

3.5 Town Centre Final Draft Masterplan Implementation

File Ref:	PRO 1038	In Brief <ul style="list-style-type: none"> • The Town Centre Masterplan was developed by Council to facilitate the creation of a vibrant Town Centre for the community and provide the necessary guidance for both the form the development should take and partnering opportunities. • Hawaiian Management Group have shown interest in developing their site within the Town Centre area and partnering with the Town to achieve the objectives of the Masterplan. • Recommend that Council pursue the partnership with Hawaiian Management Group and that they inform the Victoria Park Bowling Club of the negotiations and that they may require the club to relocate to another premises.
Appendices:	No	
Date:	8 August 2005	
Reporting Officer:	B Callander	
Responsible Officer:	B Callander	

TABLED ITEMS:

- Victoria Park Town Centre – Final Draft Masterplan - September 2000
- Victoria Park Final Draft – Draft Masterplan – Appendix
- Extract from the Ordinary Council Meeting 10 April 2001 – Item 1.7 Victoria Park Town Centre Final Draft Masterplan
- Local Commercial Centre Strategy September 2003

BACKGROUND:

On Tuesday 10 April 2001 a report (tabled) was presented to Council detailing the outcome of a plan, entitled Victoria Park Town Centre – Final Draft Masterplan, developed by consultants’ to guide future development on the area of land bounded by Albany Highway; Kent Street; Gloucester Street; Sussex Street; Moorgate Street and Basinghall Street. Council resolved to receive the plan and to use it as a guide for Council decision making when considering further development located within the study area. The Council resolution reads as follows:

- “A. *The Victoria Park Town Centre Final Draft Masterplan be received and form the basis of the Brief for the next stages of the process in progressing the development of Victoria Park Town Centre.*
- B. *The Victoria Park Town Centre Final Draft Masterplan be used as a guide for Council decision making and any decisions made about expansion, development or redevelopment of any facilities or land within the Town Centre.*
- C. *In relation to Partnering Package C – Community Recreation Complex it is acknowledged that with respect to the Victoria Park Bowling Club that the Bowling Club will not be accommodated within the Town Centre area.*

- D. *Consideration be given in the Draft 2001/2002 Budget allocation for \$50,000 towards implementation of the next stages of the project in accordance with the Principal Activities Plan adopted by Council.*
- E. *Copies of the Victoria Park Town Centre Final Draft Masterplan Report be made available for viewing at the Council's Administration Centre at Council Library with an accompanying information sheet containing a copy of Council's resolution outlined above, which outlines the current status of the Final Draft Masterplan."*

The plan itself does not prescribe the density/design or built form of any development that may eventuate within the Town Centre area. It is more of a visionary document that provides the necessary guidance that would encourage development consistent with its objectives of creating a vibrant Town Centre area.

Victoria Park Town Centre – Final Draft Masterplan

In developing the Masterplan in 2000, significant consultation was undertaken with both stakeholders and the community with the findings from the consultation being included in the plans appendix (tabled) and being considered in determining the final development outcomes. The following stakeholders were consulted:- Park Recreation Centre; Victoria Park Bowling Club; Community Policing; Victoria Park Chamber of Commerce and Industry; Victoria Park JobMate; Victoria Park Centre for the Arts; Victoria Park Library; Victoria Park Community Childcare Centre; Park Shopping Centre; Sussex Community Law Service. The community consultation consisted of a letter drop to all properties adjacent to the Town Centre site and public exhibitions at both the Library and the Administration Centre. Both the letter drop and the public exhibition encouraged the community to complete a questionnaire. 49 questionnaires were returned.

The outcomes identified in both the stakeholder consultation and the community consultations were summarised in the report as follows:-

"Perhaps the major issue that was common to all these meetings was that virtually all the stakeholders wished to expand their facilities, but that this expansion was limited by available funding and parking requirements.

Adjoining property owners were letter-boxed with an explanatory letter and questionnaire seeking their views on the issues and opportunities inherent in the superblock. Concurrently, public exhibitions were mounted in the Council Administration Building and the Library and the public were also encouraged to submit their ideas and concerns for the study area.

The key comments that were made at this stage included:

- *the area is seen as a major recreational centre rather than a civic place,*
- *excellent accessibility is considered to be a major advantage,*
- *most considered that the existing facilities were of a good standard, but that there should be a wider range available,*
- *improved lighting of the area, especially the park, was considered important for security,*
- *a wide range of facilities, events, and improvements were suggested, many aimed at improving the use of the park, although the existing dog owners wished to preserve their access to the area.*

All these ideas and concerns were taken into account by the consultant team in the subsequent development of their recommendations for the area.”

The Masterplan details five levels of partnering of which two include the involvement of a developer, as follows:

*“Partnering Package C – Community Recreation Complex
Facilities and Activities*

- *Park Recreation Centre to be complemented by the relocation of the Victoria Park Bowling Club to this site.*
- *WA Indoor Bowling Centre to be encouraged to develop on this site to complement the other community recreation facilities, supported by the facilities and attractions of the Town Centre.*

OR

An alternative community recreation use or associated activity could be developed en lieu of the Indoor Bowling.

- *Park Recreation Centre, Victoria Park Bowling Club and WA Indoor Bowling centre to have their main entrances from John Macmillan Park and secondary entrance from Kent Street.*
- *Community recreation complex is to be served by two level of car parking accessed from Kent and Gloucester Streets.*
- *New bowling greens are to be established above the car parking facing Kent and Gloucester Streets.*
- *Victoria Park Library to be expanded into the Law Centre.*
- *The Law Centre to have new facilities developed at the corner of Sussex and Gloucester Streets.*

Main Tasks

- *The Council to seek developer(s) for this package on the basis of the value of its landholding in this sector of the Town Centre.*
- *The Bowling Club relocation into this sector would be an essential component of this development package.*
- *The Council to negotiate with the WA Bowling Association to fund the Indoor Bowls facility within this complex.*
- *Relocation of the Family Centre, to Kent Street, would be an essential component of the development package.*
- *To ensure that the community recreation complex is self sustaining in planning and financial terms.*

*Partnering Package D – Community Arts / Entertainment Complex
Facilities and Activities*

- *Two levels of car parking below grade to serve the development above, the community organisations complex, the Albany Highway private development sites and the Park Shopping Centre parking shortfall.*
- *Car park accessed from both Albany Highway and Kent Street.*
- *Provide possible below grade connection for connection to future below grade car parking on the Park Shopping Centre site linking to the Albany Highway/Mint Street intersection.*
- *Develop the Sussex Street frontage for retail activity with residential/office/mixed use above.*
- *Develop the corner of Sussex Street, Town Square and John Macmillan Park*

with a commercial cinema and arts centre complex.

- *Develop the John Macmillan Park frontage with retail and al fresco activity, interacting with the major pedestrian route between Kent Street, Sussex Street and Basinghall Street.*
- *Walk up scale development above the car parking to be around a central public courtyard with inter active uses at courtyard level and residential/offices/mixed uses above.*
- *Provide a central north south pedestrian route through the development from Albany Highway to Gloucester Street, passing through the landscaped sump, central courtyard, John Macmillan Park and the Park Recreation Centre/Indoor Bowling Centre main entry.*

Main Tasks

- *The Council to assemble an unencumbered land package for this development site.*
- *The Council seek developer(s) to fund the development of this package on the basis of the value of its landholding in this sector of the Town Centre.*
- *The relocation of the Victoria Park Bowling Club would be an essential component of this development package.*
- *The relocation of the Sussex Street Child Minding Centre to Kent Street, would be an essential component of this development package.*
- *The Council to negotiate with the owners of the property at the corner of Sussex Street and Albany Highway to integrate their car park into this complex.*
- *The provision of car parking and a pick-up/set-down area for the facilities in Partnering Package E.*
- *The provision of parking for the adjacent Albany Highway development sites and the Park Shopping Centre funded by cash en lieu payments.*
- *The re-establishment of Sussex Street as the main pedestrian link between Albany Highway and the new Town Square.”*

Local Commercial Centre Strategy

The Masterplan is covered in the Town’s Local Commercial Centres Strategy, which was received by Council at its meeting on 14 October 2003. This strategy was developed to provide Council with certainty when considering development that is seeking an increase in commercial/retail space. However the strategy has not been endorsed by either the Council or the Western Australian Planning Commission therefore any additional retail space being considered on this site will require the approval of the Western Australian Planning Commission. The strategy makes references to other reports, one of which is the Victoria Park Town Centre – Final Draft Masterplan. It provides a brief explanation of the Masterplan and makes the following comments:

“An analysis of the Activities Plan indicates that of the order of 12000 square metres of additional retail is envisaged, mainly on the park Shopping Centre site. The report does not detail the type of retail to be accommodated nor does it outline the trade potential to support such expansion.”

However it further comments on the town centre in Section 7.2 where it makes a recommendation on the commercial development in Victoria Park and states, in part, the following:-

“Whatever expansion potential occurs in the future should be channelled into creating a clearly discernable town centre that becomes the shopping, recreational and cultural focus of the Town. The obvious location is East Victoria Park where proposals for a town centre development are discussed in Section 2.6.1. of this report.”

In addition Section 7.5 talks about retail floor area and recommendations for specific centres. The recommendations for the East Victoria Park District Centre, which the town centre falls, are as follows:

- *“All future development at Victoria Park District Centre should be in accordance with an approved Centre Plan based on ‘Main Street’ principles.*
- *Retail expansion not be allowed to exceed 15,000m² Policy NLA with the proviso that:*
 - *Restaurants and cafes should not be included as Policy retail floor space for purposes of expansion. In other words there should be no restriction on this use – other than compliance with the development requirements of the Town Planning Scheme.*
 - *Any expansion should only be allowed in the context of an approved renewal or refurbishment proposal.*
 - *Any proposal for expansion of retail floor area over that specified above which is made in terms of the concessions for ‘Main Street’ centres in the Metropolitan Centres Policy (2000) should be able to demonstrate a need for such additional floor area.*
- *There should be no limit on non-retail commercial expansion provided such expansion or new development is in accordance with the approved Centre Plan.*
- *Centre Plans should be reviewed from time to time to accommodate changing circumstances.”*

DETAILS:

The Hawaiian Property Group and its consultants' have met with the Town's administration to discuss a proposal to develop their shopping centre land within the Town Centre site. Essentially they propose to add retail space by increasing the size of the shopping centre and developing the frontage along Albany Hwy and Sussex Street using main street principles, that is shopfronts on the street with residential above. The proposal also includes a 12 storey residential development on Sussex Street facing John McMillan Park. At this meeting Hawaiian were informed of the two major studies that would impact on their ability to develop their land, being the Victoria Park Town Centre – Final Draft Masterplan (TCM) and the Local Commercial Centres Strategy (LCCS). Hawaiian were requested to demonstrate how their proposed development would meet the objectives of the TCM and were advised that the LCCS clearly indicated that this area (East Victoria Park District Centre) did not require any additional commercial space and that if additional space was to be considered it would only be on the basis of achieving the outcomes/objectives contained in the TCM.

At the end of the meeting the representatives from Hawaiian Management Group agreed they would review their redevelopment against the plans and demonstrate, through computer modelling how their proposed development would integrate into the overall site and meet the objectives of the TCM.

The consultants met again with the administration on 25 April 2005 and presented the 3D computer model and discussed logistical issues such as road networks and parking. In

addition to this the issue of joint venture agreement types were discussed with Hawaiian indicating a willingness to further pursue this issue.

Representatives from Hawaiian Management Group were invited to make a presentation to the Councillors' Workshop on 31 May 2005. The computer model was used in the presentation and was well received by the Councillors providing Hawaiian with the confidence to move forward with their planned redevelopment and consider a partnership with the Town.

Subsequent discussions between the consultants and the administration have centred round what type of formal agreements would be appropriate to progress the partnership arrangement. The representative from Hawaiian requested clarification on what types of uses and density the Council would be comfortable with, particularly on the land that falls within the area under the Town's ownership.

The possible use types that could be considered for the site was raised by the administration at the next Councillors' workshop held on 2 August 2005 where the Executive Manager Corporate and Customer Services presented a powerpoint presentation. One of the slides provided an overview of the uses that could be considered on the site as follows;

"Possible uses on the Council owned land could be, but are not limited to:

- *Civic – Library and Leisurelife Centre location; Administration Centre; Administration Service Centre (shop front) etc.*
- *Other – Residential (multiple/grouped dwellings); retail (shops/cafes); commercial (movie theatres)".*

The outcome of the Councillors' Workshop was presented in the Members Information Bulletin at the Ordinary Council Meeting held 16 August 2005 which stated the following:-

The Executive Manager Corporate and Customer Services presented an update on the interest shown by Hawaiian Management Group in partnering with the Town to achieve the objectives of the Town Centre Masterplan and sought the elected members views on what form the development should take on the land owned or managed by the Town within the Centre ie Civic; Commercial; Retail and/or Residential.

The discussions centred round the uses proposed and whether Council should consider selling land in its ownership even if it results in achieving "public benefit". The Executive Manager Corporate and Customer Services will present a report to the 23 and 30 August EMBS and OCM to progress the matter."

It is important to note that the Town's administration has progressed the objectives of the Masterplan since it was received by Council. One of the areas identified in the plan was to free up the landholdings the Town owned within the Town Centre Site, particularly the leases it has within the area. The Town now has management of the Leisurelife Centre and has ensured that any leases approved has included development clause giving Council the ability to terminate/renew the lease if it is necessary.

Legal Compliance:

Both the Local Government Act (1995) and – the Local Government (Functions and General) Regulations 1996 cover what local governments must do when they intend to get

involved in commercial enterprises. Further information on legal compliance will be added to future reports once the extent and type of partnership is established, which will be based on the extent of the works undertaken on the land owned by the Town within the Town Centre area.

This type of partnership arrangement will require legal instruments that are outside the expertise of the Town's administration. To ensure that the Town is protected the administration has entered into preliminary discussions with its solicitors who have provided advice on the various types of agreements that could be considered and recommended the types that provide the best outcome for the Town. Any future agreements between the Town and Hawaiian will be provided to the Town's solicitors for vetting.

Strategic Plan Implications:

Key Result Area 2 in the Town's Strategic Plan deals with Quality Physical Environment, which has an objective *"To manage the development of a safe and healthy environment that is liveable, attractive and sustainable."* One of the strategies identified in this section of the plan was to *"Establish a Public/Private partnership to progress the Town Centre Strategy"*.

COMMENT:

It is clear that the Hawaiian Management Group are very interested in developing the Shopping Centre with a range of uses including residential. They have, after meeting with the Council's administration and representatives from the Design Review Committee, also indicated a willingness to develop a partnership arrangement to progress the objectives of the Town Centre Masterplan including the development of the land owned by Council. At this point the extent of the partnership is not known. However the Council is in a strong position to be able to progress the objectives of the Town Centre Masterplan due to the forward planning it has undertaken in developing the Town Centre Masterplan and the outcome of the Commercial Centres Strategy. How far this partnership goes to meeting the objectives of the Town Centre Masterplan is fully dependent upon how far Council is prepared to go in freeing up the landholding that are currently subject to leases and its preparedness to sell portions of the land to provide the necessary finances to fund the infrastructure works and the outgoings Council will have, such as subdivision, consultants costs etc.

These are all decisions that Council will have to make in the near future but at this point in time it is important for Council to make a decision on what type of uses it considers appropriate on the land it owns to allow the administration to continue further meaningful discussions with the Hawaiian Management Group to determine how far they are prepared to go in assisting to bring the Town Centre to fruition.

Civic Uses

1. Increase size of Library and relocate/redesign to ensure its shopfront is positioned in close proximity to pedestrian thoroughfares created as a result of the development.
2. Increase size of Sussex Street Law Centre to facilitate the Centres needs and relocate/redesign to ensure its shopfront is positioned in close proximity to pedestrian thoroughfares created as a result of the development.
3. The Leisurelife Centre entry be modified with the aim of increasing its visibility from the main pedestrian thoroughfares and recreational areas.
4. Add additional community type offices (possibly in conjunction with 1 and 2 above) to facilitate and attract groups that can assist and support sectors of the community with

special needs.

5. Provide a space within the development for a new Administration Building and/or an administration shop front.

Commercial/Residential Uses

1. Provide additional commercial/retail to compliment the existing/proposed retail/residential on the shopping centre property.
2. Provide additional residential to ensure that the Town Centre is as vibrant a place as it can be.

Infrastructure

1. Sussex Street created as a public road
2. New connecting road (from Kent Street to Sussex Street) and associated infrastructure ie lighting and drainage to be constructed at no cost to the Council.
3. Any other infrastructure, such as, public art and public amphitheatre to be constructed at no cost to the Council.
4. The existing restrictions/encumbrances permitting parts of No's 9 and 17 Sussex Street (lots 13 on plan 3844 and 205 on plan 30396) to be used for carparking be removed.

The uses identified above and any development that is proposed for the property within the Town Centre must be considered in line with Main Street principles and the objectives of the Victoria Park Town Centre – Final Draft Masterplan and the requirements set out in the Town of Victoria Park Town Planning Scheme No 1.

It must be stressed that agreeing to the type of uses that are considered acceptable on the site and continuing with negotiations with Hawaiian in no way commits the Town to their development proposal (demonstrated in the computer modelling) as any discussions/negotiations will be on a without prejudice basis. However it is important that the Town is committed to the development of the Town Centre to provide some level of certainty for the administration to negotiate with Hawaiian in good faith.

Additional Comments:

The background contained within the report identifies two possible partnering packages both of which provide, what would appear to be, conflicting views on the relocation of the Victoria Park Bowling Club. Partnering Package C indicates that the Victoria Park Bowling Club could be relocated adjacent to the Park Recreation Centre on the corner of Gloucester and Kent Street. However, this proposal was included as a result of WA Bowls (bowling association) showing interest at the time in developing a new administration centre that included an indoor bowling venue. The Administration did follow this opportunity up with WA Bowls but unfortunately it did not progress. One of the main tasks in Partnering Package D is the relocation of the Victoria Park Bowling Club. The final draft masterplan was presented to Council at its meeting on 10 April 2001 where the issue of the relocation of the Bowling Club was determined. Part C of Council's resolution at this meeting reads as follows:

“C In relation to Partnering Package C – Community Recreation Complex it is acknowledged that with respect to the Victoria Park Bowling Club that the Bowling Club will not be accommodated within the Town Centre area.”

The issue of carparking will play an important role in the negotiations. It is important that the Town makes its position very clear, even at these early stages. Therefore the

recommendation has been modified to include in Section 1 (ii) under Infrastructure the following:

“Carparking within the Town Centre site should be developed/designed to accommodate the density and uses proposed. Every effort will be made to make all carparking within the town centre site, other than that required for residential, to be made available for public use at all times. Any carparking shortfall resulting from the development proposed on the Hawaiian owned land may be resolved by reciprocal rights or cash in lieu being negotiated.”

RESPONSIBLE OFFICER RECOMMENDATION:

1. Hawaiian Management Group be advised:

- (i) the Town is interested in forming a partnership to facilitate the outcomes expected from the Victoria Park Town Centre – Final Draft Masterplan.**
- (ii) the negotiations could involve but are not necessarily limited to the following:**

Civic Uses/Development

- **Increase size of Library and relocate/redesign to ensure its shopfront is positioned in close proximity to pedestrian thoroughfares created as a result of the development.**
- **Increase size of Sussex Street Law Centre to facilitate the Centres needs and relocate/redesign to ensure its shopfront is positioned in close proximity to pedestrian thoroughfares created as a result of the development.**
- **The Leisurelife Centre entry be modified with the aim of increasing its visibility from the main pedestrian thoroughfares and recreational areas.**
- **Add additional community type offices (possibly in conjunction with 1 and 2 above) to facilitate and attract groups that can assist and support sectors of the community with special needs.**
- **Provide a space within the development for a new Administration Building and/or an administration shop front.**

Commercial/Residential Uses

- **Provide additional commercial/retail to compliment the proposed retail/residential on the shopping centre property.**
- **Provide additional residential to ensure that the Town Centre is as vibrant a place as it can be.**

Infrastructure

- **Sussex Street being returned to a public road;**
- **Lifting of the restrictions/encumbrances permitting parts of No's 9 and 17 Sussex Street (lots 13 on plan 3844 and 205 on plan 30396) to be used for carparking be removed;**
- **New connecting road (from Kent Street to Sussex Street) and associated infrastructure ie lighting and drainage to be constructed at no cost to the Council.**
- **Any other infrastructure, such as, public art and public amphitheatre to be constructed at no cost to the Council.**
- **Carparking within the Town Centre site should be developed/designed to accommodate the density and uses proposed. Every effort will be made to make all carparking within the town centre site, other than that required for residential, to be made available for public use at all times. Any carparking shortfall resulting from the development proposed on the Hawaiian owned land may be resolved by reciprocal rights or cash in lieu being negotiated.**

2. **The various organisations that hold leases with the Town within the Town Centre site, including the Victoria Park Bowling Club, be advised:**
- (i) of the Town's negotiations with the owners of the shopping centre, Hawaiian Management Group.**
 - (ii) that these negotiations may require them to relocate either within or outside the Town Centre site;**
 - (iii) that if they are required to relocate the Town will undertake its best endeavours to ensure they are provided with a similar premise in both land area, building size and quality; and**
 - (iv) the Town will honour the leases.**

Councillor Ashton advised that Hawaiian Management should be aware that the high rise component of the development as presented previously by Hawaiian Management at a workshop is a concern to Council and will be the subject of further discussion during negotiations.

RESOLVED

Councillor Skinner moved Councillor Ashton seconded

The recommendation be adopted.

CARRIED (6-2)

Councillors Nairn and Torpy requested that their names be recorded as not being in support of this resolution.