



TOWN OF
VICTORIA PARK



Agenda Briefing Forum

2 April 2019



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 pm** on **Tuesday 2 April 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

27 March 2019

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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 any of the following methods.

1. Deputation

A deputation is a presentation made by a group of between two and five people affected (adversely or favourably) by a matter on the agenda. 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.

2. Presentation

A presentation is a submission made by an individual affected (adversely or favourably) by a matter on the agenda. A [Presentation 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

Acknowledgement of the traditional owners

I acknowledge the traditional custodians of this land on which we are meeting, the Wadjuk people of the Noongar Nation, pay my respects to their past, present and emerging elders and thank them for their continued sharing of knowledge and leadership.

3 Announcements from the Presiding Member

3.1 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.

3.2 Notice of recording

All participation in the meeting will be audio recorded. The audio recording will be archived and placed on the Town's website after the meeting.

3.3 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.

3.4 Public participation time

There are two opportunities to ask questions and make statements at the beginning and at the end of the meeting. Each 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 have been received.

3.5 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'.

4 Attendance

Mayor	Mr Trevor Vaughan
Banksia Ward	Cr Claire Anderson Cr Julian Jacobs Cr Ronhhda Potter Cr Karen Vernon
Jarrah Ward	Cr Jennifer Ammons Noble Cr Bronwyn Ife Cr Brian Oliver Cr Vicki Potter
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer A/Chief Financial Officer A/Chief Community Planner	Mr Ben Killigrew Mr Luke Ellis Ms Kaitlyn Griggs
Manager Development Services Coordinator Governance	Mr Robert Cruickshank Ms Danielle Uniza
Secretary	Ms Amy Noon

4.1 Apologies

Chief Community Planner	Ms Natalie Martin Goode
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4.2 Approved leave of absence

5 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration of financial interests

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

Declaration of proximity interest

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

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

Declaration of interest affecting impartiality

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

6 Public participation time

7 Presentations

8 Deputations

9 Method of dealing with agenda business

10 Chief Executive Officer reports

10.1 Live Streaming of Council Meetings

Location	Town-wide
Reporting officer	Danielle Uniza
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	1. Proposed Policy - ADM6 Audio and Video Recording, and Live Streaming, of Meetings of Council and Electors [10.1.1] 2. Current Policy - ADM6 Audio Recording of Council Meetings, Elected Members Briefing Sessions, Committees and Electors Meetings [10.1.2]

Recommendation

That Council:

1. Approves the live-streaming and video recording of meetings of Council and electors, including meetings of Committees with delegated authority and Agenda Briefing Forums.
2. Gives consideration to the allocation of funding for the costs associated with live-streaming and video recording in the draft 2019/2020 budget.
3. Adopts ADM6 Audio and Video Recording, and Live-Streaming of Meetings of Council and Electors to take effect from 1 July 2019.
4. Repeals ADM6 Audio Recording of Council Meetings, Elected Members Briefing Sessions, Committees and Electors Meetings from 30 June 2019.

Purpose

To seek approval from Council for the live-streaming and video recording of meetings of Council and electors, as proposed in the ADM6 Audio and Video Recording, and Live Streaming of Meetings of Council and Electors policy.

In brief

- At its Ordinary Council Meeting (OCM) held on 19 February 2019, Council resolved to request a further report be presented at its April OCM regarding the possibility of live-streaming its Council meetings.
- In developing its policy position on public notice, the Department of Local Government (Department) found that while there was significant support for live-streaming of Council meetings, there were also 'significant concerns about cost and defamation'.
- To ensure that the live-streaming, and subsequent audio/video recordings of relevant meetings, are appropriately managed, the adoption of ADM6 Audio and Video Recording, and Live Streaming of Meetings of Council and Electors is recommended.
- Practical barriers to live-streaming Council meetings identified by the Town include a lack of appropriate hardware, and a budget allocation to cover both capital and on-going operational costs.

Background

1. At its Annual Meeting of Electors (AEM) held on 18 December 2018, a decision was made by the meeting to request that the Town investigate the live-streaming, and video recording, of its Council meetings. In considering the decision made at the AEM, at its 19 February OCM, Council resolved to request that a report be presented at its April OCM.
2. While the Town has been audio recording its relevant meetings for a number of years following a resolution of Council made at its meeting held on 9 June 2015, it has not made its meetings available via a live broadcast in either audio or video format. The proposed ADM6 Audio and Video Recording, and Live Streaming of Meetings of Council and Electors policy will require both audio and video live-streaming, and recording, of relevant meetings.
3. Although the live-streaming of Council meetings is not mandatory in Western Australia, other jurisdictions, like New South Wales, have recently mandated the live-streaming of its Council meetings through a new code of practice effective as of 2019.
4. Local governments in Western Australia that conduct audio and video live-streaming of their Council meetings include the cities of Geraldton, Bunbury, Vincent and Swan. The City of Joondalup conducts live-streaming of its Council meetings only through audio.
5. During public consultation held in phase one of the Department's Local Government Act reform, it was found that there was significant support, from outside the sector, in the live-streaming of Council meetings. Data presented in the Department's [Public Notice Policy Position](#) indicate a 77% support from non-local government respondents, compared to a 7% support from local government respondents.
6. The Department found that the greatest concern posed by local government respondents regarding the live-streaming of Council meetings related to cost and possible defamation. While the Department has indicated that it would not mandate the live-streaming of Council meeting to preserve the autonomy of local governments, its intent was to provide 'statutory protection... for local government from defamation for publishing the comments of council members and officers' to 'encourage local governments to live stream meetings'. However, the Department has indicated that 'this protection will not extend to the people making the comments'.
7. Indicative quotes sought by the Town in relation to live-streaming services have shown an initial capital cost of up to \$30,000, which includes provision and installation of hardware, and an ongoing annual cost of \$15,000 which includes support, hosting and recording. That being said, there is a further associated cost of upgrading the microphone discussion system in the Council chamber of up to \$35,000, as the current system is incompatible with live-streaming hardware.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Live streaming council meetings promote inclusivity and accessibility principles by allowing members of the community, that may not otherwise be able to attend Council meetings due to physical or personal barriers, to gain access to the decision-making process in real time.
CL02 - A community that is authentically engaged and informed in a timely manner.	Live-streaming will allow the community immediate access to decisions of Council.

CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Adopting the live-streaming of Council meetings is in line with 'open government' principles. While not currently mandated in WA, following the lead of other jurisdictions in Australia (I.e. NSW) will allow the Town to remain on the forefront in the adoption of a contemporary public governance approach.
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Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The live streaming of Council meetings will ensure that residents are sufficiently engaged in community affairs, and will promote transparency in Council's decision-making process.

Engagement

Internal engagement	
Stakeholder	Comments
Assets	Provided advice on physical modifications needed to Council Chambers for live streaming.
Information Systems	Provided advice on technological modifications needed to Council Chambers for live streaming.
Finance	Provided advice in relation to the appropriate procurement approach for costs associated with live-streaming and recording.

Legal compliance

[Town of Victoria Park Standing Orders Local Law 2011](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception of Council meetings may arise as a result of conduct of elected members, employees or members of the public at a Council meeting.	Moderate	Possible	Moderate	Appropriate enforcement of the Town's Standing Orders Local Law, and ensuring both employees and elected members are trained on acceptable conduct at meetings of Council.
Financial If a budget is not allocated to cover the costs of implementation, and the upgrading of relevant hardware,	Major	Unlikely	Moderate	Council allocation of necessary funding for both the implementation of live-streaming, and the upgrading of hardware.

the Town will be unable to implement live-streaming.				
Compliance Issues may arise relating to accessibility, public notice, and record-keeping of the audio and video recordings.	Moderate	Possible	Moderate	Adoption of the ADM6 Audio and Video Recording, and Live-Streaming of Meetings of Council and Electors
Legal Concerns regarding possible defamation	Major	Possible	High	This will be mitigated if the Local Government Legislation Amendment Bill 2019 is assented to by Parliament. Appropriate training for elected members and officers in expected conduct at meetings of Council, and in role as a public servant.

Financial implications

Current budget impact	No funding is sought from the current budget.
Future budget impact	Should the officer recommendation be resolved, budget will need to be allocated for the implementation and maintenance of the live-streaming, and audio/video recording, and for the upgrading of the microphone discussion system. Current indicative quotes for the installation of a live streaming system are up to \$30,000 for the initial set up, with an ongoing annual cost of \$15,000 each year. Indicative quotes received for the upgrading of microphone discussion system show a one-off cost of up to \$35,000.

Analysis

8. Arguments against live-streaming presented by the sector relate to concerns regarding defamation. In line with the Department's commitment made in its Public Notice Policy Statement to offer local governments statutory protection from defamation, the [Local Government Legislation Amendment Bill 2019](#) was introduced to the Legislative Assembly on 19 March 2019. Most notably, the Bill proposes the addition of clause 9.57A(2) which stipulates that '*A local government is not liable to an action for defamation in relation to matter published on its official website as part of a broadcast, audio recording, or video recording, of council proceedings.*' The Bill is currently awaiting recommencement of the second reading debate.
9. To guide the implementation, accessibility, public notice and storage of live-streaming, and audio and video recording, of relevant meetings of Council, the Town proposes the adoption of ADM6 Audio and Video Recording, and Live Streaming of Meetings of Council and Electors policy to replace the existing ADM6 Audio Recording of Council Meetings, Elected Members Briefing Sessions, Committees and Electors Meetings. Main changes between the proposed and existing policy relates to the broadening of

the existing policy's scope to include both live-streaming, and video recording, and to include Agenda Briefing Forums. Public notice requirements, including the placement of relevant signage and announcements to be made by the Presiding Member, have remained the same.

10. To protect the privacy of those attending in the public gallery, it is recommended within the proposed policy that only elected members and relevant officers be video broadcasted and recorded. In line with current practice, the audio recording of comments made by the public will still be made available. Should Council resolve to live-stream its relevant meetings, it is to be noted that comments made by the public will be audio broadcasted.
11. While initial costs associated with implementation of live-streaming may come to an aggregated value of up to \$80,000, a portion of that relates to necessary costs associated with upgrading the audio-visual equipment in the Council chamber. As it is necessary to replace existing hardware, including the microphone discussion system which is equivalent to \$35,000 of the \$80,000, any cost with hardware upgrades will eventually need to be made regardless of the implementation of live-streaming. The current microphone discussion system in the Council chamber is aged and failing.
12. The annual cost of up to \$15,000 to live-stream Council meetings includes hosting and storage of audio-video recordings, and technical support associated with live-streaming.
13. Should Council resolve to implement live-streaming, the next step will be to undertake a Request for Quote (RFQ) process under the Town's Procurement Policy to providers of live-streaming and recording services, and an audio-visual provider to upgrade the microphone discussion system. From the Town's initial investigation, the required time to implement live-streaming and recording system after procurement may be up to eight weeks. As the budget allocation sought will not be available until the 2019/2020 financial year, live-streaming and recording may be implemented, at the earliest, by July 2019.
14. Given practical restrictions of implementation, it is recommended that the ADM6 Audio and Video Recording, and Live Streaming of Meetings of Council and Electors not take effect until 1 July 2019, with the existing policy being repealed thereafter.

Relevant Documents

[Department of Local Government – Policy Position on Public Notice](#)

[Local Government Legislation Amendment Bill 2019](#)

[Town of Victoria Park – Procurement Policy](#)

10.2 Poll of Electors - Town to City

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Danielle Uniza
Voting requirement	Absolute majority
Attachments	Nil

Recommendation

That Council:

1. Approves the holding of a poll of electors, to be held in conjunction with the 2019 local government elections, with the question: *"Do you support changing the name of the "Town of Victoria Park" to the "City of Victoria Park"?* to which electors have the option to vote "Yes" or "No".
2. Authorises the Chief Executive Officer to generate the 'yes and no' arguments, and the background statement, to be provided as supplementary information to the poll question presented in point one.
3. Requests that the Chief Executive Officer provides a further report to Council at its November Council meeting, or the next available meeting of Council, following the receipt of the poll result.

Purpose

To approve the holding of a poll for the purpose of determining whether electors support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'.

In brief

- At its meeting held on 19 February 2019, Council resolved to seek a further report regarding the viability of holding of a plebiscite of electors, in conjunction with the 2019 local government elections.
- The intent of the plebiscite is to determine if electors support that the Town become a City, with its name changing from the "Town of Victoria Park" to the "City of Victoria Park".
- Advice has since been sought from the Western Australian Electoral Commission (WAEC) and the Department of Local Government, Sport and Cultural Industries (DLGSC) on how a poll of such nature may be held, and the viability of holding such poll.

Background

1. At its February Ordinary Council Meeting (OCM), Council resolved to seek a further report regarding the holding of a plebiscite of electors, to determine if electors support that the Town change its status from Town to City, with its name changing from the "Town of Victoria Park" to the "City of Victoria Park".
2. While section 4.99 of the *Local Government Act 1995* (the Act) states that a Council has the power to hold polls of their electors on varied subjects, holding a poll of electors in relation to a designation change is not a requirement under the Act. As such, there are no strict regulations on how a poll of electors in relation to a designation change must be held. Nonetheless, advice has been sought from the WAEC on best practice for holding polls of this nature. The Town has been advised that the question should be accompanied by both a background statement, and yes/no arguments.

3. In its meeting held in August 2012, Council resolved to change its designation from Town to City. In May 2013, the then Minister for Local Government advised the Town that a change of designation would have to await the finalisation of the local government amalgamation. The amalgamation sought to create the 'City of South Park' by combining the Town of Victoria Park and the City of South Perth.
4. In February 2015, following the Government's decision to suspend local government amalgamations, the Town again wrote to the Minister for Local Government to resume the process of becoming a City. However, at its meeting held on 10 March 2015, Council resolved to discontinue the process.
5. As part of the Town's major review of its Strategic Community Plan through the 'Evolve' process in 2017, the community was asked whether it would support a change of designation from town to city. While there was low support indicated as part of that process, it is to be noted that only 200 responses were received indicating it would be against a designation change.
6. The most recent Council to have a change of designation was the Shire of Kalamunda which became the City of Kalamunda on 1 July 2017. This change was undertaken by a resolution of Council, the electors however called a special electors meeting in order to oppose the change. Despite the resolution of the special electors' meeting, the Council resolved to continue with its proposed designation change.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	The holding of a community poll of this nature presents a truly authentic means of engaging the community as it will afford every ratepayer the opportunity to influence a potential change of designation, if they choose to vote.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The holding of a community poll is a demonstration of visionary leadership by placing the responsibility for determining a significant matter such as the community's identity in their hands.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	This decision will directly deliver on this strategic outcome as it devolves decision-making to the community.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	A community poll will facilitate public debate and discussion regarding the future of the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Stakeholder Relations	Provided information regarding revised signage and branding.
Corporate Services	Provided information regarding required expenditure.

Other engagement	
Stakeholder	Comments
Western Australian Electoral Commission	Provided information regarding how such a poll would be conducted, what information the Town must provide and a cost estimate.
Department of Local Government, Sport and Cultural Industries	Advised that this poll does not require consideration by the Local Government Advisory Board.

Legal compliance

[Section 4.99 of the Local Government Act 1995](#)

[Part 16 of the Local Government \(Election\) Regulations 1997](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial Electoral Commissioner declines to conduct poll requiring Town to conduct poll internally.	Major	Unlikely	Moderate	Electoral Commissioners' advice has already been sought on whether a poll of this nature may be held.
Reputational Council goes against the community sentiments regarding the designation change based on the results of the poll.	Catastrophic	Unlikely	High	Council honours the decision of the community.

Financial implications

Current budget impact	No funding is required in the current budget.
Future budget impacts	<p>The conduct of the poll is estimated to be \$3000 on top of the \$97,000 for the overall election.</p> <p>In the event of pursuing a change from 'Town' to 'City', some costs associated with the change have been identified as follows:</p> <ol style="list-style-type: none"> 1. Replacement of welcome signage at the entrances to the district and to Town facilities. This has an estimated cost of around \$20,000. There are then ten other welcome signs that will cost approximately \$3000 to replace. 2. Replacement of approximately 250 other signs such as information signs, restrictions signs, parking signs, etc. with a new logo at a cost of \$200 per sign, for a total estimate of \$50,000. 3. Replacement of signage on household bins in line with its 10% annual replacement so that no further unbudgeted cost is triggered. 4. Replacement of all other collateral once current stock is runs out so that no further unbudgeted cost is triggered.

This staged approach as identified above will mean that there will be a transitional period with different logos on various items in circulation – which is to be expected and acceptable.

Analysis

7. In accordance with section 2.4 of the *Local Government Act 1995* a district can be designated as a City when its population exceeds 30,000 if it is within the Metropolitan area. In the 1996 census (two years after the Town's creation) shows that the Town had a population of 26,096, as compared to the 2016 census which showed a population of 34,990 – a growth of over 8000 people. With significant developments occurring in the Burswood suburb and at Curtin University this population is expected to grow even further.
8. The Town of Victoria Park is one of eight local government districts in Western Australia designated as a Town. The below table details the population and annual income of each remaining Town, the population is based on the 2016 Census and the Annual Income from the most recent annual report of each Town. A comparison of the remaining Towns are as follows:

Local Government	Population	Annual Income
Town of Victoria Park	34,990	\$60,926,314
Town of Cambridge	26,783	\$60,947,801
Town of Claremont	10,054	\$18,798,460
Town of Mosman Park	8,757	\$11,972,748
Town of Bassendean	15,092	\$23,419,146
Town of Cottesloe	7,597	\$13,152,594
Town of Port Hedland	14,469	\$48,953,000
Town of East Fremantle	7,376	\$10,421,930

9. The table above shows that the Town of Victoria Park has a significantly higher population than the other remaining towns, and is above the 30,000 population threshold. Other towns that have reached this threshold have already changed to City status, such as the City of Vincent in 2011.
10. Information sought from the WAEC indicates that the cost of holding the proposed poll would be an additional \$3000 above the proposed \$97,000 for the ordinary election. Additional costs may be incurred should the Town seek to promote the poll.
11. Should the yes vote be carried, the process of transitioning from Town to City will require an application to the Minister for Local Government. Following that, the Town would need to give consideration to the changes it may wish to make to its logo, brand, and signage throughout the town.
12. This poll will allow the Council to clearly establish community sentiment on this matter and assist Council in future consideration of a potential change of the designation of the district.
13. Compared to the community response received as part of 'Evolve', it is anticipated that this poll would receive a higher response rate as it will be presented along with the local government election. There were approximately 6948 votes cast at the last election. With the 2019 local government election including a mayoral ballot, it is anticipated that this figure could be significantly higher.

Relevant documents

Not applicable.

10.3 Undertakings relating to the Dog Local Law 2018

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Danielle Uniza
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Letter from Joint Standing Committee on Delegated Legislation [10.3.1]2. Amendment (Dogs) Local Law 2019 [10.3.2]3. Dog Local Law 2018 as amended - Tracked Changes [10.3.3]

Recommendation

That Council:

1. Responds to the Joint Standing Committee on Delegated Legislation indicating its agreement to the following undertakings:
 - a) within 6 months amend the *Dog Local Law 2018* to:
 - i) delete clause 5.1.
 - ii) delete item 4 of Schedule 3
 - iii) amend clause 3.1 to move the words "Penalty: \$5,000" from the foot of subclause 3.1(3) to the foot of subclause 3.1(2).
 - iv) Make all necessary and consequential amendments.
 - b) Until the *Dog Local Law 2018* is amended in accordance with undertaking a:
 - i) not enforce the *Dog Local Law 2018* in a manner contrary to undertaking a.
 - ii) where the *Dog Local Law 2018* is made publicly available, whether in hard copy or electronic form (including on the Town's website), ensure that it is accompanied by a copy of these undertakings.
2. Gives public notice of the purpose and effect of the *Amendment (Dogs) Local Law 2019* as presented in Attachment 10.3.2.
3. Requests that Chief Executive Officer to provide a further report outlining public places in which dogs shall be prohibited.

Purpose and effect

The purpose of this local law is to amend the *Town of Victoria Park Dog Local Law 2018* consistent with the undertakings provided to the Joint Standing Committee on Delegated Legislation.

The effect of this local law is to amend clauses 1.4. and 3.1, remove part 5 and revise schedule 3 of the *Town of Victoria Park Dog Local Law 2018*.

In brief

- At its meeting held on 13 November 2018, Council resolved to make the *Town of Victoria Park Dog Local Law 2018* (Local Law).
- As required, the Local Law was submitted to the Joint Standing Committee on Delegated Legislation (the Committee) which provided its response in a letter dated 14 March 2019.
- The letter requests that the Town make undertakings proposed by the Committee, and that those undertakings be given.

- As per those undertakings, an amendment local law has been prepared to make those undertakings and seek public comment.

Background

1. At its meeting on 13 November 2018, Council resolved to make the *Dog Local Law 2018*. This local law and the relevant supplementary information was provided to the Committee.
2. The Committee, by way of letter to the Mayor dated 14 March 2019, advised the Town of its concerns relating to the local law.
3. The Committee has requested the Town make a series of temporary undertakings relating to the local law. These undertakings are to last for six months by which time the Town is required to pass an amendment to the Local Law to correct all of the matters required by the Committee.
4. The Town has prepared an amendment local law that provides for amendments to the *Dog Local Law 2018* consistent with undertakings requested by the Committee in order to meet this six month timeline.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Accepting the requests of the committee demonstrates a commitment to the good governance of the district.

Engagement

Internal engagement	
Stakeholder	Comments
Ranger Services	TBC
Governance	Prepared amendment local law and liaises with the Department and Parliament

Other engagement	
Stakeholder	Comments
Joint Standing Committee on Delegated Legislation	Provided the undertakings requested by the Town.

Legal compliance

[Section 3.12 of the *Local Government Act 1995*](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Town does not accept the undertakings requested by the committee and as such the local law is	Moderate	Unlikely	Moderate	The Town accepts the undertakings.

disallowed.				
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Financial implications

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

Analysis

5. The concerns identified by the Joint Standing Committee on Delegated Legislation do not represent significant concerns for the Town. The amendment local law prepared will give permanent effect to the undertakings requested. In the interim, the Council is recommended to accept the undertakings and seek a further report to deal with the issue of dogs in public places.
6. The undertakings proposed by the committee as are follows:
 - a. Revision of clause 3.1 means that until the revision is effective a penalty could not be provided for a breach of this clause relating to the physical barriers that keep a dog on a property. This clause was a new clause in the *Dog Local Law 2018* and as such is only just beginning to be enforced by the Town. In the interim the Rangers cannot enforce this clause. However they can provide a notice under clause 3.2 of the local law that a property is not compliant with clause 3.1 and should they fail to meet the requirements of that notice to level a fine.
 - b. The deletion of clause 5.1 means that the Town has no prohibition on dogs in public places until Council resolves otherwise in accordance with Section 31 of the *Dog Act 1976*. It is intended in the public consultation on the *Amendment (Dogs) Local Law 2019* that community members will be asked about where in public they do not believe dogs should be. Until this time the Town's Rangers can deal with Dogs in public places under the *Local Government Property Local Law 2000* and *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*. The undertakings relating to deleting Item 4 of Schedule 3 is related to the deletion of Clause 5.1.
7. The timeline for the making of a local law is set out in section 3.12 of the *Local Government Act 1995* and it is expected to present a report to Council in July to adopt the amendments to the Local Law and determine the public places where dogs shall be prohibited.
8. The revision of the identified concerns in the *Dog Local Law 2018* ensures that the Town's Local Law will not be disallowed and can be enforced by the Town's rangers.

Relevant documents

[Dog Local Law 2018](#)

11 Chief Community Planner reports

11.1 Repeal Local Law 2019

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Robert Cruickshank
Voting requirement	Absolute majority
Attachments	1. Repeal Local Law 2019 [11.1.1] 2. Signs Local Law 2006 [11.1.2] 3. Repeal Local Law Public Submissions [11.1.3]

Recommendation

That Council makes the *Repeal Local Law 2019*, as at Attachment 11.1.1 for the purpose of repealing the *Signs Local Law 2006*.

Purpose and effect

The purpose of this local law is to repeal those local laws no longer relevant within the Town of Victoria Park.

The effect of this local law is to repeal obsolete or outdated local laws within the Town of Victoria Park.

In brief

- At its meeting held in December 2018, Council gave notice of its intention to repeal the *Signs Local Law 2006*.
- Following the six week consultation period and the consideration of submissions received, minor revisions have been made to the proposed *Repeal Local Law 2019*.

Background

1. At its meeting on 11 December 2018 Council resolved to give public notice of its intention to make the *Repeal Local Law 2018*. This is following a resolution made on 13 November 2018 to adopt a Local Planning Policy 'Signs' and undertake other associated actions, including part 2 as follows:

Notes the intention to prepare a separate report to Council proposing to prepare a new Local Law to repeal the Signs Local Law 2006.

2. The following comments were included in the item 14.4 as presented to at the November Ordinary Council Meeting:

"In view of the recommended adoption of Local Planning Policy 38 'Signs' which will now form the basis for determining exemptions from development approval for signs, and the applicable standards that apply to signs, the following additional actions are necessary :

1. *Repeal the Town's Signs Local Law 2006. The Local Law can now be repealed as LPP38 now identifies the standards that apply for signs to be exempt from development approval, and in lieu of a sign*

licence, building permits will now be required. It should be noted that a new Local Law needs to be prepared to repeal a Local Law. It is intended to present a separate report to Council to commence the process to repeal the Signs Local Law."

3. Three submissions were received by the Town in relation to the proposed local law. Two from the community and one from the Department of Local Government, Sport and Cultural Industries. The submissions are included in Attachment 11.1.3.
4. Both community submissions supported the proposal. The Department of Local Government, Sport and Cultural Industries submission suggested minor amendments to the proposed local law.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The repeal of this local law will allow for easier management of signs in the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Building Services	Support..
Governance	Provided support in conducting legislative requirements.
Planning	Responded to submissions.

External engagement	
Stakeholders	Residents.
Period of engagement	21 January 2019 – 15 March 2019
Level of engagement	2. Consult
Methods of engagement	State wide Public Notice Local Public Notice Your Thoughts Public Submissions
Advertising	Published in the West Australian – 21 January 2019 Published in the Southern Gazette – 22 January 2019
Submission summary	Two submissions received from members of the public, both supported.
Key findings	Community supports repeal.

Other engagement	
Stakeholder	Comments
Department of Local Government	Provided minor amendments to the proposed local law.

Legal compliance

[Section 3.12 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance: If not revoked the Signs Local Law will continue to operate even though it is effectively obsolete	Moderate	Likely	Low	Commence the process to revoke the Signs Local law.

Financial implications

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

Analysis

- The Department of Local Government, Sport and Cultural Industries provided minor comments suggesting formatting and word smithing amendments to the Local Law, as shown in clause 4. They also recommended deleting the table of contents and headings.
- As no public opposition to the repeal of the *Signs Local Law 2006* has been found, it is recommended that the Council make the *Repeal (Signs) Local Law 2019*.

Relevant documents

Not applicable.

11.2 Report on Submissions - Scheme Amendment 78 to Town Planning Scheme No. 1 to Recode No. 384 (Lot 3) Berwick Street, East Victoria Park from Residential R30 to Residential R40/R60

Decision type	Quasi-judicial
Location	East Victoria Park
Reporting officer	Amie Groom
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Schedule of Submissions -384 Berwick Street [11.2.1] 2. Submission from Rowe Group - 11 October 2018 [11.2.2]

Landowner	Berwick EVP Pty Ltd
Applicant	I Birch (no longer involved)
Application date	August 2017
DA/BA or WAPC reference	Not applicable.
MRS zoning	Urban
TPS zoning	Residential
R-Code density	Residential R30
TPS precinct	Precinct 12 - 'East Victoria Park'
Use class	Not applicable.
Use permissibility	Not applicable.
Lot area	11,029 square metres
Right-of-way (ROW)	Not applicable.
Municipal heritage inventory	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 occupied by the Department of Communities along the north-east boundary; 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. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support (with modifications) Scheme Amendment No. 78 to amend the Town of Victoria Park Town Planning Scheme No. 1 as follows:
 - a) Modify the Town Planning Scheme No. 1 Precinct Plan 12 'East Victoria Park' by recoding the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.
 - b) Modify the 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 the land:

- i) A Local Development Plan is to be approved by the Town prior to the commencement of any development on the site.
 - ii) The site is to be developed with Single Houses and/or Grouped Dwellings, generally consistent with the approved Local Development Plan.
 - iii) The maximum building height being three storeys.
 - iv) There being no vehicle access onto Carson Street/Baillie Avenue.
 - v) Vehicle access to/from Berwick Street is to be the subject of a Traffic Impact and Road Safety Assessment report submitted at the subdivision application, development application or Local Development Plan stage (whichever occurs first).
2. Authorises the Chief Executive Officer and Mayor to execute the Town Planning Scheme No.1 Scheme Amendment No. 78 documents.
3. Forwards the Amendment 78 documentation be forwarded to the Western Australian Planning Commission for consideration.
4. Advise those persons who lodged a submission on Amendment 78 of the Council's decision.

Purpose

To consider the public submissions received on the modified version of Scheme Amendment 78 for the rezoning of the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from 'Residential R30' to 'Residential R60'.

In brief

- Council resolved at its meeting in February 2018 to initiate Scheme Amendment 78, which at that time proposed to recode the site from Residential R30 to R40/R60, and include built form controls for future development of the site. The Scheme Amendment was subsequently advertised with five submissions being received.
- The subject property was sold mid-2018 after the initiation of the Scheme Amendment. Rowe Group, on behalf of the new owner has requested to modify the Scheme Amendment to rezone the property from 'Residential R30' to 'Residential R60', remove the requirement to provide aged care/multiple dwellings for development at an R60 density, and to remove the proposed built form controls and instead have this determined through the preparation of a Local Development Plan (see Attachment 11.2.2).

- The submission from Rowe Group includes the submission of a Transport Impact Statement and a concept plan depicting the development of the site with lots for 52 grouped dwellings ranging in size from 120m² to 171m².
- At the November 2018 Ordinary Council Meeting, Council resolved to note the submission from Rowe Group and to request Council Officers to give further consideration to modifying Scheme Amendment 78 to facilitate development of the site in a manner generally consistent with the concept plan prepared by Rowe Group.
- At the February 2019 Ordinary Council Meeting, Council resolved to advertise the modified Scheme Amendment for a period of 21 days, in accordance with Part 5, Division 3, regulation 51(1) of the Planning and Development (Local Planning Schemes) Regulations 2015. The Amendment has been advertised, with 12 submissions received (see Attachment 11.2.1).
- It is recommended that the modified version of Amendment 78 be supported with some further minor modifications to address matters raised during the advertising period.

Background

1. The existing two storey building on the site was built by the Commonwealth Government to house the National Archives in 1974. The government sold the property in 2001 and has continued leasing the building since this time, with the lease expiring in early 2019.

2. At the Ordinary Council Meeting of 10 October 2017, Council considered a proposal for the potential recoding of the subject site from R30 to R40/60. Following preliminary community consultation on the proposal, with 13 submissions being received, the Council at its Ordinary Meeting on 13 February 2018 formally resolved to initiate Scheme Amendment 78 subject to specific design criteria being imposed including building design, vehicle access and occupancy restrictions. This included that development of the site being at the base density coding of R40, with development at the R60 density coding needing to involve Aged or Dependent Persons Dwellings.

3. Following initiation of the Scheme Amendment, the subject site was sold. During the community consultation period, five submissions were received including a submission from Rowe Group acting on behalf of the new landowner (see Attachment 11.2.2). This was considered at the Ordinary Council Meeting of 13 November 2018 with Council requesting Council officers to give further consideration to Scheme Amendment No. 78 to facilitate the development of the site in a manner generally consistent with the concept plan submitted by Rowe Group.

4. At its meeting held on 19 February 2019, Council made the following resolution.

“That Council:

1. Resolves to modify the Scheme Amendment 78 to the following:

1.1 Modify the Town Planning Scheme No. 1 Precinct Plan 12 ‘East Victoria Park’ by recoding the property at No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.

1.2 Modify the 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 the land:

(a) The site is to be developed with Grouped Dwellings in accordance with a Local Development Plan approved by the Town.

- (b) *The maximum building height being three storeys.*
- (c) *There being no vehicle access onto Carson Street/Baillie Avenue.*
- (d) *Vehicle access to/from Berwick Street is to be the subject of a Traffic Impact and Road Safety Assessment report submitted at the subdivision application or Local Development Plan stage (whichever occurs first).*

2. *Considers the proposed modifications to be significant and resolves to advertise the proposed modified Scheme Amendment for a period of 21 days, in accordance with Part 5, Division 4, Regulation 51(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

3. *Receives a further report to consider any submissions received of the modified Scheme Amendment, following conclusion of the consultation period. "*

Applicants submission

5. The submission from Rowe Group dated 11 October 2018 (see Attachment 11.2.2) partially states:
- "An indicative concept design and indicative built form sketches for the subject site comprising 52 grouped dwellings based on a density code of R60.
 - The grouped dwellings are envisaged to be a mix of two (2) and three (3) storey townhouses and terrace dwellings, with a combination of front and rear loaded products in a strata configuration.
 - Public open space (POS) is not provided...a "pocket" of POS in this locality would be a maintenance issue and a far better outcome would be for cash-in-lieu contribution to be made to the Town.
 - The concept design proposes vehicular access and egress from Berwick Street and Baillie Avenue/Carson Street. It is not proposed that any restrictions be placed on the existing Baillie Avenue/Carson Street as is currently proposed in Amendment 78.
 - The concept design has been prepared with the intent that development of the subject site is in accordance with an approved Local Development Plan (LDP), which would provide guidance on setbacks, garage locations, street frontage, landscaping and other elements which impact built form".
6. The submission requests that the Town consider modifying Amendment 78 as follows:
- 1. *Modifying Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by recoding the property known as No. 384 (Lot 3) Berwick Street, East Victoria Park from R30 to R60.*
 - 2. *Modifying Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' by inserting the following development standards for development of the property at No. 384 (Lot 3) Berwick Street:*
- In relation to the land at No. 384 (Lot 3) Berwick Street, East Victoria Park, the following criteria are applicable to any development of the site:*
- a. *Development shall be consistent with an approved Local Development Plan."*
7. The Traffic Impact Statement dated 4 October 2018, which maintains access to/from Carson Street/Baillie Avenue, as well as full movement access to/from Berwick Street, partially states:
- "The development should generate in the order of 310 vehicular trips per day with 23 of these in the AM peak and 31 in the PM peak.
 - There is a proposed internal pedestrian network on all streets which will connect to external footpaths on Berwick Street.
 - Internal streets will be bike friendly with bike parking expected to be provided internally for each dwelling.
 - Rubbish trucks used by the Town of Victoria Park will be able to collect rubbish from the internal streets at bin pad locations and street verges".

Relevant planning framework

Legislation	<i>Planning and Development Act 2005</i> ; Planning and Development (Local Planning Schemes) Regulations 2015
State Government policies, bulletins or guidelines	Not applicable.
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> <p><i>Redevelopment shall be consistent with existing style, character and scale of dwellings throughout the precinct.</i></p>
Local planning policy objectives	Not applicable.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The Scheme Amendment proposes the rezoning of the existing site to allow for greater diversity in the housing type available.

Engagement

Internal Engagement	
Stakeholder	Comments
Engineering Department	See comments below in relation to vehicular access.

External Engagement	
Stakeholders	Owners and occupiers of properties within a 100 metre radius of the site.
Period of engagement	22 February 2019 – 15 March 2019, 21 day consultation period in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.
Level of engagement	Consult
Methods of engagement	Written submissions; Your Thoughts
Advertising	Letters; Town Website
Submission summary	12 submissions received.
Key findings	Refer Attachment 11.2.1

Other Engagement	
Stakeholder	Comments

Environmental Protection Authority	Protection	<i>"After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations".</i>
Department of Education		<p>Comments received in relation to the original Scheme Amendment expressed concern with regards to overlooking to the school, vehicle access via Bailie Avenue/Carson Street and use of the school car park outside of school hours.</p> <p>A further submission received on the modified Scheme Amendment states that: <i>"The Department has no objection to the Amendment subject to the following:</i></p> <ul style="list-style-type: none"> • vehicle entry/exit point to Bailie Avenue/Carson Street to be designed such that it would delineate the entry statement to the subject site and not conflict with vehicle access to Carson Street School; and • proposed dwellings maintaining sufficient setback distance from the common property boundary with Carson Street School as indicated on the concept site plan".
Water Corporation		<i>"The proposed changes to the Scheme do not appear to impact on the Water Corporation's infrastructure or operations".</i>

Legal compliance

[Part 5 'Local Planning Schemes' of the Planning and Development Act 2005 and the Planning and Development \(Local Planning Schemes\) Regulations 2015, Regulations 50 and 51](#)

Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Legal/Compliance The Minister for Planning, Lands and Heritage is ultimately responsible for approved Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Scheme Amendment notwithstanding Council's resolution.	Moderate	Unlikely	Moderate	Provide sufficient justification for the proposed modified Scheme Amendment.
Reputational	Minor	Possible	Moderate	Explanation for

Approval of the Amendment as initiated.				the proposed modified Scheme Amendment.
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Financial implications

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

Analysis

8. In the report presented to the Ordinary Council Meeting of 13 November 2018 and 19 February 2019, comments have been made on the key aspects of the Scheme Amendment including the issues of built form, building height and vehicular access. These have subsequently formed part of the provisions which will apply to the development of the land.

9. Density
 The Town previously initiated a proposal for an R40/R60 coding subject to the R60 density only being applied where the use is aged persons dwellings in a multiple dwelling form. Alternatively the R40 density coding would apply if the site was developed with standard residential dwellings with no occupancy restrictions. As part of the initiated proposal, the applicant presented two concept plans showing approximately 120 units ranging in height from two (2) storeys to three (3) storeys. These concepts were supported in principle as it was determined that the size and location of the property, including the property being directly adjoined on all boundaries by non-residential land uses was capable of accommodating more intensive development on the site than that currently permitted under the R30 code.

10. Council Officers are supportive of modifications to rezone the site to an R60 density for the construction of Grouped Dwellings only, as proposed by the new landowner. The R-Codes require a minimum and average lot size of 120m² and 150m² respectively for Grouped Dwellings at the R60 density (equates to maximum of 73 Grouped Dwellings). The concept plan submitted by Rowe Group on behalf of the new landowners proposes 52 lots ranging in size from 120m² to 171m². Of the existing site area, a total of 6,659m² would be assigned exclusively to the individual lots with the remaining 4,370m² being provided for new roads/laneways, footpaths, verges, bin collection points and 19 public visitor parking bays.

11. In lieu of the original Scheme Amendment which would have recoded the land to Residential R40/60 and would have enabled the development of the site with approximately 120 dwellings, in an apartment form in a number of separate building blocks, for occupation by aged persons, the new landowner proposes a recoding of the site to R60 and a subdivision of the land for approximately 52 dwellings with unrestricted occupation. It should be noted while it is requested that the site be recoded to R60, the actual density of development proposed on the site (52 dwellings on a land area of 11,029m²) equates to R47.

12. The current R30 density coding allows for a maximum of 36 Grouped Dwellings.
13. An increase in the density coding of the site is consistent with the State Government's infill objectives and increased dwelling density targets. It is considered that additional density on the site is warranted particularly given that the site is directly adjoined on all boundaries by non-residential land uses, and will have no detrimental impact upon the amenity of the surrounding area if appropriately controlled,
14. While the original amendment was to restrict development of the site at the R60 density coding to aged or dependent persons dwellings, this was on the basis that the applicant of the time was contemplating this type of accommodation, and this would have resulted in a much greater density than that now proposed. It was considered that given the extent of density that could have been delivered at an R60 density in a multiple dwelling form (around 120 dwellings), that restricting the use to aged or dependent persons would have a much lesser amenity impact in comparison to unrestricted occupancy (different amenity impacts in relation to number of vehicle movements per days; noise generation etc).
15. Noting that the new landowner now proposes to develop the site with up to 52 Grouped Dwellings, the applicant's justification for an increase in the density coding from R30 to R60 is supported including:
 - The proximity to the Albany Highway activity corridor and public transport;
 - The site being physically separated from residential properties by non-residential land uses;
 - Alignment with the Statement of Intent for the Precinct which includes "to provide a range of housing types, predominantly of a low scale; and
 - Opportunity for the site to be developed in a grouped dwelling form (townhouses/terraces), often referred to as the "missing middle", and being a type and form of housing not commonly available in the Town.
16. While on face value an R50 density coding would enable the landowner to achieve the proposed dwelling yield of 52 lots, the required minimum lot size for R50 compared to R60 increases from 120m² per lot to 160m² per lot, in which case the applicant's concept plan could not deliver 52 lots.
17. Built Form
The original Scheme Amendment contained a number of development criteria to control the future form of development on the lots.
18. Rowe Group have instead now requested that the Town consider a Local Development Plan in lieu of the more prescriptive built form and design criteria originally proposed. A Local Development Plan will be prepared to guide and coordinate the design and development on the subject site, and will need to be approved by the Town prior to the development of any dwellings on the lots.
19. Several of the submissions received in relation to the modified Scheme Amendment raised concern regarding the built form of the future site. A condition of the modified Scheme Amendment requires the preparation of a Local Development Plan for the site. The intention of the Local Development Plan is to coordinate and assist in achieving better built form outcomes by linking lot design to future development. Generally it would include information pertaining to lot details; building envelopes; vehicle access and parking; fencing and retaining walls; private open space; landscaping; noise attenuation;

encroachments.

20. There will be further opportunity provided for the public to review and provide comment on the Local Development Plan following its preparation and prior to its consideration by Council.

21. Building Height

The subject site is adjoined by Hillview Bushland, Edward Millen House and Park and Carson Street Primary School. On the opposite side of Berwick Street, the land is zoned Residential R20 and comprises single storey and two storey single and grouped dwellings.

22. The existing site slopes down approximately seven metres from Berwick Street to the rear northern corner of the block. The existing height of the building on the site presents as a three-storey building, notwithstanding the building is only two storeys. In addition, the building is configured as one building mass across the site. The concept plan shows five separate building envelopes, which will disperse the additional building height across the site.

23. Having regard to the size and location of the property, including the property being directly adjoined on all boundaries by non-residential land uses, it is accepted that there is potential to accommodate additional height on the site beyond the two-storey height limit currently permitted to a maximum of three storeys, with limited impact on surrounding properties.

24. Vehicular Access

The site is currently accessed from/to Berwick Street which is a Primary Distributor Road under the Town's functional road hierarchy. In addition, there is a secondary access, connecting the site with Carson Street and Baillie Avenue.

25. The original Scheme Amendment as initiated by Council and advertised included the following criteria for development of the site:

"(h) Vehicle access to the site is to be the subject of a Traffic Impact and Road Safety Assessment. Vehicle access being to/from Berwick Street via a left-in/left-out arrangement, with the exception that Council may consider access to Baillie Avenue/Carson Street for emergency vehicles only".

26. Rowe Group on behalf of the landowner have maintained that there is strong justification to maintain the vehicular access on Carson Street/Baillie Avenue and have submitted an updated Transport Impact Statement (TIS) supporting this. The amended TIS has been reviewed by the Council's Technical Services, who have provided the following comments:

27. *"Carson Street/Baillie Avenue Vehicle Access*

The Town considers that Baillie Avenue is the most desirable route to the Perth CBD for car traffic. Thus, Berwick Street would likely be treated as the secondary access especially during the AM peak hour period. When comparing travel distance and time to and from the Perth CBD. The distance measured from 21 Baillie Avenue is approximately 200m shorter than the distance from 384 Berwick Street. The travel times for both access points are near identical. Furthermore, when traveling from Baillie Avenue the route contains easy left turns into busy roads. Over time as traffic increases on surrounding distributor roads it is

likely that the use of Shepperton Road will become even more desirable. Thus, it is the Town's preference that car access is to and from the highest order road only.

28. The Town does not consider the proposed design changes to the Baillie Avenue access sufficient to provide one lane two-way traffic flow. Even by moving the substation and increasing pavement width at the southern end. The length of the access is still close to 30m when measuring to the road side kerb. However, it should be noted that detail of the proposed access has not been submitted for review. Additionally, surrounding constraints should also be considered when proposing a one lane access with limited passing opportunities. The entry angles at each end of the access restrict sight lines internally. Also, there is zero offset to a school access which is located next to several school pick-up and set-down bays. Based on the surrounding constraints and the proposed width and length of the access. The Town does not support a one lane two-way traffic flow access at this location.
29. The Town promotes sustainable transport and believes the Baillie Avenue access would be best used as a dedicated pedestrian and cyclist route. The Town developed an Integrated Movement Network Strategy (IMNS) in 2013 to provide a high-level framework to guide the development of more detailed future action plans for delivering an efficient, safe, well-connected and sustainable transport system in the Town. The following objectives are stated in the IMNS which align with the provision of a dedicated pedestrian and cycle access:
8. Create a healthier and more accessible community through encouraging active travel such as cycling and walking;
 9. Improve environmental conditions through less reliance on private motor vehicle transport.
30. It is believed that by restricting the access to pedestrians and cyclist use only, private motor vehicle use will be discouraged, and active transport promoted.
31. *Berwick Street Vehicle Access*
Based on the proposed design submitted. The Town supports the retention of a full movement access to/from Berwick Street."
32. Therefore based upon the advice from Council's Technical Services, it is proposed to retain provisions as part of the Scheme Amendment not allowing for vehicular access from the site to or from Carson Street/Baillie Avenue.
33. The modified Amendment is considered to be a better outcome from that originally initiated as it will result in a lesser density of development of the site, with a reduced traffic impact, and provide for diversity in housing types in the Town. A number of issues raised through the public submissions can be further considered and dealt with at either the Local Development Plan stage, subdivision application or development application stage.

Relevant documents

Not applicable

11.3 No. 115 (Lot 6) Oats Street, Carlisle for Change of Use from Grouped Dwelling to Residential Building (Short Term Accommodation)

Decision type	Quasi-judicial
Location	Carlisle
Reporting officer	Amie Groom
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1: Development Plans [11.3.1] 2. 5.2018.803.1 - 115 Oats Street, Carlisle - Updated Management Plan [11.3.2] 3. Aerial photo - 115 Oats Street [11.3.3]

Landowner	Bruce Jan Hong Ling
Applicant	Lai Wah Heow
Application date	15 October 2018
DA/BA or WAPC reference	Not applicable.
MRS zoning	Urban
TPS zoning	Residential
R-Code density	Residential R30
TPS precinct	Precinct 8 'Carlisle'
Use class	Residential Building (Short Term Accommodation)
Use permissibility	'AA' (Discretionary) Use
Lot area	1852 square metres
Right-of-way (ROW)	Not applicable.
Municipal heritage inventory	Not applicable.
Residential character study area/weatherboard precinct	Not applicable.
Surrounding development	Single houses and grouped dwellings to the north, south, east and west. Orrong Road approximately 30 metres to the north-east.

Recommendation

That Council approves the application submitted by Lai Wah Heow (DA Ref: 5.2019.803.1) for Change of Use from Grouped Dwelling to Residential Building (Short Term Accommodation) at 115 Oats Street, Carlisle as indicated on the documents 19 November 2018 and 20 February 2019, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:

1. This approval is valid for a period of 12 months from the date of this approval, after which time the permitted use of the premises shall revert to a dwelling unless further development approval is obtained. Prior to or upon the expiry of this temporary approval the owner/applicant must cease the development or submit a fresh application for development approval to continue the use.
2. A maximum of three rooms in the building are to be available for use as bedrooms at any one time, for a maximum of six occupants at any one time (excluding a single family), with there being no more than one booking for the property at a time.

3. A minimum of three on-site car parking bays being available for use by guests and visitors at all times.
4. All resident, guest, staff or visitor car parking associated with the Residential Building (Short Term Accommodation) shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
5. A maximum of only one sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short-Term Accommodation, is permitted.
6. The property, including the building surrounds and all garden areas, are to be kept in a clean, tidy and well-maintained state of repair at all times to the satisfaction of the Town.

Advice to Applicant

- i. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or Metropolitan Region Scheme and the applicant may apply for review of the determination of Council by the State Administrative Tribunal within 28 days of this decision.
- ii. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
- iii. This approval is for the use of the building as a Residential Building (Short Term Accommodation) only. Any alternative use of the premises will require the submission of an application to Council for a change of use.
- iv. Any amendments or modifications to the approved drawings or documents forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
- v. The development approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the Strata Titles Act 1985 or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.

Purpose

The application seeks to change the use of an existing dwelling, currently approved as a 'Grouped Dwelling', to a 'Residential Building (Short Term Accommodation)'. The proposed land use is an 'AA' discretionary land use under the Town's Town Planning Scheme (TPS) No. 1.

While the Town has delegated authority to determine the application, in view of previous decisions of Council relating to other short-term accommodation proposals, and the current review of the relevant Council Policy, delegation has not be exercised and instead the matter is referred to Council for determination.

In brief

- The application seeks to change the use of an existing dwelling (one dwelling in a group of six), currently approved as a 'Grouped Dwelling' to a 'Residential Building (Short Term Accommodation)'.
- The intent is for the dwelling to be used for short-term accommodation catering for groups up to a maximum of six people. Three bedrooms are to be used with two bedrooms having two single beds and one bedroom having a double bed.
- The proposed use of 'Residential Building (Short Term Accommodation)' is an 'AA' (discretionary) use.
- Community consultation concluded on 1 February 2018. No submissions were received.
- It is considered that the property will be appropriately managed and that any amenity impacts associated with the use can be managed through conditions of approval.
- The proposal is recommended for Approval subject to conditions and advice notes, including the approval being for an initial 12-month period.

Background

1. Development Approval was granted for six grouped dwellings on the subject site in 2005. Five of the grouped dwellings take access via a common property driveway from Astral Avenue with the subject property being the sole dwelling taking access from Oats Street.

Application summary

2. The development application proposes a change of use from a 'Grouped Dwelling' to a 'Residential Building (Short Term Accommodation)', catering for groups of up to six people, within three bedrooms.
3. Under the TPS1, a 'Residential Building' is defined as follows:

"A building of portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily by two or more persons; or*
 - *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school"*.
4. The existing two storey building on the subject site is approved as a 'Grouped Dwelling' and has vehicle parking for four cars. Two cars can be located within the double garage and there is space for two cars to be located within the driveway in front of the garage.

Applicants submission

5. A copy of the Management Plan was provided to the Town as part of the original application (see Attachment 11.3.2). The Management Plan provides information in relation to the following:
 - Check-in and check-out times
 - Mitigation and Complaints Procedure
 - Use and Maintenance
 - Safety, Hygiene and Security
 - Car Parking
6. The Code of Conduct is as follows:

"All residents and guests will

- *Keep the house clean and tidy*
- *Wash and dry all the dishes*
- *Throw the rubbish in the bins provided*
- *Not smoke or vape*
- *Park the car in the garage of the parked driveway*
- *Not disturb the neighbours*
- *Not hold parties or events*
- *Keep noise levels low*

Failure to abide by any of these conditions may result in forfeiture of deposit, and if necessary, a police report".

Relevant planning framework

Legislation	Planning and Development (Local Planning Schemes) Regulations 2015
State Government policies, bulletins or guidelines	Not applicable.
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 3 - 'Non-Residential Uses in or Adjacent to Residential Areas' (LPP3) • Local Planning Policy 31 - 'Specialised Forms of Accommodation other than Dwellings' (LPP31)
Other	<ul style="list-style-type: none"> • Draft revised Local Planning Policy 31 - 'Serviced Apartments and Residential Buildings including Short Term Accommodation' (draft LPP31)

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>Medium density residential development of single houses and grouped dwellings is considered appropriate for the precinct.</i></p>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 31 - 'Specialised Forms of Accommodation other than Dwellings' are relevant in determining the application:</p> <ul style="list-style-type: none"> • to facilitate the development of appropriately located and high-quality accommodation other than permanent residential dwellings within the Town of Victoria Park. • to define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short-Term Accommodation. • to protect the residential amenity of permanent and long-term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation. • to ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible

	<p>scale and design with surrounding development.</p> <p>The following objectives of LPP3 - 'Non-Residential Uses in or Adjacent to Residential Areas' are relevant in determining the application:</p> <ul style="list-style-type: none"> • to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties • to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses • to avoid the concentration of non-residential uses where it would create a de-facto commercial area, isolate residential properties or contribute to the unplanned expansion of commercial or mixed-use zones into surrounding residential zoned land
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following are relevant matters to be considered in determining the application.</p> <p><i>(g) Any local planning policy for the Scheme area</i> <i>(m) The compatibility of the development with its setting</i> <i>(n) The amenity of the locality</i> <i>(y) Any submissions received on the application</i></p>

Compliance assessment

7. The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, the Town's local planning policies, the Residential Design Codes and other relevant documents, as applicable. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the detailed assessment section following from this table.

CHANGE OF USE APPLICATION		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		✓
Car parking	✓	

8. Due to the current review into the Town's LPP31 - 'Serviced Apartments and Residential Buildings including Short Term Accommodation', further assessment was undertaken under the provisions of the revised draft LPP31 with the application being found to be consistent with the draft policy.

9. The proposed use is supported for the following reasons:
- The proposed development is within 400 metres of an existing high frequency bus route that runs along Orrong Road.
 - The scale of the proposed Residential Building, with three bedrooms is considered to be of a scale that is comparable to other dwellings in the neighbourhood.
 - The three on-site existing parking bays and the traffic generated at the proposed accommodation is intended to be controlled by a Management Plan that guests and visitors will be required to abide to.
 - While part of a group of six dwellings, the subject unit effectively operates as a separate unit as it is the only dwelling that faces and gain vehicle access from Oats Street.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Diversifies accommodation available to tourists to locate and experience the Town.

Environmental	
Strategic outcome	Intended public value outcome or impact
EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.	The proposed use provides diversity in accommodation types within the Town and is to be appropriately managed to minimise any impact on surrounding properties

Engagement

Internal Engagement	
Stakeholder	Comments
Building Department	Do not object – no additional conditions
Environmental Health Department	Do not object – no additional conditions

External Engagement	
Stakeholders	Owners and occupiers of adjoining properties.
Period of engagement	18 January 2019 – 1 February 2019, 14 day advertising period as per Local Planning Policy 37 ‘Community Consultation on Planning Proposals’.
Level of engagement	Consult
Methods of engagement	Written Submissions; Your Thoughts
Advertising	Letters
Submission summary	No submissions received.
Key findings	None.

Legal compliance

Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
<p>Compliance</p> <p>Non-compliance with the Management Plan and conditions of approval may result in complaints from adjoining property owners.</p>	Moderate	Possible	Moderate	<p>The recommendation that the development approval be granted for a period of 12 months will allow for reconsideration of a possible extension in light of any potential complaints that may be received by the Council along with supporting evidence.</p>
<p>Reputation</p> <p>The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.</p>	Moderate	Likely	High	<p>Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.</p>

Financial implications

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

Analysis

10. Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Short Term Accommodation)' use on a 'Residential' zoned lot, taking into consideration the amenity impact on the neighbouring properties.
11. As demonstrated by the assessments above, the proposal is also consistent with Local Planning Policy 31 and the revised draft of the same policy with respect to most provisions. This includes satisfying relevant criteria related to preferred locations. The intention outlined by the applicant is to utilise the existing three bedrooms for short term vacations by guests instead of the conventional long term (rental) agreements.
12. In terms of appropriateness of the use and potential amenity impacts, the applicant in their application dated 19 November 2018, includes various information including a Management Plan, a code of conduct and procedures regarding complaints by both guests and/or neighbouring residents.
13. Based on the submitted information, it is considered that the use can be managed so as to minimise any impact on adjacent properties.
14. It is acknowledged that the dwelling could otherwise be occupied by up to six unrelated people on a permanent basis (i.e. for periods of six months or more), and that this would constitute a 'dwelling' and be permitted. However, in this case the proposed use is for temporary accommodation, and therefore the amenity and social impacts can be relatively different.
15. Having regard to the above, it is recommended that the application be conditionally approved. Consistent with previous approvals for short-term accommodation, it is recommended that the initial approval be for a 12-month period. This will allow for a review of the use and any resulting amenity impacts to be reviewed after 12 months, in order to determine whether or not to grant a further approval.

Relevant documents

None.

12 Chief Operations Officer reports

13 Chief Financial Officer reports

14 Committee reports

14.1 Finance and Audit Committee

14.1.1 CEO Review of Systems and Procedures on Legislative Compliance

Location	Town-wide
Reporting officer	Danielle Uniza
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from Finance and Audit Committee

That Council:

1. Receives the results of the Chief Executive Officer's Review of systems and procedures relating to legislative compliance, in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996*, as included in Attachment 14.1.1.5.
2. Endorses the 12 recommended further actions identified as part of the review.
3. Requests that the Chief Executive Officer provides a further report to the Finance and Audit Committee on the progress of recommended further actions by November 2019.

Purpose

To present findings and recommend further actions from the Chief Executive Officer (CEO)'s review of systems and procedures relating to legislative compliance, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996 (the Regulations).

In brief

- Regulation 17 of the Regulations require the CEO to conduct a review of systems and procedures relating to legislative compliance, risk management and internal controls on a triennial basis.
- To ensure that a thorough review is conducted, each area will be reviewed and reported on individually starting with legislative compliance, followed by internal controls and then risk management. All three areas will be reviewed in 2019. This report is a review on legislative compliance.
- In conducting a review of systems and processes relating to legislative compliance, the Town has used the Local Government Operational Guidelines No. 9 – Audit in Local Government (the Guidelines) to establish nine key areas of review.
- Of the nine areas reviewed, two areas have been deemed to have 'inappropriate' systems and processes, six areas are deemed to have some systems and processes in place that 'need improvement', and two areas have been deemed to be 'appropriate'. Eleven further actions have been identified.

Background

1. In 2013, regulation 17 of the Regulations were amended to include a requirement for the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal controls and legislative compliance on a biennial basis. In 2018, regulation 17 was amended to change frequency of the review requirement from biennial to triennial.
2. In accordance with regulation 16 of the Regulations, a local government's audit committee is responsible for reviewing the CEO's report, before providing a copy of the report and the results of its review to Council.

3. The first and only review conducted by the Town was a full review of all three areas – legislative compliance, risk management and internal control. The result of this review was presented to the Finance and Audit Committee at its meeting held in November 2016, before being presented to Council at its meeting held on 13 December 2016 (attachment 14.1.1.1). This initial review found the Town’s systems and processes relating to both risk management and legislative compliance to be ‘appropriate and effective’, and its systems and processes relating to internal controls to be in ‘in its infancy’. No further actions were recommended as part of that review.

4. As the last review was conducted in 2016, the CEO is required to conduct a review of all three systems in 2019. While the initial review assessed the appropriateness and effectiveness of all three systems in one report, the approach to this review will be to assess, and report on, each system individually within the calendar year, starting with legislative compliance, to be followed by internal controls and then risk management. The reason for this staggered approach is to ensure that the CEO has an opportunity to review each area thoroughly.

5. While there is no mandatory or minimum requirement for conducting the review, as required by regulation 17, the Town has used the Guidelines as a basis for reviewing the ‘appropriateness and effectiveness’ of the Town’s current systems and processes relating to legislative compliance. According to the Guidelines, issues that should be considered for inclusion in the CEO’S review, and are to be reviewed by the audit committee, relating to legislative compliance include:
 - a) Monitoring compliance with legislation and regulations
 - b) Reviewing the annual Compliance Audit Return and reporting to Council on the results of that review
 - c) Staying informed about how management in monitoring the effectiveness of its compliance and making recommendations for change as necessary
 - d) Reviewing whether the local government has procedures to receive, retain and treat complaints, including confidential and anonymous employee complaints
 - e) Obtaining assurance that adverse trends are identified and review management’s plans to deal with these
 - f) Reviewing management disclosures in financial reports of the effect of significant compliance issues
 - g) Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee
 - h) Considering the internal auditor’s role in assessing compliance and ethics risks in their plan
 - i) Monitoring the local government’s compliance frameworks dealing with relevant external legislation and regulatory requirements
 - j) Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.

6. The 10 key areas identified above have been used in conducting the CEO’s review of the appropriateness of procedures and systems relating to legislative compliance.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The Town has a responsibility to its community to ensure that its current systems and processes are in line with legislative requirements, and industry best

	practice, to foster both good decision-making and better delivery of services to the community.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	By conducting a thorough review of the appropriateness of the Town's system and processes relating to legislative compliance, key areas that need further actioning and/or better resourcing to ensure appropriate management have been identified for consideration.

Engagement

Internal Engagement	
Stakeholder	Comments
Finance	Comment was sought from Finance on Review Area 5 and Review Area 6.

Legal compliance

[Regulation 16 of the Local Government \(Audit\) Regulations 1996](#)

[Regulation 17 of the Local Government \(Audit\) Regulations 1996](#)

Risk management consideration

Risk and Consequence	Consequence rating	Likelihood rating	Overall analysis	Mitigation and Actions
Compliance While the Town's current systems relating to legislative compliance meet a basic practice standard, several factors such as staff turnover, administrative error, etc. can result in not meeting a compliance obligation.	Moderate	Likely	High	Completing the proposed further actions as a result of this review.
Reputational The Town will face reputational damage if a lack of appropriate oversight from the audit committee/ administration results in a significant non-	Major	Likely	High	Completing the proposed further actions as a result of this review. Ensure the functions of the audit committee aligns with best practice standards.

compliance with the regulatory framework.				
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	At current, Town’s governance system is deemed to be of a low maturity level with many areas needing much improvement to move from ‘basic practice’ to ‘advanced practice’. Should the Town to move into a ‘high maturity’ framework, this may require further resourcing in the future.

Analysis

7. The review has been based on current systems and procedures. It is to be noted that while several areas of improvement are already underway, the review has not considered those as they are not currently in place. An officer comment has been provided relating to each of the 10 review areas, as outlined in the Guidelines. Where it has been deemed that there is appropriate procedures and systems relating to an area of review, it is assessed with ‘appropriate’, where there is some form of procedure/ system relating to an area of review, it is assessed with a ‘needing improvement’, and where there is little to no evidence of procedures and systems relating to an area of review, it has been assessed with an ‘inappropriate’. The 10 areas of review have been assessed as follows:

8.

Review Area 1: Monitoring compliance with legislation and regulations	
Officer Comment	While the Town has continued to meet the minimum requirements for its statutory reporting obligations, the process in which such compliance is met is deemed to be lacking in structure. The Town’s approach to meeting legislative compliance, particularly that relating to statutory reporting, has been based on knowledge of staff relating to requirements for their respective areas, and by conducting the Compliance Audit Return (CAR) on a quarterly basis. Bearing in mind that the requirement is that the CAR is completed on an annual basis, it is believed that completing this on a quarterly basis, as has been previous practice, does not add any further value. It is also to be noted that the CAR does not contain all of a local government’s legislative requirements.
Assessment	Needing improvement
Recommended further action	(1) Implementation of attached ‘Compliance Calendar’ to formalise the Town’s approach in monitoring compliance with legislation and regulations.
Supplementary Documents	9. Compliance Calendar (attachment 14.1.1.2)

9.

Review Area 2: Reviewing the annual Compliance Audit Return and reporting to Council on the results of that review

Officer Comment	The 2018 annual Compliance Audit Return was last presented to the Finance and Audit Committee in January, and to Council in February. This has since been submitted to the Department of Local Government. While previous approach to completing the Compliance Audit Return was conducted through a 'yes/no' response format, the approach taken this year was to add depth to the review by requiring responding officers to provide evidence of compliance, which was then reviewed by Governance prior to submitting its report to the Finance and Audit Committee.
Assessment	Appropriate
Recommended further action	None.
Supplementary Documents	2018 Compliance Audit Return – Endorsed by Council at its February 2018 Ordinary Council Meeting

10.

Review Area 3: Staying informed about how management in monitoring the effectiveness of its compliance and making recommendations for change as necessary	
Officer Comment	As the scope of the Finance and Audit Committee has been centred on vetting the Town's financial statements, there has been little work conducted in monitoring the effectiveness of the Town's compliance, and making recommendations for change. That said, as the Town does not currently have an appropriate compliance management system in place, it is difficult to conduct this function.
Assessment	Needing improvement
Recommended further action	(2) Ensuring that a monthly report on the 'Compliance Calendar' is generated for the Finance and Audit Committee, and distributed to its members for oversight purposes.
Supplementary Documents	10. Compliance Calendar (attachment 714.1.1.2)

11.

Review Area 4: Reviewing whether the local government has procedures to receive, retain and treat complaints, including confidential and anonymous employee complaints.	
Officer Comment	<p>The Town has a Grievance Procedure which deals with receiving, retaining and treating complaints where it relates to the Town's employees. Complaints from the Town's customers are dealt with through the Customer Service Charter. There is no procedure in place for complaints relating to Elected Members.</p> <p>The Town's Complaints Officer is currently the Chief Executive Officer, and there is no formally appointed Public Interest Disclosure (PID) officer.</p>

Assessment	Needing improvement
Recommended further action	(3) Development of a policy and/or procedure for complaints relating to elected members (4) Appointment of a PID officer
Supplementary Documents	11. Grievance Procedure (attachment 14.1.1.3)

12.

Review Area 5: Obtaining assurance that adverse trends are identified and review management's plans to deal with these	
Officer Comment	At current, the Town tracks adverse trends relating to its key financial indicators in its Long Terms Financial Plan. If a key financial indicator has not met the Department of Local Government's ratio thresholds for three consecutive years, it is considered an adverse trends. In this sense, no adverse trends have been identified in the Town's financial indicators. A minor concern exists with the Town's current ratio (a liquidity ratio comparing our current assets to our current liabilities) but this is not deemed to be an adverse trend.
Assessment	Appropriate
Recommended further action	None.
Supplementary Documents	Long Term Financial Plan

13.

Review Area 6: Reviewing management disclosures in financial reports of the effect of significant compliance issues	
Officer Comment	There have been no management disclosures made in financial reports, as no significant compliance issues have been identified. That said, no process currently exists to ensure inclusion of disclosures in financial reports should a significant compliance issue arise.
Assessment	Inappropriate
Recommended further action	(5) Development of process which triggers the inclusion of a management disclosure in the event that a significant compliance issue is identified.
Supplementary Documents	None.

14.

Review Area 7: Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee	
Officer Comment	There is currently no internal audit program or internal auditor within the Town; further detail is provided in the response to Review Area 7. The audit plan by the Town's external auditors, outside of financial management, includes auditing the Town's compliance requirements as per the <i>Local Government Act 1995</i> ; however, it does not include auditing of any ethics risks outside of those that relate to fraudulent activities.
Assessment	Needing improvement
Recommended further action	As presented under Review Area 7 below.
Supplementary Documents	12. Audit Plan 2019 (attachment 14.1.1.4)

15.

Review Area 8: Considering the internal auditor's role in assessing compliance and ethics risks in their plan	
Officer Comment	There is currently no internal auditor within the Town. The only internal audit conducted relates to a process audit of the Town's records management which was presented to the Finance and Audit Committee at its meeting held in August 2017. No internal audits have been conducted that relate to either compliance or ethics risks. Considering the Town was/is subject to several performance audits to be conducted by the Office of the Auditor General (OAG), it is pertinent that focus is given to an internal audit program.
Assessment	Inappropriate
Recommended further action	(6) Develop and internal audit program with a focus on assessing areas of risk, strategic significance, and ethics/integrity issues (7) Ensure the internal audit program is appropriately resourced
Supplementary Documents	Item 8.2 Internal Audit Report Performance of Audit of Records Management Plan – Presented to the Finance and Audit Committee at its September 2017 Meeting

16.

Review Area 9: Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements	
Officer Comment	There is currently no formal system in place that monitors other relevant external legislation and regulatory requirements outside of receiving notifications from State Law Publisher regarding amended and changing legislation that may have an impact on the Town. While relevant officers are notified regarding changes to legislation, there is no follow-up or

	monitoring of completion of the required further actions are conducted.
Assessment	Needing improvement
Recommended further action	(8) Development of a process to capture relevant changes to external legislation and regulatory requirements, which includes the tasking of necessary actions to relevant officers and ensuring completion. (9) A report containing relevant changes and ensuing action to be generated and distributed to the Finance and Audit Committee to ensure appropriate oversight, as required.

17.

Review Area 10: Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.	
Officer Comment	While there are no known issues of audit committee members misusing their position, it is to be noted that there has been no formal induction process specific to audit committee members, particularly the recently appointed independent committee members. It is to be further noted that the current Terms of Reference for the Finance and Audit Committee are in need of review to ensure alignment with best practice standards.
Assessment	Inappropriate
Recommended further action	(10) Development of a formal induction process for audit committee members, with a particular focus on expected conduct and roles. (11) Review the Terms of Reference for the Finance and Audit Committee to ensure it is in line with legislative and regulatory requirements.
Supplementary Documents	None

18. A summary of the Town's assessment against the 10 review areas are as follows:

Review Area	Assessment	No. Further Action	Status
1	Needing improvement	1	In progress
2	Appropriate	0	N/A
3	Needing improvement	1	In progress
4	Needing improvement	2	In progress
5	Appropriate	0	N/A
6	Inappropriate	1	Not started
7	Needing improvement	0	N/A
8	Needing improvement	2	Not started
9	Inappropriate	2	In progress
10	Needing improvement	2	In progress
Total No. of Further Actions		11	

19. Due to the large number of further actions to be completed resulting from this review, it has been

recommended that the Finance and Audit Committee provides the Town at least six months before seeking a further report regarding the status of actions identified.

Relevant documents

[A Guide to Local Government Auditing Reforms \(DLGSC\)](#)

[Local Government Operational Guidelines No. 9 – Audit in Local Government \(DLGSC\)](#)

Relevant documents

Resulting from questions asked at the Finance and Audit Committee meeting held on 25 March 2019, an additional attachment has been included which contains the Report of the CEO's Review of Systems and Processes Relating to Legislative Compliance (14.1.1.5).

14.1.2 Schedule of accounts for February 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Finance and Audit Committee

That Council:

1. Confirms The accounts for 28 February 2019, 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 28 February 2019.

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) Regulation 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 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 list of accounts paid in accordance with Regulation 13 of the Local Government (Financial

Management) Regulation 1996 is contained within the attachment, and is summarised below.

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608519 – 608540	39,880
Creditors – EFT Payments		3,158,651
Payroll		1,066,323
Bank Fees		10,578
Corporate MasterCard		4,554
		4,279,986
Trust Account		
Automatic Cheques Drawn		12,964
		12,964

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainability and transparently for the benefit of 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.
CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The presentation of payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

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 and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Compliance Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Financial impact Misstatement or significant error in Schedule of	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and

Accounts				external audits.
Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

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 the Committee recommend that Council confirm the payments, as included in the attachments.

Relevant documents

[Procurement Policy](#)

Further consideration

- The members of the Finance and Audit Committee sought further information on a number of payments made in February 2019. The following list represents the questions and answers associated with the request for further information.

Bang The Table - Software and IT Solutions

This payment relates to the yearly subscription for our online engagement software "Your Thoughts".

Civica – Software and IT Solutions

This relates to the implementation of online Building and Planning Applications modules within our software system "Authority".

Core Business Australia – Audit Services Engineering

This payment relates to a strategic asset management workshop for staff and council. The description has been updated to better reflect the nature of the payment to "Conference and Workshop Enrolment".

Data #3 – Software and IT Solutions

This relates to multiple invoices which include software configuration for DocAssembler agenda and minute's system and continued work for the desktop renewal project and deployment system for a standard operating environment.

DBS Fencing – Fencing

DBS Fencing provided services in relation to fencing at Kensington Bushland and Kent Street sand pit.

Dienst Consulting – Software and IT Solutions

This relates to annual maintenance subscription for our data storage component (Nimble).

DiscGolfPark – Equipment Supply and Repair

DiscGolfPark were engaged to complete repairs and update signage to the Discgolf course situation at Taylor Reserve.

Donald Veal Consultants – Parking Management Services

Donald Veal were engaged to provide traffic advice in relation to parking issues along Bolton Avenue.

Jim's Fencing (North Perth) - Fencing

These two payments relate to fencing and gate repair at a variety of locations within Victoria Parking including Rayment Park, Fraser Park, Tom Wright Park and Read Park.

Productology – Advertising Services

This relates to payment for advertising collateral to support anti vehicle theft initiatives within the Town.

Seamless CMS – Communication Services

This payment relates to our yearly subscription and software payment for the Town website.

Solar Bike – Equipment Supply & Repair

This payment relates to the provision of five electric bikes.

The Lenard Family Trust – Event Performance and Activity

This payment relate to the provision of audio visual and stage for the last two of the Town's Twilight concert series. The payment for the first concert was provided in January,

Thinkfield – Customer Relations Services

Thinkfield provide the Town will mystery shopping services to support our commitment to customer service. This invoice relates to multiple services including onsite visits, telephone and email communication. This relates to a year of services.

Macri Partners – Audit Services

This is for payment of the 2017/2018 financial year audit.

I believe I've raised it in previous months but we've paid Veev Group the best part of \$240,000 since August last year. I understand from previous queries this is to do with IT project management for 3 projects (AMS, SteerCo and EM portal). My question is more around is whoever is managing that engagement comfortable we're getting value for money and is on top of the spend? For \$240k you could easily get 2 full time IT project managers for an entire year.

The Town engaged Veeve Group to prioritise, scope, procure and deliver a significant number of information technology project that were identified within the Town. The Town was pleased with the initial phase of work that was conducted by Veev Group to prioritise projects. As projects progressed the Town determined that it was not receiving sufficient value for money, hence ceased engaging their services.

14.1.3 Financial statements for the month ending 28 February 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Finance and Audit Committee

That Council accepts the Financial Activity Statement Report – 28 February 2019, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 28 February 2019.

In brief

- The financial activity statement report is presented for the month ending 28 February 2019.
- The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
 - a) 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.
 - b) 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:
 - a) Period variation
Relates specifically to the value of the variance between the budget and actual figures for the

period of the report.

b) Primary reason(s)

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

c) 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	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainability and transparently for the benefit of the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public could make informed decision for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure Town meets its legislative responsibility in accordance with Regulation 34 of the Local Government (Financial Management) Regulation 1996.

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 and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Financial impact Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
Compliance Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Internal review of monthly financial activity statement. External audits of monthly financial

				statements.
Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

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

4. The Financial Activity Statement Report – 28 February 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 – 28 February be accepted.

Relevant documents

Not applicable.

14.2 Future Planning Committee

14.2.1 Adoption of Revised Local Planning Policies 2 and 31

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Future Planning Committee

That Council:

1. Defer consideration of revised Local Planning Policy 2 'Home Occupation', as modified and contained in Attachment 1, in order for Council Officers to further review the draft Policy in light of the instruction from the Minister for Planning, Lands and Heritage to amend the definition of Home Occupation as part of Town Planning Scheme Amendment 80; and
2. Adopt revised Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation', as modified and contained in Attachment 2.

Purpose

Consider submissions received during public advertising of Draft Revised Local Planning Policies 2 and 31, and determine whether to recommend that the Council adopt the revised policies with or without modifications.

In brief

- Council's Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- Existing LPP 2 has been revised to provide clearer policy objectives, clarify the circumstances where development approval is required, and better outline the range of matters to be considered by Council when assessing home occupation proposals.
- Existing LPP 31 has been revised to consolidate and remove duplicated provisions, improve the locational criteria used to assess proposals and clarify the matters to be addressed in the management plans prepared for short term accommodation proposals as well as other forms of accommodation falling within the land use definition of Residential Building.
- The title of LPP 31 has also been modified to reflect the most commonly proposed form of accommodation dealt with by the policy, namely short term accommodation.
- The revisions to LPPs 2 and 31 have been advertised for public comment. One submission of support with concerns was received in relation to LPP 2. Two objections were received in relation to LPP 31. The concerns raised in submissions were not considered to warrant any further changes to the revised LPPs.
- Further refinement of the provisions contained in Draft Revised LPPs 2 and 31, has resulted in a number of minor changes to address grammatical errors and text alignment issues.
- It is recommended that Draft Revised LPPs 2 and 31 (as modified) be adopted by the Council.

Background

1. LPP 2 'Home Occupation' formerly comprised Policy 3.4 under the Town Planning Scheme No. 1 (TPS 1)

Policy Manual. Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed this and all other Policies contained in the Policy Manual from the Town Planning Scheme.

2. LPP 31 'Specialised Forms of Accommodation Other Than Dwellings' was originally adopted as an Administrative Policy (Council Policy PLNG17) on 10 April 2012.
3. At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies, including LPPs 2 and 31, the subject of this report.
4. A review of LPPs 2 and 31 has been undertaken by Council Officers, which has included consideration of:
 - a. the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
 - b. like Policies of other Local Governments;
 - c. alignment with relevant State legislation, policy and/or guidelines (where applicable);
 - d. greater clarity in the objectives of the Policies; and
 - e. improving the presentation of the Policies.
5. The reviews of LPPs 2 and 31 are detailed in the Minutes of the Ordinary Council Meeting held on 9 October 2018 and 9 December 2018, respectively, where consent to publicly advertise the recommended changes to each of the LPPs was granted by the Council.

Strategic alignment

Civic Leadership	
Strategic outcome	
CL02 - A community that is authentically engaged and informed in a timely manner.	Community consultation and public advertising occurring in accordance with State legislative requirements and LPP 37 'Community Consultation on Planning Proposals.'
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Policies.

Economic	
Strategic outcome	
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development of LPPs that facilitate local employment, tourism and other economic outcomes while balancing amenity impacts and land use compatibility issues with surrounding residential uses.

Environment	
Strategic outcome	
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The development of LPPs that facilitate diverse housing and employment outcomes while minimising the potential for adverse amenity impacts.

Engagement

External Engagement – Community Consultation	
Stakeholders	Residents, property owners, general community
Period of engagement	21 days (15 January to 5 February 2019)
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> • Publication of a notice in the Southern Gazette on 15 January 2018; • Hard copy displays at Council's Library and Administration Building; • Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub; and • Advertising/promotion on the Town's online social media platforms.
Advertising	As above.
Submission summary	<p><i>Draft Revised LPP 2:</i></p> <ul style="list-style-type: none"> • One supporting submission noting concern; • Your Thoughts page activity - 29 page visits by 28 visitors; 16 document downloads. <p><i>Draft Revised LPP 3:</i></p> <ul style="list-style-type: none"> • Two objections; • Your Thoughts page activity - 27 page visits by 24 visitors; 19 document downloads. <p>Refer to summary and response to submissions in proceeding table.</p>
Key findings	Comments received in submissions are not considered to warrant any further changes to the draft revised local planning policies.

Draft revised LPP 2 Submissions	
Submission 1 – Property owner and resident of Carson Street, East Victoria Park	
Position: I support the Draft Revised Policy but have some concerns	
Concerns Raised	Officer's Comments
<i>How come construction work can start at 7 am but deliveries to a home business have to start at 8? Daft. Change the times to 7am to 6pm. When couriers start working. Who decides the definition of adverse in section 2a?</i>	Not supported. While construction work may start prior to 7am, it occurs for a temporary period rather than indefinitely as is the case for the operations of a home occupation. Council's Urban Planning Unit are required to consider the amenity of the neighbourhood and surrounding properties when considering a development application for a home occupation. This may include consideration of submissions

	received from surrounding properties where consultation is required or deemed necessary in accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals' as well as drawing on the professional experience and qualifications held by Council Officers, when considering issues of potential adverse impact and neighbourhood amenity.
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Draft revised LPP 31 Submissions

Submission 1 – Property owner and resident of O’Dea Street, Carlisle

Position: I **oppose** the Draft Revised Policy

Concerns Raised	Officer’s Comments
Do not want Air BnB's to operate in Town of Victoria Park.	Not supported. It is considered that appropriately managed and operated short term accommodation can coexist with minimal impacts on surrounding residential properties. The market for short term accommodation is established and likely to continue to grow and it is unrealistic to impose a ban or severe policy restriction on their location given they are 'AA' discretionary uses under Council’s Scheme (as is the case for the residential areas of most local governments) and may exacerbate the establishment of unregulated, clandestine short term accommodation providers within the Town.

Submission 2 – Property owner and resident of Forster Avenue, Lathlain

Position: I **oppose** the Draft Revised Policy

Concerns Raised	Officer’s Comments
My concerns are with the approvals of short-term accommodation within our Town that do not protect the local residents’ safety, way of life and property values.	Concerns noted. The purpose of LPP 31 is to provide a comprehensive and robust policy tool that proposals for the establishment of short term accommodation will need to demonstrate compliance with in order to be approved by the Town. The protection of residential amenity and the minimisation of potential adverse impacts are primary considerations of LPP 31. Property values are not a relevant planning consideration.

Legal compliance

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Policy Implications

- The draft revised LPPs provide greater clarity in their objectives, application and applicable requirements, and forms part of a review of all of the Town’s LPPs.

Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Compliance Application of Policies which could have a clearer rationale, and contain more robust provisions to achieve their intent and objectives.	Moderate	Likely	Low	Adopt revised LPPs 2 and 31 (as modified).
Compliance Application of Policies that contain superfluous or duplicated provisions which are capable of being consolidated to form shorter, more user-friendly documents.	Moderate	Likely	Low	Adopt revised LPPs 2 and 31 (as modified).

Financial implications

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

Analysis

7. The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However, it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public.
8. The review and revision of LPP 31 has resulted in improvements to assist applicants, community members and Council staff in utilising the policy, and to address a number of deficiencies that have been previously identified during the assessment and consideration of applications for short term accommodation received since its introduction. The proposed changes significantly reduce the length of the policy through the consolidation of its provisions and removal of duplicated requirements for the various forms of Residential Building. They also improve and clarify the requirements to be addressed as part of the Management Plan required for these uses and improves the locational criteria used to determine whether a proposal is suitably located to avoid potential adverse amenity impacts, particularly within low density, suburban environments.
9. It is recommended that the Future Planning Committee recommend that Council formally adopt draft revised LPPs 2 and 31, as modified and contained within the Appendices to this report.

Relevant documents

[Existing Local Planning Policy 2 – Home Occupation](#)

[Existing Local Planning Policy 31 – Special Forms of Accommodation other than Dwellings](#)

Further consideration

10. Since the writing of the report, advice has been received that the Minister for Planning, Lands and Heritage requires the Town to amend the definition of Home Occupation as part of Town Planning Scheme Amendment No. 80. Amending the definition of Home Occupation potentially has other implications for the draft Policy. Therefore, it is now considered necessary to defer consideration of the draft Policy in order to allow Council Officers to review the draft Policy in light of the Minister's instruction.
11. At the Future Planning Committee meeting on 11 March 2019, questions were raised regarding the definitions of two land uses contained within the Policy, specifically 'short term accommodation' referring to unrelated persons and 'residential building' referring to temporary accommodation by two or more persons as opposed to one person.
12. This has now been considered further, with it being intended to modify the definition of 'short-term accommodation' as follows :

“means a Residential Building occupied on a short term/temporary basis by ~~no more than 6 unrelated persons~~ **a single family or no more than 6 persons that do not comprise a single family** at any one time; and excludes a Lodging House, Bed and Breakfast accommodation and Serviced Apartments.”
13. In relation to temporary accommodation by a single person, it is acknowledged that this does not neatly fit into one of the land use classifications given that the 'Residential Building' definition references temporary accommodation by two or more people. The term 'Residential Building' is defined in the Residential Design Codes (R-Codes) in which case the Town cannot simply amend the definition of 'Residential Building' in the draft Policy to state that it includes temporary accommodation for one or more persons. The Town must use the definition as contained within the R-Codes, but can advocate for a change in the definition at the time of a future review of the R-Codes.
14. While a gap in the definitions has been identified, this has had no material impact to date, as operators of such accommodation seek flexibility in the number of guests that can be accommodated, and in most instances seek approval to allow for a maximum of six guests. Technically if a single guest were to occupy a premises on a short-term basis then this should be properly regarded as an 'Unlisted Use', however the amenity impact of such an alternative is less than would be the case for up to 6 guests.

14.2.2 Climate Change Action

Location	Town-wide
Reporting officer	B Nock
Responsible officer	J Wong
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Future Planning Committee

That the Future Planning Committee recommends that Council approves the inclusion of the climate change adaptation actions, as drawn from the Town's Climate Change Adaptation Plan, into the revised Environmental Plan.

Purpose

In response to a recent Notice of Motion endorsed by Council, this report seeks the Committee's endorsement to recommend that Council approves the inclusion of the actions as drawn from the Town's Climate Change Adaptation Plan into the Town's Environmental Plan, which is currently being reviewed.

In brief

- Local Governments have an important role in facilitating the community's adaptation to the various potential impacts of climate change
- The Town has developed a Climate Change Adaptation Plan but this Plan is yet to be formally endorsed by Council
- It is proposed that the actions of the Climate Change Adaptation Plan be integrated into the Environmental Plan which is being developed this year. This way, the Climate Change Adaptation Plan actions will be strategically aligned and able to be more effectively operationalised

Background

1. On 14 August 2018, Cr Iffe put forward a Notice of Motion –
"That Council:
 - a. Recognises that there is a state of climate emergency that needs to be handled by all levels of government
 - b. Endorses WALGA's Policy Statement on Climate Change
 - c. Requests that the Administration create an action plan, in line with WALGA's Policy Statement on Climate Change, and report back to the Future Planning Committee by December 2018."
2. The Town has developed a Climate Change Adaptation Plan which aligns with the WALGA Policy Statement on Climate Change.
3. The Climate Change Adaptation Plan, although completed, is yet to be formally endorsed by Council.
4. The Notice of Motion comes at an opportune time while the Town is advancing its administrative efforts in the area of climate change. The Town is preparing a new Environmental Plan to replace the current Environment Plan 2013-2018 and will be able to include additional actions to it based on the actions identified in the Climate Change Adaptation Plan.
5. It is proposed that the recommended actions of the Climate Change Adaptation Plan be integrated into the new Environmental Plan. This way, the Climate Change Adaptation Plan actions will be strategically

aligned and actioned accordingly. Climate change actions within the Environmental Plan will include:

The main actions proposed to be added to the Town's Environmental Plan are briefly summarised below for the various areas of the Town:

Parks

- a. Revise strategies and service level agreements for open spaces to facilitate the uptake of water-wise practices (e.g. mulching and irrigation zoning) and replacement of water intensive landscapes with water wise landscapes where practical
- b. Where appropriate, prioritise drought tolerant species and local natives for planting and revegetation in Town-managed reserves and progressively replace water intensive species with more drought resistant species
- c. Where practical, expand on the provision of revegetation education and information to the broader community, including a low water use plant list. i.e. as per the Urban Forest Strategy and Town of Victoria Park Your Street Verge: Sustainable Landscaping Guide
- d. Increase fire fuel load management on Town owned land and improve partnerships and communications with the Department of Fire and Emergency Services (DFES) where practical
- e. Review irrigation practices and identify opportunities to minimise irrigation use and further education and awareness of these within the community
- f. Improve Water Sensitive Urban Design (WSUD) in existing open spaces (as per the Town's Water Efficiency Action Plan) where feasible and practicable

Planning

- a. Investigate ways to provide more green space as part of new developments, including the potential for:
 - i. Incorporation of Open Space into the design for higher density development where practical, as per Design WA Guidelines
 - ii. Advocating for the provision of open space and retention of trees as a requirement under planning codes where appropriate and practical
- b. Consider the implementation of a Street Tree Retention Policy

Environment

- a. Collaborate with relevant agencies to monitor changes in weeds / pests to adjust, control and manage approaches in response to climatic changes, i.e. Department of Biodiversity, Conservation and Attractions; Department of Health and Department of Agriculture and Food WA.
- b. Where practical, ensure all foreshore/river management plans include specific actions to enhance the long-term resilience of biodiversity and infrastructure to projected climatic changes
- c. Identify potential green corridors as part of the Town's future review of local planning strategy and management plans
- d. Collaborate with appropriate partner agencies to enhance and extend biodiversity corridors throughout the region – prioritising those corridors that are currently at high risk from

- climate change impacts
- e. Expand on existing programs where feasible (e.g. Adopt-a-Verge Program) and work with other government bodies to establish rebate programs for native plants and low water use vegetation
- f. Encourage the creation of food source corridors for local fauna within verges and backyards
- g. Develop and deliver relevant training and engagement for staff where the opportunity exists

Operations

- a. Where practical, develop a simple climate change and sustainability checklist to be completed for infrastructure projects to ensure the most suitable materials are used. e.g. recycled materials, use of permeable paving and whole of life cycle consideration
- b. Improve Water Sensitive Urban Design (WSUD) in streetscapes (as per the Town's Water Efficiency Action Plan and the Flood Master Plan) where applicable and practicable

Assets

- a. At the appropriate time and where practical, conduct a comprehensive energy audit of the Town's buildings and develop an energy efficiency strategy. This should include a cost benefit analysis of alternative resources to assess the viability of installing renewable energy sources on Town owned land or buildings, including partnerships with other agencies
- b. Integrate lifecycle of materials and appropriate reuse methods into the Town's Asset Management Plans where applicable and practicable

Community engagement, safety

- a. Where the opportunity exists and where practical, develop a community education program for:
 - i. Town initiatives
 - ii. Town neighbourhood resilience programs - i.e. neighbourhood watch response to extreme weather events
 - iii. Building community preparedness
 - iv. Develop local community advocates
- b. Ensure future updates to the Emergency Management Plan include consideration of the risks, including consideration to multiple events occurring (e.g. erosion and flash flooding restricting access).

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	<ul style="list-style-type: none"> • Improved design of Town streetscapes • Climate change adaptation solutions considered as part of all new infrastructure projects to ensure the most suitable materials

	<p>and designs are used.</p> <ul style="list-style-type: none"> • Energy audits of all Town buildings and development of an energy efficiency strategy with the aim of achieving energy and cost savings for the Town.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	<ul style="list-style-type: none"> • As above.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	<ul style="list-style-type: none"> • Implementation of water wise practices and landscapes where practical which will result in water use reduction and associated cost savings for the Town.
EN07 - Increased vegetation and tree canopy.	<ul style="list-style-type: none"> • Consider community revegetation information and education initiatives including low water use plants. • Identification and creation of green corridors within the Town as part of future reviews of Planning strategies. • Where feasible for certain properties, consider the expansion of community rebate programs to integrate native plants and low water use vegetation into their gardens.

Engagement

Internal Engagement	
Stakeholder	Comments
Whole of Town staff	<p>Staff were engaged via workshop participation and written feedback opportunities during the development of the Climate Change Action Plan itself.</p> <p>Specifically, the Climate Change Adaptation Plan was developed using a four stage process:</p> <ul style="list-style-type: none"> • identification of climate change scenarios and developing workshop issues paper • identification and assessment of risks • defining potential adaptation responses; and • developing Climate Change Adaptation Plan.
Planning, Parks, Community Development,	The various business units were consulted

Operations, Governance, Community Engagement, Safety, Assets	during the preparation of the Future Planning Committee report to ensure proposed adaptation actions can be operationalised
Future Planning Committee	Provide presentation on the proposed inclusion of Climate Change Adaptation Actions into the new Environment Plan.

Extensive community consultation is a critical component in the development of the new Environmental Plan for the Town. Should the climate change actions be included within the new Environmental Plan, the community will have the opportunity to provide input on, and influence, these actions.

Legal compliance

Not applicable.

Risk management consideration

[Town's Risk Assessment and Acceptance Criteria](#)

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Reputation risks due to any negative financial impacts that may result affecting the community	Moderate	Unlikely	Moderate	Assess the extent of potential consequential impacts as a result of implementing the proposed actions and ensure that sustainable financial management practices are adopted.
Lack of engagement with stakeholders and Town of Victoria Park's relevant officers.	Major	Possible	High	Project Officer to obtain inputs from stakeholders and ensure that the appropriate level of engagement is actioned,
Lack of human resource	Moderate	Unlikely	Moderate	Should there be additional resource requirement due to multiple and competing priorities affecting existing Officers, approval will be

				sought from C Suite to engage external assistance.
Excessively impractical actions	Moderate	Unlikely	Moderate	Keep a log of any overly resource hungry activities and consider amendment of the relevant areas of the Environmental Plan during future reviews.

Financial implications

Current budget impact	It is likely that the proposed actions within the Climate Change Adaptation Plan will have an impact on capital and operational budgets and these will be assessed and the proposed scope of work reduced as appropriate to fit within budget constraints.
Future budget impact	It is likely that the commitments within the Climate Change Adaptation Plan will impact significantly on the Town's future budgets. Potential impacts will be considered as part of the development of the new Environmental Plan and during the budget setting process and mid-year budget review process on an ongoing basis.

Analysis

6. The Town is committed to acting on climate change and has signed the WALGA Declaration on Climate Change and subsequently developed this Climate Change Adaptation Plan.
7. With the integration of the actions within the Climate Change Adaptation Plan into the new Environmental Plan, it will be strategically aligned and ensure climate change adaptation is operationalised within the Town.

Further consideration

8. The members of the Future Planning Committee sought the following additional information:

Does this plan meet WALGA's policy statement regarding climate change?

Yes, the plan is compatible with WALGA's policy statement.

Does this plan give consideration to offsetting and reducing carbon emissions?

Yes, the plan does give consideration to this. The energy audit and development of a comprehensive energy strategy will also seek to address this.

Will the Town look to include energy efficient practices into Town planning, such as car charging stations?

Yes, the Town will consider this. The Town will consider the development of a planning policy on energy efficiency based on information available in the recently released Design WA and other relevant references documents. It is noted Design WA contains insufficient information in relation to electric vehicle charging stations.

- 14.3 Community Development Committee**
- 14.4 Economic Development Committee**
- 15 Questions from members without notice on general matters**

- 16 Public participation time**

- 17 Confidential matters**

- 18 Closure**