



TOWN OF
VICTORIA PARK



Agenda Briefing Forum

Notes - 2 April 2019



WE'RE OPEN
VIC PARK

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

His Worship the Mayor Trevor Vaughan
4 April 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

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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

Mayor Trevor Vaughan opened the meeting at 06:29 pm.

Mayor Trevor Vaughan acknowledged the traditional owners.

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'.

3.6 Gallery assistance

The Executive Officer is available to provide assistance to the gallery during the meeting.

3.7 Business awards

I would like to recognise Town staff for their efforts on the recent business awards event that was enjoyed by all those that attended. I ask that this praise be passed on to staff that were involved.

3.8 ARMS memorial

I have received a message from Minister David Templeman regarding the ARMS memorial that was recently installed.

Sincere thanks to you and your Council for giving the adoption memorial a home in Victoria Park. I am immensely appreciative of your compassion, understanding and support of this initiative. You made so many mothers and their families so very happy today. Thank you.

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 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 Public	Ms Amy Noon 8

4.1 Apologies

Jarrah Ward Chief Community Planner	Cr Brian Oliver Ms Natalie Martin Goode
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4.2 Approved leave of absence

Nil.

5 Declarations of interest

Declaration of financial interest

Nil.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Nil.

6 Public participation time

6.1 Public participation time

6.1.1 Sam Zammit, St James

1. Was there a consultation process in regards to the proposed new beach area on the river?

The Chief Operations Officer advised that there was significant consultation completed over several years for the concept plan.

2. The water in the Swan River is poisoned and it has been advised that swimming in the river should be avoided. Is it possible to rethink where we are going with this as the area may not be utilised?

The Chief Operations Officer advised that it was correct that there is a beach setting as part of the concept plan that gives access to the water but no swimming will be allowed in the area.

6.1.2 Herb Rowe, Carlisle

1. How is the Aqualife Centre kept clean?

The Chief Financial Officer advised there is one pool cleaner in operation each night and the Town owns a back up in case one is not operational. The pool cleaners cannot be used while the public are using the pool so the cleaning is done at night. If there is rubbish in the pool during the day, the staff do spot cleans. It is possible to speak to Town staff at the centre if there is an issue with cleanliness and they will be able to assist.

2. How are the Aqualife bathrooms cleaned in 15 minutes?

The Chief Financial Officer advised that the bathrooms are cleaned thoroughly after hours and spot cleans are completed by staff during operating hours.

3. Trees were removed on Star Street between Roberts Road and Archer Street when houses were built and they haven't been replaced. The community requested that more trees be planted. The Council has also cut trees in half.

The Chief Operations Officer advised that the Town are happy to plant trees and the location will be considered.

4. When will Archer Street receive an upgrade?

The Chief Executive Officer advised that some work has been undertaken including road resurfacing and infrastructure upgrades. Future upgrades are being considered. The Town's Place Planning team are looking at what can be done and how they will consult with the community.

6.1.3 Luana Lisandro, Lathlain

1. Will ratepayers be made aware of the estimated costs of changing the Town to a City on the statement that is provided with the ballot paper?

The Manager Governance and Strategy advised that the Town would have to find out from the Electoral Commission how much information can be provided in the envelope.

2. Was the Environmental Plan endorsed by Council?

The Chief Operations Officer advised that the Environmental Plan has not been formally adopted by Council.

Deputy Mayor Vicki Potter added that the plan is still a draft but will go to Council for adoption.

3. Would the Environmental Plan have to go back to Council to be formally adopted if there are any additions?

The Chief Operations Officer advised that the plan hasn't been formally adopted and it will be put to Council for adoption once complete.

4. Ms Lisandro advised that she is happy that live streaming is being considered because she is aware that the community want to be able to interact with Council.

5. Ms Lisandro advised that she did not want the Climate Change Adaptation Plan buried in the Environmental Plan as she wanted the Council to lead the way on this issue. The Climate Change Adaptation Plan should be used as an overarching strategy. Council should look at what other Councils are doing in this space and consider what else could be done.

7 Presentations

There were no presentations.

8 Deputations

There were no deputations.

9 Method of dealing with agenda business

There were no changes made to the method of dealing with agenda business.

10 Reports to Ordinary Council Meeting to be held on 16 April 2019

10 Chief Executive Officer reports

10.1 Live streaming of Council meetings

Questions and responses

Cr Karen Vernon

1. Is the quote of approximately \$30,000 for the initial set up exclusive of the annual ongoing cost of \$15,000 for the first year, or will we only incur the annual ongoing cost after the first year?

The Manager Governance and Strategy advised that the quote of approximately \$30,000 includes the first year's fee of \$15,000. The rest of the quote relates to the of hardware.

2. When is the earliest date that live streaming could begin?

The Manager Governance and Strategy advised that live streaming cannot be introduced until the annual budget is adopted. Once the annual budget is adopted, it would take four to six weeks to set up for live streaming.

Deputy Mayor Vicki Potter

1. The previous policy allowed for Elected Members and community members to be able to request a copy of the recording. After the meeting has been live streamed, is it envisaged that a recording of it will remain somewhere in the public realm or will it be able to be accessed by elected members and community members if needed?

The Manager Governance and Strategy advised that it is still the Town's intent to make audio and visual recordings available on the Town's website.

Cr Jennifer Ammons Noble

1. With regards to the high level of risk related to defamation, has there been any precedent set with other councils who live stream? Can you elaborate more on the concerns raised in this report?

The Manager Governance and Strategy advised that the high level of risk was identified by the sector due to the possibility of being liable as a publisher of potential defamatory remarks. Protection is already provided to local governments in the Defamation Act for publishing information that has to be publicly available. If and when the Bill is assented to, extra protection will be provided for local governments. The Department of Local Government, Sport and Cultural Industries provided advice that they are not aware of any Councils being involved in lawsuits relating to this matter.

Cr Ronhhda Potter

1. Can I seek clarity about what other meetings will be recorded?

The Manager Governance and Strategy advised that the policy covers meetings that are open to the public. This includes the Ordinary Council Meeting, the Agenda Briefing Forum, committee meetings with delegation, which the Town doesn't have, and any meeting of electors, whether that be a general meeting or special meeting.

2. If supported, how will it be promoted?

The Manager Governance and Strategy advised that Stakeholder Relations would operationalise the promotion of policy however, their input could be sought and further information could be included in the report that it considered at the Ordinary Council Meeting.

3. Was there any feedback received through consultation carried out locally?

The Manager Governance and Strategy advised that no consultation was undertaken as the proposal to live stream Council meetings was community-led through a motion raised at the annual elector's meeting.

4. Did the Town seek information from Councils that already offer live streaming on what the response rates are and can this be measured if introduced?

The Manager Governance and Strategy advised that the Town did try to contact other Councils but weren't able to obtain much information. The City of Greater Geraldton did advise that they have approximately 30 viewers per meeting and news article regarding the City of Vincent stated they had 120 unique viewers when they first introduced live streaming.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Information on how live streaming will be promoted if it is introduced.

10.2 Poll of Electors - Town to City

Questions and responses

Deputy Mayor Vicki Potter

1. Has any consideration been given to other costs over and above signage that may need to be done straight away? Will this be provided to the community so that they can make an informed decision?

The Manager Governance and Strategy advised that the issue at hand is whether we ask the community the question. If the community say the Town should become a City, another recommendation would be submitted to Council that includes costs.

Cr Claire Anderson

1. If the poll is conducted, would the further report be considered at the November Council meeting? Would costings be available then?

The Manager Governance and Strategy advised that a report would be considered at the November meeting and financial implications and supporting evidence would be included.

2. It would be more informative for the community to have the information in advance of the poll so that they know what they are making a decision on.

The Manager Governance and Strategy advised that the Town may be able to include supplementary information with the ballot paper if the Electoral Commission allows it.

Deputy Mayor Vicki Potter

1. If information can't be included with the ballot paper, could the Town advertise in other ways?

The Manager Governance and Strategy advised that the Town could do that.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

10.3 Undertakings relating to the *Dog Local Law 2018*

Questions and responses

Cr Karen Vernon

1. Did the Town's solicitors either draft or approve the draft Dog Local Law 2018 before submitting it to Council for approval at the 13 November OCM? Have the issues identified by the Joint Standing Committee, in their letter dated 14 March 2019, been referred back to the Town's solicitors for a response as to why the Town's solicitors did not identify that clause 5.1 and Item 4 of Schedule 3 were not within power before the dog local law was recommended to Council for adoption? Given the Department gave advice to the Town on the draft proposed Dog Local Law, have the issues identified by the Joint Standing Committee in their letter dated 14 March 2019 been referred back to the Department for a response as to why the Department did not identify that clause 5.1 and Item 4 of Schedule 3 were not within power before the Dog Local Law was recommended to Council for adoption?

The Chief Financial Officer advised that the local law was sent to the solicitors. The advice received will be included in the report for the Ordinary Council Meeting.

The Manager Governance and Strategy advised that the Town hasn't been in contact with the Town's solicitors or the Department but this will occur. Further information will be included in the report for the Ordinary Council Meeting.

Cr Jennifer Ammons Noble

1. Will a decision to support these undertakings fully enable our rangers to under the current local law and what happens if these undertakings aren't made?

The Manager Governance and Strategy advised that supporting the undertakings will allow the Rangers to enforce the current local law and that Rangers can't enforce anything that is contrary to the undertakings.

2. In the report it is indicated that internal consultation with the Rangers was incomplete at the time of writing the report. Can further detail be provided?

The Manager Governance and Strategy advised that the Rangers have been consulted and they do not have any issues with the changes.

3. When will the engagement regarding dogs in public places take place and what will this consultation look like?

The Manager Governance and Strategy advised that the public comment period regarding the local law will take place almost immediately after Council makes their decision.

The Chief Financial Officer advised that engagement on dogs in public places would follow a similar process to what was undertaken for dog exercise areas. This would not be scheduled until a decision is made by Council.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Advice received from solicitors on the local law.
2. Information regarding further advice received from the Town's solicitors and the Department, following the questions from Cr Vernon.

11 Chief Community Planner reports

11.1 Repeal Local Law 2019

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

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

Questions and responses

Deputy Mayor Vicki Potter

1. What is the benefit of a local development plan in being able to provide assurances to the community on the built form outcome? If the recommendation includes the need for a local development plan, does it mean it needs to be approved by Council prior to a development application being submitted?

The Manager Development Services advised that is correct because a local development plan is a planning instrument approved by Council that provides guidance on what the Council's expectations are.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

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

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

or

Questions and responses

Cr Ronhhda Potter

1. Has it been identified how nearby residents can lodge a complaint about the behaviour of tenants at any hour?

The Manager Development Services advised that the management plan references the owners living in Canning Vale and mobile contacts have been provided however further information can be provided.

Further consideration to be added to the Ordinary Council Meeting agenda

1. How nearby residents can lodge a complaint about the behaviour of tenants at any hour.

14 Committee reports

14.1 Finance and Audit Committee

14.1.1 CEO Review of Systems and Procedures on Legislative Compliance

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

14.1.2 Schedule of accounts to February 2019

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

14.1.3 Financial statements for the month ending 28 February 2019

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

14.2 Future Planning Committee

14.2.1 Adoption of Revised Local Planning Policies 2 and 31

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

14.2.2 Climate Change Action

Questions and responses

Cr Claire Anderson

1. The recommendation includes consider the implementation of street tree retention policy. Did the committee consider recommending to develop a street retention policy?

The Chief Operations Officer advised that the Town has a street tree policy. The Urban Forest Strategy aims to ensure stronger policy angles for retaining street trees including removal being a last resort approach. A review is being undertaken internally to better cater for the vision of the Urban Forest Strategy.

2. What does 'where practical' mean in relation to developing a simple climate change and sustainability checklist for the right materials to be used?

The Chief Operations Officer advised that it may not be possible to use or source sustainable materials as it depends on the nature of a project however, the Town will endeavor to do so.

Cr Karen Vernon

1. When is the revised Environmental Plan anticipated to be presented to Council?

The Chief Operations Officer advised that it is anticipated for it to be presented in September 2019.

2. When will the Climate Change Adaptation Plan be presented to Council? If it is proposed to seek Council endorsement on the Climate Change Adaptation Plan, what is the benefit of integrating the actions of the plan in to the Environmental Plan?

The Chief Operations Officer advised that the Climate Change Adaptation Plan was originally presented to the Future Planning Committee in late 2016 to allow for a recommendation to Council. The Future Planning Committee determined that it would be best if the climate change actions were incorporated in to the Environmental Plan. This was to minimise the number of strategies that the Town has as having more strategies can dilute the impact.

3. Will the Town consider changing the name of the Environmental Plan to the Environmental and Climate Change Adaptation Plan?

The Chief Operations Officer advised that he is not aware of any reason that could make that a problem however, all of Council would need to be involved in that decision.

4. Are we at risk of losing the focus for a Climate Change Adaptation Plan if its actions are only included in the Environmental Plan?

Mayor Trevor Vaughan advised that it is something that Council would have to think about and discuss.

The Chief Operations Officer advised that it is difficult for officers to account for all plans and strategies when reporting and delivering projects as some recommendations can be conflicting. The Town is trying to have a smaller number of plans so that there is clear direction and work can be delivered in line with Council strategy.

5. Assuming consideration was given to have both plans be stand alone and be separately endorsed, can they be separate?

The Chief Operations Officer said yes.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

15 Questions from members without notice on general matters

Nil.

16 Public participation time

16.1.1 Sam Zammit, St James

1. What is Town's policy on the requirement for residents to notify the Town and their neighbours if they are doing work that requires asbestos removal?

The Manager Development Services advised that there is an obligation to comply with environmental health requirements and whether a permit is needed depends on the scope of the works. Further information will be provided on whether notification is required.

2. Wasn't the outcome of the last conversation about whether to become a city to stay as we are?

Mayor Trevor Vaughan advised that the last time the question was asked, the preference was to become a city however, the department advised the Council that they would have to wait until after the local government amalgamations were completed.

3. If the Town becomes a city, will rates come down?

Mayor Trevor Vaughan advised that it can't be guaranteed.

4. All facts and figures should be provided for the community to make a decision for the poll.

16.1.2 Luana Lisandro, Lathlain

1. Have the benefits of being a city been considered, in relation to grants?

The Manager Governance and Strategy took the question on notice.

2. Do the delegations made to the Chief Executive Officer for the dog act comply?

Mayor Trevor Vaughan advised that delegations made to the Chief Executive Officer relate to the number of dogs allowed at a property.

The Manager Governance and Strategy advised that power to administer the dog act is granted to the local government. Delegations can then be made to the Chief Executive Officer and other officers to act within the local law.

3. Do the delegations exclude determining dog exercise areas?

The Manager Governance and Strategy advised that determining dog exercise areas and where dogs should be prohibited are excluded.

4. The Council should be looking at introducing a detailed Climate Change Adaptation Plan instead of burying the actions in the Environmental Plan. Climate change should be considered across all areas of the Council and the plan should be an overarching strategy as it is too important an issue.

16.1.3 Herb Rowe, Carlisle

1. Everyone breaks the law trying to get through the lights at the intersection of Miller Street and Shepperton Road.

The Chief Operations Officer advised that the Town has had black spot funding approved by Main Roads to introduce a right turn arrow signal and the designs are underway. The project will be under way within the next 12 months.

2. City of South Perth has change its restrictions for parking fees to 6pm. Has the Council through about changing the restrictions from 8pm to 6pm?

Mayor Trevor Vaughan advised that the Town are doing a survey of that and will be making a decision at the completion of the survey.

16.1.4 Luana Lisandro, Lathlain

1. Does the Town have formal guidelines for how contractors should prune trees? Could guidelines be provided to contractors?

The Chief Operations Officer advised that retention of tree canopy is important. When contractors prune they do so within reason considering safety and access. The Town does not have control over some government agencies that have their own needs that can override that of the Town's. The three State Underground Power Project should mean that significant topping doesn't occur and the volume of canopy should increase.

The Chief Executive Officer advised that standards are included in tenders that are issued.

2. Are guidelines included in the street tree retention policy? Could they be included?

The Chief Operations Officer advised that the policy does not touch on pruning and is more about the removal of street trees.

3. If another agency has to remove a tree in the Town, is there any obligation to provide a replacement tree?

The Chief Operations Officer advised that there are no obligations but agencies do generally advise the Town.

4. Has Council fined people for pruning street trees?

The Chief Operations Officer advised that people have been fined for removing street trees. Have for removing but not for pruning.

5. A tree on Streatley Road in Lathlain has been pollarded. Did Council do this?

The Chief Operations Officer advised that the Town has an agreement with Perth Zoo for ficus trees to be pruned to feed the elephants. In this case, a new employee gave the tree a heavy prune but the Town has had a conversation with Perth Zoo and they have apologised profusely. The Town's contractors were engaged to complete the prune.

17 Confidential matters

Nil.

18 Closure

Mayor Trevor Vaughan advised that the items discussed will be considered at the Ordinary Council Meeting on Tuesday 16 April 2019.

There being no further business, Mayor Trevor Vaughan closed the meeting at 07:45 pm.

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

Signed:

Mayor
Trevor
Vaughan

Dated this:

Day of:

2019