



TOWN OF
VICTORIA PARK



Agenda Briefing Forum Notes – 29 November 2022



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** was held at **6:30 PM** on **Tuesday 29 November 2022** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Deputy Mayor Claire Anderson
2 December 2022

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1 About the Agenda Briefing Forum

The purpose of the Agenda Briefing Forum is to ask questions and seek clarity on the draft Ordinary Council Meeting agenda, in line with the Agenda Briefing, Concept Forum and Council Workshops Policy.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the *Local Government Act 1995*.

Members of the public that are directly impacted by an item on the agenda may participate in the meeting through a deputation. A deputation is a presentation made by one individual or a group up to five people affected (adversely or favourably) by a matter on the agenda. Deputations may not exceed 10 minutes. A [Deputation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

All others may participate in the meeting during the allotted Public Participation Time. While it is not required, members of the public are encouraged to submit their questions and statements in advance by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). Please note that questions and statements related to an agenda item will be considered first. All those dealing with matters of a general nature will be considered in the order in which they have been received.

For any questions regarding the Agenda Briefing Forum or any item presented in the draft agenda, please contact the Governance team at GovernanceVicPark@vicpark.wa.gov.au.

Disclaimer

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Any advice provided by an employee of the Town on the operation of written law, or the performance of a function by the Town, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Town. Any advice on a matter of law, or anything sought to be relied upon as representation by the Town, should be requested in writing.

Noting that the Agenda Briefing Forum is only for the purpose of seeking further information on the draft Ordinary Council Meeting Agenda, and does not constitute a decision-making forum, any person or entity who has an application or submission before the Town must not rely upon officer recommendations presented in the draft agenda. Written notice of the Council's decision, and any such accompanying conditions, will be provided to the relevant person or entity following the Ordinary Council Meeting.

2 Opening

Deputy Mayor Claire Anderson opened the meeting at 6.30pm.

3 Acknowledgement of country

Cr Peter Devereux read the Acknowledgement of Country.

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

The purpose of this forum is to provide an opportunity for Elected Members to ask questions and obtain additional information on officer reports in the draft Ordinary Council Meeting agenda. It is not a decision-making forum, nor is it open for debate.

Members of the public that may be directly affected by an item on the agenda can make presentations, deputations, statements, and ask questions, prior to the matter being formally considered by Council at the next Ordinary Council Meeting.

4.2 Notice of recording and live-streaming

All participation in the meeting will be audio recorded and live-streamed on the Town's website. The live-stream will be archived and made available on the Town's website after the meeting.

4.3 Conduct of meeting

All those in attendance are expected to extend due courtesy and respect to the meeting by refraining from making any adverse or defamatory remarks regarding Council, the staff or any elected member. No one shall create a disturbance at a meeting by interrupting or interfering with the proceedings through expressing approval or dissent, by conversing, or by any other means.

All questions and statements made by members of the public are not to personalise any elected member or member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

4.4 Public participation time

There is an opportunity to ask questions and make statements at the beginning and end of the meeting. The opportunity to ask questions and make statements at the end of the meeting is limited to the following:

- Those items on the agenda and
- Those members of the public who did not participate in the first public participation time at this meeting.

Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

In line with the intended purpose of the Agenda Briefing Forum, questions and statements relating to an agenda item will be considered first. All others will be considered in the order in which they are received.

4.5 Questions taken on notice

Responses to questions taken on notice that relate to an agenda item will be presented in the officer report for the Ordinary Council Meeting agenda under the heading 'Further consideration'.

Responses to general matters taken on notice will be made available in the relevant Ordinary Council Meeting agenda under the section 'Responses to public questions taken on notice'.

5 Attendance

Banksia Ward	Deputy Mayor Claire Anderson Cr Peter Devereux Cr Wilfred Hendriks
Jarraah Ward	Cr Bronwyn Ife Cr Jesvin Karimi
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer	Ms Natalie Adams
Chief Financial Officer	Mr Duncan Olde
Chief Community Planner	Ms Natalie Martin Goode
Manager Development Services	Mr Robert Cruickshank
Manager Governance and Strategy	Ms Bana Brajanovic
Manager Property Development and Leasing	Mr Paul Denholm
Manager Waste, Environment and Asset Management	Mr John Wong
Strategic Projects Manager	Mr Nick Churchill
Secretary	Ms Felicity Higham
Public liaison	Ms Alison Podmore
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5.1 Apologies	
Mayor	Ms Karen Vernon
Jarraah Ward	Cr Vicki Potter
5.2 Approved leave of absence	
Banksia Ward	Cr Luana Lisandro
Jarraah Ward	Cr Jesse Hamer

6 Declarations of interest

6.1 Declarations of financial interest

Nil.

6.2 Declarations of proximity interest

Nil.

6.3 Declarations of interest affecting impartiality

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.3 – Vic Park Funding Program – Arts Season 2023
Nature of interest	Impartiality
Extent of interest	Several of the applicants, both recommended and not recommended are known to me and I have attended events of theirs, namely: Renee Parnell Victoria Park Community Centre Victoria Park Centre for the Arts. VR Arrival

Name/Position	Cr Bronwyn Ife
Item No/Subject	12.3 – Vic Park Funding Program – Arts Season 2023
Nature of interest	Impartiality
Extent of interest	A number of the applicants are known to me and I have attended events at the invitation of the Victoria Park Community Centre and the Victoria Park Centre for the Arts.

Name/Position	Cr Peter Devereux
Item No/Subject	12.3 – Vic Park Funding Program – Arts Season 2023
Nature of interest	Impartiality
Extent of interest	I am an Adjunct Research Fellow at Curtin University Sustainability Policy Institute

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.3 – Vic Park Funding Program – Arts Season 2023
Nature of interest	Impartiality
Extent of interest	I have attended events run by the Victoria Park Centre for the Arts and the Victoria Park Community Centre

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	12.3 – Vic Park Funding Program – Arts Season 2023
Nature of interest	Impartiality
Extent of interest	A number of the applicants are known to me and I have attended events held by Vic Park Centre for the Arts

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.1 – Draft Kent St Sand Pit Detailed Design - Release for Community Consultation
Nature of interest	Impartiality
Extent of interest	I have held discussions with the below groups about the Kent Street Sand Pit: <ul style="list-style-type: none"> • Friends of Jirdarup • Mindeera Advisory Group

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.1 – Draft Kent St Sand Pit Detailed Design - Release for Community Consultation
Nature of interest	Impartiality
Extent of interest	I have attended and been involved with events run by the Friends of Jirdarup.

Name/Position	Cr Peter Devereux
Item No/Subject	13.1 – Draft Kent St Sand Pit Detailed Design - Release for Community Consultation
Nature of interest	Impartiality
Extent of interest	I have had discussions with Friends of Jirdarup about the Sandpit banksia woodland restoration

Name/Position	Cr Jesvin Karimi
Item No/Subject	19.1 - Lathlain Precinct Redevelopment Project Zone 1 – Update report and concept 4a requirements
Nature of interest	Impartiality
Extent of interest	I have attended events / meetings with Perth Football Club and Waalitj Foundation.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	19.1 - Lathlain Precinct Redevelopment Project Zone 1 – Update report and concept 4a requirements
Nature of interest	Impartiality
Extent of interest	I have attended events held by PFC and Waalitj Foundation

7 Public participation time

Tim Cahill, Victoria Park (pre-submitted questions)

1. *Why has development started on the Belmont Peninsula before the decision has been made by Council, drone footage indicates tens of thousands of tonnes of landfill has already been deposited at the northern end of the peninsula.*

The Manager Development Services advised that the Council is considering the Local Development Plan. Works undertaken to date are outlined in the officers report under the background information and have been approved through a development application for forward works within Precinct A. Approval was issued by both the WAPC and the Town. It is important to note the Town does not have authority to approve the removal of native vegetation, DWER issued a clearing permit in May 2022. A consequence of the land requiring filling to above floodplain levels is that much of the vegetation is unable to be retained.

2. *What jurisdiction does Council have over whether this development will proceed as it's currently planned, is it rubber stamped or is there scope for it to be discontinued or approved in full?*

The Manager Development Services advised that the item before Council tonight is approval of the Local Development Plan (LDP) which guides future development, sub division applications and development applications. The next layer of approval is where further assessment of environmental impact will occur. But as noted things like the native vegetation that's already been approved through a clearing permit so certainly no rubber stamp of the approval process but there will be other processes to go through to obtain approval to build buildings.

Mr Lucas Zion, Victoria Park

Made a statement about the mini roundabout proposed for the intersection of Gloucester Street and Mackie Street under the low cost urban road safety program. Has regularly seen drivers screeching to a halt at the intersection and that while something needs to be done, a mini roundabout is no deterrent, as it is at the bottom of a large hill with no traffic calming leading up to it and people travel down at high speed. The mini roundabout may offer a false sense of security, compounded by sight issues with trees and many pedestrians including children. It will be similar to a mini roundabout in Axford Street in Como which has made the intersection less safe and is requesting the Town consider alternative modifications such as a raised platform.

1. *Can we please review the proposal?*

2. *Could the Town provide case studies of existing mini roundabouts? As the bottom of the hill is frequented by pedestrians.*

3. *Any other programs or pathways that may provide suitability?*

The Manager Waste, Environment and Asset Management advised that a mini roundabout is being considered by MRWA and the Town has been finalising the detailed design. The Town has worked with MRWA to ensure the Town maximise the number of treatments to be installed with a high number of incidents or near misses recorded. The Town will contact the requester to discuss the design.

The Town has created a list of high priority black spot projects and the Gloucester and Mackie Streets intersection is on this list. The Town has been applying for funding for a full intersection upgrade but to date has been unsuccessful. MRWA proposed the low cost treatment as part of the pilot program however this does not prevent the Town making further improvements in the future.

Lyn Thomas, Victoria Park

Made a statement about the mini roundabout proposed for the intersection of Gloucester and Mackie Street. After living at 83 Mackie Street for over 35 years and now on Gloucester Street just back from the intersection I have seen the problems over a number of years, including many near misses and minor incidents which often don't get reported. It may be hard to get feedback from near the intersection as not all homes are permanently occupied. The Monash report does not take into consideration the pedestrians, including children and cyclists who use the area. Cars race down the hill and traffic calming is needed. One option would be to put a cul-de-sac up near Hawthorne Park and I support what has been stated earlier on this matter.

Jocelyn McLennan, acting President of the Higgins Park Croquet and Tennis Club

1. I wanted to bring to Councils attention the security and safety problems of the club with four break-ins in over the last two weeks with two on consecutive evenings. Council has been very diligent with repairs, however we feel this is a waste of rate payer funds and are seeking fast tracking of some capital investment to immediately improve the security and safety such as grills on the windows and motion sensor lighting.

The Chief Operations Officer advised that the Town has met with the club and understand the time spent on the cleanup and distress caused by the break-ins. The Town has completed four sets of repairs including glass repair and screens. Long term there is a lot more expenditure required due to the large frontage that requires security. and grills so this is being considered as part of the overall budget. The Town has sourced security screens for the common areas with installation expected this week, and a flood light above the kitchen window is now operational from 6:30pm to 6:30am every day.

Geraldine Paton, Carlisle

1. Who has liability when something goes wrong on the verge, I have had to remove stakes as the Town identified they were a safety issue, however my sprinklers are constantly being broken by cars driving over them and children kicking them. Some on the side of our drive have been broken a number of times by people driving over them. Also number 12 has a native garden on the verge and for the last four to five years we have been getting snakes coming out of there including one a few weekends ago which hissed at us. This is a concern with the number of children walking past.

The Chief Financial Officer advised that he has been informed by Rangers that Ms Paton has spoken to them, and an update indicates a snake catcher was scheduled to attend on 25 November to look at the verge garden referred to. He would be happy to confirm if this has taken place and will speak with the Rangers about people driving along the footpath.

2. Ms Paton advised that it doesn't appear a snake control person has been to check the area, Allpest had been but they are just pest control and did not have a good look.

The Chief Financial Officer advised that the Town will continue to communicate with the resident and come to a resolution that will be helpful.

3. Thank you for putting in the no parking signs, however there is distance between them, and they have been placed under trees, so people continue to park there. Even no parking on the verge signs are ignored as people park on the verge opposite which is just sand and weeds, the constant driving pushes sand onto the road which blocks the drains and results in flooding at our property. I have been assured by the Mayor that something will be done, but our drains continue to flood. Is Planet Street on the agenda to be repaired, as it is like driving on an unsealed road.

Deputy Mayor Claire Anderson pointed out that the 30 minutes of question time has been exhausted and sought approval from the elected members to extend question time by a further five minutes. This was approved.

The Chief Operations Officer advised that the Town is aware of complaints about the drains and they have been checked and cleaned. The question about the road upgrade will be taken on notice and advised that Town staff will email Ms Paton a response.

8 Presentations

Nil.

9 Deputations

Item	Presenter
12.1 – Local Development Plan for Belmont Park Racecourse Precinct A	Tom Willday (Development Manager Bridge42)

Questions and responses

Cr Peter Devereux

1. What percentage of the public open space is grass as opposed to native vegetation?

Mr Willday advised that it is quite low around 7%, the design intent is to consider the requirements of the Department of Biodiversity, Conservation and Attractions (DBCA) and we will collaborate with the Town to identify public open space demands and how the grass areas will be used.

2. How do you think this compares with the native vegetation in that public open space?

Mr Willday believes this is around 35% retention of fringe vegetation and while this is significant the quality of the vegetation varies, and the very good quality exists in the fringe and that is what is being retained.

3. But I understand from the report that the high quality vegetation is a small percentage of the overall area?

Mr Willday advised that is correct and it is quite localised. An extensive process has been undertaken with DBCA and the Town to work through an ecological community which exists in pockets. Some native vegetation is very good and there is a commitment in the revegetation management plans to promote regrowth.

4. What do you think the impact of climate change will have on this development and who will take responsibility for those impacts?

Mr Willday advised that the engineering group has been working collaboratively with Town engineers and creating a ground improvement design that is robust and a piled solution. We are also bringing fill levels up over .5 of a metre higher than the required habitable floor level for flood. Structurally for the assets the Town will inherit we feel this is a strong engineered solution.

Cr Bronwyn Ife

1. You have indicated precinct B is proposed for next year, is precinct B where most of the facilities that will service precinct A are to be located?

Mr Willday confirmed that precinct B is the retail and commercial hub urban regional attractors so where food and beverage hub. Conscious of providing amenity for people from day one and embedded in one of the smaller tower developments. Maybe a small community space, potentially a small grocer and facilities such as gyms, a pool etc., that can be used by residents. Still a little conceptual and have submitted some ideas through the Local Development Plan. We are conscious of creating an environment people want to live in.

2. What about waste management with a vast number of people, do you have innovative solutions?

Mr Willday advised this has not been progressed extensively but the townhouse waste management would be the typical Town collection process. The Tower developments which would be the bulk of people, approximately 900 in apartments, we will engage end cycle or similar to come up with creative solutions on a commercial basis.

10 Method of dealing with agenda business

Questions were received from elected members on the following items:

11.2 WALGA Best Practice Governance Review

11.3 Memorandum of Understanding Update

12.1 Local Development Plan for Belmont Park Racecourse Precinct A

12.5 Amendment to Local Development Plan No.3, No. 384 Berwick Street, East Victoria Park

13.5 Koolbardi Park - Future of Multi-Use Courts

13.6 Low Cost Urban Road Safety Program Grant Acceptance

11 Chief Executive Officer reports

11.1 Council resolutions status report - November 2022

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Outstanding Council Resolutions Report November 2022 [11.1.1 - 58 pages] 2. Completed Council resolutions status report November 2022 [11.1.2 - 6 pages]

Recommendation	
That Council:	
<ol style="list-style-type: none"> 1. Notes the Outstanding Council Resolutions Report as shown in attachment 1. 2. Notes the Completed Council Resolutions Report as shown in attachment 2. 	

Purpose

To present Council with the Council resolutions status reports.

In brief

- On 17 August 2021, Council endorsed status reporting on the implementation of Council resolutions.
- The status reports are provided for Council’s information.

Background

1. On 17 August 2021, Council resolved as follows:
2. *That Council:*
 1. *Endorse the inclusion of Council Resolutions Status Reports as follows:*
 - a) *Outstanding Items – all items outstanding; and*
 - b) *Completed Items – items completed since the previous months’ report to be presented to each Ordinary Council Meeting, commencing October 2021.*
 2. *Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.*

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

Engagement

Internal engagement

Stakeholder	Comments
All service areas	Relevant officers have provided comments on the progress of implementing Council resolutions.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
- The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 28 October 2022 to 23 November 2022. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

11.2 WALGA Best Practice Governance Review

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. WALGA Governance Model Background Paper [11.2.1 - 20 pages] 2. WALGA Governance Model Consultation Paper [11.2.2 - 22 pages]

Recommendation

That Council endorses the below order of preference for the five options presented at attachment 2 for its preferred governance model for the West Australian Local Government Association.

1. Option ____
2. Option ____
3. Option ____
4. Option ____
5. Option ____

Purpose

To consider options in relation to WALGA's Best Practice Governance Review to shape the future representation structure for WALGA.

In brief

- WALGA have started a Best Practice Governance Review process as identified in their Corporate Strategy 2020-2025 and resolved by its State Council in March 2022.
- Consultation is currently underway with member local governments, with Council resolutions required to put forward each Council's order of preference for the Governance model for WALGA.
- The deadline for each Council's resolutions is 23 December 2022.

Background

1. WALGA is a body that is constituted under section 9.58 of the *Local Government Act 1995* with its objects and functions set out in its constitution.
2. At a WALGA State Council Meeting in March 2022, the WALGA State Council resolved to commence a Best Practice Governance Review Process. This process was identified in WALGA's Corporate Strategy 2020-2025.
3. To assist local governments with its deliberations on the preferred Governance model for WALGA, WALGA developed a background paper and consultation paper.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Implementing a new Governance model at WALGA can result in more positive advocacy outcomes for the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Elected Members were given the opportunity to provide feedback to assist in the development of this report.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
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Analysis

4. WALGA have undertaken research from other municipal associations in Australia and New Zealand to come up with options for how WALGA's Governance model is structured.
5. WALGA have come up with 5 options for local governments to consider which are explained in the Consultation Paper at **attachment 2** with background information included at **attachment 1**.
6. The Governance review is based on the following governance principles:
 - (a) WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
 - (b) WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.
 - (c) WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.
7. Council is requested to list its order of preference for the governance model of WALGA into the future.
8. Following member Council's feedback, the results of the review will be presented to the March 2023 WALGA State Council meeting.
9. The Governance review is also in response to the fact that, in the new local government reforms being introduced to Parliament next year, it is expected that WALGA will no longer be constituted under the *Local Government Act 1995*.
10. To assist Council in its deliberations on the matter, a summary of each of the options and the alignment of those options to the Governance principles, as provided in attachment 2, is provided below.

Option 1 – Two tier model and keeping existing zones

11. Option 1 proposes to establish a WALGA Board with 11 members, 8 are elected from and by the Policy Council including a Board elected president and up to three independent members. Four will be from metropolitan local governments and four will be from country local governments.
12. A Policy Council is proposed to be established in Option 1 which will consist of 25 members (24 plus the President). The 24 members will be elected by the Zones. 12 members will be elected from the 5 metropolitan zones and 12 members will be elected from the 12 regional zones.
13. The existing WALGA Zones will be retained.

Option 2 – Board and Regional Bodies

14. Option 2 proposes to establish a WALGA Board identical to Option 1.
15. Option 2 proposes eight Regional Bodies be established to replace the Zones, four in the metropolitan area (North, South, East and Central) and four in the country areas (Mining and Pastoral, Agricultural, Peel/South West/Great Southern and Regional Capitals). These Regional Bodies will elect one representative to the Board. Local governments would be given the opportunity to nominate their preferred regional body, with Board having a final say.
16. Option 2 also proposes policy teams, forums and committees that are responsible for specific functions of WALGA which are set up by the Board.

Option 3 – Board with amalgamated Zones

17. Option 3 proposes to establish a WALGA Board in a similar way to Options 1 and 2. However, under Option 3, the Board is proposed to consist of 15 members, six from the metropolitan and Peel local

governments and 6 from country local governments. A president would be elected at large by the Board. The Board would also appoint up to two independent skills or constituency directors to make up 15 members.

18. Option 3 proposes that the existing Zone structure would be amended to have six metropolitan Zones and six country Zones. The country Zones would need to be redrawn and the names are subject to change.

19. Similar to Option 2, Option 3 also proposes to establish policy teams, forums and committees.

Option 4 – Member Elected Board and Regional Groups

20. Option 4 proposes the establishment of a WALGA Board, with 11 members. Eight representatives would be elected via a direct election of member local government, with four elected by metropolitan local governments and four elected by country local governments. The President would be elected within the representative members elected. The Board would also appoint up to three independent members.

21. Option 4 also proposes policy teams, forms and committees similar to Options 2 and 3.

22. Option 4 also proposes regional groups which will be determined by members to suit needs. Examples given include regional capitals, GAPP, VROCs, CEO Group and the existing Zones.

Option 5 – Current Model

23. Option 5 is the current WALGA Model.

24. 24 members plus the President constitute a State Council. 12 members of State Council are elected by the five metropolitan Zones and 12 members elected by the 12 country Zones, with the existing Zones retained to consider the State Council agenda, elect State Councillors and undertake regional advocacy and projects as directed by the Zone.

Alignment to Governance Model

25. In attachment 2, the options are assessed for their alignment to the Governance principles.

26. From WALGA's assessment, Option 1 most closely aligns to the principles set by State Council in relation to the Governance Review.

27. All of the options establish a 50/50 split in representation of metropolitan and country members, ensuring the Board and regional groups (however constituted) have a balanced representation on issues that affect metropolitan and country local governments.

28. Option 2 is potentially problematic as it provides for four regional bodies for country areas, which can cause meeting logistics challenges as well as potentially conflicting issues for the vast areas that are covered (e.g. issues affecting a regional capital like the City of Albany could be vastly different to the issues affecting the Town of Port Hedland or the Shire of Broome as part of the Regional Capital regional body).

29. All five options present challenges on ensuring prioritisation of issues and defining roles and responsibilities of regional bodies.

30. All of the options that are not the status quo (option 5) propose reducing the size of the Board from its equivalent in the current model. There will be a reduced number of people involved in the oversight of governance and finance in WALGA's operation and the employment of WALGA's Chief Executive Officer.

31. Options 2, 3 and 4 propose changing Zone boundaries or composition somehow will present challenges to WALGA.

32. With the constitution of WALGA coming out of the *Local Government Act 1995*, Options 1, 2, 3 and 4 proposing a Board would ensure best practice in bodies of a similar nature.

33. Option 5 is not recommended as it struggles to meet most of the governance principles that State Council agreed to as part of the review and is not best practice following the reforms, which are proposing that WALGA be no longer being constituted under the *Local Government Act 1995*.

Relevant documents

Not applicable.

Questions and responses

Cr Peter Devereux

1. What option is chosen for recommendation by the deadline of 23 December?

The Manager Governance and Strategy advised that at the next council meeting Council will need to put up an amendment and decide on an order of preference. As voted by the Town this will be sent to WALGA.

2. Is it correct that option 4 is the only Governance option allowing for direct election of some of the WALGA members by Councils or Councillors?

The Manager Governance and Strategy advised that option 4 does not provide for direct election of WALGA board members by all Councillors, attachment 2 provides for 8 representatives to be elected by direct election. Each member local government will vote for their region, information is yet to be provided by WALGA on the process.

Cr Bronwyn Ife

1. Looking at the attachments do Town staff have commentary on how the options will impact the Town?

The Manager Governance and Strategy advised that the only impact on the Town is in relation to the appointment of members to relevant zones. Option 4 is the only one that does not provide for zone structure, all others would represent members.

11.3 Memorandum of Understanding update

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Town of Victoria Park and City of South Perth Memorandum of Understanding [11.3.1 - 5 pages]2. Town of Victoria Park, City of Canning, City of South Perth and Curtin University MOU [11.3.2 - 7 pages]3. Town of Victoria Park and Shire of Morawa Memorandum of Understanding [11.3.3 - 3 pages]4. Inner City Group Memorandum of Understanding (MOU) Extension 2022 - Signed by Five Inner City Mayors [11.3.4 - 5 pages]5. South East Corridor Councils Alliance Memorandum of Understanding [11.3.5 - 6 pages]

Recommendation

That Council receives the annual Memorandum of Understanding update report relating to the following collaborations:

1. City of South Perth
2. Curtin University of Technology and Local Government Strategic Steering Committee
3. Shire of Morawa
4. Inner-City Councils Group
5. South East Corridor Councils Alliance.

Purpose

To provide Council an update relating to the Town's Memorandums of Understanding (MoU) and working relationships with the City of South Perth, Curtin University of Technology, Shire of Morawa, Inner-City Councils Group and South-East Corridor Councils Alliance.

In brief

- The Town has entered into a number of MoUs since 2016, with collaborative focus on key themes of information and resource sharing, improving effectiveness and efficiency of common service delivery and combined advocacy for key projects and issues.
- An update on the activities of the groups is provided to Council on an annual basis. The last report was received by Council on 14 December 2021.

Background

1. At the April 2016 Ordinary Council meeting, Council resolved to endorse the MoU between the Town of Victoria Park and the City of South Perth.
2. At the April 2017 Ordinary Council meeting, Council resolved to endorse the MoU between the Town of Victoria Park, City of South Perth, City of Canning and Curtin University of Technology for the purposes of exploring objectives for possible collaboration opportunities.

3. At the June 2018 Ordinary Council meeting, Council resolved to endorse the MoU between the Town of Victoria Park and the Shire of Morawa and requested the administration to produce an annual report on the effectiveness, adherence and outcomes of the working relationship.
4. At the February 2019 Ordinary Council meeting, Council resolved to support 'in principle' the MoU between the City of Perth, City of South Perth, City of Subiaco, City of Vincent and the Town of Victoria Park for the purpose of joint collaboration opportunities on strategic issues impacting local government. It further requested an annual report be presented to Council regarding the effectiveness, adherence (or any modifications to) and outcomes, relating to the terms of the MoU.
5. At the December 2020 Ordinary Council meeting, Council resolved to endorse the MoU between the City of Armadale, City of Canning, City of Gosnells and Town of Victoria Park to establish the South East Corridor Councils Alliance.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Timely reporting on outcomes and actions of collaborative working groups the Town has entered into agreements with.

Engagement

Internal engagement	
Stakeholder	Comments
Arts and Events	Arts and Events provided an update for this report.
Governance and Strategy	Governance and Strategy provided an update for this report.
Office of the CEO	Office of the CEO provided an update for this report.
Parking and Rangers	Parking and Rangers provided an update for this report.
People and Culture	People and Culture provided an update for this report.
Place Planning	Place Planning provided an update for this report.
Technical Services	Technical Services provided an update for this report.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative public perception if the MoU's entered into by the Town don't yield any results.	Minor	Unlikely	Low	Low	TREAT the risk through continued relationship fostering and engagement with all stakeholders.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

- An update on the activities of the groups is provided to Council on an annual basis. The last report was received by Council on 14 December 2021.
- The activities of the groups and any sub-groups since the last report are provided below.

City of South Perth

- The South Perth Memorandum of Understanding has expired in 2019. Collaboration with the City of South Perth exists through the Curtin University MOU and the Inner City Councils Group. Some of the aims in the MOU continue to be worked towards.

Rangers

9. The City of South Perth and the Town of Victoria Park collaborated to construct a new Animal Care Facility (ACF) in South Perth, which officially opened 17 December 2014.
10. Since the beginning of 2022/23 financial year, the ACF housed 62 animals impounded by the Town of Victoria Park. On average, the impounded animals spent two days at the facility before being returned to their owner, rehomed or euthanized.
11. The ACF also stores deceased animals until their owners can be found. Since the beginning of 2022/23 financial year, the Town of Victoria Park stored eight deceased animals at the facility.

Operations

12. The Town continues to provide three rounds of road sweeping services to the City of South Perth annually. The City has so far been satisfied with the services provided by the Town's highly skilled road sweeping crew who managed to gradually reduce the amount of time required for each sweeping round while maintaining a high-quality service delivery. The Town has also been collaborating with the City in the area of traffic and transport management such as future pathway projects and road renewal program. This arrangement provided a broader perspective of the potential alignment of and cost savings for future joint projects.

Curtin University of Technology and Local Government Strategic Steering Committee

13. This group consists of Curtin University of Technology, Cities of Canning and South Perth and the Town of Victoria Park and meet bi-annually.
14. The objectives of the group are to work collaboratively in multiple areas to enhance the brand, objectives and outcomes of each organisation as leading innovators in their respective industries.
15. In February 2022, the group re-signed a new Memorandum of Understanding for a further three (3) years.
16. There have been several initiatives undertaken by the group ranging from research projects, collaboration in the technology space, the development of a reconciliation project and information sharing.

Shire of Morawa

17. The Town's Environmental Health Services has conducted three secondments to the Shire of Morawa these occurred on the 18-22 April 2022, 18-22 July 2022 and 17-21 October 2022. The purpose of the secondments is to assist the Shire in meeting its Environmental Health regulatory/statutory obligations. Activities include, but not limited to:
 - a. public building inspection(s)
 - b. food premises inspection(s)
 - c. new food premises approval(s)
 - d. temporary food business permit approvals
 - e. skin penetration and hairdressing business inspection(s)
 - f. new hairdressing business approval(s)
 - g. wastewater system approval(s)
 - h. Mosquito monitoring
 - i. Building Unfit for Human Habitation inspection(s)
 - j. Customer Relation Message Service(s)
 - k. Health Comments for Planning and Building applications
18. The Town also provides ongoing Environmental Health support to the Shire via phone and email. It is hoped that Secondments will continue in the 2023.

19. In early July 2022, the CEO's EA, who has been based in Perth, assisted our People & Culture team with some administrative tasks. Since then, she has provided EA support in the Community Planning area in September and more recently in November, which included Acting EO to the CEO.

Inner City Councils Group

Mayor's and CEO's Working Group

20. The Mayors and CEOs from the inner-city councils have met twice this calendar year. The group continues to focus on Homelessness initiatives, mentoring programs, and joint infrastructure advocacy.
21. In August, the group met with Minister Safiotti and provided her with an overview of the key advocacy priorities of the Infrastructure & Transport working group.
22. In November, the group met with Minister Carey to discuss several matters including Infrastructure & Transport priorities; Strategic Plan for the City of Perth; E-scooter shared scheme; Perth & Peel @ 3.5 million population and density targets; LG reform, Strategic Management of Crown & Council land; and Social and Affordable housing provision.
23. Following the meeting with Minister Carey, the group met to formally sign the new Memorandum of Understanding. The term being a further three (3) years.

Infrastructure and Transport Working Group

24. The group continues to meet on a regular basis and continue to work on a number of initiatives, including:
- a. Speed reduction initiative
 - b. Mid-Tier Transit solution - Trackless tram/light rail/CAT
 - c. Long term cycle network
 - d. Swan River foreshore upgrades
 - e. Thomas Street upgrade
 - f. Hay Street and Roberts Road – two way conversion
 - g. Development of South Perth train station
 - h. Enhanced development opportunities along the railway
 - i. e-scooter trial and EOI

Planning, Economic Development and Culture Working Group

25. This group comprises the following sub-groups which meet regularly and report to the Planning, Economic Development & Culture Working Group:
- a. Planning
 - b. Inner Perth Marketing Collective
 - c. Culture and Arts
 - d. Economic Development.
26. The Planning, Economic Development and Culture Working Group continues to meet every 3 months. In addition to reports from the sub-groups, regular meeting discussion topics include Metronet, projects with the Department of Planning, Lands and Heritage, Ministers planning reform agenda including Red Tape Reduction Workshops and South East Corridor Council Alliance (Planning and Economic Development) updates.

Planning

27. The Planning sub-group has continued to meet every 3 months. Regular topics of discussion include planning reforms proposed by the State Government, Development Assessment Panel decisions, and sharing information of how others may have dealt with a particular issue. The sub-group has identified the need and desire to collaboratively work together on projects.

Inner Perth Marketing Collective

28. The Inner Perth Marketing Collective continue to meet every few months to discuss collaborative marketing efforts for the inner city. Campaigns/blogs delivered in 2021 include:
- Blogs on topics such as Lunar New Year, Easter and what to do during winter.
 - Welcome to my Neighbourhood* video series, promoting local neighbourhoods via residents that live in the area.

Culture and Arts

29. The Inner-City Cultural Development Subgroup meets every 3-4 months with City of Perth, City of South Perth, City of Subiaco and City of Vincent to discuss and explore opportunities to work collaboratively, work collaboratively on matters of mutual interest to enhance the outcomes of each organisation and discuss strategic issues impacting local government. One of the key focus areas for 2021 was the collaboration on the 'Making Space for Culture', a project to identify demand and different ways of facilitating affordable creative maker spaces.

Economic Development

30. The Economic Development sub-group continue to meet every few months to discuss broad economic development issues affecting the inner-city local governments. These include the impact of macro-economic trends on our business communities, measuring performance of our economies and collaborative projects we can implement.

Corporate Services and Business Services Working Group

Human Resources Managers Group

31. The Human Resources Managers Group meet every few months to discuss and collaborate on broad areas of focus for the workforce. Key highlights of the group include:
- Inner City Council Mentoring Program – launch of second year occurred
 - Collaboration on workforce management practice/policy development eg. Code of Conduct
 - Internal secondment policy development and internal advertising of roles
 - Coaching/mentoring of participants People and Culture teams to collaborate and share resources/ideas and tools on leadership development, coaching, culture etc.

Internal Audit Group

32. The Internal Audit Group meets every second month to discuss and collaborate on broad areas of focus for internal audit. The group will continue to explore opportunities to undertake joint internal audits.

South East Corridor Councils Alliance

Mayor's and CEO's Working Group

33. The Mayors and CEOs have met four time thus far, this calendar year with the final meeting for the year scheduled mid-December.
34. In September and October 2022, the group participated in Strategic planning workshops, with the final outcome being a Strategic Vision for the future.

Community Group

35. The Community Group continue to meet to progress development of a forum focusing on engagement with and enhanced understanding of culturally and linguistically diverse (CaLD) communities across boundaries.

Planning and Economic Development Group

36. The Planning and Economic Development Group continue to meet to discuss collaborative projects including Metronet and Simplified Trading Partnership Permits (STPP). Since the launch of the STPP, work has begun on the next collaborative project, supporting local businesses in the south east corridor.

Human Resources Group

37. In 2020 the Human Resources Group developed an integrated traineeship and apprenticeship program across all alliance councils. The implementation of the program was delayed due to Covid-19 however, it is intended to re-start this program in 2022.

Infrastructure and Environment Group

38. The Infrastructure and Environment Group has met most months since its inception. Currently, the Regional Rivers program is at the forefront of the groups discussions having recently secured funding from the Federal Government to assist with several issues including sediment and pollution issues in drainage and waterways. In addition, the group has also focused on boundary road agreements, METRONET resourcing, METRONET Maintenance and management, a collaborative tender specifications library and specifications and procurement processes.

Relevant documents

Not applicable.

Questions and responses

Cr Peter Devereux

1. The MOU with South Perth, note 8 of the report indicates some aims continue to be worked towards but that the MOU expired in 2019. Can you explain what is being worked on and advise what joint collaboration there is on cycling given the joint bike plan and the active transport focus of the integrated transport strategy?

The Chief Executive Officer advised that the ongoing works relate to the Rangers and Operations areas. The joint bike plan has been reviewed, the intention is to continue working with South Perth and the Inner City Councils Group. The Town may not specifically continue with the South Perth MOU as it has been encapsulated within the Inner City Councils Group as well as Curtin. The Towns advocacy strategy with the Inner City Councils Group cycling and the cycle network funding is a big priority and continues to be worked on.

2. What are the future plans under the Curtin University MOU to collaborate more with the university, particularly in sustainable urban planning and transport?

The Chief Financial Officer advised that is the Town's intention and the place team has developed a new technology park stakeholder working group involving Curtin University, City of South Perth, Development WA and the Department of Planning, Lands and Heritage. It is still in its inception but is a precinct wide approach to planning infrastructure, transport and moving in a positive direction. The recent focus of the Curtin MOU has been about Aboriginal culture

such as RAP and Innovate RAP but the Towns relationship with Curtin University will evolve and broaden over time.

3. What progress has been made with the Inner City Councils Group on enhancing opportunities for Victoria Park including the point under 24B about mid-tier transit such as the long term cycle network and opportunities along the railway?

The Chief Executive Officer advised that to get action on the mid-tier transit, the Town has had to collaborate across 15 councils and is looking more at transit corridors. It has been well received so far including an advocacy plan, videos, engagement with the Minister through 15 councils and the Inner City group. The latest collaboration has been a presentation with UDIA where the Minister presented on this topic along with the subject matter expert from the City of Canning. The Minister is committed to further dialogue to develop this planning framework. It is about keeping in sync and ensuring linkages and advocating for more funds. Beyond that, it will be looking at rail corridor funding, with transit oriented developments around the rail corridor and stations and leveraging future development and planning outcomes.

4. Can you explain the new focus on transport corridors or similar that you referred to?

The Chief Executive Officer advised that the reference to Transport corridors is in relation to mid-tier transit, the biggest issue is with the transit priority, if you can get all to agree which corridors will be given priority there will be an opportunity to get something in there.

5. Are any transport corridors that have been discussed that might pass through Vic Park and provide an opportunity?

The Chief Executive Officer advised that Albany Highway and Kent Street are the primary ones.

6. With regard to SECCA the report on point 34 says there's an agreed Strategic Vision completed in September/October, can we see this?

The Chief Executive Officer advised that this is in draft format but has not been fully populated, it can be sent around to the Councillors for information, but there is a meeting in December and will ratify the document so it can be presented to Council.

Further consideration to be added to the Ordinary Council Meeting agenda

6. Further information to be supplied to elected members by providing them with a copy of the draft Strategic Vision.

11.4 Unsolicited Sponsorship application - RSPCA Million Paws Walk

Location	Victoria Park/Burswood
Reporting officer	Communications Advisor
Responsible officer	Manager Stakeholder Relations
Voting requirement	Simple majority
Attachments	1. Million Paws Walk – ToVP In-kind sponsorship request 2. Million Paws Walk route 3. Meeting Minutes – Event Sponsorship unsolicited application Oct 2022

Recommendation

That Council endorse the “unsolicited” sponsorship application for in-kind support from the RSPC Million Paws Walk of \$2,093.00.

Purpose

To provide Council with an oversight of the sponsorship applications and assessments for Council endorsement.

In brief

- The Town’s sponsorship funding program enhances opportunities for collaboration and partnerships between the Town, private enterprise, and community to complement the Town’s strategic objectives and increase economic vibrancy by raising the profile of the Town.
- The 2022-23 event sponsorship round has closed; however an “unsolicited” sponsorship application was submitted by RSPCA in October 2022 for their Million Paws Walk event taking place in May 2023.
- RSPCA are seeking in-kind support (no cash/monetary funding) from the Town to the value of \$2,093.
- A Town Sponsorship Assessment Panel (SAP) has assessed this submission.

Background

1. In December 2019, the Town undertook a review of all funding round practices and procedures to improve efficiencies and transparency of the Vic Park Funding Program. This review initiated a project to procure a funding platform to manage the Town’s funding rounds.
2. At the December 2020 Ordinary Council meeting, Policy 116 – Sponsorship was adopted by Council.
3. Further to the adoption of Policy 116 – Sponsorship at the December 2020 Ordinary Council meeting, Council endorsed the Chief Executive Officer to establish a panel of no less than three members to assess all eligible sponsorship application submissions. The panel is to assess applications against the requirements and assessment criteria and present a report to Council for endorsement.
4. To align to the annual budget cycle, the timeframes calling for applications were changed from previous years to align to informing the annual budget adoption and financial years. This enables budget amounts to be informed and fit for purpose and longer lead times.
5. At the May 2022 Ordinary Council meeting, Council endorsed three event sponsorship applications for the 2022-23 round, including Movies by Burswood, John Curtin Gallery, and WestCycle Incorporated.

6. In October 2022, the Town received an “unsolicited” sponsorship application from RSPCA WA requesting in-kind support for the Million Paws Walk event taking place in May 2023 with the event route in part within the Town.
7. In accordance with Policy 116 – Sponsorship, unsolicited offers for sponsorship can be submitted in writing, ensuring it sets out:
 - a. The proposed sponsorship arrangements;
 - b. The value of the proposed sponsorship; and
 - c. How the sponsorship meets the assessment criteria.
8. Further in accordance with Policy 116 – Sponsorship, for the SAP to make a recommendation to accept an unsolicited offer it must:
 - a. Not have been able to be lodged during a funding round, and thereby subject to a competitive application;
 - b. Bring extraordinary benefits and opportunities to the Town that could not have otherwise been; and
 - c. Be received at least three months before the proposed activity, to allow appropriate due diligence, assessment, and council approval to occur.
9. The SAP assessed the unsolicited sponsorship application from RSPCA WA in October 2022.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL1 Effectively managing resources and performance	Town sponsorship funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources with the longest lead time available.
CL2 Communication and engagement with community	We can build a partnership and planner with the third-party organisations over the financial year.

Economic	
Strategic outcome	Intended public value outcome or impact
EC1 Facilitating a strong local economy	Events are an important part of the Town’s destination brand. To market the Town as a desirable tourism destination we need to have a product offering that can draw visitors.

Engagement

Internal engagement	
Stakeholder	Comments
Sponsorship Funding	Panel evaluation

Assessment Panel	
Community Development	What events are being run by the Town in the 22/23 financial year.
Parking and Rangers (Finance)	Logistics and ranger involvement.
Elected members	Previous discussions relating to changes in timeframe, objectives and approach.
Facilities	Issues relating to area closures at McCallum Park

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Loss of funds/resources spent if selected events are cancelled and funds spent are not redirected or used for the intended purpose.	Minor	Unlikely	Low	Low	TREAT – Ensure the evaluation of sponsorship requests are robust and provide elected members sufficient information in their decision making process.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					

Reputation	The community perceives there is little or no return on investment.	Moderate	Possible	Medium	Low	TREAT – Ensure the evaluation of sponsorship requests are robust and provide elected members sufficient information in their decision making process.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Not applicable
Future budget impact	Passing this recommendation will require commitment of \$2,093 in in-kind support.

Analysis

10. The Town received a written unsolicited offer for sponsorship from RSPCA WA for their Million Paws Walk event which takes place in May 2023. This written application was deemed 'unsolicited' as it was received outside of an Event Sponsorship round.
11. The written submission consisted of the proposed sponsorship arrangements, potential value of the proposed sponsorship and addressed the five assessment criteria questions set out in Policy 116 – Sponsorship.
12. The applicant requested the following in-kind support:
 - a. Use of the Town's facilities (parks and venues);
 - b. Use of the Town's assets (parking signs, bike racks and marquees); and
 - c. Promotions and marketing through the Town's communications team.
13. The Town's internal Event Sponsorship Assessment Panel (SAP) consisted of four Town officers:
 - a. Manager Stakeholder Relations
 - b. Communications Advisor
 - c. Coordinator Parking and Rangers
 - d. Community Development Officer (Clubs, Events and Bookings)
14. Application was assessed individually and then reviewed within a formal panel meeting by the Town's SAP members as per Policy 116 – Sponsorship, and the criteria outlined for the sponsorship program.

Assessment Criteria Questions

Question 1 – Collaboration

Does the application maximise opportunities for collaboration between the Town and organisation or individual?

Question 2 – Council’s Strategic Objectives

Does the application assist in meeting the Town's strategic objectives as set out in the Strategic Community Plan?

Question 3 – Increase Economic Vibrancy

Does the application increase economic vibrancy by raising the profile of the Town?

Question 4 – Reciprocal Benefit

Does the Town and community receive reciprocal benefit from the sponsorship beyond modest acknowledgement?

Question 5 - Complement the Town’s Marketing and Communications Objectives

Does the application complement the Town's marketing and communications objectives?

Assessment Criteria Questions

Application has been fully completed and received by the Town in accordance with the sponsorship requirements.

The application is clear and includes realistic objectives and timeframes.

The applicant’s mission, vision, objectives and event do not conflict with the values and objectives of the Town.

The applicant is not requesting explicit endorsement of the applicant itself or product/event.

Any conflict of interest has been declared and assessed as reasonable.

The sponsorship meets all funding eligibility requirements (i.e. acquittal of previous grants).

The applicant can obtain appropriate approvals, permits, insurances and licenses.

The Town reserves the right to discuss an application with a third party, if necessary, to assist in assessing the application.

15. The SAP concluded that the unsolicited offer for sponsorship be recommended for endorsement for in-kind support to the value of \$2,093. In-kind support includes:

- a. McCallum Park (no fee charge as RSPCA is only using footpath)
- b. Taylor Reserve hire (\$648)
- c. Utility fee (\$60)
- d. Notification letters (\$185)
- e. Marketing and communications support (\$1,200)

Relevant documents

[Policy 116 - Sponsorship](#)

There were no questions asked or presentations made in relation to this item.

12 Chief Community Planner reports

12.1 Local Development Plan for Belmont Park Racecourse Precinct A

Location	Lot 3001 on Deposited Plan 422596; No. 1 Graham Farmer Freeway, Burswood
Reporting officer	Acting Coordinator Urban Planning
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Local Development Plan received 17 November 2022 [12.1.1 - 44 pages] 2. Appendix 1 - Design Report [12.1.2 - 76 pages] 3. Appendix 2 - Open Space Management Strategy [12.1.3 - 24 pages] 4. Appendix 3 - Foreshore Management Plan [12.1.4 - 774 pages] 5. Appendix 4 - Wind Assessment [12.1.5 - 17 pages] 6. Appendix 5 - Traffic Impact Assessment [12.1.6 - 243 pages] 7. Appendix 6 - Parking Supply and Management Plan [12.1.7 - 19 pages] 8. Appendix 7 - Engineering and Services Report [12.1.8 - 34 pages] 9. Belmont Park Racecourse Local Structure Plan approved April 2013 [12.1.9 - 128 pages] 10. Schedule of Submissions from Landowners and Occupiers [12.1.10 - 6 pages] 11. Schedule of Submissions from Public Authorities [12.1.11 - 13 pages] 12. Design Review Panel Meeting Notes dated 1 September 2022 [12.1.12 - 3 pages] 13. Applicant's Letter Supporting Public Open Space Provision [12.1.13 - 1 page]

Landowner	Golden Sedayu Pty Ltd
Applicant	Element Advisory Pty Ltd
Application date	Lodged 1/09/2021, Accepted on 14/02/2022
DA/BA or WAPC reference	5.2021.436.1
MRS zoning	Urban, and Parks & Recreation
TPS zoning	Special Use
R-Code density	R-AC0

TPS precinct	P1 – Burswood Peninsula
Use class	Not applicable
Use permissibility	Not applicable
Lot area	20.1927 hectares
Right-of-way (ROW)	Not applicable
Local heritage survey	Not applicable
Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Located within the Belmont Park Racecourse Structure Plan Area, Precinct A is bounded by the Swan River to west, north and east and Belmont Park Racecourse Precincts B and C to the south.

Recommendation

That Council:

1. Approves the Local Development Plan for Precinct A of the Belmont Park Racecourse Structure Plan Area received on 17 November 2022, pursuant to clause 51(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:
 - (a) Subclause 9.2.e. to read as follows: *"Should an affordable or disability dwelling be sold to a 3rd party, the property will be sold at the cost of construction prior to practical completion and retained in perpetuity through a restrictive covenant registered against the certificate of title of the dwellings restricting use for affordable or disability housing only."*
 - (b) Subclause 9.3.a. to read as follows: *"a. Residential homes shall exceed a natHERS energy rated home rating, or equivalent, by at least 0.5 stars to the standard at the time of building application per home."*
2. Authorises the CEO to approve the final amended version of the Local Development Plan for Precinct A upon inclusion of the modification addressed in item 1 above.
3. Requests the Chief Executive Officer to publish the adopted Local Development Plan on the Town's website in accordance with clause 55 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Requests the Chief Executive Officer to notify those persons who made a submission on the Local Development Plan of the outcome of Council resolution 1 and 2 above.

Purpose

The application is referred to Council for determination, as the Town's Register of Delegations and Sub-delegations does not authorise the Town's Officers to determine a Local Development Plan.

In brief

- Subclause 9.b) of the Belmont Park Racecourse Structure Plan requires a Local Development Plan to be adopted prior to recommending subdivision approval or approving a development application within the structure plan area.
- The purpose of the proposed Local Development Plan (formerly known as Detailed Area Plans) is to guide and coordinate the design and development of land, as well as supplement the development standards contained in the local planning scheme and Residential Design Codes.
- It is considered that the proposed Local Development Plan for Precinct A within the Belmont Park Racecourse Structure Plan Area generally meets the objectives and requirements for the subject precinct. Therefore, it is recommended that the Local Development Plan be adopted subject to modifications as listed in the Recommendation above.

Background

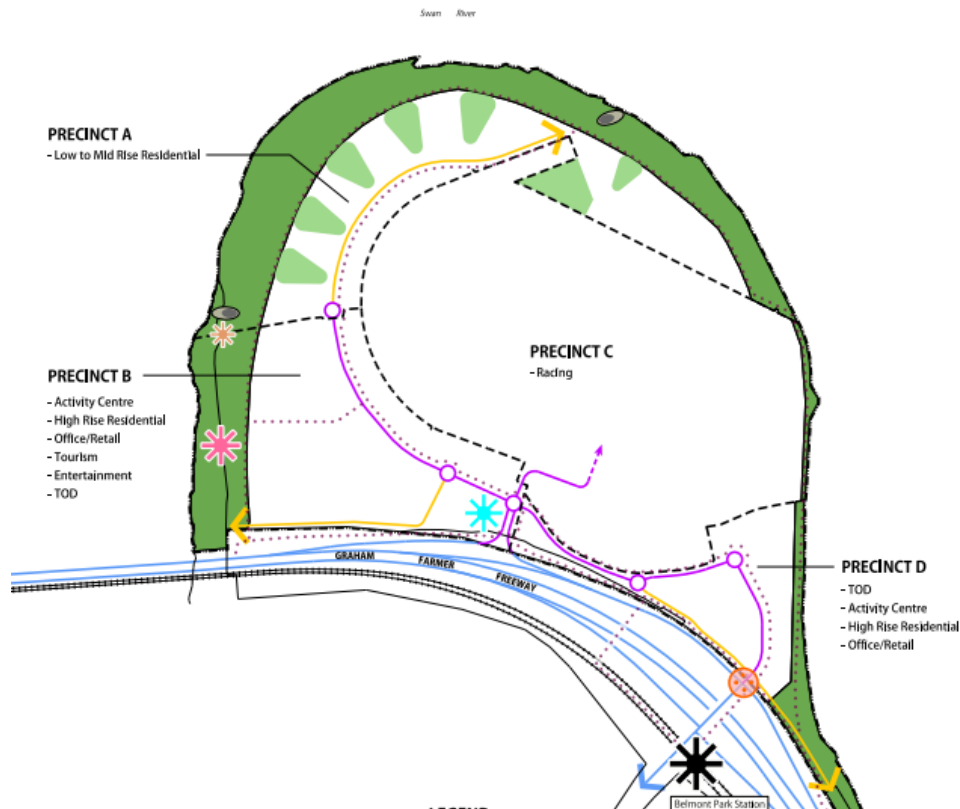
Special Control Area

1. Lot 3001 on Deposited Plan 422596 ('the subject land' or 'the land') forms a portion of Burswood Peninsula located on the northern side of Graham Farmer Freeway. The land is partially zoned Special Use under the Town of Victoria Park Town Planning Scheme No. 1 ('Scheme') and partially reserved as Parks and Recreation under the Metropolitan Region Scheme.
2. In accordance with clause 25A of the Town's Scheme, the subject land is located within a Special Control Area which is identified as Development Area 1 ('DA1') on the Town's Precinct Plan P1 'Burswood Peninsula Precinct' and listed in Schedule E of the Scheme Text.
3. Clause 25A(2) of the Town's Scheme states that in respect to the Special Control Area shown on Precinct Plans, the provisions applying to DA1 apply in addition to the provisions applying to an underlying zone or reserve and any general provisions of the Scheme. Clause 25AB of the Scheme states that the purpose of Developments Areas is to identify areas requiring comprehensive planning and coordinate subdivision and development in those areas. Schedule E describes the Development Area in detail and sets out the specific purposes and requirements for the area. An extract of Schedule E is provided in the table below.

<i>"Area No</i>	<i>Land Description</i>	<i>Purpose and Particular Requirements</i>
DA1	<i>The whole of the area being portion of Swan Loc 35 (known as Belmont Park Racecourse)</i>	<i>A structure plan must be prepared and approved prior to any subdivision and/or development of the land, with the exception of development or use associated with the current racecourse activities."</i>

Belmont Park Racecourse Structure Plan and Local Development Plans

4. The Belmont Park Racecourse Structure Plan ('Structure Plan') was approved by Council at the Ordinary Council Meeting on 11 September 2012 and subsequently approved by the Western Australian Planning Commission on 26 March 2013. The Structure Plan establishes a statutory framework to guide the planning and design of the site, to facilitate development proposals that will comprise a mix of land uses including retention and upgrading of the racing facility, high and medium density residential development, a significant Activity Centre and riverfront Parks and Recreation. A copy of the Structure Plan is available at Attachment 9.
5. The four Precincts forming part of the Structure Plan area are depicted in the following image from the Structure Plan:



6. The Structure Plan requires a Local Development Plan ('LDP') to be prepared for each of the four precincts depicted on the Structure Plan Map, as described below:

(a) Precinct A – This precinct is located on the north-western and northern edges of the Peninsula. It is envisaged to incorporate diverse low to mid-rise residential development, set within a landscaped setting with a strong physical and visual connection with the racecourse, foreshore and river. The following image is depicted from the Structure Plan depicting the possible development of Precinct A.



(b) Precinct B – This precinct comprises the south-western portion of the Structure Plan area. It will incorporate high density living and working environments, supported by on-site amenities, leisure facilities and retail. It is to comprise a small public Marina, a mix of high density and high rise residential, commercial, office, retail, leisure, tourism, cultural and entertainment land uses in the form of a vibrant Activity Centre.

(c) Precinct C – This precinct is located along the southern edge of the site and accommodates the primary function and operations of racing. It is to incorporate a racetrack, grandstand, stables and other racing associated facilities and infrastructure.

(d) Precinct D – This precinct comprises the south-eastern portion of the site which is in close proximity to the Perth Stadium railway station. It will provide a mix of land uses appropriate for a Transit

Orientated Design (TOD), including high density residential, office, commercial and retail, restaurants, a piazza, pedestrian thoroughfares and shared space for vehicles and pedestrians.

7. LDPs for Precincts C and D have already been adopted by Council. A LDP for Precinct D was adopted by Council at the Ordinary Council Meeting on 11 August 2015 and a LDP for Precinct C was adopted by Council at the Ordinary Council Meeting on 9 August 2016. Copies of these adopted LDPs are available on the Town's website [here](#).

Recent Planning Approvals for Precinct A

8. Following lodgement of the application for a Local Development Plan for Precinct A, the Town received two applications for development approval ('development application') proposing forward works within Precinct A. The proposed forward works comprise earthworks to raise the site levels and prepare the land for future development. A dual approval has been issued by the Town and Western Australian Planning Commission ('WAPC') for the proposed forward works within the 'North Park' area of Precinct A and the developer is currently in the process of obtaining clearance for various conditions. The development application for forward works in the 'West Park' area of Precinct A is still being assessed by the Town and Department of Planning, Lands and Heritage ('DPLH'). Neither of these applications are considered to prejudice the specific purposes and requirements of the structure plan area or the assessment and determination of the proposed LDP.
9. The Town has also been requested to provide comment on a subdivision application proposing the creation of 83 residential lots, public open space reserves and road reserves within the 'North Park' area of Precinct A. The Town requested that DPLH place the subdivision application on hold pending the outcome of Council Officers assessment of the LDP. At the time of writing this report the Town's Officers are in the process of preparing a response recommending approval subject to conditions, on the basis that the proposed subdivision plan aligns with the proposed LDP, and subject to Council's approval of the LDP.
10. In May 2022 the Department of Water and Environmental Regulation ('DWER') issued a clearing permit subject to conditions for the removal of up to 3 hectares of native vegetation from land within Precincts A and B. The purpose of the permit is to clear vegetation to facilitate bulk earthworks for the Belmont Park Racecourse Redevelopment. The effect will be that all vegetation will be removed from the residential developable portion of the land along with some areas of vegetation within the river foreshore portion of the land. The vegetation to be removed comprises nine different plant communities, including areas of Coastal Saltmarsh Threatened Ecological Community (TEC). 78 percent of the vegetation is in a completely degraded condition due to historical disturbance, whilst smaller areas of vegetation on the western and northern periphery of the site adjoining the Swan River are in very good condition. Some of the smaller areas of good and very good condition TEC will be retained and rehabilitated within the foreshore reserve. This aligns with conditions imposed by the Town and WAPC on the abovementioned forward works development approval for Precinct A. The proposed LDP has been considered with due regard to the clearing permit. A copy of the clearing permit is available on DWER's file transfer portal [here](#).

Application summary

11. A Local Development Plan ('LDP') is a planning mechanism that guides and coordinates the design and development of land, as well as supplements the development standards contained in the local planning scheme and Residential Design Codes. Decision-makers are to give 'due regard' to an approved LDP when making decisions in respect to the development of land. Once approved, an LDP is valid for a duration of 10 years.
12. LDPs are used in limited situations to guide the design and development of small or constrained lots or achieved design outcomes. In this case, the need to prepare a LDP is a requirement of the Structure Plan.

13. The proposed LDP for Precinct A is contained in Attachment 1 and is supported by a number of technical appendices, including:
- Design Report (refer to Attachment 2).
 - Open Space Management Strategy (refer to Attachment 3).
 - Foreshore Management Plan (refer to Attachment 4).
 - Wind Assessment (refer to Attachment 5).
 - Traffic Impact Assessment (refer to Attachment 6).
 - Parking Supply and Management Plan (refer to Attachment 7).
 - Engineering and Services Report (refer to Attachment 8).
14. Clause 2 of the submitted LDP for Precinct A states that the purpose of the LDP is to coordinate and guide:
- Pedestrian, cycle and vehicle movement networks;
 - Location and function of public open space including foreshore reserves;
 - Residential typologies and built form interface to public realm; and
 - Location of non-residential land uses.
15. The submitted LDP and supporting technical appendices address the following matters:
- Precinct objectives.
 - Integration with adjacent existing or planned development.
 - Setbacks from the foreshore reserve.
 - Land use and location.
 - Public open space.
 - Streetscape treatments.
 - Crime prevention through environmental design principles.
 - Built form, such as dwelling mix, setbacks and building height.
 - Resource efficiency.
 - Servicing.
 - Affordable housing.
16. With reference to Plan 1 (extract below) from the LDP (refer to Attachment 1), the proposed LDP seeks to deliver:
- 1,112 dwellings, comprising 908 apartments with a building height of up to 19-storeys and 204 townhouses with building heights of between two and three-storeys. The apartments will be located within the West Park portion of the precinct adjoining the racecourse (sites identified as 'A' to 'I' in the image below). 129 of the townhouses will be provided in the West Park portion of the precinct, between the apartment lots and the foreshore, with the remaining 75 townhouses located in the North Park portion of the site. The applicant has advised that the townhouses are intended to be developed first, followed by apartment developments in each stage, as depicted on Figure A Indicative Staging Plan provided on page 20 of the LDP (see Attachment 1). A supporting Design Report provides an overview of the intended building form outcomes (see Attachment 2).
 - A maximum of 500m² of retail/commercial space within the ground floor of selected apartment buildings facing the main boulevard.
-

- Pedestrian, cycle and vehicle movement network. The road network comprises a combination of local roads to access lanes. The main boulevard providing access from adjoining Precinct B will run along the front of the apartment lots and connect to the activity node in the foreshore area of the North Park portion of the precinct. A 3.5 metre wide principle shared path for pedestrians and bicycles will be located within the foreshore area connecting through Precinct B to the Perth Stadium Park and Precinct D. Visitor parking will be provided along the main boulevard and adjoining the activity node in accordance with the supporting Transport Impact Assessment and Parking Management Plan (see Attachments 6 and 7).
- Public open space ('POS') including 9.0671 hectares of POS within the river foreshore and approximately 0.89008 hectares of POS within the residential developable area. The Plan 2 Landscape Concept Plan provided on page 6 of the LDP (see Attachment 1) provides an indication of various proposed landscaping treatments within the public realm. Proposed landscaping treatments in the Regional POS include retention and rehabilitation of Threatened Ecological Community (Samphire) vegetation, lawn and seating areas, river outlook nodes, footpaths and boardwalks. The Local POS will provide landscaped connections from the residential areas to the foreshore and include a central pathway complemented with an avenue of trees, seating, native groundcover and bio-retention swales. A larger area of Local POS will be provided in the North Park portion of the site containing an active recreation space, community kick-about lawn and bio-retention swales. Delivery of these POS areas will be in accordance with the supporting Public Open Space Management Strategy and Foreshore Management Plan (refer to Attachments 3 and 4).
- An activity node in the foreshore area of the North Park portion of the precinct. This area will include a foreshore plaza with shelter structure, bike racks, BBQ, seating and shade trees. A new beach will provide space for canoes.



17. Clause 3.2 of the LDP contains provisions exempting single houses from the requirement to obtain development approval where the dwelling satisfies the deemed-to-comply provisions of State Planning Policy 7.3 Residential Design Codes Volume 1 ('R-Codes'), including R-Codes provisions as varied by

the LDP. This is consistent with existing exemptions from development approval contained in clause 61 of Schedule 2 ('deemed provisions') of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Town's Local Planning Policy 32 – Exemptions from Development Approval. For example, on land zoned Residential within the Town, a single house would not require development approval if the property is not a heritage-protected place, and the works satisfy the relevant provisions of the R-Codes and the Town's applicable policies; such as the street setback requirements of the Town's Local Planning Policy 25 – Streetscape.

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • Planning and Development Act 2005 • Planning and Development (Local Planning Schemes) Regulations 2015 • Town Planning Scheme No. 1, including Precinct Plan 1 'Burswood Peninsula Precinct' • Belmont Park Racecourse Structure Plan
State Government policies, bulletins or guidelines	<ul style="list-style-type: none"> • Framework for Local Development Plans • State Planning Policy 7.3 - Residential Design Codes Volumes 1 • State Planning Policy 7.3 - Residential Design Codes Volume 2
Local planning policies	Not applicable.
Other	Not applicable.

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • The redevelopment of the Belmont Park Racecourse site should facilitate a mix of land uses including retention and upgrading of current racing facility, high and medium density residential, a significant Activity Centre and riverfront Parks and Recreation. • Any future redevelopment of the site should give consideration to its prominent location on the Peninsula. Public access along the river foreshore should be provided, maintained and improved, having regard for the needs to balance accessibility with preservation of river bank and wildlife habitat.
Local planning policy objectives	Not applicable.
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Part 6 of the deemed provisions contains provisions regarding the preparation, assessment, advertising, consideration of submissions and determination of a Local Development Plan. Key provisions are provided in the Compliance assessment section below.
Urban forest strategy	Not applicable.

Compliance assessment

18. Part 6 of Schedule 2 ('deemed provisions') of the *Planning and Development (Local Planning Schemes) Regulations 2015* details the process for assessing and determining a LDP, including:

51. Consideration of submissions –

The local government –

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and*
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and*
- (c) is to have due regard to the matters set out in clause 67(2) to the extent that, in the opinion of the local government, those matters are relevant to the development to which the plan relates.*

52. Decision of local government

(1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must –

- (a) approve the local development plan; or*
- (b) require the person who prepared the local development plan to –*
 - (i) modify the plan in the manner specified by the local government; and*
 - (ii) resubmit the modified plan to the local government for approval;*
- or*
- (c) refuse to approve the plan.*

(1A) The local government must not approve a local development plan under subclause (1) if –

- (a) the local development plan amends or replaces a deemed-to-comply provision of the R-Codes; and*
- (b) under the R-Codes, the Commission's approval is required for the local development plan; and*
- (c) the Commission has not approved the local development plan.*

(2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) –

- (a) if the plan was advertised – within the period of 60 days after the last day for making submissions specified in accordance with clause 50(5) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or*
- (b) if the plan was not advertised – within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.*

54. Review

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the Planning and Development Act 2005 Part 14, of a decision by the local government not to approve the local development plan."

19. As per the R-Codes, the development of land for residential purposes is to be in accordance with the requirements of the R-Codes. The R-Codes do, however, permit a LDP to amend or replace certain deemed-to-comply requirements of the R-Codes, in some cases with WAPC approval and in other cases without WAPC approval. Those deemed-to-comply requirements of the R-Codes proposed to be amended through the LDP are listed in Clause 4.2 Table 2 of the LDP (see Attachment 1). Officers are

satisfied that those aspects of the R-Codes to be varied by this LDP, are aspects which do not require WAPC approval.

20. In accordance with clause 56 of the deemed provisions, once the LDP is approved, a decision-maker for an application for development approval is to have due regard to, but is not bound by, the LDP plan when deciding the application. This means that variations to the deemed-to-comply provisions may be considered based on the merits of the case and with regard to relevant performance criteria.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The Local Development Plan allows for different housing options and provides guidance regarding urban design outcomes relating to provision and treatment of the public realm.

Engagement

Internal engagement	
Stakeholder	Comments
Environment	Key considerations related to the public open space areas including rehabilitation of a Threatened Ecological Community, containing Coastal Samphire vegetation, within the Swan River foreshore area.
Engineering	Key considerations related to the proposed movement network and stormwater disposal.
Parks	Key considerations related to the public open space areas including the amount, width and treatment of public open space.
Place Planning	Key considerations related to the urban design layout, built form design, provision of community facilities and affordable housing.

External engagement	
Stakeholders	Comments
Stakeholders	Owners and occupiers of properties within 200 metre radius of Precinct A within the Town of Victoria Park and within a 200m setback distance from the river in the City of Bayswater and City of Vincent.
Period of engagement	14 March 2022 to 18 April 2022. In accordance with the Town's Local Planning Policy 37 – Community Consultation on Planning Proposals, consultation was undertaken for a total of 35 days. This included a minimum 28-day comment period plus an additional seven days to account for an excluded holiday period that started on Easter Friday 15 April.

Level of engagement	Consult
Methods of engagement	<ul style="list-style-type: none"> • Publication of documents on the Town’s website, Your Thoughts. • Publication of a public notice on the Town’s website and noticeboards at the Administration Centre and Library. • Letters to owners and occupiers as identified in the above Stakeholders sub-heading.
Advertising	As above.
Submission summary	A total of 13 submissions were received comprising seven objectives, five in support and two undecided general comments.
Key findings	<p>A schedule of submissions containing a summary of comments received from landowners and occupiers during the community consultation period is provided in Attachment 10.</p> <p>Key comments raised include concerns regarding potential negative visual amenity and environmental impacts. The schedule of submissions includes comments from the Town’s Officers responding to these concerns.</p> <p>Prior to commencement of the Town’s formal community consultation process (February 2022), Perth Racing expressed concern about the original proposed LDP in relation to the impact of the proposal upon horse racing activities. Subsequent to this, meetings were held between Golden Group and Perth Racing to address issues of concern, and subsequently resulting in the submission of an amended LDP. As per the schedule of submissions at Attachment 10, Perth Racing are now broadly supportive of the submitted LDP.</p>

Other engagement	
Stakeholder	Comments
Various external authorities including, but not limited to: <ul style="list-style-type: none"> • Department of Biodiversity, Conservation and Attractions. • Department of Communities. • Department of Planning, Lands and Heritage. • Department of Water and Environmental Regulation. • Main Roads WA. 	Comments were received from various external authorities. A summary of submissions received during the consultation period is provided in Attachment 11.
Design Review Panel	The development of the LDP has been the subject

of extensive review by the Town’s Design Review Panel (‘DRP’). This has comprised four meetings prior to lodgement of the LDP and a further four meetings post lodgement.

Through a series of amendments, the LDP has been substantially modified to address key comments and recommendations from the DRP. At the last DRP meeting held on 1 September 2022 the DRP were generally supportive of the LDP. A copy of the minutes of the last DRP meeting held on 1 September 2022 is provided in Attachment 12.

The applicant has positively responded to the majority of the DRP’s comments, and as a result there have been significant improvements to the LDP and future built form outcomes.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Negative public perception towards the Town in relation to the removal of some areas of Threatened Ecological Community (TEC) vegetation from the land.	Moderate	Unlikely	Medium	Low	Accept. The Town is not responsible for making a decision in relation to the clearing of native vegetation. The Department of Water and Environmental Control has already issued a native vegetation clearing permit for the land. The Foreshore Management Plan provides for retention and rehabilitation of the TEC vegetation within the foreshore

						area.
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The proponent has the right of review to the State Administrative Tribunal against Councils decision.	Moderate	Unlikely	Medium	Low	Accept. The Town has had ongoing discussions with the applicant to resolve various provisions to ensure the LDP meets the objectives and requirements of the adopted Structure Plan.
Reputation	Negative public perception towards the Town dependent upon the decision.	Moderate	Unlikely	Medium	Low	Accept. The Town has had ongoing discussions with the applicant to resolve various provisions to ensure the LDP meets the objectives and requirements of the adopted Structure Plan.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

21. Clause 11 of the Structure Plan lists relevant matters to be addressed in the LDP. The proposed LDP and supporting technical appendices (refer to Attachments 1 to 8) incorporate relevant provisions and design elements which are discussed in the table below.

Structure Plan clause 11 requirements	LDP reference (see Attachment 1)	Officer Analysis
Precinct objectives	Clause 5	The objectives align with the objectives listed in the Structure Plan.
Integration with adjacent existing or planned development.	Clause 5.1	The LDP adequately addresses integration with adjacent existing Precinct C (racetrack) development and proposed Precinct B development as envisaged in the Structure Plan.
Land use and location.	Plan 1	<p>Plan 1 shows the layout and location of land uses which correspond with various provisions in the LDP.</p> <p><u>Residential development</u> The predominate land use will be medium to high density residential development. Clause 2.2.2 of Part 2 of the LDP anticipates a dwelling yield of 1,112 dwellings within the precinct, comprising 204 single houses ('townhouses') on the Foreshore, Midshore and Racecourse Lots and 908 multiple dwellings ('apartments') on the Racecourse Lots in the West Park area.</p> <p>Clause 11 of the Structure Plan requires the provision of a minimum of 664 dwellings within Precinct A. Clause 8.4.5 of Part 2 of the Structure Plan estimated a potential dwelling yield of up to 950 dwellings within the precinct.</p> <p>The LDP indicative dwelling yield of 1,112 meets the minimum of 664 required under the Structure Plan and exceeds the estimated dwelling yield of 950 by an additional 162 dwelling yield. It is considered that the additional 162 dwellings will not negatively impact on future development of the overall Structure Plan area which envisages a total of 4,500 dwellings. Future planning for Precinct B will be required to consider the dwelling yields envisaged in the Structure Plan (estimated 20250 dwellings in Precinct B) in</p>

		<p>conjunction with proposed dwelling yields identified in adopted LDPs for Precincts A and D.</p> <p><u>Commercial development</u> In accordance with the Structure Plan requirements, the LDP identifies the provision of up to 500m² of retail/commercial space along the main boulevard on the ground floor of Racecourse Lots A, C, D, E, F, G, H and I.</p> <p><u>Community facilities</u> In accordance with the Structure Plan requirements, an activity node will be created within the foreshore reserve in the North Park area adjoining the West Park area.</p> <p>In addition, the LDP provides for temporary community facilities (up to 200m²) to be provided in Precinct A either upon the construction of 200 dwellings or within the first apartment development, whichever is the earlier.</p>
Public open space	Section 7	<p>The Town does not have authority to determine the provision of public open space ('POS'). The WAPC is responsible for determining the provision of POS at subdivision stage. Notwithstanding this, it is noted that the proposed LDP does not align with the Structure Plan's indicative POS provision for the subject precinct.</p> <p><u>Amount of POS</u> The LDP proposes that approximately 8 percent (0.89008 hectares) of the gross subdivisible area of Precinct A is to be provided as POS. It is important to note that the term 'gross subdivisible area' means the portion of land zoned Special Use under the Town's Scheme and does not include the portion of the land reserved as Parks and Recreation under the Metropolitan Region Scheme ('MRS').</p> <p>The Structure Plan indicates that 30.3 percent (3.3694 hectares) of the gross subdivisible area of Precinct A is to be provided as POS.</p> <p>WAPC Development Control Policy 1.7 requires a minimum of 10 percent (1.11256 hectares) of the gross subdivisible area to be provided as POS.</p> <p>The Town's Officers are generally supportive of the amount of POS as indicated on Plan 1 of the LDP. In</p>

		<p>this respect, the Town has had regard to the extensive area of the land reserved as Parks and Recreation reserved under the MRS that the landowner is required to cede free of cost to the State (9.067ha). Whilst the provision of 10 percent Local POS is generally required in addition to the Regional POS, it is considered that the combined area of Local and Regional POS (9.957ha) will meet the needs of residents and visitors. In addition, Subclause 9.h) of Part 1 of the Structure Plan requires a minimum of 10 percent (of the gross subdivisible areas (27.55 hectares) of the aggregate gross subdivisible area within the Structure Plan area to be provided as POS. It is expected that additional POS will be provided in Precinct B (subject to a future LDP) to ensure the adequate provision of POS within the whole Structure Plan area. The applicant has provided a letter confirming that additional POS will be provided in Precinct B (refer to Attachment 13) so as to target a minimum of 10% POS across the whole Structure Plan area.</p> <p><u>Type and Treatment of POS</u> The Town's Officers are generally supportive of the type and treatment of POS areas. As demonstrated in section 7 of the LDP and the supporting Open Space Management Strategy, the majority of POS will provide space for passive recreation. Green fingers incorporating bio-swales with native vegetation, footpaths and break-out lawn seating and informal nature play areas. The larger area of POS located in the North Park area adjoining the racecourse will include active recreation equipment. Further details regarding treatments will be provided at a future subdivision stage.</p> <p>The Town's Design Review Panel is supportive of the proposed amount, width and type/treatment of Local POS.</p>
Streetscape treatments	Sections 6 and 7 and clause 9.4	The Town's Officers are supportive of the proposed streetscape treatments. Further details will be provided at future subdivision and/or development approval stages.
Crime prevention through environmental design principles (CPTED)	Clause 9.5	The proposed CPTED principles outlined in the LDP meet relevant contemporary considerations. CPTED will be further considered at development stage and detailed design stages for the public realm.

Built form	Section 8	<p>Under the applicable planning framework, local governments may vary some of the deemed-to-comply provisions of the R-Codes via Local Planning Policies and/or Local Development Plans. Those deemed-to-comply requirements of the R-Codes proposed to be amended through the Local Development Plan are listed in Clause 4.2 Table 2 of the LDP.</p> <p>The Town's Officers have considered each design element and are supportive of the proposed provisions. In addition, the Town's Design Review Panel have generally supported the provisions.</p> <p>Key provisions that vary the Structure Plan's requirements include building height and setbacks to the foreshore.</p> <p><u>Building height</u></p> <p>The Structure Plan envisages a mix of dwelling types including low-rise built form (up to 3 storeys) generally closest to the foreshore and mid-rise built form (4-13 storeys) generally adjacent to the racetrack. The proposed LDP meets the expected 3 storey low-rise built form, however, a maximum built form height of 19 storeys is proposed for apartment developments adjacent to the racetrack.</p> <p>The Town's Officers and Design Review Panel are supportive of the proposed building heights, subject to adequate modulation for the apartment developments. It is considered that the proposed 19 storey built form will integrate with the mid-rise built form (4-13 storeys) and high-rise built form (up to 53 storeys) built form that the Structure Plan envisages will be built in Precinct B. In addition, subject to appropriate treatments to the facades of buildings, the location of the 19 storey built form adjacent to the racetrack in Precinct C is not expected to negatively impact on the racecourse activities.</p> <p><u>Setbacks to the foreshore</u></p> <p>The Department of Biodiversity, Conservation and Attractions ('DBCA') Corporate Policy No. 48 requires dwellings to be setback from the foreshore boundary a minimum of 6 metres or 20 percent of the length of a lot. Alternatively, a 4 metre setback may be considered whether the adjoining foreshore has a width of greater than 150 metres.</p>
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		<p>The LDP provisions for Foreshore Lots in the West Park provide for a minimum setback to the foreshore boundary of 6 metres to the ground floor and a minimum of 4 metres to the upper floor. The width of the foreshore adjoining the West Park ranges from approximately 65 metres to 100 metres.</p> <p>The DBCA does not support the proposed upper floor setback of 4 metres in lieu of a minimum of 6 metres as per their Policy. The DBCA is of the opinion that the building bulk in this area will continue to have an impact on the adjacent foreshore reserve, particularly considering development in this location is adjacent to public infrastructure (pedestrian/cycle path) and has the potential to detract from the community's use and enjoyment of the foreshore in the immediate vicinity.</p> <p>The applicant has justified that the setback is suitable based on consideration of pedestrian connectivity and surveillance, noting that the setback will not have a material impact on the regional use of the space.</p> <p>The Town's officers are supportive of the proposed setbacks contained in the LDP, notwithstanding the concerns expressed by the DBCA. Due to existing and proposed ground levels and the low-rise built form it is considered that a 4 metre upper floor setback will not adversely impact on visual amenity or functional use of the adjoining foreshore reserve. Additionally the cantilevering of the upper floor over open space at ground level provides visual interest and a break in building bulk.</p>
Resource efficiency	Clause 9.3	<p>The LDP includes an energy efficiency provision which states: <i>"a. Residential homes shall achieve a natHERS energy rated home rating, or equivalent, to the standard at the time of building application per home."</i></p> <p>The Nationwide House Energy Rating Scheme ('NatHERS') provides energy ratings for new dwellings and is used as a streamlined pathway to meet or exceed the National Construction Code (NCC) 2022 energy efficiency requirements. In May 2024 the minimum requirement for new houses and apartments will increase from 6 to 7 stars (out of ten).</p> <p>The proposed provision means that houses will only have to meet the NCC energy efficiency requirements</p>

		<p>rather than exceed them. It is considered that the LDP should deliver a sustainable outcome that exceeds the minimum, by at least 0.5 stars. Therefore, the Town's Officer recommend that clause 9.3 be modified as follows:</p> <p><i>"a. Residential homes shall exceed a natHERS energy rated home rating, or equivalent, by at least 0.5 stars to the standard at the time of building application per home."</i></p> <p>Separate to this provision, R-Codes Volume 2 contains energy efficiency provisions which will apply to apartment developments.</p>
Servicing	Clause 2.1.7	<p>The Town's Officers are supportive of the Engineering and Servicing Report submitted as a supporting appendix to the LDP.</p>
Affordable housing	Subclauses 9.2 c, d and e.	<p>The LDP includes the following affordable housing provisions:</p> <p><i>"c. A minimum of 5% of total apartment dwellings in Precinct A shall be designated as affordable housing in perpetuity, being a mix of 4% of one-bedroom apartments and 1% of two-bedroom apartments (rounded to the nearest whole dwelling).</i></p> <p><i>d. The allocation of affordable or disability dwellings shall be nominated by the Developer at lodgement of DA, which is to be accompanied by a Housing Agreement made between the DA developer and the proposed Community Housing Provider or Department of Communities or other State / Federally funded community organisation, for the occupation of the dwelling by householders who are considered low to medium incomes or have a disability but are not eligible for social housing.</i></p> <p><i>e. Should an affordable or disability dwelling be sold to a 3rd party, the property will be sold at the market value, less 15%, and retained in perpetuity through a restrictive covenant registered against the certificate of title of the dwellings restricting use for affordable or disability housing only."</i></p> <p>The Town's Officers are generally supportive of the proposed provision subject to modification to subclause 9.2.e. as follows:</p> <p><i>"Should an affordable or disability dwelling be sold to a 3rd party, the property will be sold <u>at the cost of construction</u> prior to practical completion and retained</i></p>

		<p><i>in perpetuity through a restrictive covenant registered against the certificate of title of the dwellings restricting use for affordable or disability housing only.”</i></p> <p>The above modification is recommended on the basis that the likely market value of the land is unlikely to be an acceptable price or way of working out an agreed price for a shared equity scheme.</p> <p>Further comment from the Department of Communities has also been sought regarding the suitability of this provision, however, at the time of writing this report a response had not been received.</p> <p>At this time, it is recommended that the LDP be modified to address this matter.</p>
Implementation of the LDP	Section 3	<p>The Town’s Officers are supportive of the operation of the LDP, including the exemption from development approval for single house developments that meet the deemed-to-comply provisions of the R-Codes including provisions as varied under the LDP.</p> <p>Once approved, the LDP will subsequently be implemented accordingly and used to assess future subdivision, building and development applications.</p>

22. The proposed LDP has been developed by the applicant as per the requirements of the Structure Plan and in response to comments provided by the Town’s Officers, Design Review Panel, external authorities and community members. It is considered that the LDP will appropriately guide and coordinate the design and development of land, as it relates to both private lots (including single houses, multiple dwellings and retail/commercial spaces) and the public realm (including the movement network and public open space). Therefore, it is recommended that the LDP should be approved subject to modification as detailed in the Recommendation section above. The approved LDP will subsequently be implemented accordingly and used to assess future subdivision, building and development applications.

Questions and responses

Cr Peter Devereux

1. What impact is climate change expected to have on the long term future of this development will any responsibility for this sit with the developer or the Town?

The Manager Development Services advised that the foreshore management plan which is an appendix to the report indicates that rainfall and flooding in the winter months is expected to decrease, the finished floor levels of the building take into account a 0.9 metre sea level rise to

2100. The developer will initially maintain public open space along the foreshore reserve however this will be handed to the Town for maintenance in the longer term.

2. What is the timeframe for handover of maintenance to the Town?

The Manager Development Services advised that the standard is a two summer period but will take the question on notice to confirm.

Cr Wilfred Hendriks

1. Does the owner own the land right to the edge of the river for precincts A, B C and D?

The Manager Development Services advised that the land on the foreshore reserve will be Crown owned but anticipates it will be under the care, control and management of the Town.

2. Is management of the area, including the vegetation, the responsibility of the Town or the developer?

The Manager Development Services advised that responsibility sits with the developer to maintain in the short term but ultimately will be handed over to the Town in the longer term.

3. Will this area be open to the public?

The Manager Development Services advised that yes it will be accessible to the public.

4. The roads look narrow for construction vehicles, are they wide enough to carry this type of traffic?

The Manager Development Services advised that the Town's Engineering team has been involved with the road reserves to ensure they are wide enough to meet requirements.

5. With regard to the buildings on the flood plain, noticing that the tennis centre across the other side has problems with sinking, what measures have been put in to this development to prevent this?

The Manager Development Services advised that there has been extensive advice from engineers and consultants, significant filling of up to 3 or 4 metres in some areas which will settle over the next few years before being built on.

6. There is a lack of amenity such as a primary school which was reflected in the communities concerns. Has this been taken care off, are there plans for a shopping precinct, library etc.?

The Manager Development Services advised that the provision of retail and commercial space will be taken up in other parts of the precinct, but precinct A alludes to a temporary community facility being available from day one but necessary retail to support the community will be provided in other parts of the overall Belmont Park development.

7. If the Town does not approve this, can the State Government overturn the decision?

The Manager Development Services advised that the applicant has a right of appeal and if the Town does not approve the Local Development Plan, and approval would go to the State Administrative Tribunal.

Further consideration to be added to the Ordinary Council Meeting agenda

2. Further information to be provided on the timeframe for handing over maintenance to the Town.

12.2 Application for Unlisted Use (Sales Office and Display Suite) at No. 1 (Lot 3002) Graham Farmer Freeway, Burswood

Location	Burswood
Reporting officer	Manager Development Services
Responsible officer	Manager Development Services
Voting requirement	Absolute Majority
Attachments	<ol style="list-style-type: none"> 1. Development Application report [12.2.1 - 6 pages] 2. Updated development plans [12.2.2 - 12 pages]

Landowner	Golden River Developments (WA) Pty Ltd
Applicant	Element Advisory Pty Ltd
Application date	7 November 2022
DA/BA or WAPC reference	5.2022.403.1
MRS zoning	Portions zoned 'Urban' and 'Parks and Recreation Reserve'
TPS zoning	Special Use
R-Code density	RAC-0
TPS precinct	Precinct Plan P1 'Burswood Peninsula'
Use class	Unlisted Use
Use permissibility	At Council's discretion
Lot area	91,024m ²
Right-of-way (ROW)	N/A
Local heritage survey	N/A
Residential character study area/weatherboard precinct	N/A
Surrounding development	Foreshore reserve and river to the west; vacant land to the north; Graham Farmer Freeway reserve to the south; Belmont Park Racecourse to the east;

Recommendation

That Council approve by Absolute Majority the application submitted by Element Advisory Pty Ltd (DA 5.2022.403.1) for Unlisted Use (Sales and Display Suite) at No. 1 (Lot 3002) Graham Farmer Freeway, Burswood in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions :

1. This development approval is valid until 13 December 2032, after which time the use shall cease operation, unless further development approval is granted. On or prior to the end of this period, the sales office and associated works are to be permanently removed from the Lot.
2. The development is to be carried out in accordance with the approved plans, unless otherwise authorised by the Town.
3. Prior to the occupation or use of the development, all on site car bays being provided in accordance with the approved plans.
4. The car parking bays are to be utilised only by sales and display suite staff and visitors, and are not to be made available to patrons of other nearby facilities (ie. Optus Stadium, the Belmont Park Racecourse) or the general public.
5. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
7. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
8. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.

Advice notes:

AN1 This approval is an approval under the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute an approval under the Metropolitan Region Scheme. Separate approval is to be obtained under the Metropolitan Region Scheme from the Western Australian Planning Commission.

AN2 This approval does not include the approval of any signage. Any signage for the development to be the subject of separate approval.

AN3 A carparking space for people with a disability is required where there are 5 or more car parking spaces.

AN4 Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators

in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.

AN5 In relation to Condition 7, an acid sulphate soils self-assessment form can be downloaded from the Western Australian Planning Commission's website at: www.planning.wa.gov.au. The "acid sulfate soils self-assessment form" makes reference to the Department of Environment and Conservation's "Identification and Investigation of Acid Sulfate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation website at: www.dwer.wa.gov.au.

AN6 Prior to the commencement of development works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972*. The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning Lands and Heritage (Indigenous Affairs) with a request for advice.

AN7 Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation (DWER) or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Purpose

For Council to determine the application under Town Planning Scheme No. 1 as being an application for an Unlisted Use, the matter is required to be determined by Council.

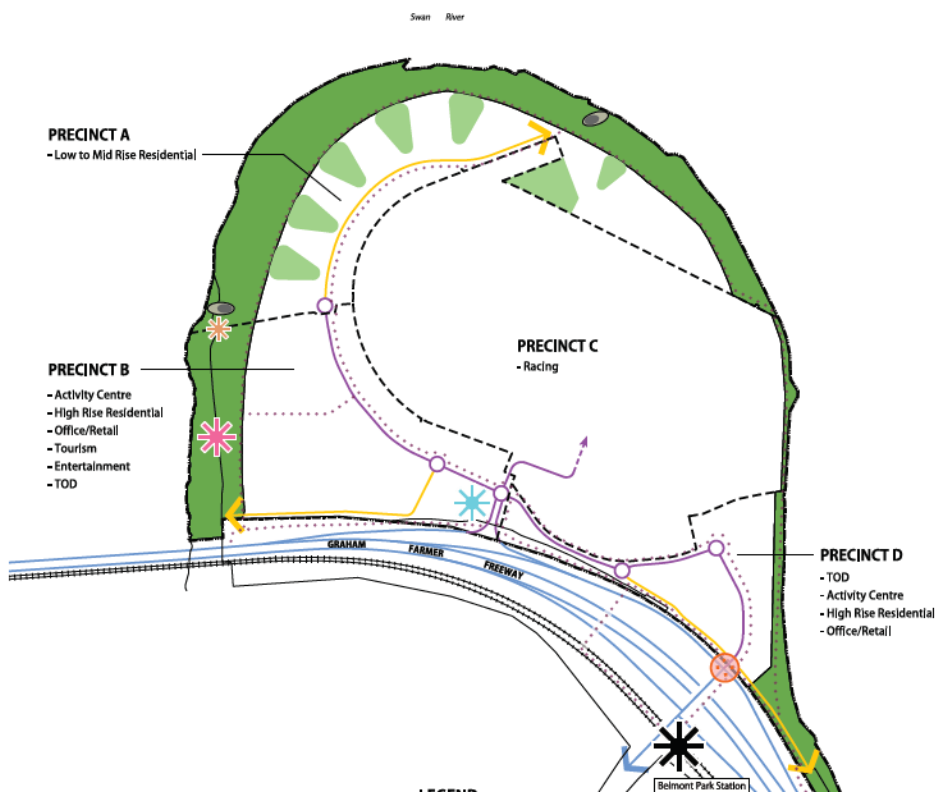
In brief

- Application seeks approval for the construction of a Sales and Display Suite on the land, for a period of 10 years. The intent is to facilitate the sales and delivery of the dwellings within Precinct A to the north.
The proposed use as a Sales and Display Suite is not included as a Use Class in the Zoning Table and as such is an 'Unlisted Use'.
The proposal comprises principally a sales office connected to a display townhouse, with associated parking, landscaping and fencing.
Officers consider the proposal to be consistent with the intent of the Burswood Precinct and the Belmont Park Racecourse Redevelopment Structure Plan, as an interim use.
The application will require approval by Council under the Town of Victoria Park Town Planning Scheme No.1, and a separate determination under the Metropolitan Region Scheme by the Western Australian Planning Commission (WAPC) as the development is proposed to occur on land that is both zoned 'Urban' and reserved for 'Parks and Recreation' purposes.

Background

1. In 2006 the Western Australian Planning Commission (WAPC) initiated an Amendment to the Metropolitan Region Scheme (MRS Amendment 1131/41) to rezone the Belmont Park Racecourse site and surrounding land, including the subject site, from Private Recreation to Urban, updating the Parks and Recreation reservation boundaries and revising the Primary Regional Road reservation to reflect the current ultimate alignment of the Graham Farmer Freeway.

2. The Amendment was supported by a Structure Plan which was lodged with the Town in December 2005, and supported by the Commission subject to modifications following an extensive consultation process, and the resolution of a number of planning issues.
3. A revised Amendment proposal (1159/41) was subsequently prepared and approved, and forms the basis of the Belmont Park Racecourse Redevelopment Structure Plan. This Amendment to rezone the site from Private Recreation to Urban was gazetted in 2009.
4. The Belmont Park Racecourse Redevelopment Structure Plan was approved by the WAPC in early 2013. The Structure Plan applies to that part of the Burswood Peninsula north of the Graham Farmer Freeway, and identifies four precincts across the peninsula.



5. The proposed development is located within 'Precinct B' of the Structure Plan area, but is intended to market the sale of the proposed dwellings within Precinct A.
6. A separate agenda item relates to the approval of the Local Development Plan for Precinct A.

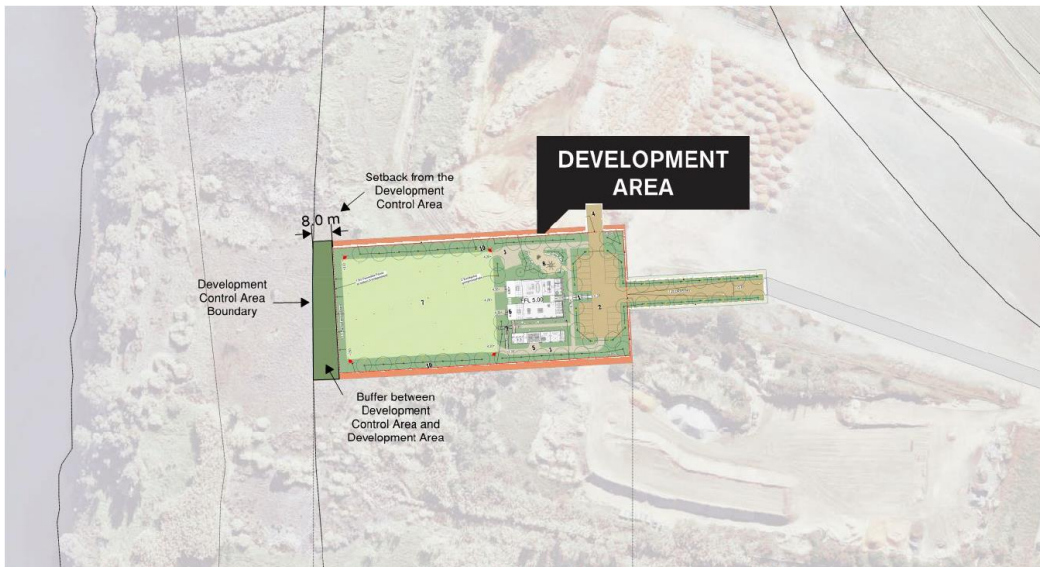
Application summary

7. The application proposes the construction of a Sales and Display Suite for a 10 year period from occupation, for the purposes of the marketing and sale of proposed dwellings within Precinct A. The applicant, in their cover letter (see Attachment 1) outlines in detail that the proposal is inclusive of the following :
 - *"A single-storey display townhouse featuring a display kitchen, dining and lounge, bathroom and outdoor living area;*
 - *A sales office, connected to the display townhouse by a walkway featuring material plinths,*

- development models, flip book bench, wall displays of renders and plans and private signing rooms;
- A separate amenity's building including restrooms, furniture storage, garden storage, cleaning storage, bin store and golf buggy storage;
- A compacted gravel carpark and driveway with significant planting comprising an avenue of semi-mature and up-lit trees. The carpark includes of a total of 22 car bays;
- A nature playground constructed using salvaged wood, steppers and swings within in a dry creek bed and river grass planting to emulate the landscaping proposed within Precinct A;
- A lawn area with temporary 15m x 20m marquee intended to host occasional events associated with the sales of Precinct A, accessible from alfresco decking areas along the primary structure and flood-lit at night;
- Perimeter fencing comprising 1.5m – 1.8m Colorbond with lockable gates, plus 1.5m permeable fencing facing the River foreshore at the bottom of the western most planted 1:3 embankment;
- Semi-mature trees of species that will be transplanted into the streetscapes and public open spaces of Precinct A following the decommissioning of the Sales and Display Suite.
- The Sales and Display Suite (including lawn area) will operate from 8am until 5pm Monday – Saturday and may be open other times by appointment only. Occasionally, the development will host special events on Saturday evenings, utilising the Sales and Display Suite, alfresco, and lawn area with marquee."

8. The location of the proposed works is depicted in the following images:





9. Further information supplied by the applicant indicates that sand fill that has been stockpiled in the vicinity of the site (relating to other works in Precincts A and D) will be redistributed to create a new finished level for the Sales and Display Suite and associated works. This includes filling of around 2-3 metres across the majority of the site.
10. The portion of Lot 3002 upon which the development is proposed to take place is wholly zoned 'Urban' under the Metropolitan Region Scheme (MRS), however a portion of Lot 3002 is also reserved for 'Parks and Recreation' purposes under the MRS and is situated within the Swan River Trust's Development Control Area. As such, the application will require a dual determination, being a decision by Council under the Town of Victoria Park Town Planning Scheme No.1, and a separate decision by the Western Australian Planning Commission under the Metropolitan Region Scheme.

Applicants submission

11. The applicant, in their covering letter (see Attachment 1), provides the following justification for the proposal to be approved:
 - *"It will facilitate the delivery of the comprehensive redevelopment of Precinct A, in accordance with the aims and objectives of the Structure Plan;*
 - *The proposed high quality materiality and finishes are reflective of that envisioned within Precinct A, complemented with extensive landscaping that will improve the amenity of the area;*
 - *It provides clear and legible vehicle and pedestrian access. Parking provided sufficient for the daily use of the temporary Sales and Display Suite, with additional overflow parking available for special events within existing asphalt handstand to the north;*
 - *The use of the site for occasional events and the inclusion of play space will activate the currently underutilised area during its hours of operation, providing passive surveillance of the River foreshore. The sales suite will provide employment on site, attracting a workforce both during its construction and while in operation;*
 - *Semi-mature trees will have the opportunity to mature before being transplanted in the streetscapes of Precinct A and, similarly, the reuse of nature play equipment in order to increase material recycling;*
 - *The construction of a temporary sales office in the form of an unlisted use has been supported previously by the Town, being standard industry practice for residential developments;*
 - *The proposed structure will be oriented to address the River foreshore, featuring open windows and alfresco decks spilling out onto the lawn area along the western portion of the building, maintaining the amenity provided by the Parks and Recreation reserve and adjacent Swan River;*

- *The 10 year approval timeframe being sought is proportionate to the scale of Precinct A, which will deliver over 1,100 dwellings in a staged manner; and*
- *The proposed land use is temporary in nature and will not prejudice the long-term mixed-use development of Precinct B."*

Relevant planning framework

Legislation	Town of Victoria Park Town Planning Scheme No. 1 Metropolitan Region Scheme
State Government policies, bulletins or guidelines	WAPC Development Control Policy DC5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space
Local planning policies	Local Planning Policy 23 ' Parking Policy'
Other	Belmont Park Racecourse Redevelopment Structure Plan

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • <i>Building and car park development should be of a high standard in terms of construction, design and materials used.</i> • <i>Development of land shall generally be in accordance with an adopted Structure Plan.</i>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 23 'Parking Policy' are relevant in determining the application.</p> <ul style="list-style-type: none"> • <i>To ensure the adequate provision of parking for various services, facilities and residential developments to efficiently manage parking supply and demand.</i>
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following are relevant matters to be considered in determining the application.</p> <p>(b) the requirements of orderly and proper planning.</p> <p>(g) any local planning policy for the Scheme area;</p> <p>(h) any structure plan or local development plan that relates to the development.</p> <p>(m) the compatibility of the development with its setting.</p> <p>(n) the amenity of the locality.</p> <p>(s) the adequacy of access and parking.</p>
Belmont Park Racecourse Redevelopment Structure Plan	<p>The following matters are relevant :</p> <p>The local government may recommend approval of the development of land prior to a local development plan coming into effect if the local government</p>

is satisfied that this will not prejudice the specific purposes and requirements of the Structure Plan area, or the development of the surrounding land.

- Precinct B is to incorporate high density living and working environments, supported by onsite amenities, leisure facilities and retail.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The proposal, while temporary, is of a high visual standard

Engagement

Internal engagement	
Stakeholder	Comments
Engineering	Support subject to conditions.
Parks	Support subject to conditions.
Building	Support subject to conditions.

12. As the use is an "Unlisted Use" within the 'Special Use' zone, Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' would require the application to be the subject of consultation for a 21-day period to owners and occupiers of adjoining properties.
13. However, given the temporary nature of the proposed development, and the location of the subject site abutting the Graham Farmer Freeway and Swan River foreshore, it is considered that the proposed use would not impact on any nearby development, with the closest residential area being the Burswood Lakes development situated over 1.0km away. Any impact upon parking for use by patrons of the Belmont Park Racecourse can be negotiated between the Town and the Turf Club, noting that the land is owned by Golden Group. As such, it has been deemed unnecessary to seek public comment on the proposal.

Other engagement	
Stakeholder	Comments
Main Roads WA	Application has been referred to Main Roads WA for comments. Main Roads will provide a recommendation directly to the WAPC.
Department of Biodiversity, Conservation and Attractions (DBCA)	Application has been referred to DBCA for comments. DBCA will provide a recommendation directly to the WAPC.
Department of Water and Environmental	Application has been referred to DWER for

Regulation (DWER)	comments in relation to the it's contaminated site classification.
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Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Moderate	Unlikely	Medium	Low	Accept – provide Council with all relevant information to make an informed decision.
Reputation	Not applicable.					
Service delivery	Not applicable.					

Financial implications

Current budget impact	No impact
Future budget impact	No impact

Analysis

14. The following issues have been identified for consideration in determining the application:

- Land use.
- Parking.

- Amenity.
- Environmental and Aboriginal heritage considerations.
- Orderly and proper planning.

Land Use

15. In determining an application for an Unlisted Use, Council is to exercise its discretion to determine if the use meets the objectives and purpose of the zoning, with consideration to matters outlined within deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
16. The proposed land use is considered to be inoffensive in nature, not resulting in adverse impacts to the area of adjoining properties in terms of noise, traffic generation, emissions or other activities that would make it incompatible with surrounding existing and future land uses.
17. Display and information/sales offices are commonly developed as part of large residential projects. The proposed temporary use of a sales office will assist in gaining pre-sales to facilitate the development of the proposed dwellings within Precinct A.
18. In relation to the above, it is noted that the land use is proposed to be in place for a maximum period of 10 years.

Parking

19. No local planning policy prescribes an applicable car parking ratio requirement for a temporary sales office. In the absence of a policy prescription, car parking remaining a valid consideration in terms of impacts of the proposed land use on the locality, and Council must consider the proposal on its merits.
20. An "Office" land use is considered to be the equivalent land use under Local Planning Policy No. 23 'Parking', in which case one car bay is required per 40m² of office space. The sales display area has a total area of approximately 120m², therefore requiring a minimum of three car bays. A total of 22 car bays are proposed on the site, in which case the number of car bays will suitably cater for the number of customers and staff to the site at any one time.
21. A condition of approval is recommended to restrict the use of the parking bays to staff and visitors of the sales/display suite, and for the parking to not be used by the general public or patrons of nearby facilities such as Optus Stadium or the Belmont Park Racecourse.

Environmental and Aboriginal Heritage Considerations

22. The applicant addresses environmental considerations in their development application report (see Attachment 1) inclusive of the site being:
 - located outside a bushfire prone area;
 - of high to moderate risk of encountering acid sulphate soils, which can be addressed through an advice note on the approval.
 - classified as 'remediated for restricted use' based upon DWER's contaminated sites database, with a 2019 auditor's report indicating no unacceptable risk to human health, subject to groundwater use being restricted.
 - partly within a floodplain, but noting the that the structure is built above flood impact levels.
 - located outside of mapped Threatened Ecological Community (TEC) (Subtropical and Temperate Coastal Saltmarsh) and within an area identified as being completely degraded.
 - A Section 18 approval under the *Aboriginal Heritage Act 1972* was issued in 2014 for the precinct, with a desktop search of relevant registers indicating no recognised heritage significance on the site.

23. Having regard to the above, the application has been referred to relevant external agencies for their review and comments, as well as appropriate advice notes being proposed

Amenity

24. The visual impact of the proposal is not expected to be significant given the site topography and the facilities being setback from the Graham Farmer Freeway reserve. The building is a high quality design and will have significant landscaping to its surrounds in which case the development will be a visual improvement to the landscape in comparison to the current state. No adverse impacts are expected in the way of other considerations such as noise, lighting, traffic impacts etc.

Orderly and proper planning

25. The proposed use of the site as a Sales and Display Suite is considered an appropriate interim use of the land to facilitate the development and sale of the proposed dwellings within Precinct A. While the Structure Plan for Precinct B does not consider such interim uses, Officers are satisfied that approval of the Sales and Display Suite for a period of 10 years will not prejudice the redevelopment of the Precinct or the overall Structure Plan area.

Conclusion

26. Having regard to the Statement of Intent contained within Precinct Plan P1 for the Burswood Precinct, as well as the Development Standards outlined in the Belmont Park Racecourse Redevelopment Structure Plan, the proposed temporary use of part of the site as a Sales and Display Suite is considered to be appropriate and satisfies relevant orderly and proper planning considerations.

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

There were no questions asked or presentations made in relation to this item.

12.3 Vic Park Funding Program - Arts Season 2023

Location	Town-wide
Reporting officer	Arts Development Officer
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	1. Art Season Grants 2023 Evaluation Summaries [12.3.1 - 22 pages]

Recommendation

That Council approves the following Arts Season 2023 grant applications:

1. John Curtin Gallery, Curtin University "Public Art Trail and Tours" - \$1,500
2. ROOK ARI "ROOKshop Series" - \$9,073
3. Renee Parnell "The Future is Now: Youth Arts Awards" - \$8,600
4. Australian Songwriting Retreats "Vic Park Songwriting Series" - \$3,581
5. Victoria Park Community Centre "Youth Art Workshops" - \$6,000
6. Sioux Tempestt "Mural Mentorship with Sioux Tempestt" - \$9,000
7. Jae Criddle "Still Life Workshops" - \$2,135

Purpose

To provide Council with oversight of the Town's Arts Season 2023 grant applications and assessments for Council approval.

In brief

- The annual Town of Victoria Park Arts Season is held throughout the month of April and celebrates local creatives, artists and innovators.
- The Town's Arts Season Funding program increases opportunities for local collaboration and partnership between the Town, local creatives, arts organisations, and community to enhance achievement of the Town's strategic objectives.
- The 2023 Arts Season grants program opened 21 September 2022 and closed 16 October 2022.
- The Town received 21 grant applications with a total request of \$141,076.87.
- A review of applications by the Town's Arts Season Assessment Panel concluded that seven grants sufficiently met the criteria and are recommended for Council endorsement with a total funding request of \$39,889.

Background

1. The Town acknowledges the significant role it plays in supporting the community through the provision of funding opportunities and the impact these opportunities can have within the community.
2. The Town aims to enhance the success and prosperity of the local community while ensuring transparency of funding decisions and accountability of those parties receiving community grant funding.

3. At the December 2019 Ordinary Council Meeting, item 14.5 Policy 114 Community Funding was adopted by Council (with subsequent amendments).
4. To improve efficiency and transparency in December 2019, Town officers reviewed all funding round practices and procedures delivered by the Town. This review initiated a project to procure a funding platform to manage the Town's funding.
5. In March 2020, the Town procured the online grant funding platform SmartyGrants. The implementation of this platform aims to improve the Town's governance, increase transparency, and improve efficiency within Town processes in relation to funding.
6. Further to the adoption of Policy 114 Community Funding at the December 2019 Ordinary Council Meeting, Council resolved that the Chief Executive Officer investigate:
 - a) The establishment of a panel for the assessment of applications for community funding to commence in July 2020; and
 - b) Future decision on community funding being reported to Council.
7. At the July 2020 Ordinary Council Meeting, Council endorsed the CEO to establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment criteria and present a report to council for endorsement.
8. In making a recommendation to Council the Community Funding Assessment Panel (CFAP) will provide the following information to ensure Council can make accurate timely and transparent decisions:
 - a) Details of all applications include title, project scope, amount of assistance applied for (ex GST), evaluation and score.
 - b) Information provided will be inclusive of successful, unsuccessful and ineligible applications.
9. To ensure that the CFAP continues to be fit-for-purpose and remains meaningfully engaged, membership for the panel positions were recruited via direct approach to ensure the appropriate skills, knowledge and experience could be applied to the assessment process.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Funds are managed with full, accurate and timely disclosure of financial information relating to the Council. Town Grant funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Create an inclusive and connected community of cultural practitioners within the Town and diversify the cultural offerings, ensuring representation of the Town's unique community.
S4 - Improving access to arts, history, culture and education.	Facilitate a sense of belonging and pride in place, showcasing the Town's unique assets and telling local stories through a precinct-based approach, whilst developing and growing local talent to attract, retain and support the creative community.

Engagement

Internal engagement	
Stakeholder	Community Assessment Funding Panels (CAFP)
Engagement	Consultation and management of grant administration. Consultation and Panel evaluation.

External engagement	
Stakeholders	All community
Period of engagement	The 2023 Arts Season grants program opened on 21 September 2022 and closed on 16 October 2022.
Level of engagement	1. Inform
Methods of engagement	Town's website Town's social media platforms – Facebook, Instagram, LinkedIn and the Town's e-newsletters Direct email Grants workshop
Advertising	Town's website Town's social media platforms – Facebook, Instagram, LinkedIn and the Town's e-newsletters Digital Marketing Direct email
Submission summary	Twenty-one (21) Arts Season grant submissions were received.
Key findings	Seven submissions are recommended for endorsement as Arts Season grants. Fourteen submissions are not recommended for Council endorsement.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Loss of funds if successful programs/events are cancelled or do	<i>Moderate</i>	<i>Unlikely</i>	<i>Low</i>	<i>Low</i>	TREAT - Acquittal process to be well organised and communicated to

	not deliver on intended purpose.					all successful participants.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Negative public perception towards the Town should applications not be funded.	Minor	Possible	Medium	Low	TREAT - Transparent approval process. Managed by an online funding platform and council endorsed Town funding panel.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The budget allocation for Arts Season 2023 was \$50,000 (inclusive of grant funding, marketing & promotions, and in-house programming).
Future budget impact	Not applicable – funds will be expended this financial year.

Analysis

10. The Arts Season 2023 grants were promoted across various platforms to reach target audiences.
11. The Arts Season 2023 grants were accessible to the community via the SmartyGrants application platform on the Town's website.
12. The Town delivers two free grant writing workshops to the community per year. One occurred on 7 July 2022, and another will be held on 8 February 2023 (to coincide with round 2 of the Community Funding Program). The workshops provided the community with information on the following:
 - a) An introduction to grants, including what they are, information on where to find them and an explanation of eligibility and assessment criteria
 - b) The process of best-practice project planning to prepare for grant success
 - c) Information on how to address grant criteria

- d) An explanation of the grant writing approach; what are assessors looking for and how do you give them what they need?
- e) Answers to specific grant writing questions the attendees may have

Arts Season 2023 Grants

13. It is suggested that the Arts Season process be reviewed for 2024. Feedback from applicants was that the application process was too complex and arduous, and a six month lead up time to the project was too long. This is evident as many potential applicants did not finish the online application process, and many that did apply have been funded previously, or have a lot of experience in grant applications.
14. The Town’s internal Community Funding Assessment Panel consisted of Town officers:
- a) Manager Community
 - b) Arts Development Officer
 - c) Community Arts Officer
 - d) Communications Advisor
15. Applications were assessed individually and then reviewed with a formal panel meeting by the Town’s Arts Season panel members in line with Policy 114 Community Funding and the criteria outlined for the Arts Season funding program.
16. The Town’s initial assessment questions are as follows:
- a) Eligibility
 - b) Applicant details (organisation, auspice arrangements etc.)
 - c) Project details (brief description, risks, locations, dates etc.)
 - d) Assessment criteria questions as outlined in the table below.
17. The Town’s assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1 Describe how your proposed Arts Season project provides a quality arts and cultural experience for the Vic Park Community.	(Weighting 40%)
Question 2 How does your Arts Season project provide learning outcomes, spark creativity or innovation, encourage dialogue on social issues, aid in wellbeing and/or provide aesthetic enhancement to a space.	(Weighting 25%)
Question 3 How does your project contribute to audiences having an awareness and appreciation of arts, culture, education and/or heritage?	(Weighting 25%)
Question 4 Tell us about your experience managing similar projects.	(Weighting 10%)
	Total weighting for four questions = 100%

18. The Arts Grant funding attracted twenty-one (21) applications, with a total requested of \$141,076.87.
19. It is recommended Council endorse seven of the twenty-one applications for a requested funding total of \$39,889.
20. The Town recommends the following tabled applications for endorsement by Council.

Arts Season Grants 2023 Recommended Applications

Applicant	Project	Amount Recommended
John Curtin Gallery	Exhibition Program + Public Art Trail and Tours	\$1,500
ROOK ARI	ROOKshop Workshop Series,	\$9,073*
Renee Parnell	The Future is Now: Youth Art Awards	\$8,600
Australian Songwriting Retreats, Delilah Walsh	Vic Park Songwriting Series with Australian Songwriting Retreats	\$3,581
Victoria Park Community Centre	Youth Art Workshops	\$6,000
Sioux Tempestt	Mural Art Mentorship	\$9,000
Jae Criddle	Still life workshop (yet to be titled)	\$2,135
Total		\$39,889.00

*Funding will depend on their ability to hire a portable accessible toilet for the duration of Arts Season 2023. The cost of an accessible toilet has been included in the amount recommended to be endorsed by Council.

21. The Town does not recommend the following tabled applications for endorsement by Council.

Arts Season 2023 Grant Applications Not Recommended

Applicant	Project	Amount Recommended
Acrobatch	Youth Week Circus	\$10,000
Victoria Park Centre for the Arts	Upcycling Workshop	\$1,300
Creative Soul Sessions	Creative Arty Ways	\$4,950
Victoria Park Centre for the Arts	Sound [Re]cycles	\$5,520
Joy Luck Club	Ardour and Ancestors	\$10,000
Sharon Meredith	Light Painting Photography Workshop	\$5,505
Claude St	Postcode Pottery	\$10,000
Alexandra Theatre	Thespis/Percy & Dick/Alexandra Theatre Venue	\$9,750

Creative Kids Art Club	Creative Art Workshops	\$7,084
Olivia Holmes	Immersive Time Capsule	\$1,300
Shavaurn Hanson	Community Consultation Workshop and Mural Project	\$10,000
VR-ARRIVAL	Virtual Reality Art - A New Dimension	\$2,355
Djinda Boodja of Abmusic Aboriginal Corporation	DB Extended Art Sessions	\$10,000
Curate Arts Incorporated	Blues & Botanics	\$10,000
Total Not Recommended		\$97,764.00

22. Comments related to each application is available as per Attachment 1.

23. An amount of \$10,111.00 is remaining from the proposed \$50,000 which is proposed to be used by the Town for marketing and promotion of Arts Season, production of the Arts Season program, and to supplement curation of the Town led Arts Season in order to round out the overall program.

Relevant documents

[Policy 114 Community Funding](#)

There were no questions asked or presentations made in relation to this item.

12.4 Final Access and Inclusion Plan 2022 - 2027

Location	Town-wide
Reporting officer	Community Development Officer - Inclusion
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. COMMUNITY ENGAGEMENT REPORT ACCESS AND INCLUSION PLAN PHASE 2 ABF [12.4.1 - 8 pages] 2. DRAFT ACCESS AND INCLUSION PLAN 2022-2027 ABF FINAL with changes [12.4.2 - 36 pages] 3. DRAFT ACCESS AND INCLUSION PLAN 2022-2027 ABF FINAL with changes accepted [12.4.3 - 35 pages]

Recommendation

That Council approves the final Access and Inclusion Plan 2022-2027 for immediate implementation, as provided in attachment one.

Purpose

To present Council with the final Town of Victoria Park Access and Inclusion Plan 2022-2027 for endorsement and immediate implementation.

In brief

- *The Disability Services Act 1993* (the Act) requires all local governments to develop and implement a plan for disability, and to review this plan every five years.
- As the Town's current plan expired in June 2022, the Town has developed a new contemporary plan which encompasses the core requirements of the Department of Communities.
- Community and stakeholder engagement was completed over March to June 2022 to guide development of the new plan including a Concept Forum with Elected Members in August 2022. The draft plan released for public comment over a three-week period from 21 October to 14 November 2022. Feedback from this process has been integrated into the final version.
- The Town is now seeking approval from Council to endorse the final version of the Access and Inclusion Plan 2022-2027.

Background

1. People living with disability, their families and carers have the same rights as other people to access services, facilities and programs in our community. These rights are protected within international, national and state legislation which makes it unlawful to discriminate against a person living with disability.
2. All local governments are required by the Act to have a plan for disability, which is reviewed every five years and features at minimum seven specified outcome areas. The Department of Communities monitors this activity through annual reporting and provides advice and guidance to local governments.
3. The Town's current Disability Access and Inclusion Plan 2017-2022 expired in June 2022.

4. In November 2021, the Town started review of the existing plan, and development of a new plan. This started with analysis of the current situation using desktop research of state and interstate access and inclusion plans, inclusion frameworks, better practice examples, and engagement with the Department of Communities.
5. Between March and June 2022, community engagement was completed through a community survey, online ideas forum and targeted conversations with a board cross section of Victoria Park stakeholders. Engagement approaches were modified to navigate COVID-19 requirements. Findings from the engagement process are provided in the Engagement Report Access and Inclusion Plan 2022-2027, as attachment two.
6. The draft plan was presented to the July Ordinary Council Meeting where the item was referred to a Concept Forum for further discussion, which occurred on 23 August 2022.
7. The second phase of the community engagement process opened after endorsement of the draft AIP at the October 2022 OCM. In total five survey responses, one story and two ideas were received from stakeholders.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Developing a formal approach related to access and inclusion challenges allows the Town to effectively plan and manage resources and performance.
CL2 - Communication and engagement with the community.	Communicating with and seeking involvement from people and stakeholders with interests in improved access and inclusion is critical to improving outcomes and social change in this area.

Social	
Strategic outcome	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	By developing and implementing an access and inclusion plan, this allows the Town to proactively facilitate inclusivity, and celebrate diversity in the local area, and lead by example more broadly.

Engagement

Internal engagement	
Stakeholder	Comments
ToVP Staff	Participation in all of staff engagement survey.
Community Development	Participation in staff workshop and discussion on draft actions.
Events, Arts and Funding	
Library Services	

Place Planning	
People and Culture	
Stakeholder Relations	
Communications and Engagement	
Customer Service	
Street Improvement	
Environmental Health	
Technical Services	
Development Services	
Project Management Office	
Finance / Procurement	
Technical and Digital Strategy	
Records	
C-Suite	Participation in all of staff engagement survey
Elected Members	<ol style="list-style-type: none"> 1. Participation in online engagement. 2. Several Councillors are members of the Access and Inclusion Advisory Group who meet quarterly. 3. Agenda Briefing Forum held on 5 July 2022. 4. Ordinary Council Meeting held on 19 July 2022. 5. Concept Forum held on 23 August 2022. 6. Ordinary Council Meeting held on 18 October 2022.

External engagement

Stakeholders	<ol style="list-style-type: none"> 1. People living with disability, their families and carers 2. Representatives and advocates for people living with disability 3. Residents 4. Broader community 5. Not for profit sector 6. Community sector 7. Local Businesses 8. Access and Inclusion Advisory Group 9. School students
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Period of engagement	March – June 2022 (Phase 1) 21 October to 14 November (Phase 2)
Level of engagement	3. Involve
Methods of engagement	<p><u>Phase 1</u> Due to COVID-19 protocols, community engagement approaches were modified to enhance safety and inclusion opportunities.</p> <ol style="list-style-type: none"> 1. Access and Inclusion Advisory Group workshops / online engagement 2. Your Thoughts online engagement platform (with supplementary support offered to assist participation) <ol style="list-style-type: none"> a. Online survey b. Ideas forum c. Tell Your Story 3. Hard copy survey 4. All of staff online survey 5. Staff engagement workshops 6. Follow up internal action and resource conversations 7. Primary school drawing and written exercise <p><u>Phase 2</u></p> <ol style="list-style-type: none"> 1. Your Thoughts online survey (four responses) and one hard copy survey 2. Local newspaper advertisements 3. Website news item 4. Social media posts across Town channels 5. Digital ads (Facebook, Instagram) 6. Town e-newsletter 7. Direct emails to phase 1 respondents 8. Direct emails to service groups in the Town 9. In person engagement with key stakeholder groups (no responses)
Advertising	<ol style="list-style-type: none"> 1. E-Vibe Newsletter 2. Media releases 3. Town website 4. Your Thoughts page 5. Linked In 6. Local Newspaper public notice 7. Social Media 8. Direct emails to community networks and service providers 9. Direct email to reference groups 10. Local schools
Submission summary	See Engagement Report Access and Inclusion Plan 2022-2027, as attachment two.

Key findings	<p>See Attachment: AIP Engagement Report Phase Two and additional comments below.</p> <p>All responders indicated they were supportive of the proposed AIP. Minimal recommendations for consideration include the below:</p> <ul style="list-style-type: none"> • Educate business owners to be more accessible • More opportunities for people with disability to be employed in the Town • Underrepresentation of people with dementia, and their carers (raise awareness and educate the community) • The Town to continue recognising diversity in all types of disability • Endorsement of the new title <p>Engaged participants were between the ages of 35-85 years of age with more than 90% identifying as living with disability.</p> <p>Participants identified as either living, working/visiting the Town.</p>
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Other engagement	
Stakeholder	Comments
Department of Communities (Disability Services)	<p>Town Officers have engaged the Department at several points throughout this review, specifically at the beginning and middle points of the review. Through this, the Department confirmed process requirements in the development of a new plan and confirmed the use of goals to frame the seven key outcome areas.</p> <p>Feedback from the Department has identified a number of LGA's who could be considered as following contemporary practice including the City of Wanneroo, City of Stirling, City of Joondalup, City of Kalamunda, the Shire of Harvey and the Shire of Augusta Margaret River.</p> <p>The Department was engaged again in July 2022 to provide feedback on the draft plan; advising the Town's draft AIP "connects the seven Outcome areas with the goals and appears to cover these appropriately. It has a clear sense of accountability and implementation".</p> <p>The Department has provided again feedback in November 2022 on the final draft AIP, highlighting the importance of creating an accessible version to enhance readability. This is to include consideration for the presentation of graphical images which may make it more difficult for people using screenreaders. Provision of the final desktop published draft to the Access and Inclusion Advisory group may also assist with accessibility requirements.</p>

Legal compliance

[Part 5 of the Disability Services Act 1993](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not adopting a formal Access and Inclusion Plan means the Town is non-compliant with the <i>Disability Services Act 1993</i> .	Moderate	Likely	High	Low	TREAT risk by approving the final draft Access and Inclusion Plan 2022-2027 comment.
Reputation	Not endorsing an Access and Inclusion Plan means there is a significant risk that the Town is not meeting access and inclusion community priorities which could lead to dissatisfaction with the Town and Council.	Moderate	Likely	High	Low	TREAT risk by approving the final draft Access and Inclusion Plan 2022-2027.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Additional funds may be required in future budgets, however the amounts required will be determined via further investigation, aligned to the proposed priority of works.

Future budget impacts will be considered by Council through the budget deliberation process prior to activities being endorsed or undertaken.

Analysis

8. An access and inclusion plan is used by the Town of Victoria Park to:
 - (a) Define priorities, processes, and short and long-term plans
 - (b) Prioritise budget and resource allocations
 - (c) Direct the shape of the Town in terms of land use, infrastructure, service and asset management, operations and planning
 - (d) Direct workforce planning
 - (e) Inform other key strategies and plans such as the Local Planning Strategy
 - (f) Inform the Town's position on issues
 - (g) Provide context for staff reports to Council, communications and events
 - (h) Collect and evaluate performance metrics
9. There are many groups in the community who experience accessibility and inclusion challenges, and therefore benefit from a formal approach. They include:
 - (a) People with disability and their carers
 - (b) Elderly people
 - (c) Parents with infants, young children and prams
 - (d) Aboriginal and Torres Strait Islander people
 - (e) People experiencing mental health conditions
 - (f) People with physical impairments, injuries and disabilities
 - (g) People from different cultural backgrounds
 - (h) People who speak a primary language other than English
 - (i) People with temporary injuries
10. In recent years, there has been movement toward removing Disability from the title of Access and Inclusion Plans (AIPs). This reflects that plan priorities are relevant for people with disability, as well as many other groups as outlined above.
11. In light of this shift, it is proposed to name the new document, the Town of Victoria Park Access and Inclusion Plan 2022-2027.
12. The Town's Access and Inclusion Advisory Group are supportive of this change, based on the above rationale. This approach is also supported within the final community engagement process.
13. Based on community feedback and research findings, the draft plan proposes five clear goals, which integrates the core seven outcomes as prescribed by the Department of Communities.
14. Community feedback also identified three priority areas for action, being 1) Employment; 2) Access to Information; and 3) Access to Town Buildings and Facilities.

Goal	Descriptor	Outcome	Priority
Goal 1: Customer experience	Our community experience inclusion through Town of Victoria Park services and events, with quality access to information and customer service support.	Services and events	
		Information	☑
		Quality customer services	

Goal 2: Physical access	Our community experience ease of access to all Town of Victoria Park buildings and facilities, through public open spaces and places in the community; with assets continually improved through the Town's annual Capital Works Program.	Buildings, facilities and community spaces	☑
Goal 3: Active Citizenship	Everyone in our community can proactively participate in our local democracy by easily raising issues and providing regular feedback which informs development of the Town's policy and services.	Complaints	
		Public consultation	
Goal 4: Employment	All community members have the opportunity to be employed at their local government, and to retain that employment through adequate support to do their job.	Employment	☑
Goal 5: Governance and Impact	The Town will monitor, measure and evaluate the outcomes of our work, sharing our collective progress regularly with our stakeholders in order to better understand the evolving opportunities and impacts related to access and inclusion within the Town.	All	

15. A range of proposed deliverables related to the above goal and outcome areas are detailed in the plan. These form the nucleus of annual implementation plans.
16. The Town will continue to work internally and externally with key partners to ensure deliverables are achieved.
17. Town officers presented the draft plan to the July Ordinary Council Meeting, where Elected Members requested a Concept Forum for discussion. This Concept Forum was held on 23 August 2022. As a result, the draft has been refined so that:
 - (a) All outcomes and actions updated to be disability focused
 - (b) Simpler action numbering
 - (c) There is a clearer focus on achieving deliverables, specifically making clear the 5% employment target for people with disability
 - (d) Town officers will explore incorporation of social inclusion for diverse groups into other social plans, specifically action to support LGBTQIA+ and Culturally and Linguistically Diverse (CaLD) communities in the Town.
18. The draft Access and Inclusion Plan 2022-2027 is now presented to Council for endorsement. During this time, the Town will also seek feedback from the Department of Communities.
19. The Town will have the plan graphically designed after final endorsement.

Relevant documents

[Town of Victoria Park Disability Access and Inclusion Plan 2017-2022](#)

There were no questions asked or presentations made in relation to this item.

12.5 Amendment to Local Development Plan No.3, No. 384 Berwick Street, East Victoria Park

Location	East Victoria Park
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Proposed amended Local Development Plan [12.5.1 - 1 page] 2. 2) Transport Impact Statement [12.5.2 - 27 pages] 3. 3) Applicant cover letter [12.5.3 - 2 pages] 4. Approved Local Development Plan [12.5.4 - 1 page] 5. 5) 2021 JDAP Approval for 384 Berwick Street [12.5.5 - 68 pages]

Landowner	Berwick EVP Pty Ltd
Applicant	Rowe Group Pty Ltd
Application date	20 October 2022
DA/BA or WAPC reference	5.2022.402.1
MRS zoning	Urban
TPS zoning	Residential
R-Code density	Residential R60
TPS precinct	Precinct 12 – East Victoria Park
Use class	Grouped Dwellings and Multiple Dwellings
Use permissibility	'P' (permitted) use
Lot area	11,027 square metres
Right-of-way (ROW)	Not applicable
Local heritage survey	Not applicable
Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Hillview Bushland to south-east; Edward Millen House and Park including associated buildings to the north-east; Carson Street School to the north-west. The residential development on the opposite side of Berwick Street is zoned Residential R20.

Recommendation

That Council:

1. Approve the amended version of Local Development Plan No. 3 (as contained at Attachment 1) for No. 384 (Lot 3) Berwick Street, East Victoria Park submitted by Rowe Group Pty Ltd (DA Ref: 5.2022.402.1) pursuant to Schedule 2, Part 6, clause 52(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the inclusion of a notation that pedestrian access to Carson Street/Baillie Avenue is to be provided.
2. Authorises the CEO to approve the final amended version of Local Development Plan No. 3 upon inclusion of the modification addressed in item 1 above.
3. Publish the final amended version of Local Development Plan No. 3 on the Town's website in accordance with Schedule 2, Part 6, clause 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Purpose

The application is referred to Council for determination, as no delegation exists for Officers to determine an amendment to a Local Development Plan.

In brief

- The amended Local Development Plan (LDP) has been submitted to the Town in response to State Administrative Tribunal ('SAT') proceedings. The SAT proceedings are in relation to an Application for Review regarding the implementation of the approved survey strata subdivision at the subject site.
- In order to resolve some of the issues of the SAT proceeding, the developer now proposes to remove vehicular access to/from Carson Street and Baillie Avenue. The closure of this vehicular access leg will enable the relocation of Western Power infrastructure to this portion of the subject site (i.e. relocation of a Western Power substation).
- A Traffic Impact Statement (TIS) has been prepared by the applicant's consultants. This TIS indicates that the removal of the Carson Street/Baillie Avenue vehicular access point is acceptable. Its findings are that the development at the subject site can function safely and efficiently with a single vehicular access point to/from Berwick Street.
- The information provided by the applicant has been reviewed by the Town's relevant business units. The proposed changes to the site's vehicular access and amended Local Development Plan to reflect these changes is supported.

Background

1. The Town received a request on 27 July 2017 to amend the Town Planning Scheme to recode the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.
2. Community consultation on the abovementioned scheme amendment request was undertaken in accordance with Local Planning Policy 37- Community Consultation on Planning Proposals. Submissions received included objections on the basis that this would result in additional vehicular traffic on Carson Street and Baillie Avenue. Submissions were also received that made reference to the existing school for children with disabilities on Carson Street abutting the subject site. Assertions were

made that additional vehicular traffic to/from the site will worsen existing congestion, and will result in potential dangers for school children. Many of these community submitters requested that vehicular access to the subject site be taken from Berwick Street only.

3. In response to the public submissions received, the applicant proposed to restrict vehicular access to Baillie Avenue/Carson Street to entry only, with the primary access point being Berwick Street. At the Council meeting held 13 February 2018, Council resolved to initiate the scheme amendment. The resolution made incorporated an amendment, however, seeking to further restrict vehicular access to the north of the site "*-that Council may consider access to Baillie Avenue/Carson Street for Emergency vehicles only*".
4. The initiated scheme amendment was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* with the above wording/vehicular access limitation. At the Ordinary Council Meeting held 19 February 2019, Council resolved to amend the proposed scheme amendment such that there be "*no vehicle access on to Carson Street/Baillie Avenue*" from the subject site, and undertake further consultation on that basis. This was consistent with Officers recommendation for that agenda item which was, in turn, consistent with the advice from the Town's Technical Services Business Unit, which outlined that "*The proposed access to Baillie Avenue is not supported*".
5. The applicant maintained that there was "*strong justification to maintain vehicular access on Carson Street/Baillie Avenue*" throughout the processes that took place. The Town disagreed with the applicant's assessment and, amongst other things, was of a view that "*the Baillie Avenue access would be best used as a dedicated pedestrian and cyclist route*".
6. Council resolved, at the Ordinary Council Meeting held 20 August 2019, that the Scheme Amendment 78 documents be executed and forwarded to the Western Australian Planning Commission for consideration. The documents sent included the wording that there be "*no vehicle access on to Carson Street/Baillie Avenue*". It was (and is) within the remit of the Western Australian Planning Commission and the Minister for Planning, however, to require changes be made to scheme amendments prior to gazettal.
7. The Minister for Planning approved Scheme Amendment No. 78 to the Town's Town Planning Scheme No. 1 on 12 December 2019 to:

"1.1 Modify the Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park' by recoding the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.

1.2 Modify Town Planning Scheme No. 1 Precinct Plan 12 'East Victoria Park' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street, East Victoria Park –

In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following provisions apply to the development of land –

(a) A Local Development Plan is to be prepared and approved prior to the commencement of any development on the site.

(b) Vehicle and/or pedestrian access to be provided to/from Berwick Street, Baillie Avenue and/or Carson Street, and to be supported by a Traffic Impact and Road Safety Assessment report."

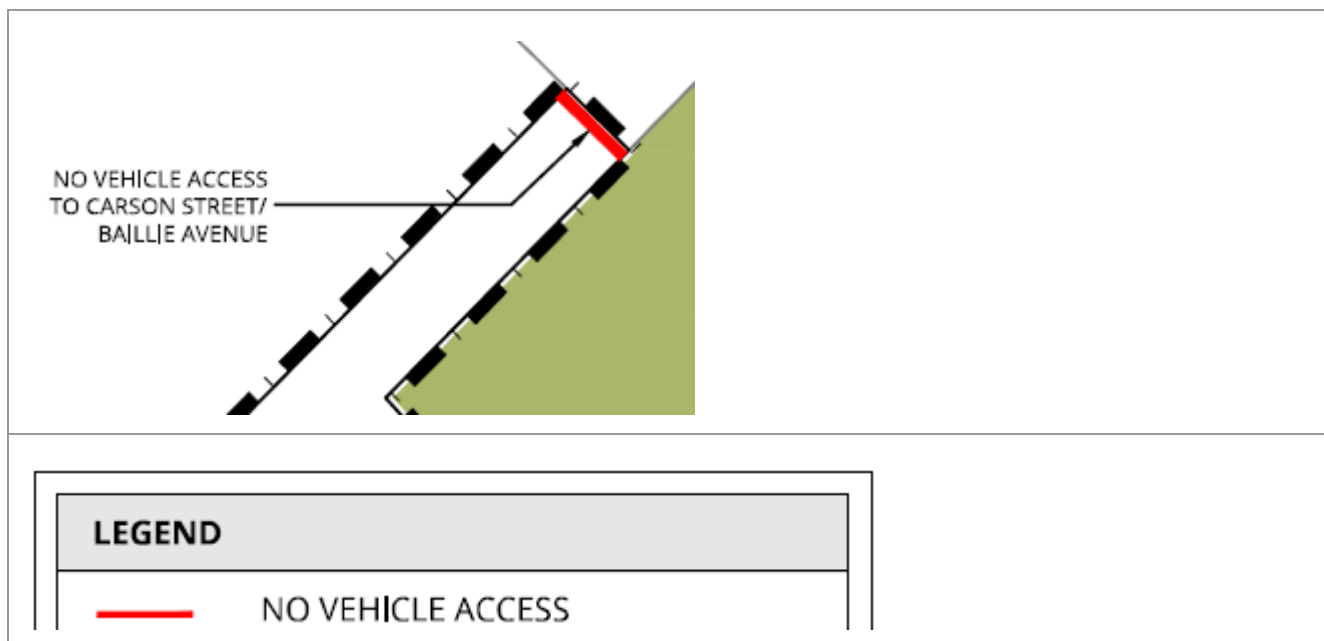
Notably – vehicular access to and from Baillie Avenue and/or Carson Street was not restricted in any manner.

8. The Town received a subdivision referral in April 2020 from the WAPC, for the subdivision of the land into 41 lots. The Town provided a recommendation for approval, subject to conditions and advice notes. Subdivision approval was granted on 21 July 2020 subject to a number of conditions and advice notes.

9. Condition 5 of the conditional subdivision approval requires a Local Development Plan (LDP) to be prepared and approved, and reads as follows:
- “A Local Development Plan being submitted and approved for lots 1-41 that addresses, but is not limited to, the following:*
- (i) streetscape matters including street setbacks, fencing, garage locations, primary frontages;*
 - (ii) design elements including roof pitch and building height;*
 - (iii) setbacks to boundaries and public spaces;*
 - (iv) open space;*
 - (v) visitor parking locations, pedestrian access, and tree planting; and*
 - (vi) design and overall height of proposed Lots 10 to 19 that minimises impact on views from the formal approach to State Registered Place 2176 Edward Millen Home (fmr);*
- to the specification of the Town of Victoria Park and satisfaction of the Western Australian Planning Commission”.*
10. The Joint Development Assessment Panel (JDAP) on 17 May 2021 approved the construction of 39 Grouped Dwellings and 32 Multiple Dwellings on the subject site (see Attachment 5) inclusive of vehicle access to both Berwick Street and to the Carson Street/Baillie Avenue frontage.
11. The Council at the 21 September 2021 Ordinary Council Meeting resolved to approve an application for retrospective approval of a temporary sales office, signage, and landscaping on the site.
12. The Council at the 12 October 2021 Ordinary Council Meeting resolved to reject a proposed LDP for the subject site. The reason for refusal was noted as being due to the impact of a proposed nil setback on the adjacent Hill View bushland lot.
13. A revised LDP for the subject site was prepared and provided to Council for consideration. This revised LDP incorporated a 2.5m setback for development to the adjacent Hill View bushland lot, and vehicle access to both Berwick Street and the Carson Street/Baillie Avenue frontage. The Council at the 14 December 2021 Ordinary Council Meeting resolved to approve this revised LDP.
14. As per the Councils resolution, Local Development Plan# 3 for Lot 3 (No 384) Berwick Street was approved by the Town on 21 December 2021. The LDP was published on the Town’s website. Submitters were notified of the outcome.
15. The JDAP approved development (see attachment 5) is consistent with the approved Local Development Plan, relevantly incorporating vehicle access to both Berwick Street and the Carson Street/Baillie Avenue frontage.
16. The Town received a referral from the WAPC for an amended subdivision proposal for the subject site in April 2022. The Town provided a recommendation for approval, subject to conditions and advice notes. Subdivision approval was granted on 8 June 2022 subject to a number of conditions and advice notes.
17. A State Administrative Tribunal (‘SAT’) appeal pertaining to the abovementioned subdivision approval was lodged by the applicant 23 June 2022.
18. In order to resolve some of the issues of the SAT proceeding, the developer now proposes to remove vehicular access to/from Carson Street and Baillie Avenue. The closure of this vehicular access leg will enable the relocation of Western Power infrastructure to this portion of the subject site (i.e. relocation of a Western Power substation).

Application summary

19. A Local Development Plan (LDP) is a mechanism to coordinate and assist in achieving better built form outcomes by linking lot design to future development. Decision makers are to give 'due regard' to an approved LDP when making decisions in respect to the development of land. Once approved, a LDP is valid for a duration of 10 years.
20. LDPs are used in limited situations to guide the design and development of small or constrained lots or to achieve design outcomes. In this case, the requirement to prepare a LDP was a condition of both the Scheme Amendment No. 78 and the subdivision approval.
21. The existing LDP for the subject site (see attachment 4) was considered to address the following development matters:
- Dwelling orientation;
 - Setbacks on ground and first floors to each common accessway and other boundaries;
 - Building height;
 - Fencing;
 - Pedestrian access;
 - Vehicle access and garage locations;
 - Outdoor living area locations;
 - Retention of established trees; and
 - Visitor bay locations.
22. The proposed amendment to the LDP (see attachment 1) alters vehicular access arrangements. The amendment consists of:
- An annotation reading "No vehicle access to Carson Street/Baillie Avenue" being added to the plan; and
 - a red line being added to that portion of the map which, as per the LDP legend, indicates 'no vehicle access'.



All other aspects and components of the LDP remains unchanged as part of this proposed amendment.

Applicants submission

23. In the cover letter dated 20 October 2021, the applicant provides an overview of the proposed amendment to the Local Development Plan (see below and attachment 3 for relevant content).

The applicant has advised the following:

"The amended LDP is being submitted in response to State Administrative Tribunal ('SAT') proceedings in relation to an Application for Review regarding the implementation of the approved survey strata subdivision at the subject site.

In order to resolve some of the issues of the SAT proceeding, our Client now proposes to close the vehicular access leg to/from Carson Street and Baillie Avenue. The closure of this vehicular access leg will enable the relocation of Western Power infrastructure to this portion of the subject site (i.e. relocation of a Western Power substation). As a result of this proposed change, it is now proposed that the approved LDP be modified accordingly.

To assist in progressing the assessment and determination of the amended LDP, please find enclosed the following:

- A copy of the amended Local Development Plan (Attachment 1); and
- A copy of an updated Transport Impact Statement ('TIS') prepared by Stantec (Attachment 2).

As part of the SAT proceedings it is understood the Town of Victoria Park ('Town') has agreed not to advertise the amended LDP given the minor nature of the modification.

With respect to the updated TIS (which supports the amended LDP and closure of the secondary access to vehicular traffic), we specifically draw the Town's attention to Section 2.4 – Vehicle Access which confirm the proposed development at the subject site can function safely and efficiently with the removal of the Carson Street/Baillie Avenue vehicular access point resulting in a single vehicular access point to/from Berwick Street.

Section 2.4 also supports the movement of vehicles travelling northbound along Berwick Street and turning right into the subject site.

In summary, the updated TIS supports the amended LDP which now proposes no vehicular access to/from Carson Street/Baillie Avenue."

24. The applicant's submission is contained in full within attachments 1, 2 and 3.

25. In correspondence from the applicant to the Town dated 4 November 2021, it was advised that *"it is the proponent's intention for pedestrian and cyclist access to be provided from the subject site to Carson Street/Baillie Avenue."*

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>Town Planning Scheme No. 1</i> • <i>TPS1 Precinct Plan 12 – 'East Victoria Park Precinct'</i>
State Government policies, bulletins or guidelines	<ul style="list-style-type: none"> • <i>Framework for Local Development Plans</i> • <i>Residential Design Codes Volume 1</i> • <i>Residential Design Codes Volume 2</i>
Local planning policies	<ul style="list-style-type: none"> • <i>Local Planning Policy No. 37 – Community Consultation on Planning</i>

	<p>Proposals</p> <ul style="list-style-type: none"> Local Planning Policy No. 42 – Vehicle Access for Residential Development
Other	Not applicable.

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <p><i>“While the effect of traffic should be minimised through appropriate design measures, all development shall face the street in the traditional manner.</i></p> <p><i>Priority will be given to ensuring new development, particularly infill and development at higher densities, does not result in the undue loss of privacy or amenity for existing residents.”</i></p>
Local planning policy objectives	<p>The following objectives of Local Planning Policy No. 42 – Vehicle Access for Residential Development are relevant in determining the application.</p> <ul style="list-style-type: none"> <i>“To minimise the number of vehicle crossovers for residential developments;</i> <i>To encourage attractive streetscapes and enhance neighbourhood amenity by reducing the amount of hardstand and paving that occupies the verge area;</i> <i>To ensure safe vehicle access to and from residential properties; and</i> <i>To ensure safety and amenity for cyclists or pedestrians in the public realm;”</i>
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following matters set out in deemed clause 67(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> are considered to be relevant in determining the application.</p> <p><i>“(m) 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;</i></p> <p><i>(n) the amenity of the locality including the following —</i></p> <ul style="list-style-type: none"> <i>(i) environmental impacts of the development;</i> <i>(ii) the character of the locality;</i> <i>(iii) social impacts of the development;</i> <p><i>(s) the adequacy of —</i></p> <ul style="list-style-type: none"> <i>(i) the proposed means of access to and egress from the site; and</i> <i>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i> <p><i>(t) the amount of traffic likely to be generated by the development,</i></p>

	<p><i>particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i></p> <p><i>(u) the availability and adequacy for the development of the following —</i> <i>(iii) storage, management and collection of waste;</i></p> <p><i>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;”</i></p> <p>These are discussed in the Analysis section of this report.</p>
Urban forest strategy	Not applicable.

Compliance assessment

26. Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details the process for determining a proposed amendment to an LDP, including the following:

“59. Amendment of local development plan

(1) A local development plan may be amended by the local government.

(2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.

(3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.

(4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.”

“52. Decision of local government

(1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must –

(a) approve the local development plan; or

(b) require the person who prepared the local development plan to –

(i) modify the plan in the manner specified by the local government; and

(ii) resubmit the modified plan to the local government for approval;

or

(c) refuse to approve the plan.

(1A) The local government must not approve a local development plan under subclause (1) if –

(a) the local development plan amends or replaces a deemed-to-comply provision of the R-Codes; and

(b) under the R-Codes, the Commission’s approval is required for the local development plan; and

(c) the Commission has not approved the local development plan.”

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The amendment to the Local Development Plan enhances and enables livability by facilitating the subdivision and development of the subject site, while avoiding vehicular movement related impacts to Carson Street/Baillie Avenue.

Engagement

Internal engagement	
Stakeholder	Comments
Street Improvement	The Town "Note" and "accept" the report findings by their expert traffic consultants.
Place Planning	<ul style="list-style-type: none"> Place Planning believe the closure of the vehicle access leg will have significant impacts on the vehicle movement within the site and when entering/exiting the site. Had there been no vehicle access through to Carson St/Baillie Ave from the commencement of the design, the internal orientation of the lots and accessways could have been significantly improved. Additionally, the location of Western Power infrastructure into this access leg does severely restrict any future use of this access that may be deemed necessary in the future. We are, however, supportive of this amendment as it does provide a better outcome for the Carson St/Baillie Ave intersection. The reduced traffic to this side will be a benefit to local residents, the Carson Street School and also the future Edward Millen House and reserve projects.

27. Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details information pertaining to the process for determining a proposed amendment to an LDP, including the following:

59. Amendment of local development plan:

"(3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.

(4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature."

28. Town officers are of a view that the proposed amendment to the LDP is of a minor nature, and therefore community consultation is not required under the *Planning and Development (Local Planning Schemes) Regulations 2015*. This view was formed on the basis that previous proposals for the subject site have involved many iterations of community consultation taking place. The submissions received in those instances generally opposed vehicular access being taken from Carson Street or Baillie Avenue.

The proposed (minor) amendment to the LDP is therefore favorably aligned with sentiments that have already been expressed by the community.

29. Submissions received as part of previously undertaken community consultation exercises (relating to development at the subject site) are discussed further in the analysis section of this report.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The proponent has the right of review to the State Administrative Tribunal should Council refuse the amended Local Development Plan.	Moderate	Unlikely	Medium	Low	Accept
Reputation	Negative public perception towards the Town dependent upon the decision.	Moderate	Likely	Medium	Low	Accept
Service delivery	Not applicable.					

Financial implications

Current budget impact	No impact
Future budget impact	Not applicable.

Analysis

Traffic & Vehicular Access

30. The primary (and possibly sole) matter under consideration by Council in this instance is whether removal of vehicular access from the subject development site to Carson Street and Baillie Avenue is appropriate.
31. The applicant has provided a supporting Traffic Impact Statement (See attachment 2). This has been reviewed by the Town's Technical Services Team who "note" and "accept" the report findings by the applicant's expert traffic consultants.
32. One fewer crossover being proposed/required by the development is an outcome that aligns with the objectives of Town's Local Planning Policy 42 – Vehicle Access for Residential Development.

Consultation on previous proposals and Councils previous position(s) regarding vehicular access

33. Community consultation previously undertaken in relation to development at the subject site prompted many submissions. While those submissions do not directly relate to an amendment to Local Development Plan No.3, many do discuss the subject matter of vehicular access to/from Carson Street and Baillie Avenue.
34. Three separate rounds of community consultation on Scheme Amendment 78 (rezoning the subject site) undertaken between 2017-2019 prompted objections being submitted on the basis that this would result in additional vehicular traffic on Carson Street and Baillie Avenue. Submissions were also received that made reference to the existing school for children with disabilities on Carson Street abutting the subject site. Assertions were made that additional vehicular traffic to/from the site will worsen existing congestion, and will result in potential danger for school children. Many of these community submitters requested that only vehicular access to the subject site be taken from Berwick Street.
35. Concerns about the proposed development with respect to access to/from Carson Street and Baillie Avenue were not limited to members of the community, with the Department of Education providing a submission with respect to the Local Development Plan when it was originally advertised in 2011.
"...the Department has expressed concerns in relation to traffic movement and potential vehicular conflicts that may arise from vehicles entering / exiting the subject site from Carson Street."
36. During the progression of Scheme Amendment 78 for the subject site between 2017 and 2019 (as detailed in the background section of this report) Council gradually adopted a harder stance towards limiting vehicular access to/from Carson Street and Baillie Avenue. The Scheme amendment documentation forwarded to the WAPC for final approval reflected a view that no vehicular access should be taken to/from Carson Street and Baillie Avenue. The proposed amendment to the LDP, removing vehicular access from these local roads, is consistent with the Town's and Council's previously stated stance.
37. The Town has previously opposed vehicular access being taken from Carson Street and Baillie Avenue, partly with a view that it should be used solely for pedestrian and cyclist access instead. In correspondence from the applicant (responding to a Town request for clarification) dated 4 November 2021, it was advised that *"it is the proponent's intention for pedestrian and cyclist access to be provided from the subject site to Carson Street/Baillie Avenue."*
38. Officers consider that pedestrian access is appropriate to ensure improved connectivity to Albany Highway, the Edward Millen site and surrounds, and therefore the Officers recommendation is that pedestrian access be secured through a modification to the amended LDP.

Development Approval(s) in place

39. Schedule 2, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details information pertaining to the process for determining a proposed amendment to an LDP, including the following:

"51. *Consideration of submissions –*

The local government –

(c) is to have due regard to the matters set out in clause 67(2) to the extent that, in the opinion of the local government, those matters are relevant to the development to which the plan relates."

40. The following matters set out in deemed clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* are, in the opinion of the assessing officer, considered to be relevant in determining the proposal.

Matters set out in deemed clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*

<p>(m) 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...</p>	<p>The proposed removal of the vehicular access from Carson Street and Baillie Avenue is considered to improve the relationship of the approved development to surrounding development/its locality.</p>
<p>(n) the amenity of the locality including the following — (ii) the character of the locality; (iii) social impacts of the development;</p>	<p>The proposed removal of the vehicular access from Carson Street and Baillie Avenue is considered to improve development outcomes with respect to the character of the locality and minimising adverse social impacts (primarily the potential impact of vehicular activity on the existing school for children with disabilities on Carson Street).</p>
<p>(s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>The proposed removal of the vehicular access from Carson Street and Baillie Avenue is considered to be adequately tested and justified by way of the Traffic Impact Statement provided by the applicant.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>The proposed removal of the vehicular access from Carson Street and Baillie Avenue is considered to be adequately tested and justified by way of the Traffic Impact Statement provided by the applicant.</p>
<p>(u) the availability and adequacy for the development of the following — (iii) storage, management and collection of waste;</p>	<p>Access of waste vehicles through the subject site has been considered in the Traffic Impact Statement provided by the applicant. This document has been reviewed by the Town's Street Improvement team who "note" and "accept" the report findings by their expert traffic consultants.</p>

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

The proposed removal of the vehicular access from Carson Street and Baillie Avenue is considered to improve development outcomes with respect to minimising the impact of the development on the community, most notably with respect to the Carson Street School.

Conclusion

41. LDP No. 3 is a planning document that ensures a certain level of co-ordination of development at the subject site, particularly if the lots are not to be developed simultaneously as per the JDAP's development approval.
42. Amending the LDP to preclude vehicular access will facilitate a subdivision proposal at the subject site to be further progressed. The amendment to the LDP has been considered by the Town and no substantive reasons to oppose the amendment have been identified.
43. In light of the above, and subject to a requirement to modify the LDP to ensure pedestrian access provided to Carson Street and Baillie Avenue, it is recommended that Council approve the amendment to LDP 3.

Questions and responses

Cr Bronwyn Ife

1. *Will this resolve the Carson Street and Baillie Avenue pedestrian only access?*

The Manager Development Services advised that by approving the Local Development Plan (LDP) amendment access should be pedestrian only. However the LDP is a guide to development and in future the landowner could apply for a variation to have vehicle access but this is unlikely as a transformer will prevent access.

Cr Wilfred Hendriks

2. *Is the land next door with the car park owned by the Town or the school.*

The Manager Development Services advised that the car park is part of the Carson Street school.

13 Chief Operations Officer reports

13.1 Draft Kent St Sand Pit Detailed Design - Release for Community Consultation

Location	Town-wide
Reporting officer	Environmental Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Kent St Sand Pit Concept Plan and Detailed Design Overlay [13.1.1 - 1 page]2. Draft Kent Street Sand Pit Detailed Design - November 2022 [13.1.2 - 4 pages]

Recommendation

That Council approve the draft Kent St Sand Pit Detailed Design be released for community consultation in January 2023.

Purpose

To present the updated draft Kent St Sand Pit Detailed Design and request approval from Council to release the draft design for community consultation.

In brief

- At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
- Further to Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.
- A working draft of the detailed design has been developed.
- Feedback has been sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Kingsley Dixon, Urban Forest Strategy Working Group, Mindeera Advisory Group. Specialist advice regarding bushfire design considerations was also sought.
- Elected Members were also presented with the draft design at the 25 October 2022 Concept Forum and a comment period that closed on 9 November 2022.
- The draft design has been amended based on the stakeholder commentary received.
- This report requests approval from Council to release the draft design for community consultation in January 2023.

Background

1. At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
2. Further to the Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.
3. The below table represents the project's progress to date.

Milestone	Date
Stage 1 - Project initiation, background review, site analysis	
Project initiation meeting	WB 11 July
Review existing information, analyse the site and build on Kent St Sand Pit Concept Plan.	WB 18 July
Stage 2 – Initial Draft Detailed Design	
Develop an initial draft detailed design	WB 8 August
Draft option design to Project Group, Traditional Owners and Friends of Jirdarup Bushland, Urban Forest strategy (UFS) Working Group, Mindeera Advisory Group for consideration.	WB 8 August
Town staff survey	22 August – 7 September
Concept Forum	25 October – Concept Forum
Elected Member review	26 October – 9 November
Project Group meeting	17 November
Ordinary Council Meeting (seeking approval to release draft design for community consultation).	December 2022

- An initial working draft of the detailed design was developed, with feedback sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Professor Kingsley Dixon, Urban Forest Strategy Working Group, Mindeera Advisory Group. Specialist advice regarding bushfire design considerations was also sought.
- Elected Members were also presented the draft design at the 25 October 2022 Concept Forum, as well as a formal comment period that closed on 9 November 2022.
- A project group meeting with members of Friends of Jirdarup Bushland, Michael Just (Curtin University) and Town staff was held on 17 November 2022, with further meetings held with the Urban Forest Strategy Working Group and Mindeera Advisory Group (see Engagement section).
- The draft design has been amended based on the collective stakeholder commentary received to date. The details of this commentary, the consideration from the Town and the impact of said commentary on the design can be found in the Analysis section of this report.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and

	enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community.
EN4 - Increasing and improving public open spaces.	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community. Given the site's size, the Kent St Sand Pit restoration would contribute significantly to the Town's canopy cover.

Engagement

- The Town has engaged with a broad range of stakeholders since the commencement of the detailed design phase. These stakeholders and their comments prior to the amended design can be found in the 15 November OCM report.
- Further to the 15 November OCM report, the following additional engagement has occurred or is planned:

Engagement	
Stakeholder	Comments
Project Working Group (Friends of Jirdarup Bushland, Curtin University, Town staff)	17 November 2022 meeting. See Analysis section of this report.
Urban Forest Strategy Working Group	21 November 2022 meeting. Query raised re: the percentage of site that could be revegetated. Note: Under the current design, this represents a revegetation opportunity of approximately 92% of the site.
Mindeera Advisory Group	No comments received. NOTE: Town was unable to meet with them until December 2022, so in the interim, the MAG was communicated with via email. The Town will meet with MAG on 8 December 2022 to discuss the draft design. The outcomes of that meeting will be placed in the Further Considerations section of the report before the 13 December 2022 OCM.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	As the land is owned by the Town under a 999-year lease and was gifted to provide financial endowment, there is the potential for loss of alternative revenue and other social benefits as a result of not exploring options outside of the current Parks and Recreation Zoning.	Major	Possible	High	Medium	TREAT risk by seeking the preference of the Town's community in terms of the use of the site.
Financial	Precedent for the State Government to take back endowment land as they required.	Major	Possible	High	Medium	TREAT risk by liaising and negotiating with the State and Federal Government regarding future plans for the site.
Environmental	Not applicable.					
Health and Safety	Not applicable.					
Infrastructure/ICT Systems/Utilities	Not applicable.					
Legislative Compliance	Not applicable.					
Reputation	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Pending Council's endorsement of the design, funding for construction works will be required.

Preliminary estimates based on the concept plan were undertaken in 2022, and it was anticipated that the works would cost \$1.6M. This cost may increase or decrease depending on the final scope of work. Costings and staging will be finalised following detailed design completion.

The construction cost may be able to be supplemented through grant funding (e.g. Lotterywest).

The second round of seed collection in 2022/23 is anticipated to be funded by the Natural Areas Maintenance budget. This will also encompass annual propagation research and development, estimated at \$5,000/year.

Funds may need to be included in a future year's budget to allow for possible compliance upgrades to the path connection between Kent St and Baron-Hay Court. Based on the current draft program, these works may need to be undertaken in 2024/25.

Analysis

10. The amended detailed design expands on the Council-endorsed Concept Plan (17 May 2022), the design intent of which includes:
 - a. a focus on revegetation and ecological restoration of the remnant woodland
 - b. incorporation of Noongar cultural considerations, such as yarning spaces
 - c. universal accessibility
 - d. a primary perimeter path and a secondary connecting pathway.

11. Banksia woodland restoration is the key focus of the design, representing approximately 92% of the site. The remainder of the site includes:
 - a. 1.3km of paths and access is 6%
 - b. Carpark is 1.5%
 - c. Knowledge exchange/yarning spaces are 0.45%.

12. The Concept Plan and Detailed Design similarity are demonstrated in the Kent St Sand Pit Concept Plan and Detailed Design Overlay attached to this report.

13. The below outlines the main comments and considerations raised by stakeholders, the response of the Town to the commentary from the Town and the impact of said commentary on the design.
Please Note: The tables are broken into stakeholder commentary both prior to and post 15 November 2022 OCM.

Pre-15 November 2022 OCM

Theme	Considerations	Response	Impact on detailed design
Fire	Firebreak requirements: Five	Based on the advice from bushfire risk consultants,	We have confirmed

	<p>metre firebreak requirements to be reassessed/clarified and minimised (note: They don't exist currently). If required, could they go in the sandpit itself at the base of the embankment?</p>	<p>firebreaks in the current design seem unnecessary and can be reviewed. Due to the relatively small size of the area, additional firebreaks are not required to break up the reserve into smaller cells.</p>	<p>through relevant agencies that firebreaks are not required and can be removed.</p>
Picnic setting	<p>Picnic setting may be unnecessary in an urban bushland setting.</p> <p>Picnic setting unnecessary. Perhaps just bench seats instead.</p> <p>Perhaps bench space or some kind of a seating area, rather than a 'picnic' style set up would be better.</p>	<p>The Concept Forum determined a seat appropriate and will replace the Picnic setting at the primary entry. Only one is required.</p>	<p>The entry picnic setting has been replaced with a seat. The second picnic setting has been removed.</p>
Yarning circles	<p>Yarning Circles/knowledge exchange nodes: Three yarning circles is more responsibly managed by opening up one, then reviewing use for an additional one.</p>	<p>The yarning space number and locations, together with the alignment of paths, were specifically determined by elder Simon Forrest and Darryl Bellotti based on energy mapping of the site. As such, the preference is to leave the yarning space number and location as they are. Additionally, the energy mapping of the site. As such, the preference is to leave the yarning space number and location as they are. Additionally, the number and location in</p>	<p>Yarning space location and number remain at this stage.</p>

	<p>Use of natural materials for any infrastructure wherever possible to be preferred.</p>	<p>the detailed design is the same as that reflected in the endorsed concept plan. The three yarning spaces represent 0.45% of the site.</p> <p>Noted.</p>	<p>Possible materiality options considered within the design.</p>
	<p>Yarning spaces – suggested size: small ones 3m diameter, larger one 6m diameter.</p> <p>Keep access to the yarning spaces narrow i.e. 2m wide.</p> <p>Keep two access points for circulation.</p> <p>Perhaps a shelter to the larger yarning space. This could include cover from rain etc or laser cut with art opportunity. Shelter for the yarning circle is very important.</p> <p>Comfortable with the shelter being man made or natural – via trees, noting that the trees will need significant time to get to a stage whereby</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>Yarning spaces reflected to scale in the design: small ones 3m diameter; larger one 6m diameter.</p> <p>Yarning space access narrow i.e. 2m wide.</p> <p>Two access points included.</p> <p>Possible indicative option considered in the design is reflective of an art-integrated shelter that is aesthetically sympathetic to the site (e.g. rusted look).</p>

	<p>they can provide the shelter. I think we need to be realistic here, if we need to go man-made that is fine.</p> <p>Provide informal edging to circular-shaped areas.</p> <p>Provide informal, irregular seating using logs and rocks</p> <p>Material underfoot should not be just dirt. Perhaps stabilised clay finish (similar to that at Hillview Bushland).</p> <p>Happy with the proposed iconic art locations at the entry points.</p> <p>Consider light colours (sunny side, white cockatoos, yellow) and dark colours (shaded side, crows, blue) to identify skin groups. Possibly black and white only in Nyungar country. Blue shady side and gold sunny side are for desert country.</p> <p>Main yarning circle - opportunity for trees as a natural shelter. Go with traditional structure i.e. natural. Don't mix modern amenities.</p> <p>Shelter for the yarning circle is very important. Comfortable with the shelter being man</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>Informal edging reflected in the design.</p> <p>Irregular seating reflected in the design.</p> <p>Materiality of the yarning circles reflected in the design.</p> <p>This will be considered for the future artwork detail.</p>
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	<p>made or natural – via trees, noting that the trees will need significant time to get to a stage whereby they can provide the shelter. Need to be realistic here, if we need to go man-made that is fine.</p> <p>All artificial shelters should be removed. I can see these become spots where litter can accumulate which would be detrimental for bushland and its fauna.</p> <p>The priority should be to take the comments / ideas from our First Nations members as the most significant. This is their land after all.</p>	<p>The Town acknowledges the risk associated with provision of a shelter at the large yarning space. The Town is happy to consider this risk in consultation with Traditional Owners.</p> <p>Noted.</p>	<p>Recommendations of Traditional Owners have been integrated into the design.</p>
<p>Paths</p>	<p>Access 'paths' should be eliminated by moving them close to main paths.</p> <p>Primary and secondary paths:</p> <ul style="list-style-type: none"> • Walking paths – keep them as narrow as possible • Emergency, maintenance vehicle paths – 	<p>Path access is required to access the yarning circles/knowledge exchange and eliminate risk of people creating informal access runs if there is not multiple path entries. Simon Forrest's opinion is that two access points are better for circulation.</p> <p>Agree that paths are to be kept as narrow as possible. According to bushfire consultants, there is a 3m wide requirement for emergency services vehicles.</p>	<p>Access paths remain.</p> <p>Walking paths are as narrow as possible. The primary path has been reduced to 3m.</p>

	<p>confirm minimum requirements</p> <p>Path materials: List of all available options alternatives to make informed decision on best possible/ suitable option(s).</p>	<p>Different path materials have been considered, and open to continue to explore these. The main options are limestone, mulch, asphalt, gravel and clay-based aggregate. Clay-based aggregate seems to be the best option, as the others can negatively impact restoration efforts or limit universal accessibility.</p>	<p>Clay road base overlaid with poly sealant (for all ability access) considered at this stage, but open to explore other options as they arise.</p>
<p>Access ramps</p>	<p>Move access east (along Kent Street) to eliminate impact on Bush-forever area.</p> <p>Consider replacing with a staircase or not at all.</p> <p>HRR entry: consider 'elevated' boardwalk through bush-forever area required.</p>	<p>Noted.</p> <p>In the interest of maintaining universal accessibility to the site, a staircase cannot be considered. Universal access was one of the high priority desires from broader community, and a core principle of the project, so the Town prefers to maintain this point of entry to the site, as otherwise community can only access from Etwell St.</p> <p>Agreed. Elevated ramping entry is preferred at each of the respective locations, to minimise impact on Bush Forever vegetation.</p>	<p>Access ramp has been moved in design to avoid the Bush Forever site.</p> <p>Access ramp has remained in the design at this stage.</p> <p>Wording included the design that ramp is to be elevated.</p>

Mounding	<p>The mounding's are placed relative the energy mapping that was undertaken for the site. The estimated volume and cost will be determined once the detailed design documentation is finalised.</p> <p>Check if 50 cm layer site wide for optimised weed control would be feasible.</p>	<p>Smoothing of batters to reduce slope gradient has been considered. However, to do so may require existing batter vegetation to be removed. As such, the Town believes that the slopes should remain as is.</p> <p>This will be confirmed with Kingsley Dixon. The estimated fill volume and cost will be determined once the detailed design documentation is finalised. The actual weed control details will be reflected in the Restoration Plan (in development).</p>	<p>Details such as mounding material, volume and cost will be included in design documentation once it is finalised.</p> <p>Batters remain as is at this stage to avoid vegetation removal.</p>
Bush Forever Boundary	Agreed. This has been added in.	Agreed.	Bush Forever boundaries added to design.
Mulch	Mulch is not a preferred option for planted areas	Agreed.	Mulch removed from the design.
Public art	Some concern that public art is not a priority.	Public art is an intrinsic part of the cultural restoration opportunity of the site. Reference to Aboriginal stories and history expressed desire of the broader community during the Concept Plan development. It will be important that all public artworks are sympathetic to the restoration effort, with minimal hard surfaces and maximum	Integration of public art for cultural education etc will remain in the design.

		<p>natural materials.</p> <p>Some public art opportunities include:</p> <ul style="list-style-type: none"> • In furniture • Balustrading to ramp and deck • Arrival and wayfinding signage • Knowledge exchange nodes (yarning spaces). This may be in the form of integration into a minor shelter. 	
<p>Car parking</p>	<p>Unsure if the car park is required. Too hard and formal. Perhaps reduce to single universal access parking bay. Not a park for recreation purposes. Want to encourage people to walk and ride there. No concerns with the car park size or placement.</p>	<p>The Town agrees with encouraging people to ride or walk to the site. The car park provides people a potentially safer means of directly entering the site, as they are not parking on the street or at the adjacent Harold Rossiter Reserve and crossing the road - which is better for young families.</p> <p>The hardstand is already present (currently a drive way (defined by boulders) and cleared space), and the design represents a formalisation of the hard stand to car park.</p> <p>The Town recognises that opinion on the car park is does differ between stakeholders, but since the car park is on the endorsed Concept Plan the Town has decided to leave this in at this stage.</p> <p>Baron-Hay Court was</p>	<p>Car park remains in the design at this stage.</p>

	<p>Where would someone park if accessing from Baron-Hay Court? Building an accessible ramp but nowhere to park.</p> <p>Question the requirement for the wheelchair access point in the bottom left corner.</p> <p>A few of the issues raised by the town staff like parking near the cul-de-sac and the elevation difference to Jarrah road roundabout lead me to think it will be an expensive addition to include.</p> <p>If the primary access point is from Etwell St car park and that will service all mobilities, there seems to be no benefit having an extra access point.</p> <p>Happy to keep the Baron-Hay/Kent St access. Making the area accessible is also a priority. We shouldn't be limiting entry options in this regard.</p>	<p>intended to be pedestrian-oriented. The Town will need to consider what is offered longer term for this street.</p> <p>The Town recognises that opinion on the universal access ramp to the corner of Baron-Hay Court and Kent St does differ between stakeholders. However, universal access was one of the high priority desires from broader community, and a core principle of the project. Further, this access point provides another exit option for patrons, particularly important in the event of an emergency. This access point was also in the endorsed Concept Plan.</p> <p>Given the above considerations, the Town prefers to maintain this point of entry to the site at this stage.</p> <p>Noted.</p>	
Restoration	For this to be a quality restoration I am concerned that non-native trees look like being retained. I believe only native	The intent is for the non-native trees to remain whilst the Banksia Woodland restoration effort establishes, as they provide some canopy and	

	trees should exist on the bushland.	habitat function. Following the establishment period, the Town will continue to work with the restoration experts from Curtin University. It may be the case that any non-native species on the site may eventually be removed after the Banksia Woodland establishment so that we may deliver a best practice restoration effort in accordance with the National Restoration Standards.	
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Post-15 November 2022 OCM

Theme	Consideration/concern	Design consideration
Carpark	If car park attempted to be converted to revegetation then it may not be successful as all the essential soil microbes underlying the car park site may be non-existent.	Car park remains at this stage.
Yarning circle shelter	Roof shelter – if hard structure, rusted look (similar to the signage used in Kensington Bushland) is preferred.	Only rusted look shelter to be shown in the design.
Pathways	Primary path width can be 3m, not 3.5m.	Path width changed to 3m.
Pathways/yarning circles: secondary access paths	Two paths for yarning spaces – less paths are preferred, but Curtin University believe they can be accommodated potentially with appropriate management (e.g. weeds, managing community). Take concern re: two paths to Mindeera.	Two paths per yarning space will be confirmed with Simon Forrest and Mindeera Advisory Group (8 December).
Pathways/yarning circles: Fragmentation	<p>Concern: Vegetation – loss of continuity as a result of extra (secondary) paths. Biggest concern is vegetation peeling back from the edges as a result of extra paths, and trampling caused by shortcutting.</p> <p>Possible treatment:</p> <ul style="list-style-type: none"> • Curtin University - can build resilience with intensive weed control. • In the smallest patch: <ul style="list-style-type: none"> o could plant a large tree and erect temporary fencing 	<p>Concern re: loss of vegetation continuity will be relayed to Mindeera Advisory Group.</p> <p>Could consider planting a large tree in the small corner zone.</p>

	<p>whilst vegetation is establishing.</p> <ul style="list-style-type: none"> o connect path from ramp to the secondary smaller yarning circle path – this is more direct. 	<p>Connected path from ramp to the secondary smaller yarning circle path.</p>
<p>Pathway location</p>	<p>Discussion concerning potential movement of the primary path closer to the yarning spaces. The location has been directly informed by energy mapping of the site. Also, yarning circles represent private, safe spaces, so preference is to be off the main pathway.</p>	<p>Yarning circles and primary pathway to remain in current positions at this stage.</p>
<p>Pathway materials</p>	<p>Pathway materials – currently what is considered is clay road base overlaid with poly sealant (for all ability access). This is the same as that within Hillview Bushland.</p> <ul style="list-style-type: none"> • Curtin University has indicated that limestone is not appropriate as it interferes with pH balance and locks up nutrients. • Gravels and mulches are also not appropriate from an accessibility perspective. • Recycled tyres were considered, but there is potential nutrient leaching. • Softfall was also considered, but this is cost prohibitive. • It needs to be noted that the path in Hillview Bushland is a 'grade 1 trail'. This can be used by service vehicles (e.g. Town vehicles) but not for heavy vehicle. 	<p>Clay road base overlaid with poly sealant (for all ability access) seems most appropriate for Kent St Sand Pit at this stage.</p>

	<ul style="list-style-type: none"> • If this material was to be used in Kent St Sand Pit then it may need a higher standard to allow for heavy vehicles. • If a higher standard can't be achieved and it does need to be driven on by heavy emergency services vehicles in the event of a fire, then damaged portions of path may need to be replaced as needed. 	
Mounding/fill	<p>Discussion as to where soil brought in to site will be sourced (e.g. Cover in 1m soil).</p> <ul style="list-style-type: none"> • Curtin University have suggested that materials from Hansen's sand quarry in Gngara could be used. This certified clean fill should ideally be Bassendean Sands to promote plant growth. • Michael Just will advise on desired solid profile for the site. Yellow sand has better rejuvenation potential. • Can we build up top soil naturally with mulches? Already a high organic material as a result of the weeds. 	<p>Provenance of mounding soil fill needs will be considered in the associated staging/costing in the final design documentation.</p> <p>The need for soil fill in other areas will be considered in the Restoration Plan (in development).</p>
Rainbow Bee Eater nesting locations	<p>October – April is Rainbow Bee Eater nesting season. No construction should occur November – February.</p>	<p>Need to consider construction staging in the final design documentation such that it does not occur in November – February nesting periods.</p>
Seating	<p>Consider seating/benches next to pathways, namely under trees.</p>	<p>Seating/bench to be indicated under trees.</p>

Bird waterers	Consider locating bird waterers under trees.	Bird waterers final location will be determined by the Restoration Plan (in development) but will likely be located under trees.
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14. The amended detailed design itself can be found as an attachment to this report (see Draft Kent Street Sand Pit Detailed Design – November 2022).
15. Overall, the Friends of Jirdarup and other stakeholders indicated they were happy with the amended design to date.
16. The Town requests that Council approve the release of the Draft Kent Street Sand Pit Detailed Design – November 2022 for community consultation in January 2023.
17. The below outlines the next steps thereafter:

Milestone	Date
Community consultation	January – February 2023
Review design (based on outcomes of surveys undertaken and feedback from expert advisors, Mindeera and other parties)	February 2023
Revised design and collated community feedback to stakeholders (Project Group, Mindeera Advisory Group, Friends of Jirdarup Bushland, UFS Working Group). This may include meeting with said stakeholders to discuss.	February 2023
Preparation of final Detailed Design	February 2023
Project Group, UFS Working Group and Mindeera Advisory Group and Friends of Kensington Bushland approval of final draft; release for community information	February 2023
Send the Department of Water and Environmental Regulation a copy of the finalised Detailed Design for review	February 2023
Report to Council	March 2023

Relevant documents

Not applicable

There were no questions asked or presentations made in relation to this item.

13.2 Causeway Pedestrian and Cyclist Bridge - Construction Licence

Location	Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	1. CONFIDENTIAL REDACTED - Construction Access Licence - Causeway Pedestrian and Cycle Bridges v.1.0 [13.2.1 - 25 pages]

Recommendation
<p>That Council:</p> <ol style="list-style-type: none">1. Approve the Construction Access Licence - Causeway Pedestrian and Cycle Bridges in respect of parts of Lots 501 and 502 on Deposited Plan 412328 owned by the Town under Certificate of Title Volume 2975 (Folios 780 and 781 respectively) as per Attachment 1.2. Authorise the Chief Executive Officer and the Mayor to execute all necessary documents under the common seal to give effect to 1. above.

Purpose

Council approval is sought to execute and affix the Town's common seal to the "Construction Access Licence - Causeway Pedestrian and Cycle Bridges" (the Licence) in respect of parts of Lots 501 and 502 on Deposited Plan 412328 (the Licence Area). The Town is the registered proprietor of this land held under Certificate of Title Volume 2975 (Folios 780 and 781, respectively).

In brief

- The Causeway Link Alliance has been awarded the contract by Main Roads WA (MRWA) to design and build the Causeway Pedestrian and Cyclist Bridge (the Bridge). A Development Application is being assessed, and construction of the Bridge is planned to commence early in 2023.
- The construction works are to be undertaken across several land parcels, including two (2) land parcels owned in freehold by the Town of Victoria Park.
- MRWA require the Licence in order to construct the Bridge.
- The Licence grants MRWA access to the Town's land to construct and operate the Bridge. In addition, the Licence contains a wide range of provisions, including relating to the design and construction of the Bridge, meeting the needs of the Town, as well as ensuring that the Licence Area is returned to the Town in the correct condition.

Background

1. At its meeting held on 20 September 2022, Council resolved by resolution 186/2022:-

"1. That Council:

- a. delegates authority to the CEO to provide landowner consent on behalf of the Town of Victoria Park freehold owned lots 501 and 502, to enable the Main Roads WA-led Causeway Link Alliance to submit a development application for the proposed Causeway Pedestrian and Cyclist Bridge.*

b. delegates authority to the CEO to sign the development application form and any other documents necessary to give effect to 1(a) above.

2. Notes that the landowner consent is for the purpose of allowing the development application to be submitted and processed and does not constitute the grant of any property right or other approval to occupy in respect of the Town owned freehold lots.

2. MRWA require the Licence in order to construct the Bridge. A draft licence has been negotiated on a consensus (non binding) basis for Council’s consideration.
3. The Licence requires MRWA to comply with all laws and requirements of any authority as defined. This includes obtaining all consents, approvals and permits to use the licensed area. This will include environmental approvals as well as planning approvals. Planning approvals – which were the subject of the Special Council Meeting held on 22 November 2022
4. The Licence ensures that the Town is protected in the following;
 - a. Design and construction of the Bridge;
 - b. Design criteria for New Local Government Assets;
 - c. Licence Area to be secure and safe;
 - d. MRWA Work Health and Safety obligations;
 - e. Restoration of the Licence Area;
 - f. Defect liability periods;
 - g. Workplace safety obligations;
 - h. Asset ownership and responsibility.
 - i. The Licence envisages that the following further agreements will be entered into by MRWA and the Town in due course:-
 - j. Bridge Easement
 - k. Asset Maintenance Agreement
5. These additional agreements are to be negotiated and agreed upon separately.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Licence ensures that there are clear accountabilities whilst constructing in a very visible public open space
CL3 - Accountability and good governance.	Ensuring that the Town's Freehold land and assets are managed and protected for the benefit of the ratepayers

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The protection and clear responsibilities for the construction of the Causeway Pedestrian and Cyclist Bridges and ensuring that these are

	delivered in accordance with the approved design
EN4 - Increasing and improving public open spaces.	The proposal will enhance the existing public open space and provide a significant gateway to the Town of Victoria Park
EN5 - Providing facilities that are well-built and well-maintained.	The Licence sets out the design and approval process for Assets that will be maintained by the Town and ensures that the constructed assets are built to the appropriate standard

Engagement

Internal engagement

Stakeholder	Comments
Manager Property Development and Leasing	Input into the report.
Manager Community	<p>The Town will continue to work with event organisers / hirers / Main Roads in an effort to fully understand requirements and associated implications of works upon events.</p> <p>Depending on the footprint size and actual location of set down areas, this will give clarity to the impact of events in this area, and potential financial implications.</p>
Manager Development Services	The Licence will take effect only if, and following an approval from the City of Perth Local Development Assessment Panel.
Manager Technical Services	For the new assets to be transferred to the Town, the proponent will supply 85% Design Packages for the Town's assessment and approval. Material selection, supplier details, warranties, proponent maintenance period, maintenance responsibility will be assigned through the Asset Maintenance Agreement.

Other engagement

Stakeholder	Comments
Main Roads WA	Resolved the extent of the proposed licence area and construction footprint
State Solicitors Office	State Solicitors Office acting for Main Roads WA in preparation of Licence.
Mindeera Advisory Group	Presented on 11 August 2022

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The potential for damaged assets and lack of rectification of the public open space.	Moderate	Likely	High	Low	TREAT risk by Clearly articulating the requirements for the restoration of the public open space.
Financial	Impact of the project construction will reduce ability to obtain revenue from events.	Moderate	Likely	High	Low	TREAT risk by reducing the area of the licence area and incorporating full traffic management and construction schedule to minimise the impact.
Environmental	Potential impact to adjoining park.	Minor	Possible	Medium	Medium	TREAT As part of the works, the area will be managed with an Environmental Management Plan.
Health and safety	Obligations under WHS not met.	Minor	Possible	Medium	Low	TREAT risk by assigning clear responsibilities within Licence area.
Health and safety	Public Safety at risk whilst constructing.	Moderate	Possible	Medium	Low	TREAT risk by Licence area to fully include areas in which the public will be prevented from entering. The bike path will be diverted to an alternative route to avoid the construction area.
Infrastructure/	Nil.				Medium	

ICT systems/ utilities						
Legislative compliance	Nil.				Low	
Reputation	Unmanaged impact on surrounding area of Public Open Space.	Minor	Likely		Low	TREAT risk by providing ongoing project updates and having clearly demarcated areas for the Licence area.
Reputation	Traffic and noise generated which impacts residents.	Minor	Likely	Medium	Low	TREAT Traffic and noise plans to be submitted to the Town.
Service delivery	Negative Impact on existing assets.	Minor	Likely	Medium	Medium	TREAT risk by defining this and the restoration process within the Licence.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The Licence deals with the impact during construction and defined roles, but the works as designed, built and transitioned to the Town will incur additional costs that will be dealt with separately within the Asset Maintenance Agreement.

Analysis

6. The Licence has been drafted by the State Solicitors Office (SSO) on behalf of MRWA and presented to the Town for consideration.
7. Strategic Projects Manager and Manager Property Development and Leasing have been undertaking an ongoing review of the Licence terms to identify and address needs and requirements for the Licence and related matters.
8. Summary of Key Terms

Key Terms

Licence Area	Parts of Lots 501 and 502 on Deposited Plan 412328 owned by the Town under Certificate of Title Volume 2975 (Folios 780 and 781, respectively).
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Agreement Type	Licence
Licensor	Town of Victoria Park ABN 77 284 859 739
Licensee	Commissioner of Main Roads
First Term	From the date the last of the Parties to sign the Licence up to Construction Completion Date.
Second Term	From the Construction Completion Date to the day immediately following the day the Bridge Easement is entered into by the Parties.
Licence Fee	\$1
Construction Works	Will be completed: (i) in a timely and efficient manner; (ii) with all due care, skill and diligence which may reasonably be expected of a skilled professional qualified contractor; and (iii) in accordance with the Design Documentation. Licensee confirming three and five year defect liability periods for New Local Government Assets.
Commencement Date	The date of signature by the last of the Parties to sign the licence.
Services	Licensor not obliged to provide services to the Licensee or Licensed Area
Asset Ownership	(a) The Licensee will own, and be responsible for, the Bridge. (b) The Licensee will be responsible for maintenance of the New Local Government Assets until the Asset Maintenance Agreement has been entered into after which responsibility for maintenance will be in accordance with the terms of the Asset Maintenance Agreement.
Maintenance	Licensee must keep the New Local Government Assets in good repair and condition until the date the Asset Maintenance Agreement commences. Maintenance will be defined as per the Asset Maintenance Agreement.
Bridge Maintenance	Licensee responsible for all repair and maintenance of the Bridge during the Second Term and in perpetuity (including repairs of a structural nature and any capital replacement of the Bridge or any part of it, where required).

Bridge Easement	Bridge Easement to be agreed and entered into after construction completion.
Permitted Use	First Term - Completion of the Construction Works, together with associated or related activities (Construction Use); Second Term - Operation and maintenance of the Bridge, together with associated or related activities (Operation Use).
Design	Licensee obligated to provide design documentation for New Local Government Assets, minimise whole of life maintenance costs and conduct two design workshops with Local Government Asset Manager.
Indemnity and Insurance	Licensee to indemnify Licensor. The Licensee to ensure the following insurances are in place during the Term: (a) Licensee controlled works insurance, for the value of the works, covering the Licensee, the Non-owner Participants, its contractors, sub-contractors and agents; (b) Licensee controlled public liability insurance in the amount of \$250,000,000, covering the Licensee, the Non-owner Participants, its contractors and sub-contractors; and (c) Non-owner Participant controlled workers compensation, plant, and motor vehicle insurance as part of the PAA.
Completion of Construction	Licensee to vacate, make good, repair and reinstate and remediate any contamination caused by Licensee and its Agents.
Security and Barriers	Licensee to secure and separate Licensed Area during First Term.
Land title encumbrances and third party/public rights	Confirmation of Licensee due diligence and Licensee release of Licensor of any liability or claim.

9. Lots 501 and 502 are freehold assets of the Town. The Town has raised with MRWA the question of payment of consideration for the proposed construction licence or future easement. MRWA have responded that the foreshore land that the bridge will be built on is currently held by the Town in freehold as a Crown Grant in Trust and that this effectively means that the land was gifted to the Town free of cost, and as such the Town is not entitled to any compensation for the land. Whilst it is correct that Lot 502 is held by the Town as a Crown Grant in Trust acquired free of consideration, the Town is of the view that the Council (if it were so minded) could agree with MRWA to charge consideration for the grant of the proposed licence or future easement. A valuation arranged by the Town has valued a construction licence on the land at \$1.80 per square metre per annum (for the estimated licence area of 18,929 square metres, this would be \$34,072 per annum) and a grant of permanent development rights for the bridge at \$55 per square metre (for the estimated bridge easement area of 176 square metres, this would be \$9,680 per annum).
10. The Town has also sought compensation from MRWA for loss in events revenue arising from the use of the Town's land by MRWA. MRWA have responded that the proposed construction footprint and laydown area has been agreed between the Town and MRWA to minimise impacts on events. Events

held on the Town's land at McCallum Park generate approximately \$100,000 per annum in events revenue. Whilst liaison between the Town and MRWA has resulted in a substantial reduction in the size of the licence area, with a view to preserving (as much as possible) the ability for the Town's land to be used for events during construction, the final impact on the use of the land for events during construction and revenue generation cannot be predicted at this stage. Indications from the major event organisers, the 4WD Show, are that the proposed licence area will not prevent the show going ahead during the construction period.

11. Having regard to the social and environmental benefits of the proposed bridge, including better connectivity of pedestrian and cycle links between the Town and the City of Perth the Council may however choose not to charge MRWA for the grant of the proposed construction licence or future easement.
12. Legal advice was sought by the Town from Irdi Legal which has seen the finalisation of the Licence to include satisfactory terms acceptable to the Town with MRWA agreement to these terms as presented in Attachment 1.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

13.3 Disposal of Aqualife office by way of lease

Location	East Victoria Park
Reporting officer	Senior Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Applicant 1 - QA ASSESSMENT [13.3.1 - 6 pages] 2. Applicant 2 - QA ASSESSMENT [13.3.2 - 4 pages] 3. CONFIDENTIAL REDACTED - Jessica Kennedy Acupuncturist Submission [13.3.3 - 14 pages] 4. CONFIDENTIAL REDACTED - Tuition Centre Submission [13.3.4 - 15 pages] 5. Property Prospectus - Aqualife Office [13.3.5 - 15 pages] 6. Location Plan Aqualife Aquatic Centre - 42 Somerset Street East Victoria Park [13.3.6 - 1 page] 7. Floor Plan Sketch Aqualife Office Suite - 42 Somerset Street East Victoria Park [13.3.7 - 1 page]

Recommendation

That Council:

1. Authorises the Chief Executive to negotiate with Jessica Kennedy to lease the office at Aqualife located at 42 Somerset Street East Victoria, on terms set by the Town's lawyers, including the following key terms:-
 - a) Land: An approximately 25m² portion of 42 Somerset Street, East Victoria Park being Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118.
 - b) Term: 1 year.
 - c) Further Term: 4 years.
 - d) Rent: \$3,000.00 per annum plus GST.
 - e) Rent Review: CPI increase on each anniversary date of commencement.
 - f) Commencement Date: Upon execution of the agreement by both parties.
 - g) Outgoings: The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications.) (vi) building and landlord insurances.
 - h) Maintenance: The Tenant is responsible for non-structural and preventative maintenance. The Landlord may in its absolute discretion undertake repair and maintenance (subject to availability of funds) in accordance with Asset Management Plans, and such other factors as may be considered by the Landlord to be reasonable and/or necessary.
 - i) Assignment or Subletting: Prior written consent, in accordance with Lease Agreement and subject to the Town being satisfied with the terms and conditions of any sub agreement. Any practitioner subletting the premises will be required to provide relevant certifications.
 - j) Permitted Use: Allied Health services, including acupuncture, massage and other complementary health services and/or therapies.
 - k) Proposed hours are in line with the Centre and lease requirements.

- l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover, with ability for Lessor to review as reasonably required from time to time.
 - m) Signage: The Lessor consents to proposed fit out included in submission received (and indicated in this report). Any further works or fit out will require the prior written consent from the Lessor and the Tenant will be required to provide a design concept and location map for consideration.
 - n) Alterations and Fit-out works: Prior written consent from the Lessor required. Tenant to provide concept and design plans. Any agreed fit out and alterations made to the space within this lease, including installation of a hand wash basin and curtain rails, to remain in place at the end of the lease.
 - o) Special Conditions: Subject to the Town of Victoria Park Council approval. Town of Victoria Park Redevelopment Clause. No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Further Term. Town of Victoria Park to install hand washing basin inside the premises in compliance with AHPRA requirements for acupuncture clinics (Infection prevention and control guidelines for acupuncture practice, AHPRA). The design and specification to be agreed with the tenant in advance. The tenant to pay landlord legal costs.
 - p) Lease terms to be set by the Towns lawyers and to incorporate such minor variations or amendments to key terms (a) – (o) as may be agreed by the CEO.
2. Authorises the Chief Executive Officer to negotiate minor variations or amendments to the key terms.
 3. Authorises the Chief Executive Officer to advertise the proposed disposal of the office at Aqualife by way of lease by public notice pursuant to section 3.58 of the *Local Government Act 1995* and subject to negotiating a lease agreement acceptable to the Town.
 4. Authorises the Chief Executive Officer and the Mayor to execute all documents necessary to give effect to a lease between the Town of Victoria Park and Jessica Kennedy for the office at Aqualife Café and apply the Town's Common Seal, provided that no submissions are received pursuant to 3 above.

Purpose

The purpose of this report is for Council to consider a new lease to Jessica Kennedy Acupuncture for the 25m² office at Aqualife located at 42 Somerset Street East Victoria Park, subject to further negotiations for a lease agreement on terms acceptable to the Town.

In brief

- The Town advertised a 25m² office within Aqualife for submissions over a period of approximately six (6) months.
- Two (2) submissions were received which have been assessed by a panel of Town officers for suitability within the Qualitative Assessment Criteria provided in the Town's prospectus.
- This item recommends Council approving the disposal of the Aqualife office to Jessica Kennedy Acupuncture by way of lease, subject to negotiating terms to the satisfaction of the Chief Executive Officer.

Background

1. The Town is the freehold owner of the Premises located at 42 Somerset Street, East Victoria Park (Aqualife) which provides community recreational services.
2. The legal description of the land at Aqualife is Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118. The land is reserved Parks and Recreation under the local Town Planning Scheme No. 1.
3. At the Ordinary Council Meeting held 12 April 2022, Council resolved to advertise for submissions of interest for disposal of the 25m² suite within Aqualife (office) by way of lease for a period of up to five (5) years.
4. The office was advertised and marketed over a period of approximately six (6) months to invite expressions of interest from the public for the disposal by way of a lease.
5. This process resulted in two (2) submissions being received during the public submission period, which closed on 14 October 2022.
6. Applicant 1 is a sole trader as an acupuncturist and proposes shared use of the office suite with several other allied health practitioners.
7. Applicant 2 is not a registered business and proposes tutoring services to be run from the office suite at Aqualife.
8. The submissions have been assessed by the Town in line with the applicant/s's responses to the Criteria outlined in the Prospectus document (Attachment 5).
9. The Town's evaluation panel comprising officers from Property Development and Leasing, Community Development, Place Planning and Leisure Facilities assessed both submissions against the following qualitative criteria:

Qualitative Criteria	Weighting
<p>Vision and Understanding</p> <p>Respondents should detail their vision for the proposed lease or licence space including a detailed business case (labelled "Business Case"). The Business Case should address a minimum of the following:</p> <ul style="list-style-type: none"> a) Current business structure and background. b) Outline your vision for the lease or licence area. c) Proposed offering and proposed hours of operation. 	20%
<p>Detailed Lease Proposal</p> <p>Provide a detailed lease or licence proposal (labelled "Lease or Licence Proposal") which addresses, at a minimum, the Applicants proposed:</p> <ul style="list-style-type: none"> a) Term of Lease or Licence (both initial term and any further proposed term(s)). b) Offered commencing rent (per annum) and rent reviews (please specify whether rent is Net or Gross). c) Special conditions (requested by the Applicant, clearly outlining an incentive requested, lessor contributions or licences required). d) Any commercial benefit outcomes intended to be achieved. e) Any community benefit outcomes intended to be achieved. f) How will your proposal/operation complement the existing services provided by the Town at the Recreation Centre/Aquatic Centre. g) The proposed use and its compliance with the definition of Community Purpose 	35%

<p>under Town Planning Scheme No. 1: <i>"Community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit"</i></p> <p>h) Not for profit or charitable status. Consideration may also be given to an operator that does not have this status but has provided substantial evidence satisfactory to the Town of service provision that will provide significant community benefit.</p>	
<p>Fit Out Concept Plans Provide high level concept plans for the Applicants proposed fit-out of the premises (labelled "Fit-Out Concept Plans") outlining at a minimum how the proposed fit-out:</p> <p>a) Caters for the proposed number and type of customer. b) Contributes towards the overall look and feel of the premises and matches the concept for the proposed business. c) Signage design and locations (both internal and external). d) Any additional relevant information.</p>	10%
<p>Relevant Experience Describe your experience in conducting similar Requirements.</p> <p>a) Demonstrated experience in managing, owning or operating a similar business. Include details of the location. b) Demonstrate competency and proven track record in establishing and maintaining a similar viable business. c) Provide a CV for the Respondents key personnel who will be directly involved in the management and day-to-day operations of the business including skills, qualifications, and relevant experience. d) Any additional information.</p>	20%
<p>Financial Position</p> <p>a) Provide latest audited financial statements b) Rent offered and whether any incentives or subsidy is sought.</p>	15%
<p>Referees Provide contact details (including names, titles, telephone numbers and/or email addresses) for a minimum of two (2) referees who can specifically attest to the applicants experience in the operation of similar or comparable business in the last 5 years.</p>	

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	A lease, in line with Town policies will deliver a financially sustainable ongoing outcome for the Town's ratepayers.
Economic	
Community priority	Intended public value outcome or impact

EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	A lease within Aqualife will provide further activation of the centre and introduce new services and provide exposure to new patrons for the Centre.
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Environment	
Community priority	Intended public value outcome or impact

EN5 - Providing facilities that are well-built and well-maintained.	Occupation of the vacant office will have a lessee engaged in collaboration with the Town for maintenance of the area to align with EN5.
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Social	
Community priority	Intended public value outcome or impact

S3 - Facilitating an inclusive community that celebrates diversity.	A lease of the office will see activation of the Aqualife entrance and provide new service offerings for all members of the community.
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Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are provided within this report.
Manager Community	Proposed use is conducive to enhancing community wellbeing.
Manager Place Planning	The Social Infrastructure Strategy (adopted April 2022) encourages multi-functional facilities that facilitate a diverse level of services, including co-location of community support services.
Manager Business Services	The Town's Leisure Facilities are supportive of this report to lease the space and have been involved during the evaluation process.
Environmental Health Officer	A business is not required to register/notify the Town if it is registered with AHPRA.
Manager Development Services	The use is considered to be incidental and complements the primary use of the centre as a recreation hub

External engagement	
Stakeholders	
	Businesses, Residents, Community Groups and Not-for-profit associations

Period of engagement	18 May 2022 to 14 October 2022 (inclusive)
Level of engagement	Consult
Methods of engagement	Advertising as set out below.
Advertising	Newspaper advertisements, Town website, Public Notice Boards, Social Media, Gum Tree and Real estate agency website advertising platforms (including, realcommercial, LJ Hooker website, etc).
Submission summary	Two written submissions received; Applicant 1: Acupuncturist and Allied Health Services Applicant 2: Tutoring Service
Key findings	A lengthy advertising process through a range of media did not result in any offers being received. The Town then engaged LJ Hooker Victoria Park – Belmont commercial agent to advertise via real estate agency platforms. Two submissions were received in the final week of EOI following the placement of the EOI on real estate agency advertising platforms, showing a greater audience was reached.

Legal compliance

[Section 3.58 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failure of Lessee to meet rent payment obligation.	Moderate	Possible	Medium	Low	Treat risk by taking debt recovery action to recover outstanding rent.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Failure to comply with s3.58 of the <i>Local Government</i>	Minor	Unlikely	Low	Low	Treat risk by following the disposal of

	Act 1995.					property process in accordance with s3.58 of the <i>Local Government Act 1995</i> .
Reputation	Not applicable					
Service delivery	Failure to secure a suitable Lessee to meet community expectations.	Moderate	Possible	Medium	Low	Treat risk by securing a suitable Lessee to ensure service provision for the community.

Financial implications

Current budget impact	The Town currently does not receive any revenue from the Aqualife office as this space has remained vacant.
Future budget impact	The leasing of Aqualife office will not have a significant impact on budget. It will provide the Town with some leasing revenue through rent and outgoings, particularly if the tenant option to renew is exercised. It is also possible that the provision by the tenant of an additional service at Aqualife will attract more customers and revenue growth at Aqualife. If the Council accepts the recommendation, a budget review will be undertaken in line with forecasted income and expenditure to the Town.

Analysis

10. A market rental valuation assessment undertaken on the 22 February 2022 determined a fair market rental of between \$4,160.00 to \$5,200.00 per annum, including outgoings, excluding utility charges, plus GST.
11. The valuation analysis recognises the quality and size of the amenities provided, the location within a community recreational facility and the location away from a commercial hub. The valuation noted the nature of the premises, which is a community Aquatic Centre, without the tenancies having any individual identity and generally not being able to attract normal commercial tenants who require a commercial image to appeal to their customer base.
12. Advertising the proposal to dispose of the Aqualife Office by lease under Policy 310 - Leasing has been undertaken. Notice of the proposed disposition was published in the West Australian newspaper, on the Town's website and at the Town of Victoria Park Library and Administration Centre notice boards on the 18 May 2022. The initial period of advertisement to invite submissions was open for 31 days.
13. Due to no submissions being received in the initial advertising period, the submission closing date was extended. Further advertising was undertaken with promotion across social media channels, such as LinkedIn and Facebook and shared through the platform local community groups.
14. Without any success in the extended advertising period, The Town engaged with LJ Hooker Victoria Park – Belmont to provide real estate agency advertising services across its platforms, including realcommercial.com.au.
15. During the further ten (10) day period the advertisement was available on realcommercial.com.au, the Town received two (2) submissions and several further enquiries.

16. A brief summary of each business that made a submission is provided below. The full submission for each business has been attached as confidential items to this report.

17. Submissions

Submitter	Summary
Applicant 1 (Jessica Kennedy Acupuncture)	A qualified acupuncturist operating from several other locations across Perth and regional areas. Proposal of a commercial lease to run an acupuncture business providing other complementary allied health services and therapies including acupuncture and massage.
Applicant 2 (Tutoring Services)	Proposal to run a tutoring service from the premises, does not have a registered business. Previous business experience in operating a café.

18. The evaluation of the submissions against the qualitative criteria resulted in the rankings as shown below, with the first ranking scoring the highest.

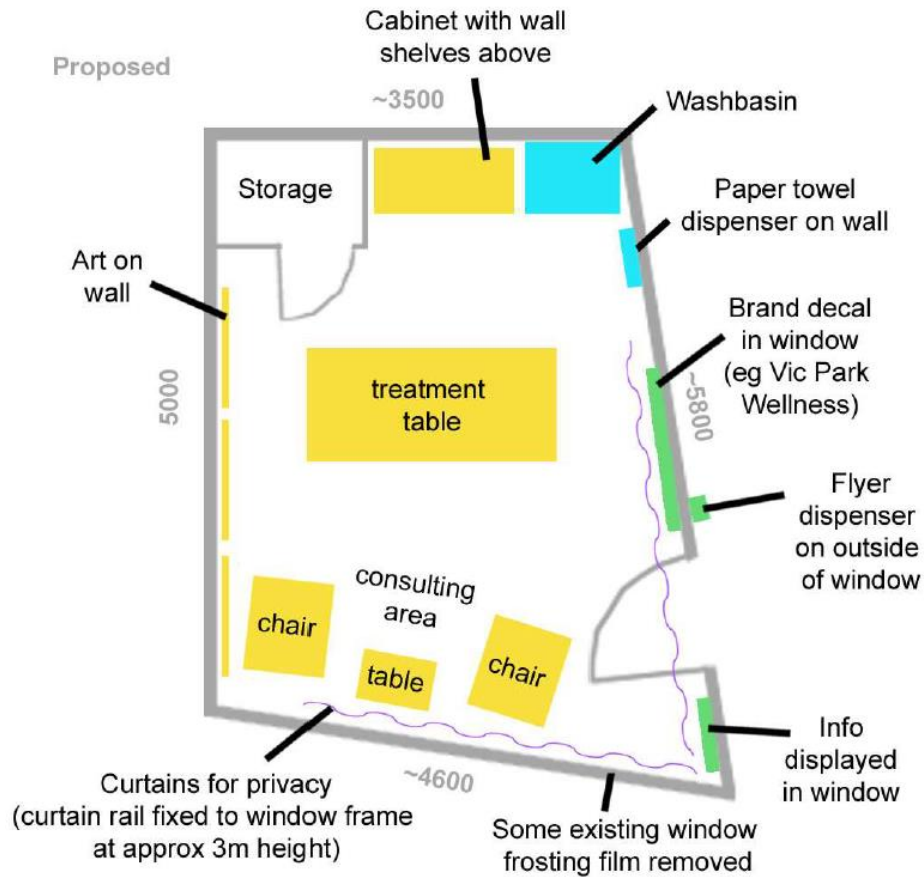
Submission	Weighted Score	Ranking
Applicant 1 - Jessica Kennedy Acupuncture		1
Applicant 2 - (Tutoring Services)		2

19. A summary of the panel's assessment for each submission is attached to this report. Within these summaries is a consolidated analysis of the panel's considerations and deliberation of each proposal.

20. The preferred submitter resulting from the assessment against the Qualitative Criteria is Applicant 1 (Jessica Kennedy Acupuncture) which has shown alignment to the relevant criteria and use of the space within Aqualife.

21. Jessica Kennedy Acupuncture require a hand wash basin to be installed within the premises in line with legislative requirements of the nature of the business at the cost of the Town or as to offset rent payments in the first year. The cost has been quoted by plumbing contractor for approximately \$2,000 + GST cost. There are sufficient funds on the budget for the works to be undertaken and it is recommended that the Town pay the cost of the installation and rent is paid in full by the tenant.

22. The fit-out proposal includes the following fit-out plan:



23. The terms of the lease agreement will be subject to the standard tenure guidelines for leasing facilities used for community purposes, ensuring the office is appropriately managed for the benefit and best interest of the residents and ratepayers.

Summary of Key Terms

Key Terms	
Premises	25m ² portion of 42 Somerset Street, East Victoria Park Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118
Agreement Type	Lease
Lessor	Town of Victoria Park ABN 77 284 859 739
Lessee	Jessica Kennedy ABN 311 311 036 91
Term	1 year
Further Term	4 years
Rent	\$3,000pa + GST
Rent Review	CPI increase on each anniversary date of commencement.

Commencement Date	Upon execution of the agreement by both parties.
Outgoings	The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications.) (vi) building and landlord insurances.
Maintenance	The Tenant is responsible for non-structural and preventative maintenance. The Landlord may in its absolute discretion undertake repair and maintenance (subject to availability of funds) in accordance with Asset Management Plans, and such other factors as may be considered by the Landlord to be reasonable and/or necessary.
Assignments and Subletting	Prior written consent, in accordance with Lease Agreement and subject to the Town being satisfied with the terms and conditions of any sub agreement. Any practitioner subletting the premises will be required to provide relevant certifications.
Permitted Use	Allied Health services, including acupuncture, massage and other complementary health services and/or therapies.
Operating Hours	Proposed hours are in line with the Centre and lease requirements.
Insurance	The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover, with ability for Lessor to review as reasonably required from time to time.
Signage	The Lessor consents to proposed fit out included in submission received (and indicated in this report). Any further works or fit out will require the prior written consent from the Lessor and the Tenant will be required to provide a design concept and location map for consideration.
Works and Fit Out	Prior written consent from the Lessor required. Tenant to provide concept and design plans. Any agreed fit out and alterations made to the space within this lease, including installation of a hand wash basin and curtain rails, to remain in place at the end of the lease.
Special Conditions	<ul style="list-style-type: none"> • Subject to the Town of Victoria Park Council approval. • Town of Victoria Park Redevelopment Clause. • No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Further Term in 2025.

- Town of Victoria Park to install hand washing basin inside the premises in compliance with AHPRA requirements for acupuncture clinics (*Infection prevention and control guidelines for acupuncture practice, AHPRA*). The design and specification to be agreed with the tenant in advance.
- Clients of the wellness centre to have reasonable access to the shared facilities of the Aqualife centre, including toilets and a waiting area with seating.
- The tenant to pay Lessor legal costs.

24. A disposal by way of lease is subject to the requirements contained within section 3.58 of the Local Government Act 1995.
25. The new lease for the Aqualife office will allow Jessica Kennedy Acupuncture to secure exclusive tenure of the Premises for a period of one (1) year with a four (4) year option for a further term.
26. The recommendation makes provision for the terms of the Lease to be set by the Town's lawyers and for minor variations or amendments to the key terms to be authorised, the intent being to accommodate reasonable and sensible minor points that may arise through detailed negotiation of the proposed Lease relationship.

Relevant documents

[Policy 310 - Leasing](#)

There were no questions asked or presentations made in relation to this item.

13.4 Land Asset Optimisation Strategy

Location	Town-wide
Reporting officer	Senior Property Development and Leasing Officer
Responsible officer	Chief Operations Officer Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	1. Land Asset Optimisation Strategy (2022) - Town of Victoria Park [13.4.1 - 213 pages] 2. Attachment 2 to Report [13.4.2 - 2 pages] 3. CONFIDENTIAL REDACTED - Attachment 3 - Ground Lease Social Housing [13.4.3 - 2 pages]

Recommendation

That Council adopts the 2022 Land Asset Optimisation Strategy (Attachment 1)

Purpose

The purpose of this report is to present the Land Asset Optimisation Strategy 2022 (LAOS 2022) to Council for adoption and to report back, further to Council resolution 9/2022 dated 15 February 2022, on the outcome of the Town's liaison with the Department of Communities (Housing and Assets) on further investigation into the proposed terms of a ground lease transaction structure for the provision of social housing, should the Council select any of its property for that purpose.

In brief

- The Town undertook a review of the Land Asset Optimisation Strategy 2013 (LAOS 2013) in 2022 as part of its Corporate Business Plan deliverables.
- The LAOS 2022 presents a revised analysis of the Town's property portfolio, including identifying opportunities for income generation or strategic investment and provides recommendations based on this assessment.
- The LAOS 2022 has been crafted to assist the Town in securing its financial future and long-term sustainability by providing recommendations to ensure its property portfolio investments are performing with a view to optimising social, economic and environmental returns for the Town.
- The Town has liaised with the Department of Communities (Housing and Assets) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing.

Background

1. In January 2013, the Town of Victoria Park engaged the services of a consultant to undertake an independent assessment of the Town's property portfolio and identify opportunities with respect to these properties.
2. The Town has a complex property portfolio consisting of approximately 338 freehold land asset parcels. In addition, the Town has approximately 174 vested reserves, for which the Town has statutory rights to manage and control. These properties are located across all areas of the Town and within all suburbs of the Town of Victoria Park.

3. A review of the LAOS 2013 has been undertaken by the Town in 2022 as part of its Corporate Business Plan deliverables.
4. The LAOS 2022 review has gathered and considered a range of information, including the following;
 - (a) Essential services and road access.
 - (b) Development constraints.
 - (c) Consideration of the current Town Planning Scheme No. 1 (TPS1)
 - (d) Considerations of the proposed Local Planning Scheme No. 2 (LPS2)
 - (e) Consideration of the Town's strategic position relating to adopted informing strategies, specifically;
 - (f) Public Open Space Strategy (2019)
 - (g) Social Infrastructure Strategy (2022)
 - (h) Other major planning projects, such as the Albany Highway Precinct Structure Plan
 - (i) Landgate Title restrictions; and
 - (j) Full site evaluations, including environmental analysis, prevailing uses etc.
5. Whilst many properties are used for key service delivery and the provision of operational functions of the local government or have environmental/social value (e.g. tree canopy and open spaces), there are also a number of properties within the portfolio that can be considered as strategic investments from which limited if any service delivery or facilities are provided.
6. Further to the LAOS 2022, it is not recommended that any of the Town's properties are allocated for social housing purposes, although a limited number of properties could be selected for such purposes if Council wished to. The Council minutes for Item 13.3 of the 15 February 2022 Ordinary Council Meeting provide a detailed analysis of social housing considerations.
7. The outcome of the Town's liaison with the Department of Communities (Housing and Assets) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing is reported in the Analysis section of this report and in Attachment 3.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Adopting the LAOS will provide an avenue for the effective management of the Town's property portfolio, which recommendations will allocate resources to advance community benefit and income generation for the Town.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The aim of the LAOS is to see the financial viability of the Town through the maximisation of its land assets and property portfolio, which will facilitate a strong local economy.

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The adoption of LAOS will assist the Council in the opportunities for development and planning appropriate to the population's needs.

EN5 - Providing facilities that are well-built and well-maintained.	The LAOS will assist Council by providing a direction in which its property portfolio of land and building assets are maintained and considered in future budget.
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Social	
Community priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Consideration of the affordable housing assessment in line with the LAOS will potentially provide homes and facilities to those in need by opening up the opportunities for these kinds of developments.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are contained within this report.
Manager Place Planning	The Place Planning team have provided input into the LAOS's strategic considerations by cross-referencing any relevant adopted actions from the Town's informing strategies (eg. Public Open Space, Local Planning Strategy, Social Infrastructure Strategy etc.) that relate to each property.
Chief Financial Officer	
Manager Strategic Projects	
Manager Technical Services	No objection from Technical Services

Legal compliance

[Section 3.58 and section 3.59 of the *Local Government Act 1995*](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failing to adopt the LAOS may result in the Town not setting generating adequate funds to	Major	Possible	High	Low	TREAT risk by Adopting the LAOS and preparing a process for

	deliver on its property portfolio and Strategy in accordance with its assessed needs and investment opportunities.					regular review of its performance ensuring its alignment with budget and service area delivery plans.
Financial	Failing to adopt the LAOS may result in the Town failing to consider long term social and financial needs when making decisions about the future of its property assets.	Moderate	Possible	Medium	Medium	TREAT risk by preparing a process for regular review of social infrastructure need and performance, and ensuring this is aligned with the budget and property management processes
Environmental	Failing to align projects to an endorsed strategy may result in the Town providing unnecessary property investments resulting in underutilised, low-return facilities.	Moderate	Possible	Medium	Medium	TREAT risk by ensuring a strategy is adopted in the review and management of its property investment portfolio to align with the Town's environmental needs.
Health and safety	Nil				Low	
Infrastructure/ ICT systems/ utilities	Nil				Medium	
Legislative compliance	Failure to comply with section 3.58 (and/or 3.59 where applicable) of the Local Government Act 1995	Minor	Unlikely	Low	Low	TREAT risk by following any disposal of property process in accordance with section 3.58 of the Local Government Act 1995.
Reputation	As the Town's financial	Moderate	Possible	Medium	Low	TREAT risk by providing clear

	sustainability can be realised through its property investments, not adopting a strategy may result in future rate increases which may be perceived negatively by the community.				information to the community on the reasoning behind the recommendation through engagement on its property development and/or investment projects with consideration to any feedback received during the consultation.
Service delivery	Failing to adopt the LAOS may negatively impact the Town's capacity to facilitate financial or social benefits from its property portfolio.	Possible	High	Medium	TREAT risk by preparing a process for policy to align with the LAOS to regularly assess the property portfolio needs and performance, ensuring it is aligned with the budget and service area delivery planning processes.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Adoption and implementation of the recommendations in LAOS 2022 may (subject in due course to Council approval of business cases for individual properties) result in the Town incurring expenditure and/or receiving income. As per current Policy 221, income is to be allocated as appropriate, depending on the property classification under paragraph 8 of Policy 221.

Analysis

8. The LAOS 2022 in Attachment 1 provides a revised, updated analysis and strategic approach for the Town to plan, deliver and manage its land assets and identifies several immediate opportunities for the Town to consider from its property portfolio.
9. A number of the Town's land assets were not included in the 2013 LAOS, and/or have been disposed or acquired since this time, necessitating the review and drafting of the LAOS 2022 to provide a mechanism for the Town to identify up-to-date opportunities within its portfolio of land assets.

10. The LAOS properties have been considered in terms of their ability to be disposed (or developed) as a current opportunity as well as those that require additional planning or clarification as to the long-term land uses to realise the greatest social, environmental and economic return to the Council.
11. The information has been compiled in conjunction with internal engagement from, but not limited to, Property Development and Leasing, Place Planning, Development Services, Strategic Projects and Building Services.
12. Further to the requirements of Council Resolution 221/2021 dated 21 September 2021, a social housing assessment was carried out and presented at the 15 February 2022 Ordinary Council Meeting, which was resolved as follows by resolution 9/2022:-

That Council:

1. *Notes the report and defers any decision on selection of property for the development of social housing, pending the outcome of the review of the Town's Land Asset Optimisation Strategy.*
 2. *Request the Chief Executive Officer to liaise with the Department of Communities (Housing and Assets) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing.*
13. The LAOS 2022 does not recommend that any of the Town's properties are allocated for social housing purposes. Detailed analysis of social housing considerations is provided in the Council minutes for Item 13.3 of the 15 February 2022 Ordinary Council Meeting. In brief, the Town's investigations identified 22 lots owned by the Town that are of sufficient size for residential development with a residential zoning or alternative zoning under which residential development is either permitted or discretionary use. Of these properties:-
 - (a) Five single lot properties are zoned for residential purposes;
 - (b) Six large multi-lot properties (total of 17 lots) are zoned for residential, office/residential and district centre purposes.
 - (c) Attachment 2 contains a table of these Town owned properties.
 - (d) The LAOS 2022 contains analysis to assist the Council in selecting any property that it may wish to further consider for social housing.
 14. Further to point 2 of Council Resolution 221/2021 dated 21 September 2021, liaison by the Town with the Department of Communities (Housing and Assets) (the Department) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing has established a preliminary set of terms and comments set out in Attachment 3. These terms have been discussed on the basis that the matter is currently at an early conceptual stage and are not binding on the parties.
 15. The preliminary terms and comments include a ground lease length of 40 or more years to be granted by the Town to the Department, at a rent set on a case-by-case basis, with the Department having the ability to sublease to a Community Housing Provider or assign the lease to another housing provider. End-of-lease obligations will need to be considered and provided for, including who would assume future responsibility for a ground lease property that provides homes for social housing, for example:
 - (a) Would all assets be handed over to the Town to operate as social housing if the Town is interested at that stage in operating social housing;
 - (b) Demolition of the site and make good;
 - (c) Sale of homes to existing tenants/occupiers through shared equity;
 - (d) Extension of ground lease.
 16. The Department has also enquired whether the Town would be willing to sell the land/assets at any point.
 17. In providing the draft terms and comments set out in Attachment 3, the Department of Communities (Housing and Assets) have highlighted the following:-
 - (a) In general, there are a number of leasing options that could be considered;

- (b) It is important to understand what the Town is willing to accept at the end of the lease term.
- (c) Will the Town want to deal with housing, given it is not a core function of Local Government business.

18. Should Council adopt the LAOS 2022, the Town will proceed to implementation, which will include preparing Business Case(s), an investment policy to align with LAOS 2022 and review of the Town's Long-Term Financial Plan.

19. It is recommended that the Council adopt the LAOS 2022.

Relevant Documents

[Policy 310 – Leasing](#)

[Policy 221 – Strategic Management of Land and Building Assets](#)

[Policy 004 – Risk Management](#)

[Policy 001 – Policy Management and Development](#)

There were no questions asked or presentations made in relation to this item.

13.5 Koolbardi Park - Future of Multi-Use Courts

Location	Carlisle
Reporting officer	Coordinator Project Support
Responsible officer	Strategic Projects Manager
Voting requirement	Simple majority
Attachments	1. West Coast Sporting Surfaces - Recreational Areas [13.5.1 - 3 pages] 2. Volleyball WA [13.5.2 - 10 pages] West Coast Sporting Surfaces brochure Volleyball WA proposal

Recommendation

That Council notes the recommended options for the multi-use courts at Koolbardi Park and for further investigations into a final preferred multi-use at Koolbardi Park.

Purpose

The purpose of this report is to advise Council of investigations undertaken into the feasibility of using the multi-use courts at Koolbardi Park for other sports and to seek direction on the future use of the courts.

In brief

- At the Ordinary Council Meeting on 18 October 2022, the Council resolved:
That Council requests the Chief Executive Officer to:
 - *remove the remaining basketball infrastructure from the Koolbardi Park basketball court area due to the existing infrastructure being unable to be modified to bring it within acceptable noise levels set by the Environmental Protection (Noise) Regulations 1997.*
 - *investigate alternate locations to locate a similar multi court facility with consideration to offering basketball, netball hoops and any other court-based sports that can be accommodated on the facility, with a report, detailing locations, and costings, to be presented back to Council by April 2023.*
 - *investigate the feasibility of using the multi-use courts for other sports such as volleyball or netball in addition to the existing tennis courts and report back to Council by December 2022 on the possible future uses for these courts.*

Background

1. This report only covers the request by Council to undertake investigations into the feasibility of using the multi-use courts for other sports such as volleyball / netball in addition to the existing tennis courts. The remaining items will be reported on to the April 2023 Council Meeting.
2. Advice was sought from multiple sporting bodies and Consultants on options available for the multi-use courts at Koolbardi Park in line with the requirements of the October 2022 Council resolution and the advice is outlined in the analysis.
3. The issue of noise is becoming a major concern across local governments and before we implement any of the potential multi-uses at Koolbardi Park, the Town will need to undertake appropriate noise investigations to ensure we adhere to the *Environmental Protection (Noise) Regulations 1997*.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	To improve the function and nature of Koolbardi Park multi-use recreational facilities
EN5 - Providing facilities that are well-built and well-maintained.	The review of the multi-use courts will provide the community with additional sporting options which promotes a healthy lifestyle

Engagement

Internal engagement	
Stakeholder	Comments
Leisurelife Sports and Programs Coordinator	Advice on multi-use courts; Pickleball and bookings software
Place Planning	Alignment with the implementation of the Public Open Space Strategy through the Public Places Program. Workshopping of other sports that could potentially be collocated.
Infrastructure Operations	Parks information. Workshopping of other sports that could potentially be collocated.
Environmental Health Services	Provide advice on noise modelling and potential impact to nearby noise sensitive premises of various usages

Other engagement	
Stakeholder	Comments
Tennis West	Advice on Tennis and Netball sharing facilities
Volleyball WA	Advice on Tennis and Volleyball sharing facilities
Pickleball WA	Advice on Tennis and Pickleball sharing facilities
West Coast Synthetic Surfaces	Advice on multi-use court recreational space
Netball WA	Advice on Tennis and Netball sharing facilities
Herring Storer Acoustics	Verbal advice on noise

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Implementing a change to the multi-use courts will incur unbudgeted expenses.	Moderate	Likely	High	Low	TREAT risk by allocating funds for changes
Environmental	Complaints are ongoing due to the noise created by the multi-use sporting activity.	Minor	Likely	Medium	Medium	TREAT by determining best use and minimising noise generating activity
Health and safety	Park users can continue to use the facilities to the betterment of their health.	Minor	Likely	Medium	Low	TREAT by promoting the benefits of the facility
Infrastructure/ ICT systems/ utilities	Equipment required for new multi-use purpose.	Minor	Likely	Medium	Medium	TREAT by allocating funding to provide appropriate equipment
Legislative compliance	Breach of noise regulations is raised again by the public.	Moderate	Possible	Medium	Low	TREAT Achieve the noise regulations to meet the Legislative compliance
Reputation	Negative media	Major	Likely	High	Low	TREAT by making an informed decision on best use of multi-use area and undertaking ongoing communications strategy
Service delivery	Not applicable				Medium	

Financial implications

Current budget impact	Unknown at this time until a multi-use sport is determined. Any change to use will incur expenses.
Future budget impact	Unknown at this time until a multi-use sport is determined. Any change to use will incur expenses.

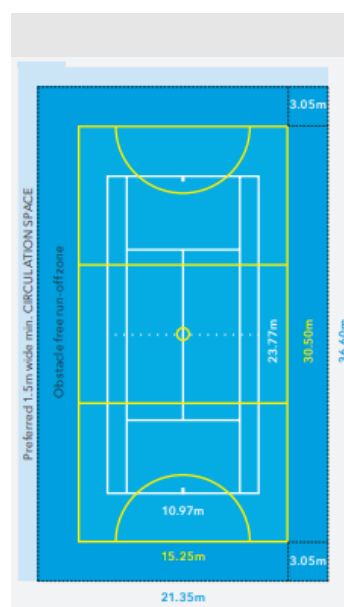
Analysis

Option 1 - Netball

- Advice has been sought from Tennis West on the multi-use courts and other sports that are compatible with tennis. Multi-use venues are a practical solution to support a range of sports and make effective use of available community infrastructure. Tennis has several compatible sports in which multi-use line marking can be implemented, including netball and hockey. The type of tennis court surface will ultimately determine the suitability for other sport line marking.
- Where multi-purpose courts are designed, consideration needs to be given to line marking and court furniture fittings, such as net posts and lights. If converting existing courts to multi-purpose line markings, blended lines should be consistent with existing surface colour to minimise the impact on existing activity whilst activating new sports and activities within the facility. Site specific elements will determine if a site is appropriate for multi-sport and multi-use line marking and should meet the playing area standards of each relevant sport or sporting activity.
- Technical specifications are shown in the table below. The most common alignment of multi-line court marking is tennis and netball due to their similar sized playing areas and hard-court surface preferences.

Multi-use sport comparison

Tennis Court Dimensions	Netball Court Dimensions	Hockey Court Dimensions
Length: 23.77m Width: 10.97m (doubles) Width: 10.97m (singles) Surface: Acrylic/asphalt /synthetic grass Run off zone dimensions Sideline: 3.05m Baseline: 5.48m Between courts: 3.66m Lighting levels Recreation: 250 lux Competition: 350 lux	Length: 30.5m Width: 15.25m Surface: Acrylic/asphalt Run off zone dimensions Sideline: 3.05m Baseline: 3.05m Between courts: 3.65m Lighting levels Recreation: 100 lux Competition: 200 lux	Length: 91.4m Width: 55m Surface: Synthetic grass Run off zone dimensions Sideline: 3m Baseline: 2m Between pitches: 6m Lighting levels Recreation: 250 lux Competition: 500 lux



- Advice was sought from Netball WA on any noise modelling and advice was that nothing has been undertaken.
- Herring Storer has advised they do not have any sound data on netball either but provided the following comments:
- No backboard, so any 'clanging;' would likely be less

- a) There is no need by the sport to continuously bounce the ball – so the bouncing of the ball would be less often
- b) The netball is slightly softer than a basketball also – so both above points would likely result in a lower noise level also.

*Herring Storer makes an educated assumption that the noise impact would be less than basketball.

10. Netball WA advises that they do not recommend installing any hoop in this space. The space is not supervised, and sports balls of all kinds come in different shapes and sizes, so any goal/hoop installed creates an opportunity for play (e.g., basketball using the netball hoop) that could continue the disturbance to residents. Town Officers agree with this.
11. The existing courts could accommodate netball with the installation of the appropriate line marking to differentiate netball from tennis. This is a common practice with multi-use courts in other local government areas.
12. Although netball does not "bounce" the ball like basketball, the game essentially has two types of passes. Air Passes, where the pass travels between players without hitting the floor, and bounce passes, where the pass is thrown to the floor so that it bounces to the intended receiver. Although not to the same extent as basketball, the bounce may create the same noise issues the Town faced with basketball.
13. The game of netball also has the umpires using a whistle to control the game, so short sharp bursts of the whistle during a game may become an annoyance to residents.
14. The posts for netball are situated in the centre of the back line, which would cause a safety issue when tennis is played. The poles should also be padded to protect players. To attach netball posts to the ground, the most common and widely used method for outdoor goal posts is the sleeve system, allowing the posts to be inserted into sleeves that are then concreted into the ground so that the post can simply be pulled out whenever another sport is to be played. As an added safety feature, caps can be placed over the holes. The removal of the posts will also require a suitable storage area so that they are not left on the court or removed from the site.
15. The netball courts could be line marked to face northwest to the southeast, which would then remove the issues with the goalposts. However, there would be very little room between the two courts during play.
16. If netball was to be implemented, a booking and potentially locking system would need to be set up to ensure court usage is supervised and conflict does not happen.
17. It is not considered favourable that tennis and netball share the courts at Koolbardi Park.

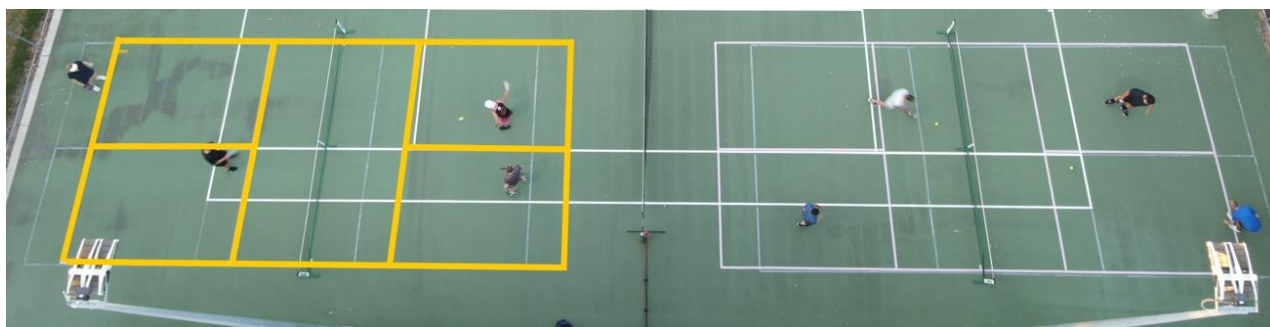
Option 2 - Volleyball

18. Officers met with a representative from Volleyball WA who expressed an interest in holding volleyball for Juniors 6-12 years of age and potentially wheelchair and seated volleyball.
19. Kids Volley is a program aimed at primary school children from 6 to 12 years old to teach them the fundamentals of volleyball by participating in fun and energetic activities. Kids Volley increases coordination and social skills and is a non-contact gender-equal sport. Volleyball WA could trial a weekly 1hr program to engage with local primary schools.
20. Volleyball WA and its affiliates are making volleyball accessible to all by running programs for Seniors, people with intellectual disabilities, autism, and people with physical disabilities. Chair volley for seniors will also work well on the court surface.
21. Volleyball WA advises that their proposal is a long-term program and would involve some investment by the Town in permanent poles and nets.
22. Volleyball WA would like to propose that a partnership could start with:

- a) A come and try day and sign up for a 4-week program to start with. Saturday mornings may be the best time to avoid the warmer temperatures.
 - b) Build a relationship with primary schools around the area to encourage participation in after school programs throughout all four terms.
 - c) All other programs could be added as court space, community and club interest is identified throughout 2023.
23. There will be a requirement to provide new line markings and implement a booking system through their VolleyMates app, which will allow users access to balls and ball pump on site and leave the equipment onsite using a locked box system for the next user.
24. It is considered that volleyball is a potential multi-use sport at Koolbardi Park.

Option 3 – Pickleball

25. Pickleball is a paddle sport that originated in the USA. The game is a mix between badminton and tennis and is played on a badminton sized court (6.09 m x 13.41 m) with a ball similar to a wiffle ball (variant of a baseball played with a plastic perforated ball). A tennis-like net is required and is hung 91.5cm on the ends and 86.4cm at the centre. The game can be played as singles (two) players or doubles (four) players.
26. Pickleball West advises that generally eight pickleball courts can be painted in the space of two tennis courts. The tennis nets remain up as they act as a fence to stop balls from rolling from one pickleball court to another. It is quite easy to transform the space since no structural changes are required. The dimensions of a pickleball court are 13.41m x 6.10m. The image below shows the Pickleball court lines in yellow.



27. The equipment required for eight courts would be:
- a) 8 portable nets
 - b) 32 paddles
 - c) 16 balls (for now – these do break with use)
28. Pickleball can supply this equipment, and as a guide, the Town would be looking at a total cost of \$3,000 for the cheapest version of each item of equipment.
29. Pickleball runs organised social sessions, where players pay to play on a casual basis, and they have a paid coach who runs the sessions by organising matchups and teaching new players how to play. This has been the most effective way to encourage participation while the sport is quite new, since players need someone to teach them how to play, and attendees need to be organised on courts.
30. Pickleball West has offered to introduce social sessions or competitions and have their coach run the first session (or multiple sessions) for the Town to then teach all new players and our sports staff how to play at the cost of \$200 per session.

31. Leisurelife intends to launch a social program at the centre, and bookings for Pickleball would need to be managed through the Town's Community Development Officer (Clubs, Events & Bookings), although further discussions would need to be held to determine the implementation of this sport (i.e., bookings, training, equipment, storage).
32. Pickleball is a fast-growing sport and could be a popular replacement sport for young adults that were playing basketball. This option is considered suitable for the multi-use courts, subject to further discussions with the Community Development Officer (Clubs, Events & Bookings) over its operation.

Option 4 - Outdoor Badminton

33. Badminton can be played both indoors and outdoors. Playing indoors is recommended, but playing outdoors is enjoyed by many. Those who are playing just for fun don't mind the various obstructions the outdoors pose.
34. To play badminton on a tennis court, it will require the removal of the tennis net and replacement with a portable badminton net. Additional court lines will need to be painted. A system will need to be implemented to changeover nets and store them in a secure manner. The shuttlecock used is a light projectile, so playing outside with any wind will become impossible. Any weather but a dry, slightly overcast day will also be a problem for the shuttle's visibility if it's too bright and for ruined shuttles and slippery courts if it's raining.
35. For most badminton games, the shuttlecock is above head height, meaning most of the time, the players are looking up constantly. If it is a sunny day, or the sun is low in the sky, then players could find themselves blinded constantly by the sun.
36. The current outdoor location of Koolbardi courts is not conducive to playing badminton, and therefore this multi-use cannot be achieved.

Option 5 - Recreational Space

37. In keeping the existing two tennis courts, the Town could use one court as a recreational space for children in the community to congregate and spend time, whether to hang out with their friends, play a quick game or watch others.
38. There are several 'games' that can be painted onto the court surface, including a running track, bean bag tossing, artwork, four square, math games, alphabet snake, hopscotch, checkers and jumping lines. Attached is a brochure outlining these activities.
39. The existing tennis court lines can be retained so that the two courts will be fully functional and available for players.
40. This option would be an extension of the other recreational facilities provided in the park for the children to use and is a recommended multi-use for the court area.



Option 6 – Hockey

41. Hockey is the world's third most popular team sport and there are now over 30 million people playing hockey. Fast, technically skilful, and requiring good levels of personal fitness, the sport is renowned for its social inclusiveness, gender equality, and ability to attract players of all ages.
42. The International Hockey Federation has developed standards to allow hockey to share facilities for community and school venues. The Federation has developed a GEN 2 concept based on sand dressed synthetic turfs and textile sports surfaces, with stiffer shock pads, hockey friendly multi-sport surfaces. As a GEN 2 surface has a firmer shock pad it allows a tennis ball to bounce to a height, that means a hockey field or HOCKEY5s court can also be used for school-level and community use.
43. The current surface of the Koolbardi courts is not conducive to playing hockey and therefore this multi-use cannot be achieved.

Option 7 - Single Use Tennis Courts

44. The Town has the option to remove the multi-use purpose of the courts and allocate the space to tennis court use only.
45. Additional Information
46. Dependent on the preferred multi-use court options, Council will also need to consider implementing a booking system so that court usage is controlled. The Town currently uses an online system for some specific courts at our facilities. However, further investigations will need to be undertaken as to its suitability for Koolbardi Park.
47. If a booking system is implemented, this will also require an amendment to the scheduled Town's Annual Fees & Charges for hire and booking fees.
48. At this stage, no costings for any options have been undertaken. There are no funds within the 2022/23 budget to implement any changes to the courts.
49. The table below summarises the options available for the multi-use court area.

Sport	Recommendation
Option 1 - Netball	Not recommended
Option 2 - Volleyball	Potential for 6–12-year-olds, wheelchair and seated volleyball to work with Tennis – Favourable option
Option 3 - Pickleball	Potential – Starting up at Leisurelife and could be managed at Koolbardi Park – Favourable
Option 4 - Badminton	Not recommended
Option 5 - Recreational Space	Potential – Favourable
Option 6 - Hockey	Not recommended
Option 7 - Tennis	Remove multi-use and retain as tennis courts only

50. Further investigations are required to be undertaken on favourable Options 2, 3, 5 and 7

Relevant documents

Questions and responses

Cr Bronwyn Ife

1. A reason for not recommending netball is because of the umpire whistles, why has this not been considered for other sports if being officially umpired?

The Strategic Projects Manager advised that it was considered other games including volleyball and badminton would have more of a social aspect and would not be officially umpired.

2. Is there any information on the noise created by pickleball?

The Strategic Projects Manager advised that there has been no noise testing on pickleball as the paddles and balls are more foam than plastic, the Town has been trialing these in other locations to determine if there is a potential problem.

13.6 Low Cost Urban Road Safety Program Grant Acceptance

Location	Carlisle East Victoria Park Victoria Park
Reporting officer	Design Engineer
Responsible officer	Chief Operations Officer
Voting requirement	Absolute majority
Attachments	Resident Letter Carlisle Resident Letter East Victoria Park Resident Letter Victoria Park

Recommendation

That Council:

1. Notes the public consultation results of the "Low-Cost Urban Road Safety Program (URSP)" contained in this report.
2. Accepts the \$415,000 (plus GST) funding grant from Mainroads WA to progress the Towns Low-Cost URSP.
3. Approves the implementation of the program:
 - (a) Carlisle within the area bounded by Archer St, Star St, Oats St and Rutland Ave.
 - (b) East Victoria Park within Swansea St (between Miller St and Mint St) and Hubert St (between Dane St and Somerset St)
 - (c) Victoria Park within the area bounded by Canning Hwy, Albany Hwy, McMillan St and Berwick St.

Purpose

For the Council to accept the grant funding of \$415,000m (plus GST) from Mainroads WA and allow the Chief Executive Officer to execute the Funding Agreement to facilitate the Town to progress the construction of traffic calming treatments in Carlisle, East Victoria Park and Victoria Park.

In brief

- Through the Towns Low-Cost URSP it is proposed to construct six mini roundabouts, four raised platforms and four speed hump plateaus in Carlisle, East Victoria Park and Victoria Park.
- Public consultation is still open for submissions and closes on 6th December. However, feedback thus far is supportive. Most submissions relate to requesting additional treatments.
- This project is fully funded by Mainroads WA. However, the final construction cost will not be confirmed until the project is tendered.
- It is proposed to construct the project in May/ June 2023.

Background

1. 12 September 2022 TOVP grant submission;

2. 29 September 2022 Mainroads WA grants acceptance in principle;
3. 7 November 2022- 6 December TOVP consultation period;

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Reduce vehicular traffic speed, which will improve pedestrian and cyclist access.

Social	
Strategic outcome	Intended public value outcome or impact
S1 - Helping people feel safe.	Reducing crashes and the severity of crashes will improve the safety of neighbourhoods.

Engagement

Internal engagement	
Place Planning	This program of work sits outside of the approved direction of the Integrated Transport Strategy.
Strategic Assets Advisory Group	Approval to proceed.

External engagement	
Stakeholders	Residents who live near the proposed treatments.
Period of engagement	7 th November- 6 th December 2022. Note the consultation period is still open to submissions.
Level of engagement	Consult.
Methods of engagement	Written submissions through the Towns "your thoughts" page. Also, emails and phone calls.
Advertising	Residents and property owners who live near the proposed treatments were sent letters outlining the proposal. The letters referenced the Towns "your thoughts" page, which provided further information and an opportunity to make a submission.
Submission summary	Number of submissions received: Number of phone calls received:
Key findings	Overall support for the project.

Other engagement

Public Transport Authority	Comments.
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Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial					Low	
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities					Medium	
Legislative compliance					Low	
Reputation	Proposed treatments are not effective.	Major	Unlikely	Medium	Low	Evaluate post construction speed/ crash data and mitigate where possible.
Service delivery	Construction is not completed within the financial year.	Minor	Possible	Medium	Medium	Mainroads WA would likely grant an extension for the next financial year.

Financial implications

Current budget impact	This program is fully funded by Mainroads WA.
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Future budget impact	Not applicable.
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Analysis

4. The Town of Victoria Park and Main Roads Western Australia are working collaboratively on a new road safety initiative – the Low-Cost Urban Road Safety Program (Low Cost URSP) – to reduce the likelihood of fatal and serious injury crashes on local roads across the metropolitan area. The program involves installing low-cost road treatments that can improve the safety of roads and intersections and reduce crashes that impact our community. The project involves installing mini roundabouts or raised platforms at ten intersections in Carlisle and Victoria Park. It is also proposed to construct four speed hump plateaus in East Victoria Park. Mini-roundabouts, raised platforms and speed hump plateaus are effective, low cost means of reducing the likelihood of traffic crashes on local roads. These treatment types eliminate the need for road widening, land resumptions and service relocations. This significantly reduces construction costs and construction time.
5. While the consultation period is still open, the common themes for each area are:
 - (a) Carlisle - overall support. There have been multiple requests for an additional speed hump plateau on Swansea St. As the street already contains on-street parking, which helps slow traffic. The Town believes the existing proposed two humps will be sufficient.
 - (b) Victoria Park - overall support. Some issues were raised regarding the existing Cargill St platforms, which the Town is proposing to replace. However, the issues raised should be resolved by upgrading to the new platform standard.
 - (c) East Victoria Park - overall support. There have been multiple requests for additional treatments at the intersections of Lion St/ Bishopsgate St and Planet St/ Mercury St. These intersections have had median islands installed previously, which narrow traffic lanes and further highlight road priority. In comparison, the proposed roundabouts installed near these intersections will help by slowing traffic. It is recommended that these intersections are considered for further future low-cost safety improvements.
6. The submitted grant is based on a high-level estimation with built-in contingency. The final construction cost will be confirmed once the project goes through the tender process. The Town will receive funding, via Main Roads WA reimbursement, for construction costs of the treatments. The Town will be responsible for any additional associated costs, such as community consultation, design drawing approvals, procurement costs for delivery and evaluation (including data collection both pre-treatment and post-treatment) and reporting.
7. It is proposed to construct the project in May/ June 2023, subject to Mainroads WA approvals and contractor availability.

Relevant documents

Not applicable.

Questions and responses

Cr Bronwyn Ife

1. *Whose decision was it to install these treatments, the Town or Main Roads WA (MRWA)?*

The Manager Waste, Environment and Asset Management advised that the Town selected the treatments and locations under the guidance of MRWA who set the funding criteria. It is only local streets identified as traffic safety hot spots which are known to the Town and MRWA.

2. Is there capacity for changes to be made around the treatments and locations or does it progress as designed?

The Manager Waste, Environment and Asset Management advised that there is flexibility to make some changes however any major amendments regarding the types of treatment and locations would need MRWA approval.

3. Does the Town have up to date data on mini roundabouts and their effectiveness for slowing traffic and preventing accidents?

The Manager Waste, Environment and Asset Management advised the Town does not currently have any mini roundabouts so no data available. The Monash transport study titled 'Understanding safety and driver behaviour impacts of mini-roundabouts on local roads' will be attached to the report for the Ordinary Council Meeting. The Town does have data on platforms and raised plateau's showing a significant reduction in traffic crashes following installation.

4. Being familiar with the Gloucester and Mackie Streets intersection, the block leading up to Mackie Street is very fast and comes as a surprise to many, as does the intersection. Is a mini roundabout the best option at this intersection as people may drive over the top of it?

The Manager Waste, Environment and Asset Management advised that it is likely some drivers will mount parts of the mini roundabout or may accidentally drive over them. The design team are working with MRWA to look at various options, the mini roundabout is one that will reduce traffic speed although not all drivers will slow down. For an intersection such as this, installation of a mini roundabout or raised platform/plateau, based on current funding criteria for this low cost program Town officers feel it will improve traffic safety of the intersection. We acknowledge from previous investigations and applications to MRWA a larger roundabout would be the ultimate and preferred solution.

5. Beyond raised platforms and mini roundabouts, is there any other type of treatments that can be done with this grant funding?

The Manager Waste, Environment and Asset Management advised that beyond raised platforms and mini roundabouts, there are other treatments that can be considered by MRWA, for example entry statements, thresh hold treatments, median island at intersection with give way signs and speed humps to slow traffic or a blister islands with give way signs and line markings. There are other options available.

Cr Jesvin Karimi

1. Is there an opportunity for the Town to liaise with the City of South Perth to ascertain how the mini roundabout in Axford Street Como is going? From personal experience it has not necessarily slowed traffic and it is easy to miss as it is just a circle in the road and not raised.

The Manager Waste, Environment and Asset Management advised that yes definitely and

confirmed that Town has started discussions with other Councils such as Gosnells, Canning and Perth along with the City of Fremantle where small roundabouts have been removed.

2. Can I clarify is there a time constraint in terms of this item, if the Town delays making a decision or accepting the recommendation for further investigation of more fitting options that going ahead with something not fit for purpose is that an option.

The Manager Waste, Environment and Asset Management advised that at the moment the discussions with MRWA is that we anticipate having 14 treatments complete within this financial year and the start of the next, but can discuss further with MRWA to determine if they are flexible and could accommodate more time.

Cr Peter Devereux

1. Given the member of the publics mention of pedestrians, cyclists and scooter riders, the integrated transport strategy recently approved that tries to support and assist active transport, have these possibilities been considered with MRWA to get a better outcome?

The Manager Waste, Environment and Asset Management advised that his team had been working with their Place Planning counterparts looking at the various treatments and in the detailed design drawings there will be further consideration which we as Engineers may not have realised earlier.

2. The report mentions there were no submissions from Carlisle about treatments but noticed a lot of mentions on social media about the matter, does the Town monitor these avenues where there has been no specific submissions?

The Manager Waste, Environment and Asset Management advised that the Town is still in the process of receiving more feedback and responses from the engagement exercise started on 7 November and will close on 6 December 2022. The majority of responses have been in the first two weeks of the engagement period and there are a lot of requests for other hot spots or locations to be treated. Carlisle is definitely on the list to have a phase two of the program and the team has been working with Place Planning. While it is not possible to confirm now it is expected there will be other treatments proposed in this area.

14 Chief Financial Officer reports

14.1 Petition 92-100 Oats Street - Changes to Parking Restrictions

Location	Carlisle
Reporting officer	Coordinator Parking and Rangers
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Endorse the following:
 - a. Installation of 30-minute parking restrictions in the 5 bays adjacent to the shops. Applicable from 7am - 4pm Mon – Fri and from 7am – 1pm Saturdays.
 - b. The Town to conduct an occupancy survey of the area in 6 months to assess the effectiveness of the recommended measures and make changes as deemed necessary by the PMP.

Purpose

To report on the 92-100 Oats Street parking petition to install parking restrictions.

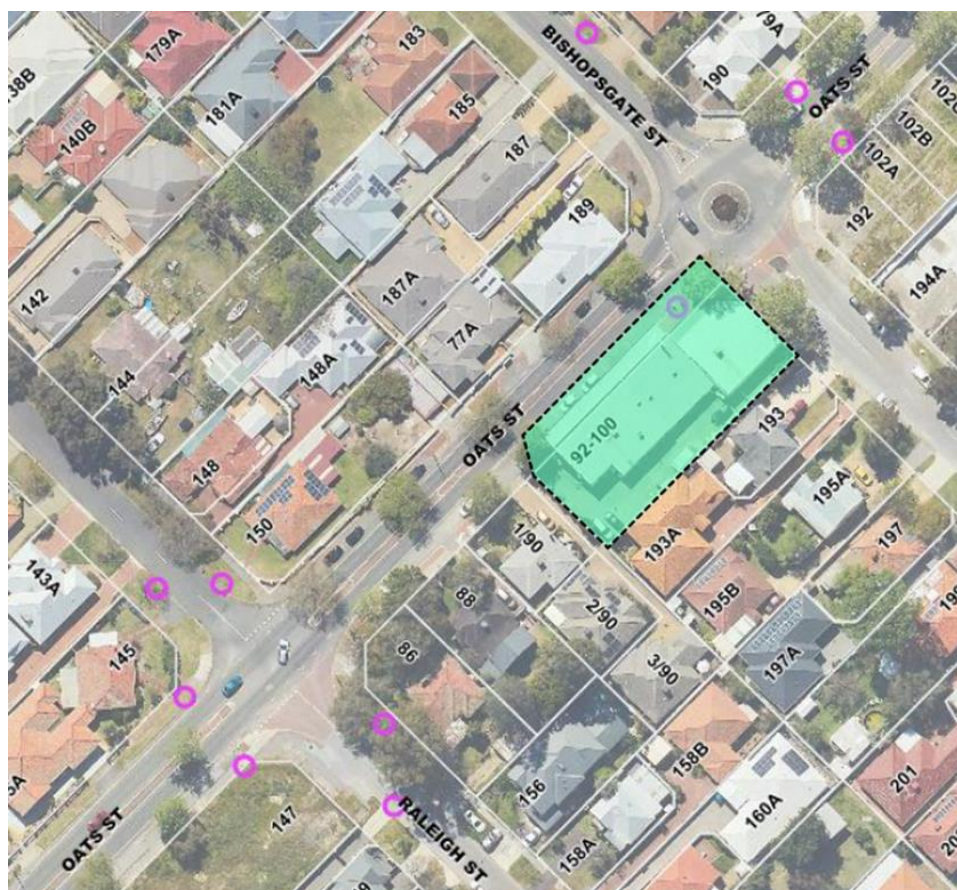
In brief

- At its meeting 20 September 2022, Council accepted petition (9.1.1) from Teresa Blanc, requesting Council restrict parking adjacent to the shops at 92-100 Oats Street, Carlisle to 10 –15mins.
- 92-100 Oats Street is located northeast of Oats Street in Carlisle between Bishopsgate Street and Raleigh Street.
- The location is adjacent to 5 commercial businesses.
- The area has no parking restrictions and is close to the Oats St Station Precinct.
- The area has mid-level parking bay occupancy.
- The recommendation has considered the Towns Parking Management Plan (PMP).

Background

1. At its meeting held in April 2022 Council endorsed the Town’s current PMP.
2. The current PMP defines clear parking management actions based on surveyed occupancy levels and includes three different avenues for triggering parking management changes:
 - (a) Safety related
 - (b) Scheduled occupancy surveys; and
 - (c) Community requests to change existing parking restrictions.
3. In July 2022, the Town responded to a request from Mr Hammond Evans to review the parking outside 92-100 Oats Street.
4. Before this review could be completed, the town received the petition to which this report responds. The substance of the petition mirrors Mr Hammonds request in that the Town implements parking restrictions outside the shops at 92-100 Oats Street, Carlisle.

5. The review into parking outside the subject area was extended and comprised of the following steps overall:
 - (a) Assessed existing signage / restrictions
 - (b) Reviewed historical information such as customer requests, infringement volumes and survey of parking occupancy (occupied parking bays)
 - (c) Conducted occupancy surveys to identify demand for parking in the subject area
 - (d) Reviewed the above against the Parking Management Plan's, Intervention Matrix and any overarching area plans to determine the best parking management option
6. The area relevant to the parking review is shown below:
Image 1. 92-100 Oats Street



Strategic alignment

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Support future developments in the area (commercial and residential) with accessible parking options.
Environment	
Community priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Support future developments in the area (commercial and residential) with accessible parking options.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Place Planning supports the recommendation given its alignment to the direction provided by the Town's PMP.
Urban Planning	Not applicable.
Community Development	Not applicable.
Building Services	Not applicable.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.	-	-	-	-	-
Environmental	Not applicable.	-	-	-	-	-
Health and safety	Not applicable.	-	-	-	-	-
Infrastructure/ ICT systems/ utilities	Not applicable.	-	-	-	-	-
Legislative compliance	Not applicable.	-	-	-	-	-
Reputation	Risk of reputational damage through inaction / inconsistent application with the PMP.	Insignificant	Possible	Low	Low and within Town's risk appetite	Review the area in 6 months to assess suitability of recommended changes and actions.
Service delivery	Not applicable.	-	-	-	-	-

Financial implications

Current budget impact	All costs associated with occupancy surveys and installation of signage are within existing budgetary constraints.
Future budget impact	N/A

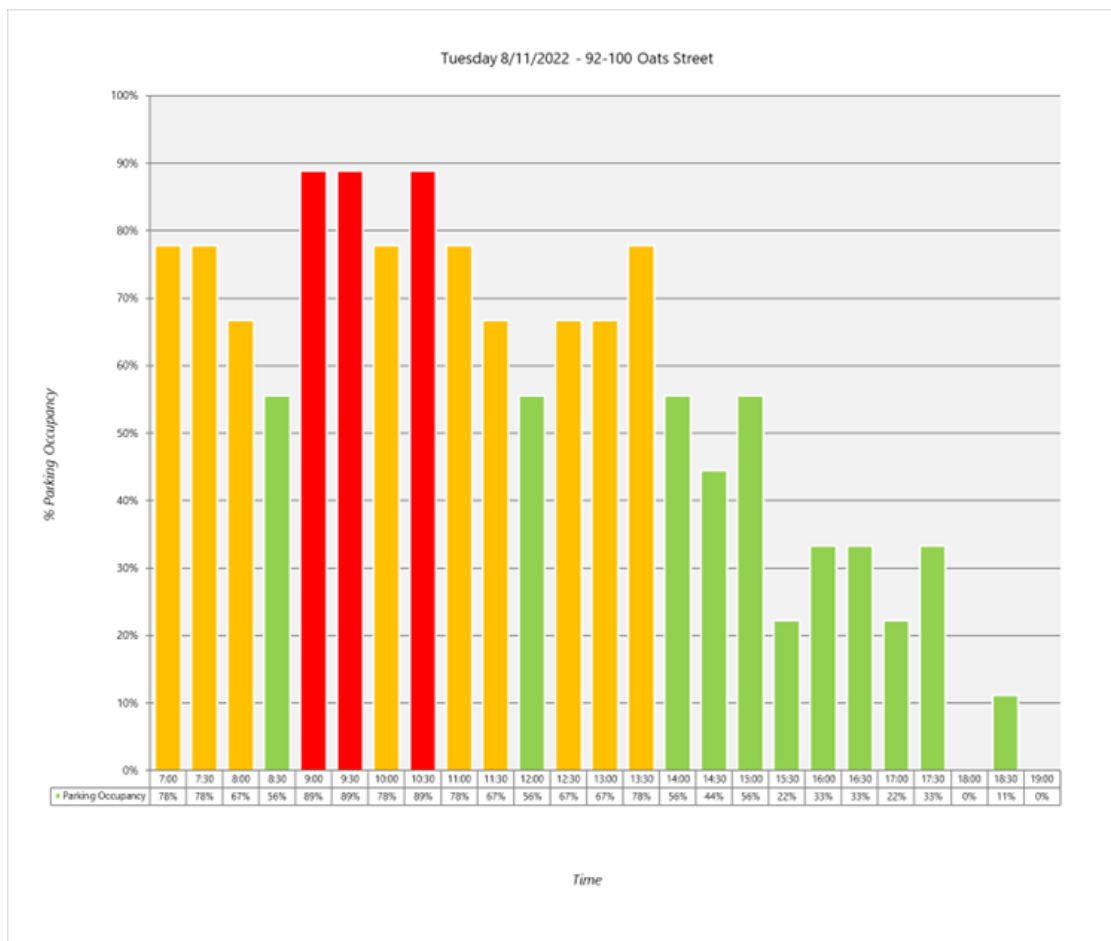
7. The target area comprises of 5 parking bays adjacent to 5 small-scale commercial businesses, which are surrounded by residential properties. The impacts businesses are:
 - a. Hair and Shoulders
 - b. Daily Pour
 - c. Ultimo Design and Construction
 - d. Carlisle Handymart/Australia Post
 - e. Style for You
8. There are also 3 unrestricted parking bays located directly opposite the businesses with further unrestricted capacity nearby in adjacent streets.

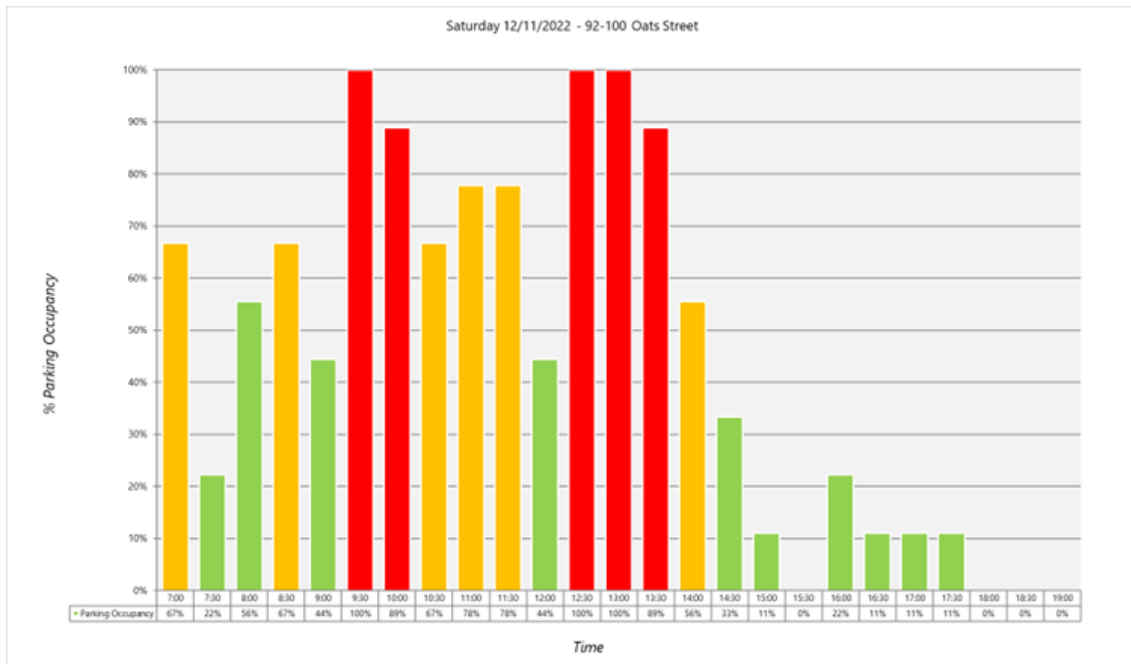
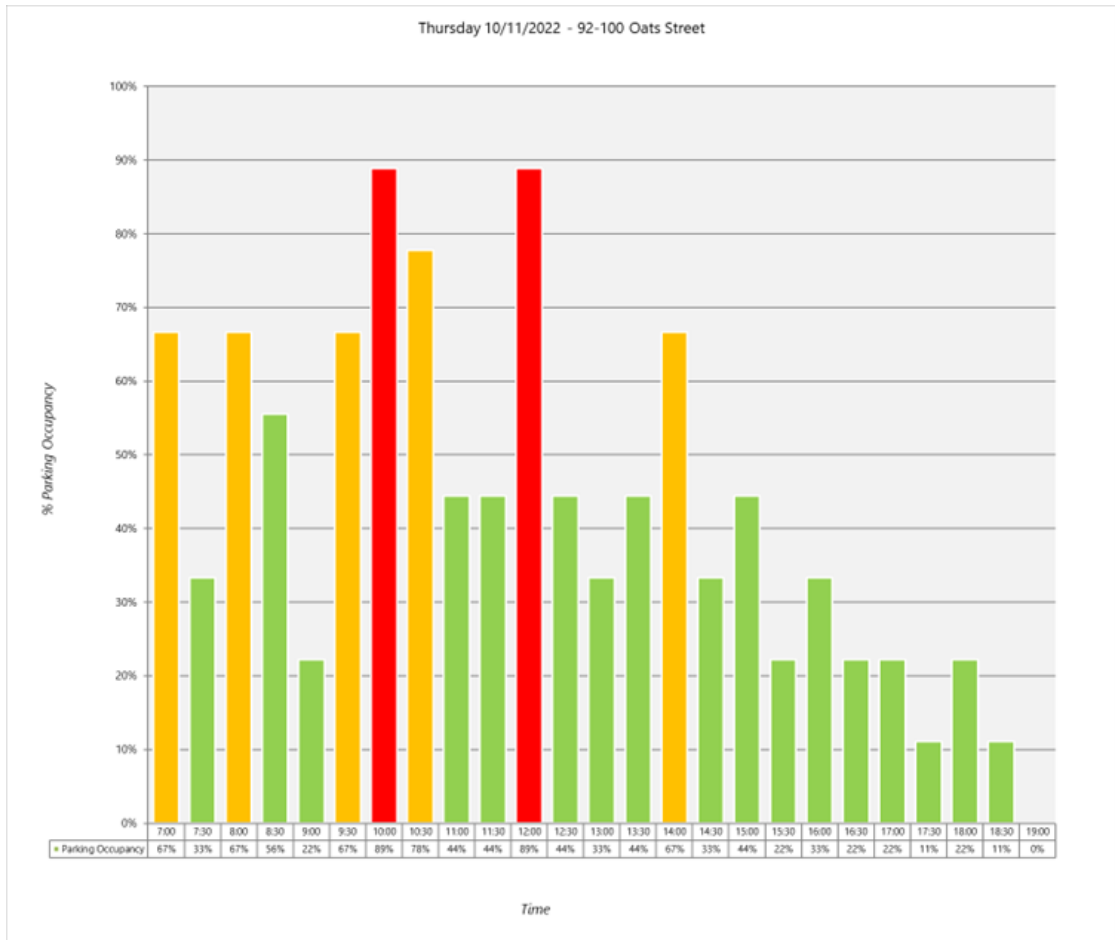


9. A review of the Town's records shows:
 - a. That customer request data from 2020 shows the Town received 8 parking-related requests for the immediate area, 25% of which were for vehicle obstructions. Of these:
 - i. 37.5% related to obstruction; and
 - ii. 37.5% related to footpath obstruction.
 - b. Parking related infringement data for the same period indicates 75% of parking infringements were for safety related offences *e.g. Obstruction and blocking of footpath*.
 - i. 25% were issued for vehicles parking in excess of 24-hours
 - ii. Infringement trends for parking related offences are declining

10. A parking occupancy survey was conducted on 8, 10 and 12 November 2022. The surveys indicate, on average, mid-level occupancy outside 92-100 Oats Street (average of 57%).
11. During peak times, it was observed that between 9AM – 10:30AM and 12:00 PM occupancy levels reached 78% - 89% on weekdays. On the weekend, 78% - 100% occupancy was observed between 9:30 AM – 11:30 AM and 12:30 PM and 1:30 PM.
12. The Town’s PMP indicates the following responses applicable to the review:
 - c. On-street parking occupancy above 85%,
 - i. Introduce time restrictions.
 - ii. Modify maximum time restrictions.
 - iii. Introduce paid parking.
 - iv. Increase paid parking fees using a dynamic parking model.
 - v. Provide additional paid parking.
 - d. On-street parking occupancy below 65%,
 - i. Modify time restrictions. Reduce paid parking fees using a dynamic parking model.

Figure 1. Parking Occupancy (Weekday and Weekend)





13. Surveys of the impacted businesses indicate support for implementing parking restrictions, with the following survey responses:
- e. 78% of the business supported a change of parking restrictions from unrestricted to short-term parking
 - f. The strongest level of support (60%) by the surveyed businesses was for 30-minute parking from Monday to Friday 7 AM – 4 PM and 30 minutes from Saturday 7AM – 1 PM.
 - g. Additional comments from businesses include:

- i. Off-site parking is not adequate due to the size of the available parking in the rear car park. As a result, staff from different businesses will resort to parking on the adjacent side-streets
- ii. Off-site parking at the rear is private parking, however, could be better managed by the strata
- iii. Nearby residents utilise bays adjacent to the businesses for long-term parking
- iv. An option to provide long-term parking due to the nature of the business (beauty salon)
- v. Beauty salon customers park on-street nearby and not directly adjacent to the shops

14. The PMP's Intervention Matrix dictates that increases in parking management are reserved until occupancy is surveyed at or above 85%. The average occupancy during business hours was surveyed at 57%, which is below this threshold. However, peak occupancy does suggest that some intervention will be required.

Relevant documents

[Parking Management Plan 2022](#)

[9.1.1 92 - 100 Oats Street - Teresa Blanc](#)

There were no questions asked or presentations made in relation to this item.

14.2 Schedule of Accounts - October 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - October 2022 [14.2.1 - 7 pages]

Recommendation

That Council:

1. Confirms the accounts for October 2022, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended October 2022.

In brief

- Council is required to confirm payments made from the municipal fund and the trust fund each month, under Section 13 of the *Local Government (Financial Management) Regulations 1996*.
- The information required for Council to confirm the payments made is included in the attachment.

Background

1. Council has delegated 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*.
2. 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 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
 - d. sufficient information to identify the transaction
3. That payment 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.
4. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

5. The list of accounts paid in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* is contained within the attachment and is summarised below.

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$4,547,890.91
Payroll		\$1,186,085.53
Bank Fees		\$22,587
Corporate MasterCard		\$6,133.53
Cancelled EFTS		(\$2,651.87)
Total		\$5,760,045.10

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <i>Local Government (Financial Management) Regulation 1996</i> .

Legal compliance

[Section 6.10\(d\) of the *Local Government Act 1995*](#)

[Regulation 13 of the *Local Government \(Financial Management\) Regulation 1996*](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.

Financial	Fraud or illegal transaction.	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

- All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures. It is therefore requested that Council confirm the payments, as included in the attachments.

Relevant documents

[Procurement Policy](#)

There were no questions asked or presentations made in relation to this item.

14.3 Financial Statements- October 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council accepts the Financial Activity Statement Report – 31 October 2022, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 October 2022.

In brief

- The financial activity statement report is presented for the month ending 31 October 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report 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 October 2022.

Background

1. Regulation 34 of the *Local Government (Financial Management) Regulations 1996* states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance. Number all paragraphs from here on, not including tables.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:

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.

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.

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

Period variation

Relates specifically to the value of the variance between the budget and actual figures for the period of the report.

Primary reason(s)

Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.

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 and may subsequently change prior to the end of the financial year.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

Engagement

Internal engagement	
Service Area Leaders	All Service Area Leaders have reviewed the monthly management reports and provided commentary on any identified material variance relevant to their service area.

Legal compliance

[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.

Financial	Fraud or illegal transaction.	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance.	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

Current budget impact	Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.
Future budget impact	Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.

Analysis

- The Financial Activity Statement Report – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report October 2022 be accepted.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

15 Committee reports

15.1 Interim Audit Report 2021-2022

Location	Town-wide
Reporting officer	Chief Financial Officer
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Interim Management Letter to Mayor - Town of Victoria Park - 30 June 2022 [15.1.1 - 1 page]2. CONFIDENTIAL REDACTED - Interim Management Letter Attachment - Town of Victoria Park - 30 June 2022 [15.1.2 - 5 pages]

Recommendation from the Audit and Risk Committee:

That Council:

1. Accepts the matters and comments arising from the Auditor's 2021-2022 Interim Audit.
2. Notes the Management Responses to those matters as contained within the body of the attached report.
3. Requests the Chief Executive Officer to bring a report back to the committee by February 2023 as to the progress on addressing those matters identified by the Auditor's 2021-2022 Interim Audit.

Purpose

This report is to present the findings of the Interim Audit, together with the responses from Management for the Committee's review and endorsement.

In brief

- The 2021-2022 Interim audit was conducted by KPMG, the Auditors appointed by the Auditor General's Office.
- The Interim Audit is primarily concerned with a review of internal controls, policies, procedures and management's compliance with those controls.
- The Interim Audit report is prepared on an exception basis for those items that require management's attention.
- The Interim Audit was conducted the week commencing 3 May 2022.

Background

1. Each year, as part of Council's audit process, an Interim Audit is undertaken to ascertain areas of potential review associated with Council's financial systems/processes. The advice received through the Interim Audit is then assessed by Management who note the comments and take action as required.
2. Management has reviewed the matters raised and consider them to be appropriate and have either already resolved or recognised actions to be taken.

3. These matters raised by the Auditor, and Management’s response to each matter, are listed within the 2021-2022 Interim Audit Results for the year ending 30 June 2022 report, which is attached.
4. It is noted that the presentation of this report is slightly later than expected. Delays are attributed to Auditor General’s Office sign-off of the report. All requirements by the Town were completed in a timely manner.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure the Town meets its legislative responsibility in accordance with Part 7 of the <i>Local Government Act 1995</i> .

Engagement

Internal engagement	
All Service Areas	All Service areas were engaged as part of the Interim Audit process and the auditors were provided access to the relevant staff members for consultation.

Legal compliance

[Part 7 of the *Local Government Act 1995*](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	Management not implementing auditor recommendations which will lead to poor financial management and control.	Major	Unlikely	Moderate	Low	TREAT risk by adopting an internal program with a focus area on high-risk financial processes and activities. Consider the impacts of the recommendation on resource/system requirements and once resources and/or systems are available, implement recommendation.

Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Council not accepting auditor recommendation which may leave the Town open to fraud, error or non-compliance.	Moderate	Unlikely	Moderate	Low	TREAT risk by providing reasoning and detailed explanations to Council to enable informed decision making.
Reputation	Not applicable.					
Service delivery	Not applicable.					

Financial implications

Current budget impact	Budget allocated within the 2022/2023 budget is sufficient to implement the Auditor's recommendations.
Future budget impact	Not applicable.

Analysis

- Management accept the audit findings and will implement the recommendations as noted within the management's response. These are found within the attachment under "Management Comment" following each matter. It is therefore recommended that the Audit Committee support the management responses to the matters identified during the Interim Audit as attached.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

16 Motion of which previous notice has been given

Nil.

17 Public participation time

Nil.

18 Questions from members without notice on general matters

Cr Wilfred Hendriks

1. When will the green waste pickup be happening?

The Chief Operations Officer took the question on notice

Cr Peter Devereux

1. Following the query raised tonight from the Higgins Park croquet and tennis club about break-ins, do Town buildings have existing screening or is it common we have properties that don't have security screens?

The Manager Waste, Environment and Asset Management advised that a lot of the Town's buildings do not have grills or security screens but Higgins Park does have some windows and doors with heavy metal grills for protection. Feedback from the club members indicate the attraction to break-ins is the food and drink stored in the kitchen.

19 Confidential matters

19.1- Lathlain Precinct Redevelopment Project Zone 1 – Update report and concept 4a requirements

19.2 MRC – Waste Transfer Station services tender

19.3 Cyber Security Audit Report

20 Closure

There being no further business, Deputy Mayor Claire Anderson closed the meeting at 8.17pm.

I confirm these minutes to be true and accurate record of the proceedings of the Council/Committee.

Signed:
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Dated this: Day of: 2022

