

agenda

Special Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that a **Special Meeting of Council** will be held at **5.00pm** on **Tuesday 28 August 2018** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

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

MR ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

24 August 2018

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1 OPENING

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 both 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 only the Administration to record proceedings of this meeting.

2.2 Public Question & Public Statement Time

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

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

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

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

2.3 No Adverse Reflection

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

2.4 Town of Victoria Park Standing Orders Local Law 2011

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

3 ATTENDANCE

Deputy Mayor:	Cr V (Vicki) Potter
Banksia Ward:	Cr C (Claire) Anderson Cr J (Julian) Jacobs Cr R (Ronhhda) Potter Cr K (Karen) Vernon
Jarrah Ward:	Cr J (Jennifer) Ammons Noble Cr B (Bronwyn) Ife Cr B (Brian) Oliver
Chief Executive Officer:	Mr A (Anthony) Vuleta
Chief Operations Officer:	Mr B (Ben) Killigrew
Chief Financial Officer:	Mr N (Nathan) Cain
Chief Community Planner:	Ms N (Natalie) Martin Goode
Senior Governance Officer	Ms D (Danielle) Uniza
Secretary:	Mrs A (Alison) Podmore
Public:	

3.1 Apologies

3.2 Approved Leave of Absence

Mayor:	Mr T (Trevor) Vaughan
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4 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

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

Declaration of Proximity Interest

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

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

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

Declaration of Interest affecting impartiality

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

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

5 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)

6 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)

7 REPORTS

7.1 6-8 Planet Street Carlisle Demolition and Installation of Three Transportable building modules and Three Sheds

File Reference:	CUP/10/20#14
Appendices:	No
Attachments:	Yes

Date:	24 August 2018
Reporting Officer:	J. Morellini
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

<p>Executive Summary: Recommendation – That Council approves the signing of the Application for Approval to Commence Development by the CEO, on behalf of the Town, as the owner of the land, for 6-8 Planet Street which includes the demolition of the existing 1960s building and shed, and the installation of two transportable early learning classrooms, one office and three additional sheds.</p> <ul style="list-style-type: none"> • The Department of Education has an existing ground lease on 6-8 Planet Street, Carlisle, to provide early learning education. To accommodate rapidly growing student enrolments in the Town of Victoria Park additional classrooms are now required. The original 1960s kindergarten building has been deemed non-compliant for educational purposes with asbestos throughout the building, and its location on-site impedes the installation of further transportable classrooms and the necessary play space required. • The ground lease was provided to the Department of Education to facilitate construction programs in various Town of Victoria Park schools by allowing students to be educated at 6-8 Planet Street, this approval continues to facilitate that outcome for the community. • A formal letter has been received by the Department of Education expressing no intended future, or current, use of the existing building on the site because of cost prohibitive refurbishment, and that the demolition will allow additional play space for an enhanced experience for students. The letter also makes note of the most appropriate time frame for demolition and installation of the new classrooms to occur which is during the September/October school holidays to mitigate risks for the children. • The Department of Education has currently fenced off the original 1960s Kindergarten building and does not allow children access due to health and structural concerns namely, the presence of asbestos in the building as identified in the Town’s building assessment. Recently, a sinkhole has opened up which is believed to be the old septic system; this has also been fenced and gated off and will be rectified as part of the demolition scope of works. • As the land owner, the Town is required to provide consent for the Approval to Commence Development Form 1’ which is attached to the report. All costs will be incurred by the Department of Education at no cost to the Town. 	
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TABLED ITEMS:

Nil

BACKGROUND:

The Council approved entering into a ground lease with the Department of Education for a 5-year term with consideration for a further 5-year term in November 2017. The intent was to alleviate student accommodation pressures being experienced throughout the Town, and allow the Department of Education to undertake construction programs at existing schools. A temporary kindergarten was approved and two transportable units were installed. With continuing enrolments putting further pressure on schools within the Town of Victoria Park, the Department of Education are proposing to install an additional two transportable early learning classrooms, an office and three sheds, as well as a recommendation to demolition of the existing 1960s building, to accommodate more students.

The existing circa 1960s kindergarten building was used as Carlisle Kindergarten School and then the Lathlain Playgroup which has since been relocated. The site has been vacant since approximately 2015. When the Department of Education entered into a ground lease in 2017, they assessed the existing building and deemed it to be non-compliant for their current education standards. In order to meet Occupational Health and Safety requirements, asbestos had to be removed, structural improvements needed, and new glazing was. The building has identified asbestos in the ceiling lining and floor tiles in most rooms which are reported in a Council Asbestos Management Plan.

The Department of Education original cost estimates were approximately \$250,000 to meet code compliant legislation requirements. Now with the additional transportable classrooms required, removing the building would allow more children to be educated and more space to play.

If demolition is supported, the Department of Education is aiming to have the works undertaken during the school holiday period commencing Saturday 22 September ending on Sunday 7 October to make sure there is no risk to the children or staff. This will also include rectification of the sinkhole which has opened up and is currently gated off.

The long term use of the site as a potential development opportunity, as identified by the Town's Land Asset Optimisation Strategy, is also aligned to the demolition of the existing building.

An application for Approval to Commence Development has been received, and the Town is required to consent as the land owner.

DETAILS:

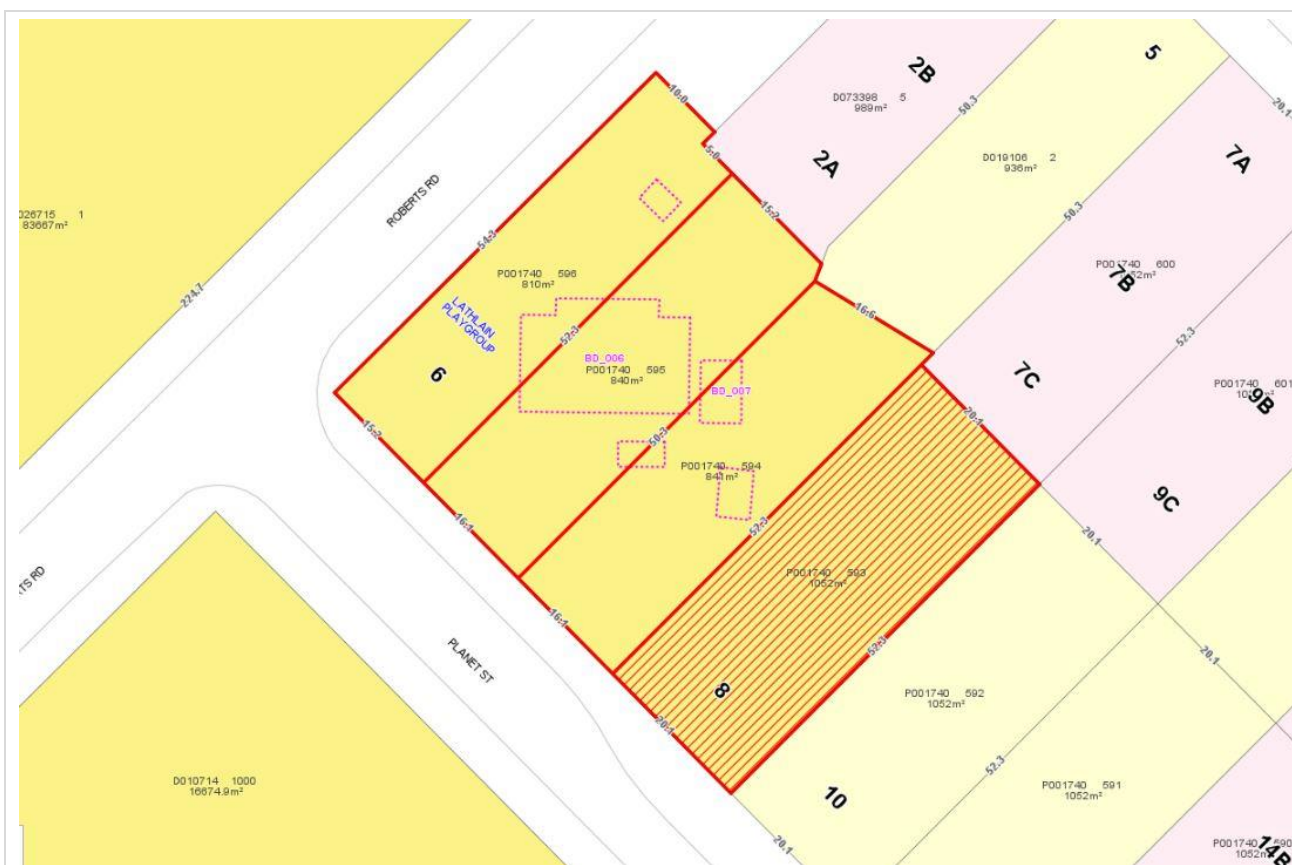
The subject site is located in the suburb of Carlisle, which is approximately 5km from the Perth Central Business District. The total land holding includes four allotments, being Lots 593 –596 (No. 6-8) Planet Street, with a total area of 3,543m². The land is zoned 'R30' and owned in freehold by the Town of Victoria Park.

The sites are generally bounded by Lathlain Oval to the North West, single and grouped residential dwellings to the west and a ‘Parks and Recreation’ reserve (Tom Wright Reserve) to the south west.

The lessor of the land being Department of Education has lodged an application for approval to commence development. The Town is required to consent as the land owner. The application is for the demolition of the existing 1960s Kindergarten building and the installation of two early learning class rooms, three sheds and 1 office.

The desire is to undertake works during the September/October school holiday period to mitigate any associated health risks to children and to limit the impact on the schooling term.

Site Details (all lots shown outlined in red)



Land Area	3,543m ²
Dimensions	Rectangular site with an irregular north eastern boundary: <ul style="list-style-type: none"> ▪ Roberts Road Frontage / NW - 54.3m; ▪ Planet Street / S - 67.5m; ▪ Rear / SE – 52.3m; ▪ Side / NE - 66.9m; and
Access	<ul style="list-style-type: none"> ▪ Dual Street Frontage to Roberts Road and Planet Street.
Services	<ul style="list-style-type: none"> ▪ Water - The subject lots are provided with reticulated water and sewer services. The water service infrastructure is located within the Roberts Road reserve;

	<ul style="list-style-type: none"> ▪ Sewer - Runs south east to North West along the rear boundaries of Lots 593 and 594; ▪ Power - The subject site is currently supplied with power. Underground power lines are located in Planet Street; ▪ Gas - It seems that the subject site is not currently connected to reticulated gas. Given that the required infrastructure is located in the road reserves of both Planet Street and Roberts Road the option of connection to reticulated gas appears viable; and ▪ Telecommunications - The subject site is connected to Telstra services and has the ability to be connected to the NBN with infrastructure located within Planet Street.
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Title Details

Plan	1740
Vol / Folio	2039 / 306
Registered Owner	Town of Victoria Park
Encumbrances	Nil.

Town Planning

The site has been used for educational purposes for a significant period of time. Advice from Council's planning staff is that the use of the site for educational purposes can continue during the duration of the ground lease which is in line with the new request for demolition and installation of transportable classrooms.

Local Authority	Town of Victoria Park
Zoning	Carlisle Precinct: Residential Zone
Plot Ratio	Residential R30
Permitted Uses	<ul style="list-style-type: none"> ▪ Home office ▪ Single House, Group Dwelling, Aged or Dependant Persons' Dwelling, Multiple Dwelling Note: Multiple Dwellings are only permitted in areas coded R40 and above.
Discretionary Use	<ul style="list-style-type: none"> ▪ Educational Establishment
Development Approvals	Nil.

The application for approval to commence development consent by landowner form 1 has been attached to this report for reference.

Legal Compliance:

Nil.

Policy Implications:

The use of the site as an educational establishment is a discretionary use under the Town Planning Scheme. The Application is in line with the current use of the site as a Kindergarten.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Community and Political				
Negative community response for the demolition.	Minor	Possible	Moderate	Communication Plan to be developed.
Environmental Impact and Sustainability				
Negative community response to potential loss of a tree.	Minor	Possible	Moderate	Communication Plan to be developed given benefits of early learning education for children.
Non sustainable development outcome	Moderate	Unlikely	Moderate	BCA sustainability requirements / Council approvals process. Buildings (demountable) are proposed to be temporary in nature
Asbestos risk to children and/or staff	Major	Possible	High	Demolition of the existing building during the school holiday period.

Strategic Plan Implications:Social

S1 – A healthy community

S4 – A place where all people have an awareness and appreciation of arts, culture, education and heritage.

Financial Implications:Internal Budget:

All costs will be incurred by the Department of Education at no cost to the Town.

Total Asset Management:

The subject sites improvements will no longer require maintenance by the Town.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The continued use of the site as a temporary kindergarten will provide a community benefit.

Cultural Issues:

The demolition of the 1960s kindergarten building. The site is not heritage listed on either the State or Town heritage lists.

Environmental Issues:

The Town of Victoria Park Local Planning Policy contains provisions that are considered applicable to the undertaking of the works prescribed in the application to commence development.

COMMENT:

The existing 1960s kindergarten building is impeding additional education facilities for 6-8 Planet Street, and the Department of Education's assessment has deemed the building non-compliant with significant cost to refurbish to meet the associated Occupational and Safety Health standards. As such, it is recommended that the Town, as the land owner, supports the application. This outcome will increase the access to education options for the community, increase the play space for the children and remediate the existing open sink hole.

CONCLUSION:

1. The Department of Education has an existing ground lease on 6-8 Planet Street to provide early learning education. Additional classrooms are now required and the original 1960s Kindergarten building has been deemed non-compliant for educational purposes.
2. The new classrooms will allow additional children to be educated at 6-8 Planet Street, this approval continues to facilitate that the original ground lease intended providing a benefit for the community of the Town of Victoria Park.
3. A formal letter has been received from the Department of Education expressing no intended future or current use of the 1960s Kindergarten building noting non-compliance and cost prohibitive refurbishment of approximately \$250,000, the demolition will also allow additional play space for an enhanced experience for students.
4. The Department of Education has currently fenced off the original 1960s Kindergarten building and does not allow children access due to health and structural concerns, recently a sinkhole has opened up and is believed to be the old septic system, this has also been fenced and gated off and will be rectified as part of the demolition scope of works.
5. The most appropriate time frame for demolition and installation of the new transportable classrooms to occur is during the 2018 September/October holidays to mitigate risks for the children.
6. As the land owner the Town is required to consent for the Approval to Commence Development Form 1 which is attached to the report.

RECOMMENDATION/S:

That Council approves the signing of the Application for Approval to Commence Development by the Chief Executive Officer, on behalf of the Town, as the owner of the land for 6-8 Planet Street, which includes the demolition of the existing 1960s building and shed, and the installation of two transportable early learning classrooms, one office and three additional sheds.

8 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)

9 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)

10 MEETING CLOSED TO PUBLIC

10.1 Matters for Which the Meeting May be Closed

Nil

10.2 Public Reading of Resolutions That May be Made Public

N/A

11 CLOSURE



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

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

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

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

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

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

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.