the provisions of the Structure Plan with the most notable exceptions being the fourth tower at 96 Bow River Crescent which included an increase in density and height from that identified in the Burswood Lakes Structure Plan albeit within the parameters for exercise of discretion identified in the Precinct Plan and Town Planning Scheme No. 1 generally; and the request for variations to the Structure Plan requested by the owners of Lots 9 and 9252 Victoria Park Drive on two separate occasions, one of which is still to be determined.

DETAILS:

A 202 signature petition has been received from Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment. The petition states the following:

TO: *His Worship, Mr Trevor Vaughan, Mayor of the Town of Victoria Park*

BY: *Electors of the district of Victoria Park.*

Background:

The Burswood Lakes Estate (our Estate), approved Structure Plan 2003 is a document endorsed by the State of Western Australia and the Town of Victoria Park (TOVP) and a document whose integrity many of us relied upon in acquiring properties within the Estate. Recently, the State Government endorsed the Burswood Peninsula District Structure Plan and has also stripped Structure Plans of Statutory status. This means we now have two documents to 'guide' development at our Estate; and our original, approved, Structure Plan is not binding on the developer.

This, along with Mirvac's departure from the Burswood Lakes Estate Structure Plan (government approved major uplift in density) combined with EG Funds Managements proposal for high density developments on Victoria Park Drive and Bow River Crescent entry, has left owners and residents of our Estate in a state of "planning limbo" with no certainty of development outcome. This in turn has affected confidence in the planning regime and, more significantly, current property values. As a result, our Estate ranks amongst the lowest sale values 'per square metre' across new apartment developments in the Perth metropolitan region.

Two plans guiding development on our estate is a ridiculous state of affairs and can only be resolved via a ToVP Town Planning Scheme 1 review and amendment along with a Precinct Plan. We urge you to support this petition to call the Town of Victoria Park into action to implement the Town Planning Scheme 1 review and amendment along with a Precinct Plan.

Request:

On behalf of owners and occupiers of properties within the Burswood Lakes Estate (BLE) we wish to request a full public review and amendment of the Town of Victoria Park Town Planning Scheme 1 (TPS1), as it relates to the land contained within, and surrounding, the Burswood Lakes Estate, and preparation of a new Precinct Plan.

The Petition was received under cover of correspondence dated 12 July 2016 from Mr Neil Kidd on behalf of the Burswood Residents Action Group as follows:

(To be confirmed 11 October 2016)

Request:

On behalf of owners and occupiers of properties within the Burswood Lakes Estate (BLE) we wish to request a full public review and amendment of the Town of Victoria Park Town Planning Scheme 1 (TPS1), as it relates to the land contained within, and surrounding, the Burswood Lakes Estate, and preparation of a new Precinct Plan.

Reasons for the request:

At page 17, Section 2 of the Approved Burswood Lakes Structure Plan and Precinct Plans (BLE ASP), dated 22 April 2003, Mirvac claimed:

"This Structure Plan constitutes the complete set of documents that will guide the development of the land in the Town of Victoria Park's Town Planning Scheme No 1 Burswood Precinct Plan P2 (Town Plan) as Special Use Zone and known as Burswood Lakes"

The document includes

- Part A - The Structure Plan Rationale
- Part B—The Structure Plan
- Part C - Precinct Plan Amendment

Mirvac also stated, at page 8 Section 3.3, that:

"Burswood Lakes will be developed by one developer- Mirvac Fini (now Mirvac). Unlike other developments in Perth, Mirvac Fini will design, construct, project manage and market the entire built form project from start to finish."

"The Structure Plan and its Design Guidelines, along with the amendments to the Precinct Plan and its Development Standards have been carefully considered so that the integrity of the development would not be diluted through second generation development."

At page 9, of the Approved 2003 Burswood Lakes Estate Structure Plan, Mirvac also committed:

"The Town of Victoria Park can be confident that Burswood Lakes will be developed as indicated in this Structure Plan document."

Mirvac has since resiled from these fundamental commitments by selling at least 4 significant parcels of land within the BLE and seeking density and other amendments on Lot 10. To date, at least 3 development applications have been received by the Town which ignore the BLE ASP and seek to dilute the integrity of the development within this first generation of development.

The BLE ASP is a document endorsed by the State of Western Australia and the Town of Victoria Park, and a document whose integrity many of us relied upon in acquiring properties within the BLE.

Recently, the State Government endorsed the Burswood Peninsula District Structure Plan (BDSP) and has also stripped Structure Plans of Statutory status.

All this combined, has left owners and residents of BLE in a state of "planning limbo" with no certainty of development outcome. This in turn has affected confidence in the planning regime, broader community perception of BLE and, more significantly, property values; currently BLE ranks amongst the lowest sale values 'per square metre' across new apartment developments in the Perth metropolitan region.

(To be confirmed 11 October 2016)

The 2003 Approved Burswood Lakes Structure and Precinct Plans (BLE ASP) and the Governments Burswood Peninsula District Structure Plan 2015 (BDSP) are both "must have due regard" documents when it comes to determining any application. The BDSP is in significant conflict with the BLE ASP in that both claim Lots 9525 and 9 to be within their boundaries. In reality these lots are in differing "zones" with differing objectives under each Structure Plan. See Burswood Station East and West Development zones in the (BDSP); see also the boundaries within the BLE ASP.

Two documents relating to the same land parcels, and neither in accord with the controlling Statutory document, is a ridiculous state of affairs; and this conflict must be resolved via a ToVP Town Planning Scheme 1 review and amendment along with a Precinct Plan.

In the interim, it is incumbent upon the Town not to consider any application under the Town of Victoria Park's Town Planning Scheme No.1, which does not conform to the BLE ASP and Precinct Plans. To do otherwise would be bottom up planning and would not constitute a, proper, formal planning process; and may well be subsequently proven "Ultra Vires."

A partition (sic) in support of this submission, signed by 202 residents of Burswood Lakes Estate, has been hand delivered to the Town care of the CEO.

Legal Compliance:

Council's Elected Members are required to formally acknowledge and resolve how they will consider the receipt of any petition received from residents or land owners within the Town at their forthcoming Ordinary Meeting.

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Council's Director Future Life and Built Life and Executive Manager Built Life met with the petition representative on Monday 22 August 2016 to ensure clarity of objectives of the Burswood Residents Action Group in its request. At that meeting it was confirmed that the two major objectives are:

1. To seek some certainty and input into the future planning direction for the Burswood Lakes Structure Plan Area and development on the Burswood Peninsula; and

(To be confirmed 11 October 2016)

2. To stop ad hoc development that doesn't comply with the current planning requirements from being approved until such time as there is a clear future planning direction for development on the Burswood Peninsula.

The representative also suggested that an amendment to Precinct Plan P2 Burswood Precinct to remove the following clause would be appropriate to assist in achieving these objectives:

VARIATION OF DEVELOPMENT STANDARDS

When considering an application for planning approval under Clause 36 of the Scheme, the Council may allow variation to any development standard or requirement in the Scheme, the Council may allow variation to any development standard or requirement in the Scheme, this Precinct Plan or a Planning Policy. In doing so, the Council may require the application to be advertised in accordance with Clause 35 (2) and only allow the variation if, in its opinion;

- (a) *the development would be consistent with:*
- *the orderly and proper planning of the locality;*
 - *the preservation of the amenities of the locality; and*
 - *the statement of intent set out in this Precinct Plan.*
- (b) *the variation would not have any undue adverse effect upon:*
- *the occupiers or users of the development;*
 - *the property in, or the inhabitants of, the locality; or*
 - *the likely future development of the locality.*

At the meeting the Director Future Life and Built Life explained that with the current planning system, there were a number of processes that ensured that there was the opportunity to vary provisions, including this clause, and an overriding Clause 38 of Town Planning Scheme No. 1, which provides a general discretion that may be exercised over any development application, by the determining body. It states:

38. DETERMINATION OF NON-COMPLYING APPLICATIONS

(1) *In this clause -*

- (a) *An application which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a planning policy or in relevant Precinct Plan), where that standard or requirement does not provide for variation, is called a "non-complying application";*
- (b) *An application involving a prohibited use, and an application for residential development in a Residential zone, are not non-complying applications for the purpose of item (a) of this subclause (1); and*
- (c) *In the case of development in a Non-Residential zone, notwithstanding that a relevant standard or requirement may provide for variation, an application for such development is to be treated as, and shall be considered always to have been, a non-complying application so as to attract the discretion in this clause 38.*

(To be confirmed 11 October 2016)

- (2) *Subject to subclause (3), the Council may refuse or approve a non-complying application.*
- (3) *The Council cannot grant planning approval for a non-complying application unless –*
- (a) *if so required by the Council under clause 35 (2), the application has been advertised; and*
- (b) *the Council is satisfied by an absolute majority that –*
- (i) *if approval were to be granted, the development would be consistent with –*
- the orderly and proper planning of the locality;*
 - the conservation of the amenities of the locality;*
 - the statement of intent set out in the relevant Precinct Plan; and*
- (ii) *the non-compliance would not have any undue adverse effect on –*
- the occupiers or users of the development;*
 - the property in, or the inhabitants of, the locality; or*
 - the likely future development of the locality.*

In an effort to provide some consistency in the application of discretion for mixed use and multi dwelling development the Town adopted a *Local Planning Policy 33 - Guide to Concessions on Planning Requirements for Mixed-Use, Multi Dwelling and Non-Residential Developments*.

Regardless of how the Town might seek to provide some certainty of development outcome through the scheme and local planning policies, many development applications now fall within the jurisdiction of the Metropolitan Central Joint Development Assessment Panel (JDAP) that will determine any application for development that falls within the following thresholds under the Planning and Development Act 2005, Planning and Development (Development Assessment Panels) Regulations 2011:

19. *Determination of certain development applications may be delegated to DAP*

- (1) *A development application is an application of a class prescribed for the purposes of this regulation if –*
- (a) *the application is for approval for development that has an estimated cost of \$2 million or more; and*
- (b) *the application is one of the following –*
- (i) *an application that is not an excluded development application;*

(To be confirmed 11 October 2016)

- (ii) *an application for approval for the construction of less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;*
- (iii) *an application for approval for the construction of less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development.*

Whilst the JDAP is bound by the same regulatory provisions in regard to development approvals as the Town, it has the ability to exercise discretion and has done so in a different manner to that exercised by the Town, in a number of cases, thus again diminishing the level of certainty offered by planning instruments.

As such whilst the concerns of the residents are acknowledged, it is considered there is little if nothing to be gained by amending the Structure Plan or Precinct Plan to remove the provisions regarding the exercise of discretion in regards to the Burswood Lakes Structure Plan area and it is considered that such an amendment which limits the exercise of discretion is unlikely to be supported by the Western Australian Planning Commission or the Hon Minister for Planning.

RECOMMENDATION/S:

1. That the 202 signature petition from Burswood residents and land owners requesting a Town Planning Scheme and Precinct Plan Review and Amendment for the Burswood Lakes Structure Plan area be RECEIVED by the Council.
2. The Burswood Residents Action Group be advised that whilst Council acknowledges the concerns of the Burswood residents and landowners, it does not believe the requested course of action will resolve those concerns and it intends to take no further action in regard to the petition, however it will continue to consult with residents and landowners and take their concerns into consideration on any development application within the Structure Plan area and engage with them on any future planning the Town is involved in for the Burswood Peninsula.
3. The Burswood Residents Action Group be provided with additional information on planning processes, including determining authority jurisdiction, as it relates to the Burswood Peninsula.

PROCEDURAL MOTION:

Moved: Cr Hayes

Seconded: Cr Anderson

That this item be deferred and referred to the Future Planning Committee for its consideration and brought back to the Ordinary Council Meeting to be held on 8 November.

The Procedural Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

REASON:

There are many strategic issues in this item and should be put in front of the Future Planning Committee for their input. It will give the petitioners the opportunity to make a delegation to the Planning Committee on this matter.

12 RENEW LIFE PROGRAM REPORTS

12.1 Town of Victoria Park Water Efficiency Action Plan 2016 – 2021

File Reference:	ENV/10/0001
Appendices:	Yes

Date:	August 2016
Reporting Officer:	B. Nock
Responsible Officer:	W. Bow
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council endorses the Town of Victoria Park Water Efficiency Action Plan 2016 - 2021.

- Sustainable water management is crucial for local government to operate effectively. The Town recognises that water is a scarce and valuable resource. For these reasons, the Town was previously involved in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign and developed a Water Action Plan (endorsed in June 2013).
- Coinciding with the Water Campaign, the Town has also been participating in the Water Corporation/Department of Water Waterwise Council Program.
- As of June 2015, the Department of Water funding for the Water Campaign program in WA ceased completely. The Department of Water and the Water Corporation made changes to the Waterwise Council criteria, resulting in Council’s participating in the Waterwise Council program to revise their existing Water Action Plans.
- To achieve this, and to ensure that the Town continued to build on past achievements and continually improve water management practices, the Town since joined the Eastern Metropolitan Regional Council’s Water Quality and Conservation Program.
- Under this program the Town has developed the Water Efficiency Action Plan 2016 – 2021 to improve water consumption and quality, both within the Town’s own operations and that of our community.

TABLED ITEMS:

Nil

BACKGROUND:

Sustainable water management is crucial for local government to operate effectively. The Town recognises that water is a scarce and valuable resource. For these reasons, the Town was previously involved in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign, a program to enable local governments to investigate, understand, improve and show leadership in water management and inspire the community to adopt more sustainable water management practices.

Town of Victoria Park has been participating in Water Campaign since 2007. A key product of the Water Campaign was the development of a Water Action Plan.

(To be confirmed 11 October 2016)

Endorsed in June 2013, the Town's Water Action Plan was the main strategic document directing water management by the Town. The purpose of the Water Action Plan is to identify focus areas and associated actions that the Town will aim to implement to improve water quality and conservation.

In 2014/2015, the Town of Victoria Park implemented priority Water Action Plan actions, and assessed and reported on the quantitative and qualitative benefits resulting from the implemented actions.

Coinciding with the Water Campaign, the Town has also been participating in the Water Corporation/Department of Water Waterwise Council Program, which establishes a cooperative working relationship with local governments to improve water use efficiency in local government and their communities. Under this program, the Town has been progressing towards achieving Waterwise Council status.

As of June 2015, the Department of Water funding for the Water Campaign program in WA ceased completely. As a result, the Department of Water and the Water Corporation made changes to the Waterwise Council criteria, resulting in the requirement for Council's participating in the Waterwise Council program to revise their existing Water Action Plans.

To ensure that the Town continued to build on past achievements and continually improve water management practices, the Town since joined the Eastern Metropolitan Regional Council's Water Quality and Conservation Program, a key focus of which was the development of a new Water Action Plan. In 2015/2016, a cross-functional Water Team comprising members from Parks, Assets, Streets, Planning, and Aqualife was established to develop this Plan.

A new Water Efficiency Action Plan 2016 - 2021 as contained within the Appendices has been developed, and will supersede the previous Water Action Plan.

DETAILS:

The objectives of the Water Efficiency Action Plan 2016 – 2021 are to:

- Assess current water use across Council operations and the community;
- Identify inefficiencies and potential water savings;
- Set goals and benchmarks to improve water use;
- Prepare an action plan and implement water efficiency actions to progress towards your target; and
- Provide a process for annual reporting on implementation of water efficiency actions.

The new Water Efficiency Action Plan 2016 - 2021 was developed in consultation with the Town of Victoria Park Water Team in 2015/16 through the process of reviewing the existing/original Water Action Plan, determining or reviewing water quality priority areas, and developing new water actions in consultation with relevant management and operational staff.

(To be confirmed 11 October 2016)

The new action plan also incorporates actions from any existing plans (such as the Town's Environmental Plan 2013-2018) and addresses the new requirements of the Waterwise Council Program.

Actions were assigned priority rankings (high, medium or low) and timeframes which are consistent with their perceived benefit to the Council, and/or their need to be completed in advance of other actions to ensure successful outcomes.

The Water Team also determined new Water Saving Goals for the following 5 years – These are:

- The Corporate Water Consumption goal is: *To reduce water consumption by 10% below 2014/15 levels (39,384kL) by June 2021; and*
- The Community Water Consumption goal is: *To reduce total community water consumption per capita by 5% below 2014/15 levels (120.1kL per capita) by June 2021.*

Once endorsed by Council, the endorsed plan will also be provided to the Water Corporation for its endorsement.

The Water Efficiency Action Plan 2016 - 2021 will be reviewed on an annual basis.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town's Strategic Community Plan sets the strategic direction for the Town. The Water Efficiency Action Plan 2016 - 2021 aligns with the following objective:

- Provide leadership on environmental, transport and infrastructure solutions.

Financial Implications:

Internal Budget:

The cost of scheme water continues to rise. Increasing water consumption within the Town of Victoria Park would result in higher and higher associated costs.

It is important to continue to list funds on the future budgets to enable implementation of water saving actions and water quality improvement actions.

Whilst many of the actions within the Water Efficiency Action Plan 2016 - 2021 do not require a budget, just officer time, there are a combination of low, medium and high priority actions that will require budget funds to implement. However, this is not immediate, with the Water Efficiency Action Plan 2016 - 2021 implemented over the next five years.

Sustainability Assessment:

External Economic Implications:

Nil

(To be confirmed 11 October 2016)

Social Issues:

The development of the Water Efficiency Action Plan 2016 - 2021, together with the recommendations contained within, demonstrate the Town's commitment and responsibility to holistically reduce water consumption and improve local water quality, ultimately for the long-term benefit of the environment and the community.

Water quality, particularly along the river, is of importance to the Town and to the people who live and work within its boundaries. By applying targeted action across areas of concern, the Town can ensure that it is maintaining the amenity of such a vital asset.

Cultural Issues:

Nil

Environmental Issues:

1. Water Quality

The Town of Victoria Park is a predominantly residential community with a commercial precinct. Its urbanised form promotes rainwater runoff in preference to infiltration. This runoff flows into water drainage lines and eventually reaches Town of Victoria Park's significant water bodies such as GO Edwards Park and the Swan River.

Poor water quality within the Town of Victoria Park catchment reduces the environmental and aesthetic quality of these assets (e.g. as evidenced through algal blooms), together with the quality of the environment as a whole. Consequently, as the Town's population increases, pollution and degradation of the surrounding waters will pose an even greater threat to this resource, unless adequate management measures are in place.

2. Water Consumption

Altered rainfall patterns experienced in the south-west of Western Australia (12% drop in rainfall since 1975), coupled with human activity, has resulted in a 50% decrease in dam inflow. Recharge of groundwater supplies has also significantly declined due to a decrease in annual rainfall.

Based on the decline in groundwater levels, the Department of Water advises the need for more sustainable extraction to ensure the protection of ecosystems which depend on these groundwater sources.

COMMENT:

The Town of Victoria Park understands that the availability of valuable water resources is gradually declining. With the present scarcity of potable water in Perth, the Town of Victoria Park has committed to ensuring continual water management improvement through (initially) becoming a part of the ICLEI Water Campaign, and now the Water Quality and Conservation Program.

Sustainable water management is required to sustain environmental benefits, while also meeting Council's obligations to its residents and ratepayers to lead by example.

(To be confirmed 11 October 2016)

Adoption of the Water Efficiency Action Plan 2016 - 2021 will demonstrate Council's commitment to reduce the potentially negative impact of the Town and community activity on water resources; meet the Town's sustainability focus; ensure ongoing water quality and quantity into the future; and empower our community to improve their water management.

CONCLUSION:

By endorsing and committing to implementing the Water Efficiency Action Plan 2016 - 2021, and achieving Waterwise Council Status, the Town of Victoria Park will continue to demonstrate its commitment to water use efficiency, and play its part in ensuring Western Australia's water future.

RESOLVED:

Moved: Cr Ammons Noble

Seconded: Cr Oliver

That Council endorses the Town of Victoria Park Water Efficiency Action Plan 2016 – 2021 as contained within the Appendices.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

13 COMMUNITY LIFE PROGRAM REPORTS

There are no reports from the Community Life Program.

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for 31 July 2016

File Reference:	FIN/11/0001~09
Appendices:	Yes

Date:	16 August 2016
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation - That Council confirms the schedule of Accounts paid for the month ended 31 July 2016.

- The Accounts Paid for 31 July 2016 are contained within the Appendices;
- Direct lodgement of payroll payments to the personal bank accounts of employees are also included.

TABLED ITEMS:

Nil

BACKGROUND:

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

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

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

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

DETAILS:

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

(To be confirmed 11 October 2016)

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	607684-607715	201,020
Creditors – EFT Payments		3,703,352
Payroll		955,296
Bank Fees		607
Corporate MasterCard		5,951
		4,866,226
Trust Account		
Automatic Cheques Drawn	3273-3293	31,449
		31,449

Legal Compliance:

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

6.10. Financial management regulations

Regulations may provide for —

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

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

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

13. Lists of Accounts

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

(a) the payee’s name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

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

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

(b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

(To be confirmed 11 October 2016)

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

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

RESOLVED:**Moved: Cr Potter****Seconded: Cr Ammons Noble**

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

- 1. The Accounts Paid for 31 July 2016 as contained within the Appendices; and**
- 2. Direct lodgement of payroll payments to the personal bank accounts of employees.**

The Motion was Put and**CARRIED (8-0)**

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

14.2 Financial Statements for the Month ending 31 July 2016

File Reference:	FIN/11/0001~09
Appendices:	Yes

Date:	16 August 2016
Reporting Officer:	A. Thampoe
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation - The Council accepts the Financial Activity Statement Report – 31 July 2016 as contained within the Appendices.

- The Financial Activity Statement Report is presented for the Month ending 31 July 2016. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.

TABLED ITEMS:

Nil

BACKGROUND:

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

DETAILS:

Presented is the Financial Activity Statement Report – 31 July 2016.

Please note -

The financial information as shown in this report (July 2016) does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 31 July 2016.

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

Revenue

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

(To be confirmed 11 October 2016)

Expense

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

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

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

Legal Compliance:

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

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

(To be confirmed 11 October 2016)

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

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

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

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – 31 July 2016 be accepted.

(To be confirmed 11 October 2016)

RESOLVED:

Moved: Cr Potter

Seconded: Cr Windram

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – 30 June 2016 as contained within the Appendices noting that this Report does not represent the Town’s final financial position for the period ended 31 July 2016.

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

15 COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

15.1 Recommendation from the Community Development Committee – Amendment to Community Development Committee Terms of Reference

File Reference:	COR/10/39
Appendices:	No

Date:	30 August 2016
Reporting Officer:	T. Ackerman
Responsible Officer:	T. Ackerman
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – The Terms of Reference for the Council-created Community Development Committee be amended to include Community Safety.

- Community Safety was included as a key focus area in the initial proposal from the Community Development Committee; however was inadvertently omitted from the recommendation presented for consideration at the 12 April 2016 Ordinary Council Meeting.
- The purpose of this report is to rectify that omission.

TABLED ITEMS:

Nil

BACKGROUND:

At the 23 February 2016 meeting of the newly established Community Development Committee ('CDC'), members developed the Terms of Reference ('ToR') for the Committee, which were presented to Elected Members for consideration at the 12 April 2016 Ordinary Council Meeting. When the report was presented to the Ordinary Council Meeting one item in the ToR, referred to in the body of the report, was inadvertently omitted from the recommendation. The omission was recently discovered.

DETAILS:

The Terms of Reference proposed by the Community Development Committee included reference to Community Safety as a key focus area for the CDC, as indicated in the following extract from the report presented at to Elected Members at the 12 April 2016 Ordinary Council Meeting:

Extract from agenda item 15.1 – Community Development Committee – Terms of Reference – Recommendation from the Community Development Committee (page 91-92):

(To be confirmed 11 October 2016)

The key focus areas of the Committee include:

- *Aboriginal and Torres Strait Islander People;*
- *Aged;*
- *Community/Not for Profit;*
- *Disability;*
- *Community Safety;*
- *Multicultural;*
- *Recreation;*
- *Sport; and*
- *Youth.*

Later in the report, the recommendation regarding the key focus areas inadvertently omitted Community Safety, as shown below in an extract taken from the recommendations (page 96):

The key focus areas for the Committee include:

- *Aboriginal and Torres Strait Islander People;*
- *Aged;*
- *Community/Not for Profit;*
- *Disability;*
- *Multicultural;*
- *Recreation;*
- *Sport; and*
- *Youth.*

The issue was discussed at the 25 August 2016 meeting of the Community Development Committee where it was recommended that Community Safety be added to the 'key focus areas' in the Terms of Reference, particularly in light of work that is currently being undertaken on the development a Safer Neighbourhoods Plan to replace the Safer Neighbourhoods Plan 2013-2016.

Legal Compliance:

Local Government Act 1995;

Local Government (Administration) Regulations 1996; and

Local Government (Audit) Regulations 1996.

In accordance with the *Local Government Act 1995* changes to the Terms of Reference in respect of Council-created committees must be presented to Council for consideration.

Policy Implications:

Nil

(To be confirmed 11 October 2016)

Strategic Plan Implications:

The establishment of the new committee structure enables Elected Members to focus on their strategic roles rather than be involved with operational matters which became a function of the former working groups and project teams.

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Community safety is an issue that the community has identified as a key area of focus through feedback provided in the biennial community and business surveys undertaken by the Town, as well as through the Evolve Project.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

Community safety is an issue that the community has identified as important through feedback provided in the biennial community and business surveys undertaken by the Town, as well as through the Evolve Project. As such, it is recommended that it be included in the Terms of Reference for the Community Development Committee.

CONCLUSION:

It is recommended that the inadvertent omission of Community Safety from the key focus areas referred to in the Terms of Reference for the Community Development Committee be corrected by updating the ToR to include reference to it.

(To be confirmed 11 October 2016)

RESOLVED:

Moved: Cr Anderson

Seconded: Cr Potter

That item 2.3 – Scope and Jurisdiction contained within the Terms of Reference for the Community Development Committee be amended to include Community Safety as follows:

Scope and Jurisdiction

The key focus areas of the Committee include:

- **Aboriginal and Torres Strait Islander People;**
- **Aged;**
- **Community/Not for Profit;**
- **Disability;**
- **Community Safety;**
- **Multicultural;**
- **Recreation;**
- **Sport; and**
- **Youth.**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

16 APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

Moved: Mayor Vaughan

Seconded: Cr Oliver

That Cr Jacobs applications for leave of absence from 1 October to 20 December 2016 inclusive, be deferred to the Ordinary Council Meeting to be held 11 October 2016 for a decision.

The Motion was Put and

CARRIED (7-1)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Oliver; Cr Potter; and Cr Windram

Against the Motion: Cr Maxwell

REASON:

Mayor Vaughan would like to discuss with Cr Jacobs before it being voted on.

17 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.1 Notice of Motion from Cr Oliver – Alternative Options for Use of Right-of-Way No. 52

That in accordance with clause 4.3 of the *Town of Victoria Park Standing Orders Local Law 2011* Cr Oliver has submitted the following Notice of Motion.

Notice of Motion

Request the CEO to investigate alternative options for the use of a laneway along Albany Highway next to IGA East Victoria Park known as Right-of-way No. 52.

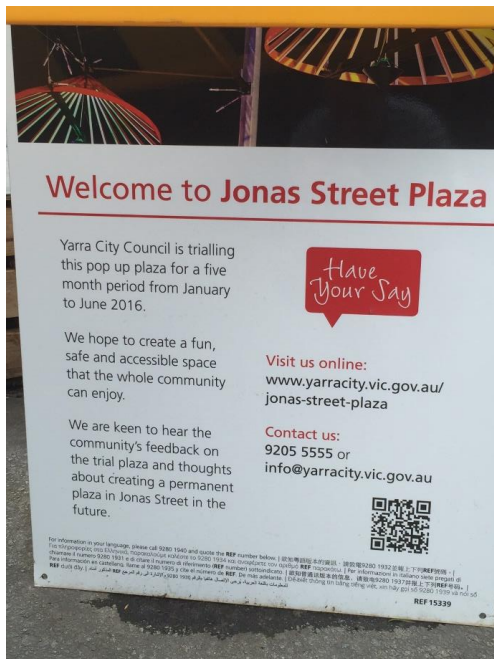
A report about the possible alternate uses for an identified laneway - which could be trialled to gauge feedback from community and businesses - be presented at the December 2016 Ordinary Council Meeting for council to consider.

Reason:

Across Australia, and the world, communities are becoming increasingly creative in ways to “reclaim their streets”. Communities are becoming creative in how roads, right of ways and laneways can be used for other uses, other than just for cars and making places more liveable. This is currently happening in Victoria Park, with a car free day event planned for Kent Street on Sunday, September 18.

When I attended the Smarter Urban Cities conference in Melbourne in March, I went on a walking tour of the City of Yarra where I witnessed an example of how a road which became closed following an upgrade to a tram stop was turned in to a temporary “plaza”. See images below.

(To be confirmed 11 October 2016)



(To be confirmed 11 October 2016)

Recently the City of Vincent has successfully delivered a project, Mary Street Piazza, which aligns with the theme of “reclaiming our streets”. Below is an extract from the City’s media release outlining the project.

http://www.vincent.wa.gov.au/Your_Community/Whats_on_in_Vincent/Events/Events_2015/Mary_Street_Piazza_Official_Opening

Mayor John Carey will officially open the piazza which was specifically designed to provide a shared space for locals and visitors to meet, create and relax on Beaufort Street.

Acting Mayor Cr Roslyn Harley said the Mary Street Piazza is a beautiful and tangible example of the City of Vincent’s vision to create more places that people can enjoy and make the City’s neighbourhoods even more liveable.

“Business owners and residents, through the Beaufort Street Network, identified the need for a break-out space on Beaufort Street and the result is a cleverly created park that is walking distance to homes, cafes, bars, restaurants and shops,” Cr Harley said.

The Mary Street Piazza layout was designed by Place Laboratory and built by Le Grove Landscaping, and features grassed areas, shady spots, timber seating and a performance space.

Acting Mayor Harley said the successful delivery of the Mary Street Piazza was achieved through careful planning and innovative community consultation.

“To gauge people’s responses to a permanent public space on Mary Street, the City took the unusual step of trialling a ‘pop-up’ piazza mid last year, which hosted a variety of events to demonstrate how the permanent space could be utilised.

“The trial was a huge hit; we were overwhelmed with support for the Mary Street Piazza and recognition of the benefits it will bring to the Vincent community,” Cr Harley said.

The Vic Park Collective’s [The Action Plan 2014-2017](#) also identifies walkability and enjoyable public places as an identified priority in their Action Plan. Below is an excerpt from the Action Plan:

One of the themes which came up repeatedly was the desire for street scaping along Albany Highway (and surrounding areas) to create cosy spaces which are inviting, beautiful, safe and fun. People want comfortable non-commercial inclusive spaces designed to encourage them to linger and hang out in all kinds of weather. Suggestions include cutting edge, artist designed activated spaces, parklets, fake lawn, deckchairs, edible gardens, gazebos, toilets in parks (e.g. Tom Wright reserve), pedestrian driven streets, occasional or summertime road closures, an entrance statement to the area and unique visual elements repeated along the street.

The above examples demonstrate how roads in urban centres can be used strategically to create meeting places that might not usually be thought possible, while engaging the community during trial periods.

(To be confirmed 11 October 2016)

The purpose of this notice of motion is aimed at beginning this process to explore options of enhancing the experience for residents and visitors to Victoria Park and Albany Highway.

Report from Administration on Notice of Motion from Cr Oliver – Alternative Options for Use of Right-of-Way No. 52

File Reference:	ROA/28/0034
Appendices:	No

Date:	7 September 2016
Reporting Officer:	R Lavery
Responsible Officer:	R Lavery
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – The Council gives consideration to the Notice of Motion submitted by Cr Oliver.

- Cr Oliver has submitted a Notice of Motion requesting the Chief Executive Officer to investigate alternative options for the use of the Right-of-Way adjacent to IGA East Victoria Park (ROW 52).
- Following investigation a further report will be presented to the December 2016 Ordinary Council meeting.

TABLED ITEMS:

Nil

BACKGROUND:

Cr Oliver has submitted a Notice of Motion to be considered at the Ordinary Council Meeting to be held on the 13 September 2016 which reads as follows:

Notice of Motion

Request the CEO to investigate alternative options for the use of a laneway along Albany Highway between Teddington and Westminster streets (eg the laneway next to IGA East Victoria Park).

A report about the possible alternate uses for an identified laneway - which could be trialled to gauge feedback from community and businesses - be presented at the December 2016 Ordinary Council Meeting for council to consider.

DETAILS:

The Notice of Motion requests:

1. The CEO to investigate alternative options for the use of a laneway along Albany Highway next to IGA East Victoria Park known as Right-of-way No. 52.

(To be confirmed 11 October 2016)

2. A report about the possible alternate uses for an identified laneway - which could be trialled to gauge feedback from community and businesses - be presented at the December 2016 Ordinary Council Meeting for Council to consider.

Legal Compliance:

The *Local Government Act 1995*, *Section 167A of the Transfer of Land Act 1893* and the *Town of Victoria Park Standing Orders Local Law 2011*.

Policy Implications:

Nil

Strategic Plan Implications:

The proposed direction indicated in Cr Oliver's Notice of Motion meets the following Objectives of the Strategic Community Plan:

Objective: Connect people to services, resources and facilities that enhance their physical and social wellbeing.

Key Projects and Services: Foster the engagement, inclusion and enrichment of people, place and participation through community and cultural events and initiatives.

Objective: Create a vibrant town that is a place of social interaction, creativity and vitality.

Objective: Implement projects to achieve the desired future character of the Town.

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

May have a positive contribution to activation and economic development of this part of the Albany Highway mainstreet.

Social Issues:

More activation and utilisation of the space by the community.

Cultural Issues:

Nil

Environmental Issues:

Nil

(To be confirmed 11 October 2016)

COMMENT:

Cr Oliver has submitted a Notice of Motion and reasons for the Notice of Motion requesting the Chief Executive Officer to investigate alternative options for the use of the Right-of-Way adjacent to IGA East Victoria Park (ROW 52), and that these options be used to seek feedback from the community and businesses.

It is recommended that alternative opportunities for use and analysis of those uses be prepared by a cross functional working group and the outcomes of that process be presented to the Future Planning Committee in November 2016 and the recommendations of the Future Planning Committee be considered by Council at the December 2016 Ordinary Council Meeting, prior to public participation being sought from the community and businesses.

CONCLUSION:

The Council gives consideration to the Notice of Motion submitted by Cr Oliver.

RESOLVED:

Moved: Cr Oliver

Seconded: Cr Ammons Noble

The Council gives consideration to the Notice of Motion submitted by Cr Oliver as shown hereunder:

- 1. Request the CEO to investigate alternative options for the use of a laneway along Albany Highway next to IGA East Victoria Park known as Right-of-Way No. 52.**
- 2. A report about the possible alternate uses for an identified laneway - which could be trialled to gauge feedback from community and businesses - be presented at the December 2016 Ordinary Council Meeting for Council to consider**

The Motion was Put and

CARRIED (8-0)

In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Hayes; Cr Maxwell; Cr Oliver; Cr Potter; and Cr Windram

18 QUESTIONS FROM MEMBERS WITHOUT NOTICE

None

19 NEW BUSINESS OF AN URGENT NATURE

None

(To be confirmed 11 October 2016)

20 PUBLIC QUESTION TIME

None

21 PUBLIC STATEMENT TIME

None

22 MEETING CLOSED TO PUBLIC

22.1 Matters for Which the Meeting May be Closed

22.2 Public Reading of Resolutions That May be Made Public

23 CLOSURE

There being no further business, Mayor Vaughan closed the meeting at 7:14pm.

I confirm these Minutes to be true and accurate record of the proceedings of the Council.

Signed: Mayor

Dated this: Day of 2016