

minutes

Special Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that a **Special Meeting of Council** commenced 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

4 September 2018

(To be confirmed 11 September 2018)

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	OPENING	3
2	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	3
3	ATTENDANCE	4
	3.1 Apologies	4
	3.2 Approved Leave of Absence	4
4	DECLARATIONS OF INTEREST	4
5	PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)	5
6	PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)	7
7	REPORTS	8
	7.1 6-8 Planet Street Carlisle Demolition and Installation of Three Transportable building modules and Three Sheds	8
8	PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)	15
9	PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)	15
10	MEETING CLOSED TO PUBLIC	15
	10.1 Matters for Which the Meeting May be Closed	15
	10.2 Public Reading of Resolutions That May be Made Public	15
11	CLOSURE	15

(To be confirmed 11 September 2018)

1 OPENING

The Deputy Mayor, Cr Vicki Potter opened the meeting at 5:00pm. The Chief Executive Officer, Mr Anthon 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 of which we are meeting, the people of the Noongar nation and pay my respects to the past, present and emerging elders 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

(To be confirmed 11 September 2018)

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
Jarraah 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
Senior Governance Officer	Ms D (Danielle) Uniza
Secretary:	Mrs A (Alison) Podmore
Public:	11

3.1 Apologies

Chief Community Planner:	Ms N (Natalie) Martin Goode
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3.2 Approved Leave of Absence

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

Declaration of Financial Interests

Nil

Declaration of Proximity Interest

Nil

(To be confirmed 11 September 2018)

Declaration of Interest affecting impartiality

Name/Position	Bronwyn Ife, Councillor
Item No/Subject	Item 7.1 –6 – 8 Planet Street, Demolition DA
Nature of Interest	Impartiality
Extent of Interest	I am the chair of the School Board at Victoria Park Primary School and have children who attend the school.

Name/Position	Vicki Potter, Deputy Mayor
Item No/Subject	Item 7.1 –6 – 8 Planet Street, Demolition DA
Nature of Interest	Impartiality
Extent of Interest	I have a child attending the Victoria Park Primary School

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

1. Why is the Department and the Council not seeking to retain the building?
R. Deputy Mayor Potter advised that the reason the Department of Education (DoE) has asked for the building to be demolished is because they have much stricter guidelines nowadays to what they had when the building was originally built and they are asking to demolish it, in order to put transportables on the site because the current building doesn't fit with their guidelines of what they can educate children within.
2. If the building can't be saved, can the Council seek from the Department to retain the area known as the 'fairy garden' which is the alcove facing Roberts road, the vegetation and the trees be saved and used as some form of nature play for the Victoria Park Primary School?
R. The Chief Operations officer, Mr Ben Killigrew advised that the Town's administration has been in discussion with the DoE to retain as many trees as possible. They have indicated the need to remove one (1) tree and officers are still in discussion with them whether they can somehow retain that tree in particular. If Ms Lisandro could provide the location of this garden, following the meeting, Mr Killigrew said he would be happy to raise it with Department.
3. Given the Town's projection to 110,000 residents by 2050, has the Town sought any consultation with the DoE to look at their projections, can the Town enter into discussions to look at the projected numbers for Primary Schools across the Town and in the area.
R. The Chief Executive Officer, Mr Anthon Vuleta said yes, the Local Planning Strategy (LPS), when it gets to the point of being advertised, the DoE will see that and hopefully provide some input into that as well. However, we will need to start having a conversation around that.

(To be confirmed 11 September 2018)

4. Will the DoE ever look at building on the Burswood Peninsula for a Primary School?
R. Deputy Mayor Potter said yes, her understanding is that it is somewhere in their plan, but said when that will be, she can't say.

Carolyn Ellis

1. Given there will be increased usage in that area, has parking been considered for next year?
R. The Chief Operations officer, Mr Ben Killigrew said that the Administration is in discussion with the DoE about their Development Application (DA) process on parking and parking management.

Nicole Hammond

1. Can you clarify that the intent of the letter was that demolition and installation of transportables be two (2) weeks?
R. The Chief Operations officer, Mr Ben Killigrew advised that the construction time is longer than that, you are right, but demolition timeframe will be within the holidays and that is for two (2) reasons: 1. Because there are no children on site; and 2. There is still wet weather and with a building with some asbestos in it, it is a better time to demolish when dust is less likely to go beyond the site. The construction program is likely to be conducted during term four (4) with the area cordoned off, in time for the school year 2019, according to the DoE feedback received today, so it is a bit preliminary, but that is the advice that has been received so far.
2. In relation to asbestos risk posed by the demolition of the old building, what procedures and policies does the Council have in place regards to the removal of asbestos and what testing of the would be conducted under those policies to ensure the safety of the children?
R. The Chief Operations officer, Mr Ben Killigrew advised that the demolition contractor has to be an approved asbestos removal contractor and they operate under regulations that ensure that the method of demolition is done in a way that it encapsulates the asbestos, it doesn't have it wandering outside of the demolition zone.
3. Is there testing mandated under those conditions after demolition, to make sure there is no dust contamination on playground equipment and classrooms?
R. The Chief Operations officer, Mr Ben Killigrew said not to his knowledge. The asbestos as per their contract would have to be encapsulated and taken off site. There is a type of asbestos containing material which are fragments that they would have to scan for and remove. There is a sewage sump onsite that would be removed as well as part of the conditions, so the site itself is fully remediated before they move back on site.
4. As part of the mitigation around the site, there was going to be a communication plan; will the communications plan also include a community consultation period?
R. The Chief Operations officer, Mr Ben Killigrew advised that the consultation plan was to inform the community of what was happening in the area, it wasn't intended to go to consultation as this was believed to be a straight forward operation that would enable the DoE to improve the schools in the area and enhance the facilities they have on site on Planet Street.

(To be confirmed 11 September 2018)

Rachel Taylor

1. What consideration has been given to turning Roberts Road into a school zone 40km/h with Main Roads?
- R. The Chief Operations officer, Mr Ben Killigrew said that as the entry and exit to the school is on Planet street, there hasn't been any consideration to making Roberts Road 40km/h zone at this stage.

Samantha Swan

- 1 With regards to transport between Victoria Park Primary and the new location, is the Town able to consult with the Department of Transport regarding a bus route as there are a number of parents that don't have cars and going to two (2) sites is difficult?
- R. The Chief Operations officer, Mr Ben Killigrew said that can be raised with the Public Transport Authority, but said he would like to raise expectations, but happy to raise if that will help.

Nicole Cox

1. Can the Council to defer this item until the parent of Vic Park Primary School are consulted and informed of what the plans are? What contact has the Town had with the Education department and Vic Park Primary in relation to forward planning?
- R. Deputy Mayor Potter advised that the application has come from the DoE; Cr Potter said she is well aware, having a child at the school too, of just how much the school has grown, it has increased hugely. Cr Potter said that they are all well aware that all of the schools are under pressure and that is only going to increase. It is up to the DoE to do something about that, sooner rather than later and hopes they do.

The Chief Executive Officer, Mr Anthon Vuleta added that the DoE as a State Government agency, is fully aware of development applications across the state. The development plans for the Town have been on the cards for many years and the fact that the forward planning is lacking, is something that sits with the State Government and DoE and not the Council.

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

Luana Lisandro

Ms Lisandro expressed her disappointment that the Town is losing another historical building in the Town. It was gazetted in 1947 for the use of a kindergarten and would like photos taken to reflect that. And would like the history corrected. May need to push for a school on the Burswood Peninsula sooner rather than later.

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

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.

- 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.

(To be confirmed 11 September 2018)

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.

(To be confirmed 11 September 2018)

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;

(To be confirmed 11 September 2018)

	<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.

(To be confirmed 11 September 2018)

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

(To be confirmed 11 September 2018)

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.

(To be confirmed 11 September 2018)

RECOMMENDATION:

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.

PROCEDURAL MOTION:

Moved: Cr Oliver

Seconded: Cr Vernon

That Council defer this item and that a report be submitted to the September Ordinary Council Meeting to be held on Tuesday 11 September 2018.

The Motion was Put and

CARRIED (6-2)

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

Against the Motion: Cr Ife; and Cr V Potter

REASON:

For Elected Members to receive additional information on the topic.

(To be confirmed 11 September 2018)

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

There being no further business, Deputy Mayor Potter closed the meeting at 5.25.pm.

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

Signed: Deputy Mayor

Dated this: Day of 2018