



TOWN OF
VICTORIA PARK

Agenda Briefing Forum Notes – 2 March 2021



WE'RE OPEN
VIC PARK

Please be advised that an Agenda Briefing Forum was held at 6.30pm on 2 March 2021 in the Council chambers, administration building at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
3 March 2021

Table of contents

Item	Page no
1 About the Agenda Briefing Forum	5
2 Opening	6
3 Acknowledgement of country	6
4 Announcements from the Presiding Member	6
5 Attendance.....	8
5.1 Apologies	8
5.2 Approved leave of absence	8
6 Declarations of interest.....	9
7 Public participation time	10
8 Presentations	14
9 Deputations.....	14
10 Method of dealing with agenda business.....	15
11 Chief Executive Officer reports	16
12 Chief Community Planner reports.....	17
12.1 New commercial building at 467, 479, 487 & 493 Albany Highway	17
12.2 Draft Amended Local Planning Policy 2 'Home-based Businesses'	35
12.3 Draft Amended Local Planning Policy 32 and Review of Local Planning Policy 41.....	41
12.4 Investigation of lockers for people living with homelessness	49
12.5 Operating Subsidies 2020-2021 Round Two.....	60
12.6 Community Sporting and Recreation Facilities Fund (CSRFF) - Small Grants Application: Harold Rossiter Park	72
12.7 Final Adoption of Local Planning Policy 40 Burswood Station East Precinct.....	78
12.8 Covid-19 Economic Impact and Opportunities Assessment.....	93
12.9 Urban Forest Strategy Implement Working Group Terms of Reference 2021-2022	97
13 Chief Operations Officer reports	102
13.1 TVP/20/07 Turf Mowing and Maintenance Works	102
14 Chief Financial Officer reports.....	107
14.1 Schedule of Accounts for January 2021	107
14.2 Financial Statement for month ending January 2021.....	110
14.3 Adoption of Vehicle Management Local Law 2021.....	114
15 Committee reports.....	120
15.1 Compliance Audit Return 2020	120
15.2 Update on Outstanding Actions from Reg 17 Review	126

16 Public participation time.....	131
17 Questions from members without notice on general matters	131
18 Confidential matters.....	132
19 Closure	132

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

Mayor Karen Vernon opened the meeting at 6.30pm.

3 Acknowledgement of country

Acknowledgement of the traditional owners

Ngany yoowart Noongar yorga, ngany wadjella yorga. Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am not a Nyungar woman, I am a non-Indigenous woman. I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

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

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

4.2 Notice of recording and live-streaming

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

4.3 Conduct of meeting

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

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

4.4 Public participation time

There 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 are received.

4.5 Questions taken on notice

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

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

4.6 Other announcements

Congratulations to Fox India for winning Battle of Bands in Busselton last month. They will be performing at the Lathlain sunset celebration where we will be celebrating all of the work done in the area.

VicVision, the Town's Strategic Community Plan major review is now underway. The community are encouraged to get involved in the wide and varied options for having their say. Workshop registrations are open now and close on 14 March. Surveys are open for completion for the next two months.

The Vic Park Business Awards are happening again this year. Nominations from the community are now open and close 9 March.

5 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Cr Claire Anderson Cr Ronhhda Potter Cr Wilfred Hendriks Cr Luana Lisandro
Jarraah Ward	Deputy Mayor Bronwyn Iffe Cr Vicki Potter Cr Brian Oliver Cr Jesvin Karimi
Chief Executive Officer	Mr Anthony Vuleta
A/Chief Operations Officer	Ms Jayde Robbins
Chief Financial Officer	Mr Michael Cole
Chief Community Planner	Ms Natalie Martin Goode
Manager Development Services	Mr Robert Cruickshank
Manager Governance and Strategy	Ms Bana Brajanovic
Secretary	Ms Amy Noon
Public liaison	Ms Alison Podmore
Public	7

5.1 Apologies

Nil.

5.2 Approved leave of absence

Nil.

6 Declarations of interest

Declaration of financial interest

Nil.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Name/Position	Cr Vicki Potter
Item No/Subject	12.5 - Operating Subsidies 2020-2021 Round Two
Nature of interest	Impartiality
Extent of interest	Employee of an organisation that receives an operating subsidy.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.5 - Operating Subsidies 2020-2021 Round Two
Nature of interest	Impartiality
Extent of interest	On the board of the Harold Hawthorne Community Centre and they receive an operational subsidy.

7 Public participation time

John Gleeson, Carlisle

1. *When will the Town get the rest of the money from the sale of the carpark?*

Mayor Karen Vernon advised it will be received when the sale is completed. A date for completion is not known.

2. *Are there any plans for the redevelopment of the property on the corner of Shepperton Road and Albany Highway?*

The Acting Chief Operations Officer took the question on notice.

3. *How did the Town get involved in selling the parking area to Woolworths?*

Mayor Karen Vernon advised that Fabcot approached the Council with an offer and the Council considered it as is required under the *Local Government Act 1995*.

4. *Why did the Town not go out to tender? Does the Town legally have to?*

Mayor Karen Vernon advised that the bid was above market valuation and there is no requirement for the Town to invite tenders.

5. *Made a statement about his amazement that there is no date that payment is required as it has been quite a few months.*

Sam Zammit

1. *Made a statement about being misquoted in the minutes of the last Ordinary Council Meeting in relation to imposing a levy on builders to fixing damage done to the Town's infrastructure.*

2. *How can a statement be recorded incorrectly in the minutes?*

Mayor Karen Vernon advised that the minute secretary does their best to record meetings accurately. The audio recording is there to check minutes taken if needed.

3. *Did the Mayor say that Tom Wright didn't do anything remarkable?*

Mayor Karen Vernon advised that the quote referred to was a quote from Mr Maxwell quoting the Mayor. The Mayor did not make any such claim.

4. *Did the Mayor say that the name was not gazetted at the last meeting?*

Mayor Karen Vernon advised that it was said.

5. Made a statement that it was his opinion that the Mayor said it was easy to remove Tom Wright's name and he wasn't worthy of being recognised.

Mayor Karen Vernon advised that the officer report stated that the name of the park wasn't gazetted but she did not say he wasn't worthy of being recognised. Council resolved to get more information about Tom Wright from the Town so that his contributions can be properly recognised.

6. Made a statement that he believed the issue was raised at the Mindeera Advisory Group and brought to Council to name the park after a magpie.

Mayor Karen Vernon advised that the Mindeera Advisory Group has been an advisory group to Council for long time. The group were asked for input on possible Whadjuk Nyungar names and they provided names that were then submitted to Landgate. The report presented to Council included the most popular names as voted by the community through a survey.

7. Made a statement that he believed the issue goes back to the governance of the City of Perth and Council now making decisions over decisions that have already been made. Tom Wright helped start Harold Hawthorne. Council are replacing Tom Wright's name with a magpie.

Mayor Karen Vernon advised that Tom Wright is not the officially gazetted name for the park and questions about that are for the City of Perth and Council of the time. City of Perth had a practice of unofficially naming parks after sitting Councillors. For a park to be named officially it needs to be gazetted through the Geographic Names Committee and be approved. People in Town did call a portion of the new park Tom Wright Reserve and that has been recognised by Council.

8. What gives this Council the right to name the park?

Mayor Karen Vernon advised that the redevelopment of the area resulted in four lots combining into one new park. There is no longer a distinction between lots named Tom Wright Reserve and the other lots. The park is now completed and it is appropriate for it to have a name. The community gave their feedback and Council have put forward the preferred names to Landgate.

9. Is this something to do with naming parks?

Mayor Karen Vernon advised that it is proper process for naming parks and streets.

10. Made a statement about there being an uproar when a politician tried to name the Town Shepperton.

11. Did Mayor Vernon have an interest in local government back then?

Mayor Karen Vernon advised that she was not an elected member then.

12. Is Council giving an extra green waste bin?

Mayor Karen Vernon advised that it is.

13. Made a statement about an extra bin being unnecessary as items can be put in with household waste.

14. How are all of the bins going to fit for high rise units?

Mayor Karen Vernon advised that complaints about a third bin can be directed to the State Government. All Councils in Western Australian have to introduce a third bin by 2025 as it is required by law. The introduction of a new bin does not introduce more plastic. The bin will be for garden organics and will progress to include food organics in due course. People in apartments need to have their bins collected with the only differences being the size of the bins and how they are collected. The Town has the plans in hand.

15. Why would people in high rise units need a third bin?

Mayor Karen Vernon advised that they will not require a third bin but their food organic material will be sorted to a third bin.

16. Has the Town thought about educating people to recycle their green waste?

Mayor Karen Vernon advised that the Town already does and will continue to do so.

17. Does the Town have a schedule of how much it will cost different people in same street for underground power? Are pensioners entitled to a concession?

Mayor Karen Vernon advised that pensioners are entitled to a discount and that people that are entitled can put forward their claim.

The Chief Financial Officer advised that service charges were adopted for three different areas. A schedule does exist. It was adopted by Council last year and is available as part of the minutes. A copy of the schedule can be provided to Mr Zammit.

Council extended public participation time by five minutes at 6.59pm.

18. Made a statement about the lack of parking at The Park Centre and the need for more parking.

19. Has Council voted in a deputy mayor for this year?

Mayor Karen Vernon advised that Deputy Mayor Ife was elected in 2019 and remains in the position until October. Elections for deputy mayor are conducted every second year.

20. Is there a date for the AGM?

Mayor Karen Vernon advised that there is no date yet as the Town is still waiting for the annual financials to be provided by the Office of the Auditor General.

Renee Parnell

1. Made a statement on behalf of the Vic Park Centre of the Arts in support of the officer recommendation for item 12.5 - Operating Subsidies 2020-2021 Round Two and gave an update on the recent work of the centre and their achievements.

Vince Maxwell

1. Has Minister Wyatt formally agreed to confiscate ROW54 to give to Woolworths?

The Acting Chief Operations Officer took the question on notice.

Council extended public participation time by five minutes at 7.05pm.

2. Is the decision for ROW54 being made by the Minister or by delegated authority by his department?

Mayor Karen Vernon advised that her understanding of the Act is that the decision is made by the Minister.

3. Has the Town received anything formal?

Mayor Karen Vernon advised that she is aware that the matter has come to the Minister's attention and it is working its way forward.

The Chief Executive Officer advised that the Town is in receipt of a letter from the department and further information can be provided.

4. What is the total amount of grants available for local businesses each year?

The Chief Community Planner took the question on notice.

5. What is the purpose of the grants?

The Chief Community Planner advised that there are two types of business grants. Large grants are up to \$8,000 and are for training of staff and helping with COVID resilience. Smaller grants are up to \$1,000 and are for similar purposes. Information is available on the Town's website and can be provided to Mr Maxwell.

6. Would it make more sense to provide businesses with business rather than welfare payments?

Mayor Karen Vernon advised that business grants have a place and so does supporting businesses.

7. Were three written quotes obtained for the printing job completed by Quality Press in January?

The Chief Financial Officer took the question on notice.

8. How much will the additional 16 staff included in the Workforce Plan cost the Town each year?

Mayor Karen Vernon advised that those staff may not be employed, may be in different positions or may be job share. There are too many considerations to provide a total.

The Chief Financial Officer advised that those staff are identified for the life of the Workforce Plan so it is difficult to provide totals. Each new position would be subject to budget considerations that need to be approved by Council.

9. Made a statement that as positions are identified in the Workforce Plan it shouldn't be difficult.

Mayor Karen Vernon advised that reasons why it is not possible had already been provided.

8 Presentations

Giles Harden Jones spoke in favour of the officer recommendation for item 12.1 - New commercial building at 467, 479, 487 & 493 Albany Highway and thanked staff for being helpful.

Questions and responses

Cr Wilfred Hendriks

1. Why go for commercial single-story when there are concerns about the commercial environment?

Mr Harden Jones advised that it is disappointing that the larger development is not going ahead but it couldn't be structured financially by the applicants.

Cr Luana Lisandro

1. What is the likely timeframe for commencing the development and the likely completion time?

Mr Harden Jones believed it would commenced straight away as the applicants have the money for the development.

9 Deputations

Nil.

10 Method of dealing with agenda business

Elected members indicated they had questions for the following items:

- 12.1 - New commercial building at 467, 479, 487 & 493 Albany Highway
- 12.2 - Draft Amended Local Planning Policy 2 'Home-based Businesses
- 12.4 - Investigation of lockers for people living with homelessness
- 12.6 - Community Sporting and Recreation Facilities Fun (CSRFF) - Small Grants Application: Harold Rossiter Park
- 12.9 - Urban Forest Strategy Implement Working Group Terms of Reference 2021 -2022
- 14.3 - Adoption of Vehicle Management Local Law 2021

11 Chief Executive Officer reports

Nil.

12 Chief Community Planner reports

12.1 New commercial building at 467, 479, 487 & 493 Albany Highway

Location	Victoria Park
Reporting officer	Sturt McDonald
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Aerial Photo [12.1.1 - 1 page] 2. Attachment 2 - Current plan set [12.1.2 - 13 pages] 3. Attachment 3 - Previous plan set [12.1.3 - 19 pages] 4. Attachment 4 - Justification letter [12.1.4 - 8 pages] 5. Attachment 5 - Schedule of submissions [12.1.5 - 7 pages] 6. Attachment 6 - Site photos [12.1.6 - 5 pages] 7. Attachment 7 - DRP comments [12.1.7 - 4 pages] 8. Attachment 8 - Requirements of Council's Business Units [12.1.8 - 5 pages] 9. Attachment 9 - Mid-2019 Aerial Photo [12.1.9 - 1 page]

Landowner	Mr Ranjan Rajnikant Sheth
Applicant	Harden Jones Architects
Application date	22/10/2020
DA/BA or WAPC reference	5.2020.590.1
MRS zoning	Urban
TPS zoning	Commercial
R-Code density	N/A
TPS precinct	Precinct Plan P11 – Albany Highway Precinct
Use class	Shop, Office and Restaurant/Cafe
Use permissibility	"AA" (Discretionary), "P" (Permitted) and "P" (Permitted)
Lot area	1295m ²
Right-of-way (ROW)	ROW 41
Municipal heritage inventory	N/A

Residential character study area/weatherboard precinct	N/A
Surrounding development	Surrounding properties that have frontage to Albany Highway support a variety of commercial uses including offices, motor vehicle sales premises, gyms and shops. Surrounding properties that do not have frontage to Albany Highway are predominantly residential.

Recommendation

That Council:

1. Approves the application for Development Approval (DA ref: 5.2020.452.1) submitted by Harden Jones Architects for a commercial building consisting of two shops, an office and a cafe at 467 – 493 (Lots 1-4) Albany Highway, Victoria Park, as indicated in the documents in Attachment 2, 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:
 - 1.1. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 16 March 2021 at all times, unless otherwise authorised by the Town.
 - 1.2. Prior to lodging an application for a building permit, either (i) Lots 1, 2, 3 and 4 are to be amalgamated into a single lot on a Certificate of Title; or (ii) the owner entering into a legal agreement with the Town prepared by the Town's Solicitors at the owner's cost agreeing to complete the amalgamation of Lots 1, 2, 3 and 4 into a single lot within 12 months of the issue of a building permit.
 - 1.3. Prior to lodging an application for a building permit, the applicant must submit details of a window (or windows) to Tenancy 4 that afford line-of-sight southward for the purposes of passive surveillance down ROW41 to the satisfaction of the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.
 - 1.4. Prior to lodging an application for a building permit, the applicant must submit details demonstrating the provision of a universal access car parking bay within the property boundary to the satisfaction of the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.
 - 1.5. Prior to the submission of an application for a building permit, the applicant/owner is to contribute a sum of \$18,082.14 to the Town for the cost of (i) purchasing, installing and maintaining (for a period of three years) three (3) large street trees located within the verge area, in a location approved by the Town; and (ii) associated underground service detection works.
 - 1.6. Prior to the submission of an application for a building permit the applicant must submit and have approved by the Town, awning design details that demonstrate sufficient canopy growth space is provided for the three (3) new street trees required by condition 1.5 (See related advice note).
 - 1.7. Prior to the submission of an application for a building permit a signage strategy for the site addressing the objectives of Local Planning Policy 38 - Signs is required to be submitted to and approved in writing by the Town. Signage subsequently installed to the building is to be in accordance with the approved strategy unless otherwise approved by the Town in writing.
 - 1.8. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management plan addressing the following matters:
 - 1.8.1. How materials and equipment will be delivered and removed from the site;
 - 1.8.2. How materials and equipment will be stored on the site;

- 1.8.3. Parking arrangements for contractors;
 - 1.8.4. Construction waste disposal strategy and location of waste disposal bins;
 - 1.8.5. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - 1.8.6. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
 - 1.8.7. A dilapidation report detailing the state of footpaths, Town assets and public utilities within the road reserve in the vicinity of the site. This report will be used to ensure that any and all damage sustained to Footpaths, Town assets and public utilities located within the road reserve during construction are reinstated at the applicant's expense to Town or relevant service provider's specifications and requirements; and
 - 1.8.8. Other matters likely to impact on the surrounding properties.
- 1.9. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service meters, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
 - 1.10. Complete details of the proposed external colours, finishes and materials to be used in the construction of the buildings are to be provided to the satisfaction of the Town in consultation with its Design Review Panel prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained (See related advice note).
 - 1.11. Prior to the submission of an application for a building permit a Waste Management Plan is required to be submitted to and approved in writing by the Town. The development shall be constructed and operated in accordance with the approved details and@ thereafter maintained (See related advice note).
 - 1.12. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town (See related advice note).
 - 1.13. Prior to lodging an application for a building permit, the applicant is to submit further details of the proposed photovoltaic system for the Town's approval, with the approved system being implemented prior to occupation of the building.
 - 1.14. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
 - 1.15. The boundary wall on the common boundary with 495-513 Albany Highway to be reduced in height such that it is no higher than the abutting boundary wall located on 495-513 Albany Highway unless otherwise approved by the Town in writing.
 - 1.16. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, any external surface finish of the boundary wall(s) visible from a street or adjoining properties must be finished to the same standard as the rest of the development to the satisfaction of the Town.
 - 1.17. All building works to be carried out under this development approval, with the exception of awnings, are required to be contained within the boundaries of the subject lot.
 - 1.18. A zero lot gutter to be provided for the boundary wall(s) unless otherwise approved in writing by the Town.
 - 1.19. All glazing to street frontages is to be provided with clear, non-tinted glazing and shall not be obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.

1.20. External security screening to the development does not form part of this Development Approval. A separate development application is to be submitted for any security screening proposed.

Advice notes:

- AN1 To avoid delays in the issuing of a building permit, the applicant should commence the subdivision/amalgamation procedure without delay. A licensed land surveyor should be engaged for this purpose.
- AN2 The Town will permit the Owner to defer compliance with condition for amalgamation, provided that the Owner enters into a deed of agreement with the Town prepared by the Town's solicitors at the Owner's cost agreeing to complete the amalgamation within 12 months of the issue of the building permit. The agreement shall require the registration of an absolute caveat on the title to the subject land, until such time as the amalgamation has been completed to the Town's satisfaction.
- AN3 In regards to the requirement for all car parking bays to be designed in accordance with AS2890.1 and AS2890.6, please be advised that a universal access bay is likely to be required to ensure that the development satisfies Disability Discrimination Act requirements.
- AN4 It is recommended that the applicant arrange for the payment of the street-tree cost contribution as soon as practicable. This will allow the Town's Street Improvement and Parks teams to arrange for prospective street tree locations identified by underground service detection works to be verified via digging/'potholing' within the street verge. Such verification will provide certainty in relation to street trees and canopy/awning design.
- AN5 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.
- AN6 Plans are to be assessed by a practicing qualified disability Access Consultant who is an accredited member of the Association of Consultants in Access, Australia Inc (ACAA) to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A copy of the certified plans is to be provided as part of the building permit application.
- AN7 The Town's Design Review Panel has noted that in some regards the proposal is missing the urban *"grain, detail, tiling, trims etc at the pedestrian level."* The condition for additional information regarding colours, materials and finishes provides scope for this aspect of the design to be refined as part of the building permit stage of the overall process.
- AN8 It is noted that a thicker awning/canopy would (in addition to providing structural depth and space for drainage and gutters) provide signage opportunities for the canopy edge. It is recommended that the condition regarding details of signage be considered in conjunction with the condition regarding awning design details.
- AN9 In relation to the Waste Management Plan to be provided the Town expects that the plan shall include/specify details of the following
- the methods, facilities and management measures to be put in place for the storage, collection and disposal/collection of waste and rubbish generated by the development.

- bin-presentation pad size and location, the total number of bins to be presented, and demonstrate that the collection avoids potential conflict with/damage to street trees or other assets within the verge.
- bin collection frequency and collection arrangements

The waste management details are expected to, overall, demonstrate how this aspect of the development will function while minimizing its amenity impact to the public realm.

AN10 In relation to the condition requiring the provision of landscaping, it is requested that the applicant investigate and consider the suggestion made by the Town's Design Review Panel, that the triangular space between bays 12 and 13 is converted to landscaping. This may be dependent on minor alterations to the canopy and/or low-light species selection.

AN11 A Free Trade Area permit allows a portion of the footpath, at the front of the premises, to be used for alfresco dining or the display of goods. For further information and to download a free trade area permit application form, please refer to the Town's website.

2. Requests the Chief Executive Officer to advise the Council's decision to those persons who lodged a submission on the application.

Purpose

For Council to determine the application for development approval for the site, inclusive of a car parking shortfall of 49 on-site parking bays. While delegated authority exists for the Town to approve car parking shortfalls, the extent of the deviation from policy warrants the attention and decision making authority of Council.

In brief

- The application seeks approval for a single storey commercial building at 467-493 Albany Highway.
- This building is proposed to consist of Shop (AA – Discretionary), Office (P – Permitted) and Restaurant/Cafe (P – Permitted) land uses.
- The proposal features a substantial carparking shortfall. On balance, the Town is of a view that the proposed shortfall is justifiable for the given context and given the reasons outlined in this report.
- The application is recommended for approval, subject to conditions and advice notes.

Background

1. The subject site has street frontage to Albany Highway and Temple Street. A Right-of-Way (ROW 41) is located to the site's south western edge, with a child dental health clinic being located on the opposite side of the right-of-way. A motor vehicle sales premises abuts the site to the south east. The subject site is located within the Albany Highway commercial strip between the Victoria Park and East Victoria Park District Centres. Surrounding properties that do not have frontage to Albany Highway are predominantly residential while those that do front Albany Highway support a variety of commercial uses including offices, motor vehicle sales premises, gyms and shops. Read Park, a reserve 5000m2+ in size, is located southeast of the site on the opposite side of Albany Highway.
2. In November 2018, the Joint Development Assessment Panel (JDAP) approved a three storey mixed use development for the subject site consisting of 14 apartments an office tenancy and a shop (DAP/18/04172).

3. In early 2019 the Town was advised that the landowner did not wish to proceed with the previous Development Approval and that Harden Jones Architects (HJA) were in the process of developing a new sketch plan for the site. Following preliminary feedback by the Town's Design Review Panel (DRP), an application for Development Approval was lodged for a Four (4) Storey Mixed Use Development consisting of a Shop, a Café/Restaurant, Two Offices and 19 Multiple Dwellings. This was approved by JDAP (DAP/19/01631) 13 December 2019.
4. In mid-2020 the Town was advised by Harden Jones Architects (HJA) that, due to uncertainty regarding commercial viability, the landowner did not wish to proceed with the larger mixed-use development concepts for the subject site. Preliminary feedback began to take place in relation to a single storey commercial development concept. An application for Development Approval was subsequently submitted to the Town on 22 October 2020.

Application summary

5. The application seeks approval for a single storey commercial building at 467-493 Albany Highway.
6. This building, in its amended form, is proposed to consist of two shops, both facing Albany Highway, an Office tenancy facing Temple Street and a Café tenancy addressing the street corner. It is noted that previous iterations of this development application proposed four 'Office' tenancies, albeit with features unusual for an Office such as a 'loading dock' (See Attachment 3).
7. The applicant proposes a total of 15 on-site car bays, all accessed from ROW 41. This number of bays, however, includes tandem bays. If discounting bays that will be 'blocked in' by another car using a bay immediately behind it, only 10 bays are provided onsite.
8. In continuation of an agreement reached between the Town and the applicant in the previous JDAP approval (DAP/19/01631) a cost contribution by the applicant is proposed to facilitate the planting of three (3) street trees within the road verge (footpath). This is in lieu of providing trees within the site boundaries.
9. An awning that shelters the footpath is proposed along the building facade, wrapping around the Albany Highway frontage to Temple Street. Indicative indentations are proposed to the awning to allow space for the growth of the three (3) street trees mentioned above.

Applicants submission

10. The applicant contends that they have constructively engaged with the Town's Design Review Panel and taken on feedback provided to make a design which positively contributes to the Albany Highway streetscape.
11. The applicant engaged planning consultants to prepare a justification letter for their proposal (see Attachment 4) This was done at a stage in the development application where all four tenancies proposed were depicted as being 'Office' land uses. Accordingly, some statements made within the letter do not accurately reflect the current proposal.
12. The change of land uses proposed (ie no longer being a purely 'Office' development) does not impact arguments made by the planning consultant from a site/context analysis standpoint in favour of reduced carparking requirements. These include that the site has good access to public transport, has access to sufficient of on-street parking in the immediate vicinity and that the mix of land uses along Albany Highway Activity Centre result in these on-street parking bays being subject to reciprocal parking demand (ie, times of peak demand across businesses are likely to not coincide).
13. The applicant's planning consultant highlights that the Town was supportive of an on-site car parking shortfall of nineteen (19) bays in its assessment of the previously approved mixed use development (DAP/19/01631) on various merits including the land's access to public transport and on-street public

car parking. Given the Town’s previous support for a substantial on-site car parking shortfall, it is contended that support for a carparking shortfall can be applied in this instance.

14. The applicant’s planning consultant contends that the Local Planning Policy 23 is outdated and needs to be reviewed. The justification letter details policy standards of other local governments (for Office land uses) to provide context for this assertion.

Relevant planning framework

Legislation	<p>Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2020; Schedule 2, Clause 67; Town Planning Scheme No. 1 (TPS1) Clause 29; TPS1 Precinct Plan P11 ‘Albany Highway Precinct’; and Metropolitan Region Scheme Text Clause 30 and Clause 32.</p>
State Government policies, bulletins or guidelines	<p>Policy 7.0 – Design of the Built Environment</p>
Local planning policies	<p>Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway; Local Planning Policy 23 - Parking and Access Policy; Local Planning Policy 26 – Boundary Walls; Local Planning Policy 37 – Community Consultation on Planning Proposals; Local Planning Policy 38 – Signs; Local Planning Policy 39 – Tree Planting and retention;</p>
Other	

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the Precinct Plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • The Statement of Intent relating to Precinct Plan P11 states the following: <p><i>“The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the "strip" imagery of its past development along the length of Albany Highway.</i></p> <p><i>The precinct has three retail nodes connected by general commercial areas. A wide range of uses serving both the local and regional populations shall be permitted, with emphasis on the consolidation and integration of existing uses.</i></p> <p><i>The shopping areas are to be maintained as district centres offering a wide range of retail as well as community attractions including leisure and recreation uses, public/civic uses, community and social services. Larger scale, open-air and other commercial uses considered inappropriate to a retail-based node will be encouraged to relocate in the commercial sectors of the precinct where various and colourful commercial uses will be promoted.</i></p>
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Strong and coherent urban design principles are to be implemented through the provision and maintenance of strong gateways identifying the entrance to the precinct area, distinctive edges delineating precinct boundaries, consolidated retail nodes and commercial areas linking those nodes. A cohesive and strongly identified character reflecting what already exists will be promoted in new developments. The precinct is to be enhanced as an attractive feature in the metropolitan region. The compatibility of all commercial and retail uses with residential uses within or adjacent to the precinct is to be ensured."

- The *Victoria Park Shopping Area* statement in relation to this portion of the Commercial Zone states the following:
"This part of the precinct shall continue in its present capacity as a location for small to medium scale mixed general commercial and minor retail activities. Specialisation in fields of vehicle sales and household goods should be maintained and promoted as a feature of this area.
The scale, architectural style and character of new buildings shall enhance and consolidate the commercial strip imagery of Albany Highway development. Sites shall have building set backs consistent with existing development. (in many instances these are nil), with vehicular access and car parking from the rear. Where there is to be a building set back, this area shall be landscaped unless the function is as an area of open display, such as a car yard. In these circumstances, landscaping will only be required to screen these uses from adjacent residential, and/or to enhance the overall appearance of the premises.
Preference is for vehicular access to parking to be from side streets or a laneway, rather than across the Albany Highway footpath. Where access is to be from Albany Highway, access points will be limited in number and located to minimise possible conflict with pedestrians."

Local planning policy objectives

The following objectives of Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway' are relevant in determining the application.

- To create a comfortable pedestrian environment within visually attractive, interesting and welcoming streetscapes that are representative of the locality and community, as befits these important suburban centres.
- To ensure that all buildings will contribute in a positive manner to the area as a safe, secure and pleasant place to be at all times.
- To conserve the variety of styles, ages and types of buildings, including shopfronts, that contribute to cultural interest, historical depth and value to the area and the streetscape.

The following objectives of Local Planning Policy Local Planning Policy 23 'Parking and Access Policy' are relevant in determining the application.

- To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.

	<ul style="list-style-type: none"> To ensure that the environmental and amenity objectives of the Town Planning Scheme, as outlined in the Scheme Text, are not prejudiced. <p>The following objectives of Local Planning Policy Local Planning Policy 39 'Tree Planting and Retention' are relevant in determining the application.</p> <ul style="list-style-type: none"> To assist with achieving the Town of Victoria Park's objective to increase tree canopy coverage to 20% by increasing tree canopy coverage on public and private land.
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following are relevant matters to be considered in determining the application.</p> <p>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</p> <p>(g) any local planning policy for the Scheme area;</p> <p>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</p> <p>(n) the amenity of the locality including the following –</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. <p>(s) the adequacy of –</p> <ul style="list-style-type: none"> (i) the proposed means of access and egress from the site; and; (ii) arrangements for the loading, unloading, maneuvering of vehicles; (y) any submissions received on the application
Urban forest strategy	<p>This application has the following impacts in regards to the Town's Urban Forest Strategy.</p> <ul style="list-style-type: none"> The planting of street trees (via cost contribution) will add to the Town's total extent of tree canopy; The implementation of a cost-contribution model with the Town being responsible for implementing the works may serve as a case-study for how new commercial developments may discharge their requirements under Local Planning Policy 39, and how this is managed.

Compliance assessment

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 Towns 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.

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		X
Plot ratio	X	
Building height	X	
Street setback	X	
Side setback	X	
Car parking		X
Vehicle access	X	
Tree Planting and Retention		X
Design of frontages		X
Signs		-insufficient information provided-

Based upon the above table, the following land use requires the discretion of Council.

Element	Permissibility	Recommendation
Land use	A Shop is an 'AA' (Discretionary) land use.	Supported

15. The proposed land use is considered to be appropriate for the Albany Highway context.
16. Design Review Panel members have conveyed in previous meetings that this land use brings a greater degree of activation to the street, and (in conjunction with the corner café) contributes to a better urban design outcome than an entirely 'Office' development (see Attachment 3) which would be largely compliant in relation to car parking.

Based upon the above table, the following development standards require the discretion of Council.

Element	Requirement	Proposed	Variation
Carparking	59 bays Tenancy 1 and 2 ('Shop' uses)- 375m ² of retail floor area, at 1 bay per 10m ² of retail floor area: 37 Bays required	15 bays in total, but 10 compliant bays given exclusion	49 bays

	Tenancy 3 ('Café' use)- estimated 86m ² café dining floor area, at 1 bay per 4.5m ² of retail floor area: 19 Bays required	of tandem bays	
	Tenancy 4 ('Office' use)- 111m ² of net lettable area, at 1 bay per 40m ² of Office floor area: 3 Bays required		
			Supported

17. The Town agrees with some of the arguments made by the applicant's planning consultant from a site/context analysis standpoint in favour of reduced carparking requirements these include that the site has good access to public transport, regional bike paths, local footpaths and on-street parking in the immediate vicinity. It is noteworthy that the Town was supportive of an on-site car parking shortfall in its assessment of the previously approved mixed use development (DAP/19/01631) on various merits including access the land's access to public transport and on-street public car parking.
18. The proposed development features bike racks and end-of-trip facilities to each and every tenancy proposed, thereby encouraging/facilitating staff to take active forms of transport (whether cycling or running) to and from the premises.
19. There is some merit to the assertion made by the applicant's consultant that Local Planning Policy 23 (LPP23) is outdated and needs to be reviewed. [The WALGA Local Government Parking Guideline](#), published in December 2020, outlines current and emerging trends that *suggest* that a review of the Town's parking standards would reflect a liberalisation of parking requirements (for private development).
20. Office Land uses attract a far lesser parking requirement (per square metre) under LPP23. A previous iteration of plans depicts all tenancies as being 'Office' land uses (see Attachment 3). Based upon Office land uses having a lower car parking requirement under LPP23, a minimum of 15 bays were required for the development, being a shortfall of 5 bays. While this represented a lower parking shortfall, than the current proposal now comprising a mix of uses (Shop, Office and Restaurant/Cafe) it would not achieve as good an urban design outcome given the lesser degree of streets activation provided by Office uses. Design Review Panel members have conveyed that the revised mix of land use brings a greater degree of activation to the street and contributes to a better urban design outcome than an entirely 'Office' development.
21. The above noted 'support' for the parking variation reflects a view by Town Officers that the proposal is justified on its merits. This is discussed further in the analysis section of this report.

Element	Requirement	Proposed	Variation
Tree Planting and Retention	4 'Medium trees' on site	Cost contribution for street trees	Street trees proposed in lieu of on-site trees
			Supported

22. The above requirement stems from Local Planning Policy 39 'Tree planting and Retention' (LPP 39), which came into effect 1 July 2020. The policy states the following in relation to new non-residential development:

“Medium Trees’ are to be provided at a rate of one (1) tree for every 300m² of lot area (rounded to the nearest whole number)”

With a lot size of 1295m², 4 medium trees would be sought to be provided on site.

23. The following sub-clause within the policy, however, outlines that off-site provision of trees may be a valid and accepted alternative :

“In instances where site constraints may prevent the planting of a tree on each lot at the above rates ((a) to (c)), the Town will consider approving the planting of the trees in an alternative location, preferably on the private property, or in some instances within the Council verge or in close proximity to the site (at the cost of the property owner).”

24. The Town has previously been supportive of on-site tree requirements (applicable under R-Codes Volume 2 ‘Apartments’) being met through the provision of trees within the street verge directly adjacent to the site. The applicant has advised that they are supportive of the approach and condition adopted under the previously approved mixed use development (DAP/19/01631) where the applicant would provide a cost contribution for the Town to undertake the installation of trees within the street verge.
25. The cost-contribution previously approved as a condition of approval (DAP/19/01631) for this site supported the planting of three (3) x 100 litre trees (being ‘large trees’ rather than ‘medium trees’). For a street verge environment, three (3) larger trees are considered to be better suited (less likely to be damaged) and likely to result in a better streetscape outcome than the four (4) x 30L ‘medium trees’ sought under the policy.

Element	Permissibility	Recommendation
Signage	-Insufficient level of detail provided to assess compliance-	Address via conditions of approval

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The proposed development is aligned with facilitating commerce and local employment

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 proposed development is considered to be a good urban design outcome for the location and positively contributes to the streetscape character

Engagement

Internal engagement	
Stakeholder	Comments
Building Services	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Parks Operations	No objection, subject to conditions.
Street Improvement	No objection, subject to conditions.
Project Management	No objection.
Design Review Panel	Support (See Attachment 7) – discussed further in the Analysis section of this report

External engagement	
Stakeholders	Owners and occupiers of surrounding properties
Period of engagement	Time period that engagement was undertaken, including dates.
Level of engagement	2. Consult
Methods of engagement	Written submissions and Your Thoughts (the Town's online engagement tool)
Advertising	Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties (within a 100m radius) and a notice being displayed online.
Submission summary	<p>Four (4) submissions have been received, three (3) opposing the proposal and one (1) in support.</p> <p>(Note – one of the submissions described itself as 'neither support nor object'. The content of the submission, however, was considered to convey objection)</p>
Key findings	<p>The three (3) objections received broadly contend that the proposed development would have an adverse impact of the on the availability of street parking, thereby impacting nearby residents and businesses. One (1) submission in support of the development contends that the proposal is a good outcome for the area, that the required parking is excessive and that on-street parking and walkability of the area provides sufficient grounds for the variation to be justified.</p>

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The applicant has a right of review to the State Administrative Tribunal against conditions of approval or a refusal	Minor	Possible	Medium	Low	Ensure that Council consider the application on its merits taking into account relevant planning considerations
Reputation	Negative public perception towards the Town for not enforcing its Local Planning Policy (parking) requirements	Insignificant	Possible	Low	Low	Accept and review policy parking requirements
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.
Future budget impact	Not applicable.

Analysis

Parking

26. Office Land uses attract a far lesser parking requirement (per square metre) under LPP23. The previous iterations of plans, notwithstanding design features such as a loading dock and concertina door/windows (typically associated with Shop and Café land uses respectively), depicts all tenancies as being 'Office' land uses (see Attachment 3). The applicant and their planning consultant are aware of an approach under which they would seek approval for a much lesser carparking shortfall. If approved, they would be able to (following construction) implement several of the other land uses they desire (shop and café) without the need for development approval in accordance with the provision of Local Planning Policy 41 – *Exemption Policy for Specified Changes of Use and Activities Carried out from Existing Buildings* and the Town's proposed amended Local Planning Policy 32. A comparable carparking shortfall could conceivably result via an alternate approval pathway.
27. Town Officers and Design Review Panel members dissuaded the applicant from employing the above described tactics in pursuing this development application. Instead, it was suggested that the proposed variation to LPP23 should be discussed with Council in a more forthright and transparent manner.
28. As noted above, Design Review Panel members have conveyed in previous meetings that the mix of land uses currently proposed brings a greater degree of activation to the street (particularly the corner café) and contributes to a better urban design outcome than an entirely 'Office' development. As stated above, a purely Office development would require 15 bays under the Town's Parking Policy (being a 5 bay shortfall). On the matter of carparking provision, the Design Review Panel has expressed that it is a planning issue rather than a design issue. One member is noted as commenting in previous meetings, however, that parking policies typically "*come with a suburban mentality. Their parking requirements create shopping centres. This is not a shopping centre. It is a main street*" (paraphrased).
29. The 'bays required' number presented listed in the Compliance Assessment section of this report (59) is the output of a simple formula in Local Planning Policy 23 rather than being a precise science. The number (a) might not accurately reflect/predict actual demand for carparking generated by the development, and (b) is subject to the assumptions about the development. Altering a few variables can substantially change the figure arrived at. For the purposes of consultation, the above listed figure was used as it was a conservative (higher) figure, and that any further refinements to the floor plans proposed wouldn't inadvertently result in an increase to the carparking shortfall proposed.
30. In relation to 'assumptions' in the above-mentioned car parking calculation, the proportion of retail floor area to storeroom in each shop influences the 'bays required' figure arrived at. It is noted that if the indicative 'storage' areas for tenancy 1 and 2 are accepted at face value as depicted on Plan A202 (See attachment 2) then the demand for parking is calculated as instead being 51 bays rather than 59 overall. The grey/white areas toned on this plan, however, does not reflect a physical barrier separating the customer floor area from the storage area, and indeed, wouldn't be visually evident in the building once constructed. The total demand of 59 bays, as assessed under the policy, stems from an assumption that a greater proportion of these tenancies will be accessible 'retail floor area'. In the absence of detailed floor plans that depict the internal configuration of each shop tenancy, or a wall that segregates the storeroom area from the retail floor area, such assumptions have an impact on the figure arrived at.
31. In relation to 'variables' in the above-mentioned car parking calculation, it is also noted that the subject site is located on the threshold of a policy area (Local Planning Policy 30 - *Car Parking Standards for Developments along Albany Highway*). If the proposal were located on the opposite side of the street (either Temple Street or Albany Highway) the extent of car parking required for each given shop proposed would reduce by half. While thresholds to policy areas and/or zoning is necessary, it would be difficult to assert that such a substantial concession to parking requirements is warranted for one side of the street but that no flexibility to carparking requirements should be afforded to the other.

32. It is noted that one of the four submissions received (in support of the development) raises the question of how practical or realistic it is for developments to provide the number of car bays sought under LPP23. Such comments align with the 'current and emerging trends' identified in [the WALGA Local Government Parking Guideline](#), published in December 2020, which generally point towards a liberalisation of parking requirements (for private development).
33. It could be argued that rigid adherence to the parking standards outlined within LPP23 could prevent projects from being commercially viable, discouraging local development and investment. Such an outcome would be in tension with Strategic Community Plan objectives such as "*EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.*" and the objectives of LPP17 which seeks "*to create a comfortable pedestrian environment within visually attractive, interesting and welcoming streetscapes*"
34. While the car parking ratios specified within LPP23 are proposed to be varied, the Town is still ultimately satisfied that the objectives of the policy are achieved – namely that there is "*adequate provision of parking for various services, facilities and residential developments*" and that "*environmental and amenity objectives of the Town Planning Scheme*" are not prejudiced as a result of the level of parking proposed. The key justifications that support this position relate to the site having good access to public transport, the availability of on-street parking and infrastructure that supports non-vehicular modes of transport, which is in turn backed up by the proposed provision of bike racks and end-of-trip facilities.
35. It is noted that the original building(s) on these lots, prior to demolition taking place in mid-2019 (see Attachment 8), appears to have provided a comparable level of parking accessible from the ROW to support a comparable commercial building floor area/footprint. This development could be seen as continuing an existing 'main street' format of commercial tenancies and associated carparking provision.
36. Furthermore, support for the development and the parking provision is provided on the basis that if the development were to be approved as Offices, then upon completion of the building, all tenancies could be converted to the proposed other uses of Shop and/or Restaurant/Cafe without needing development approval and regardless of the parking impacts.

Relevant documents

Town of Victoria Park Town Planning Scheme No. 1 - <https://www.victoriapark.wa.gov.au/Build-anddevelop/Planning/Policy-regulation-and-legislation#section-2>

Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway; <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 23 – Parking Policy - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 26 – Boundary Walls - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 37 – Community Consultation on Planning Proposals - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 38 – Signs; - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 39 – Tree Planting and retention; - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Questions and responses

Deputy Mayor Bronwyn Ife

1. What data does the Town have about the use and availability of the parking bays near this corner and on the surrounding streets at peak times, particularly on Salford Street, Albany Highway between McMillan Street and Manchester Street, Temple Street between Hordern Street and Albany Highway, and Manchester Street between Hordern Street and Albany Highway?

The Manager Development Services advised that the Town is satisfied that sufficient parking is available based on observations of parking availability around the property and a previous parking availability assessment undertaken for a nearby development.

Parking data suggests that capacity exists in the area. Salford Street is unrestricted so no parking data is available. There is high occupancy with a midday peak of approximately 80% on Albany Highway between McMillan Street and Manchester Street. There is low occupancy overall on Temple Street between Hordern Street and Albany Highway, with a mid-morning peak of approximately 50%. Manchester Street between Hordern Street and Albany Highway is timed parking so no occupancy data is available.

Cr Claire Anderson

1. Has universal access to each of the ground tenancies been addressed?

The Manager Development Services advised that is has.

2. The Design Review Panel suggested one ACROD bay be located on-site at the back of development but on the plans there are two ACROD bays located on the street. Are they in place of the applicant providing a bay onsite?

The Manager Development Services advised that condition 1.4 requires that there be at least one on-site ACROD bay.

3. The Design Review Panel have suggested a weakness of the design is the lack of landscaping on the street. Have staff had further conversations with the applicant regarding this?

The Manager Development Services advised that the applicant has agreed to contribute to the cost of planting three new street trees within the verge. The verge currently contains no landscaping so it would be unreasonable to require the applicant to provide more verge landscaping.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12.2 Draft Amended Local Planning Policy 2 'Home-based Businesses'

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	1. Existing LPP 2 'Home Occupation' [12.2.1 - 5 pages] 2. Draft Amended LPP 2 Home Based Businesses [12.2.2 - 8 pages]

Recommendation

That Council:

1. Consents to the advertising of draft amended Local Planning Policy 2 'Home-based Businesses' (as contained within Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Requests the Chief Executive Officer to provide a further report to Council summarising and responding to any submission received during the public advertising period along with a recommendation on whether to adopt draft amended Local Planning Policy 2 'Home-based Businesses' with or without modifications.

Purpose

To consent to public advertising of draft amended Local Planning Policy 2 'Home-based Businesses' (LPP 2), which has been renamed and revised to reflect recent amendments to Town Planning Scheme No. 1 and State Government legislation.

In brief

- Existing LPP 2 'Home Occupation' has been revised and broadened in scope to ensure it is consistent with recently gazetted changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as recent amendments to the Town's local planning scheme.
- The revised scope, objectives and development standards seek to encourage small scale, unobtrusive home-based businesses that do not unduly impact the amenity of surrounding residents or properties by way of traffic, parking, noise or other potential impacts.
- It is recommended that draft amended LPP 2 be advertised for public comment.

Background

1. Existing LPP 2 'Home Occupation' was last amended in June 2019, following its review by the Urban Planning service area, as detailed in the Ordinary Council Meeting Minutes of 16 April and 18 June 2019.
2. Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted in December 2020 with the stated goals of streamlining development assessment processes, reducing unnecessary 'red tape' and helping to support the State's economic recovery.
3. The amendments to the Regulations are broad in scope, affecting the administration and processing of development applications, including their, vetting, assessment and advertising processes, as well as significantly expanding the range of works and land uses exempt from the requirement for development approval.

4. The majority of changes to the Regulations commence operation as of 15 February 2021, which has left little time for local governments to adapt their administrative processes and amend their local planning frameworks, particularly given the timing of their introduction over the Christmas/New Year holiday period and as many of the changes require consent by formal Council resolution and/or public advertising to occur.
5. In respect to LPP 2, the amended Regulations have altered the circumstances in which development approval is required from the Town of Victoria Park to carry out a home-based business activity, depending on the zone in which it is located and the permissibility of the particular land use as listed within the Zoning Table of the Scheme.
6. Amendments 80 and 84 to the Town of Victoria Park Town Planning Scheme No. 1 (the Scheme) have resulted in the addition of new and amended land use definitions being inserted into the Scheme, including the uses of Home Store and Home Business, which are currently not addressed by LPP 2.
7. In view of the changes to both the State Planning Framework through amendments to the Regulations, and the local planning framework through amendments to the Scheme, the review and amendment of existing LPP 2 has been completed.
8. The review and amendment of LPP 2 reflects one of at least four local planning policies that require amendment or revocation as a result of the amended Regulations.

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.	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 the State Planning Framework.

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

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 development of LPPs that facilitate diverse housing and employment outcomes, including working from home, while minimising the potential for adverse amenity impacts.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	The draft revised policy has been distributed to Place Planning officers for internal review and comment. The reporting officer (who undertakes duties across both the Place Planning and Urban Planning program areas) does not expect any significant internal feedback given the administrative nature and minor scale of the changes proposed to the existing policy, which will have minimal (if any) additional impacts from a place perspective. Notwithstanding, the opportunity to consider and incorporate any further internal officer comments can be undertaken during the community consultation period.
Urban Planning	Urban Planning officers have reviewed the draft policy and provided feedback, which has informed the provisions of the draft revised policy. The opportunity to consider and incorporate any further internal officer comments can be undertaken during the community consultation period.

Legal compliance

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

9. The adoption or amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:
 - Publication of a notice in accordance with deemed clause 87;
 - Community consultation for a period of not less than 21 days after the day on which the notice is first published; and
 - Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.
10. As per deemed clauses 4(5) and 6(b), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in accordance with deemed clause 87.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Nil	Nil	Nil	Nil	Low	N/A
Environmental	Nil	Nil	Nil	Nil	Medium	N/A
Health and safety	Nil	Nil	Nil	Nil	Low	N/A
Infrastructure/ ICT systems/ utilities	Nil	Nil	Nil	Nil	Medium	N/A
Legislative compliance and Reputation	Continued application of existing policy that does not provide adequate policy guidance in relation to all home-based business activities.	Low	Likely	Medium	Low	Consent to public advertising of amended LPP 2, which mitigates this risk.
	Continued application of existing policy which contains inconsistent or outdated provisions that do not reflect the current Scheme or State legislative requirements.	Low	Likely	Medium	Low	Consent to public advertising of amended LPP 2, which mitigates this risk.
Service delivery	Nil	Nil	Nil	Nil	Medium	N/A

Financial implications

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

Analysis

11. A review of existing LPP 2 'Home Occupation' (contained in Attachment 2) has been completed by Council officers. This review has considered:
- the effectiveness of the current policy including any issues of interpretation, application, gaps or deficiencies;

- b) similar policies of other local governments;
 - c) alignment with relevant State legislation, policy and/or guidelines;
 - d) greater clarity in the objectives of the policy; and
 - e) improving the presentation and ease of use (for both the public and Council officers) of the policy.
12. The major issues identified during the review relate to:
- a) the policy's presently limited scope, which does not reflect the complete range of defined land uses for various home-based business types under the Scheme, as introduced through Amendments 80 and 83;
 - b) the superseded guidance in relation to the requirement for development approval of home-based business activities, which does not reflect the abovementioned Scheme amendments or recent changes to the Regulations; and
 - c) the consequential lack of any policy guidance or development standards in relation to Home Stores and Home Businesses, which of all the home-based business land uses, have the greatest potential to result in adverse amenity impacts by way of noise, vehicular traffic, car parking and other impacts.
13. The review has also noted the prior review of LPP 2 in late 2018 and early 2019, which proposed the potential preparation of a separate, stand-alone policy for Home Stores (inserted into the Scheme by Amendment 80), given their potential for significantly greater impacts than those of a Home Occupation activity. However, since this time Amendment 84 has also been gazetted, resulting in the introduction of the additional land use of Home Business.
14. The review of the full range of land use definitions and their permissibilities, including where they are exempt from requiring development approval, has concluded that a single policy applying to all home-based business activities is the simplest and most straightforward approach, and that policy guidance specific to each use where required, can be adequately accommodated within a single policy.
15. In view of the above, existing LPP 2 'Home Occupation' has been amended as follows:
- a) Renaming of the policy to LPP 2 'Home-based Businesses' and broadening its scope to deal with all home-based business types under the scheme, including Home Office, Home Occupation, Home Business and Home Store, as well as those business activities which fall outside the Scheme definition of any of these land uses and must be considered as an Unlisted Use;
 - b) Expanding the range of definitions to capture all of the abovementioned land uses, and outlining the specific development approval requirements for each (where necessary), taking into account the changes introduced by the amended Regulations;
 - c) Inserting a general definition of 'home-based business' to enable the policy to set out provisions applicable to all home-based activities as well as those specific to defined land uses/sub-types;
 - d) Inserting provisions related to business size/area, maximum employee number and dwelling type from which home-based business activities may occur (where development approval is required), which seek to ensure their compatibility with surrounding residential uses and minimise the potential for adverse amenity impacts; and
 - e) Allowing for variations to certain development standards for Home Stores, where they are operating from a building (or portion of) that has historically been used as a delicatessen or similar retail use.
16. The amended policy provisions seek to promote home-based business activities, self-employment and contemporary hybridised work patterns, that have become increasingly attractive with improvements to technology as well as the significant work pattern alterations necessitated at various time during the continuing COVID-19 pandemic.

17. In doing so, the policy also seeks to ensure the amenity of surrounding properties, particularly within predominantly residential areas, in line with what are considered to be reasonable community expectations of what a home-based business may entail, noting that such activities must be carried out from an existing dwelling or property occupied primarily for residential purposes.
18. The proposed changes to LPP 2 are considered to appropriately address relevant amenity considerations that must be considered by the Town as part its determination of applications for development approval for home-based business activities. The amended policy will also serve as a single, comprehensive policy instrument that is reflective of the current local and State Government planning frameworks.
19. In view of the above, it is recommended that Council consent to public advertising of draft amended LPP 2 (as contained in Attachment 1). A further report will be presented to Council in the future following the conclusion of the public advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the amended policy (in its current form or in a further modified form).

Relevant documents

Not applicable.

Questions and responses

Cr Wilfred Hendriks

1. Why does the policy mention injury and harm?

The Manager Development Services advised that this is related to the definitions of home business and home occupation. These are from the Town's Town Planning Scheme No.1 and are model standard definitions used by the Department of Planning.

2. Clause 4a in the policy states that a sign must be a maximum of 0.2 square metres. Is this inconsistent with Local Planning Policy 38 - Signs?

The Manager Development Services advised that it is consistent as Local Planning Policy 38 states that a sign cannot exceed 0.2 square metres.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12.3 Draft Amended Local Planning Policy 32 and Review of Local Planning Policy 41

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Existing LPP 32 'Exemptions from Development Approval' [12.3.1 - 8 pages] 2. LPP 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' [12.3.2 - 7 pages] 3. PLNG10 'Transitional Use Policy' [12.3.3 - 1 page] 4. Amended LPP 32 Exemptions from Development Approval [12.3.4 - 23 pages]

Recommendation

That Council:

1. Revokes Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' (LPP 41) (as contained within Attachment 3).
2. Adopts amended Local Planning Policy 32 'Exemptions from Development Approval' (LPP 32) (as contained within Attachment 1).
3. Requests the CEO to arrange for publication of notice of the adoption of amended LPP 32 and the revocation of LPP 41 in accordance with deemed clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Purpose

To consider the recommended adoption of amended LPP 32 and revocation of LPP 41, following the review and consolidation of their provisions into a single policy and their revision to reflect recent amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

In brief

- Existing LPP 32 has been substantially amended to reflect recently gazetted changes to the Regulations.
- A review of LPP 41 has concluded that the policy can be revoked following these changes, with the majority of its provisions now superseded/duplicated and those which remain valuable able to be consolidated within amended LPP 32.
- In view of the amendments to the Regulations, it is no longer considered appropriate for the provisions contained within administrative Policy 451 'Transitional Use' to be incorporated into either LPP 41 (which is recommended to be revoked) or draft amended LPP 32, as all proposals made in accordance with the provisions of Policy 451 require development approval, which is not appropriate to sit within an exemption policy.
- The recommended amendment to LPP 32 reflects the exemptions from development approval legislated by the Regulations, as well as those that otherwise exist under existing LPPs 32 and 41, and

so are considered administrative and minor in nature. Accordingly, public advertising of the amendment is not required.

- It is recommended that the Council adopt amended LPP 32 and revoke LPP 41, in accordance with the Regulations.

Background

1. Existing LPP 32 'Exemptions from Development Approval' was adopted in March 2012 and was last amended following the review and repeal of the Town's former administrative Policy 201 'Canvas Awnings', as detailed in the Minutes of the Ordinary Council Meeting (OCM) held on 15 September 2020.
2. The review of Council's administrative Policy 451 'Transitional Use' was also considered at the 15 September 2020 OCM, and concluded that its provisions should more appropriately sit within a local planning policy, with LPP 41 being considered as an appropriate existing policy for these to sit within, given its similar objectives to support economic activity and activation of the public realm.
3. Existing LPP 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' was adopted at the OCM held on 21 April 2020, for a 12 month trial period. The policy exempts a range of land uses from the requirement for development approval within the Albany Highway Precinct and other Local Centre zones within the Town.
4. LPP 41 was developed and adopted by the Town further to its involvement as a member of the Inner-City Council Planning Working Group (the Town and the Cities of Perth, Subiaco, Vincent, South Perth and Fremantle) that were selected by the Department of Planning, Lands and Heritage (DPLH) to develop and test a framework for the exemption of a range of land uses in activity centres, to streamline approval processes and support economic development. The adoption of the Town's policy also coincided with the early stages of the COVID-19 pandemic, with its final adopted version incorporating the Minister for Planning's Notice (of exemption) issued on 8 April 2020 under the *Planning and Development Act 2015*, so that it could serve as an integrated land use exemption policy in support of the local business community as a key policy response of the Town's COVID-19 recovery efforts (it is identified in the Town's Covid-19 Action Plan).
5. The Town's LPP 41 was seen as progressive in nature, with DPLH basing its 'model' change of use exemption policy for local governments upon the format and provisions contained with the Town's LPP 41.
6. DPLH, as part of its continued contribution to State Government measures to support economic recovery from the COVID-19 pandemic, has developed a suite of major changes to the State Planning Framework, which have implications at State and local government level, across all scales of development. This has included amendments to the Regulations that were recently gazetted by the State Government on 18 December 2020, with the stated goals of streamlining development assessment processes, reducing unnecessary 'red tape' and helping to support the State's economic recovery.
7. The amendments to the Regulations are broad in scope, affecting the administration and processing of development applications, including their vetting, assessment and public advertising processes, as well as significantly expanding the range of works and land uses exempt from the requirement for development approval.
8. The majority of changes to the Regulations commence operation as of 15 February 2021, which has left little time for local governments to adapt their administrative processes and amend their local planning frameworks, particularly given the timing of their introduction over the Christmas/New Year holiday period and as many of the changes require consent by formal Council resolution and/or public advertising to occur.

9. The Amendments to the Regulations effectively mandate the land use exemptions listed within the DPLH's model change of use exemption policy, as well as an expanded range of works exemptions, under all local planning schemes in the Perth Metropolitan and Peel Regions.
10. The review of LPP 32 and LPP 41 reflects two of at least four local planning policies that require consequential amendment or revocation as a result of the amended Regulations.

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.	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 the State Planning Framework.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development of LPPs that promote the economic success and vitality of the Town's activity centres and commercial areas, while balancing amenity impacts and land use compatibility issues, particularly with surrounding residential uses.
EC02 – A clean, safe and accessible place to visit.	The development of policies that encourage and incentivise improved access and facilities for people with disabilities, to promote increased opportunities for social and economic participation, employment and independence.

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 development of LPPs that promote an activated and vibrant public realm in the Town's activity centres and commercial areas, and reduce the regulatory burden of the planning framework where appropriate and practical to do so.

Engagement

Internal engagement	
Stakeholder	Comments

Place Planning	The reporting officer, who undertakes duties across both the Place Planning and Urban Planning program areas, does not consider the proposed policy changes to have any appreciable impacts from a place perspective, in view of their administrative nature to reflect the legislated exemptions of the amended Regulations, and as they otherwise maintain the range of exemptions of existing LPPs 32 and 41.
Urban Planning	Urban Planning officers have reviewed the draft policy and provided feedback, which has informed the provisions of the draft revised policy.

Legal compliance

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

11. The adoption or amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including the publication of a notice in accordance with deemed clause 87.
12. In accordance with deemed clause 5(2), a local government may amend a local planning policy without publicly advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
13. As per deemed clause 6(b), the revocation of an existing local planning policy takes effect upon publication of a notice by the local government in accordance with deemed clause 87.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Nil	Nil	Nil	Nil	Low	N/A
Environmental	Nil	Nil	Nil	Nil	Medium	N/A
Health and safety	Nil	Nil	Nil	Nil	Low	N/A
Infrastructure/ ICT systems/ utilities	Nil	Nil	Nil	Nil	Medium	N/A
Legislative compliance and Reputation	Continued application of existing policy that does not provide adequate policy guidance (for the public and internal staff) in relation to the full range of works and land use development approval exemptions that exist, resulting in confusion,	Low	Likely	Medium	Low	Consent to public advertising of amended LPP 32 and the revocation of LPP 41 which mitigates this risk.

	administrative errors, and provision of incomplete or incorrect advice.					
	Continued application of existing policy which contains inconsistent or outdated provisions that do not reflect current legislative requirements.	Low	Likely	Medium	Low	Consent to public advertising of amended LPP 32 and the revocation of LPP 41 which mitigates this risk.
Service delivery	Nil	Nil	Nil	Nil	Medium	N/A

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>The additional development approval exemptions listed within amended LPP 32, which have been introduced as a result of the amended Regulations, will result in reduced development application fees being received by the Town. It is estimated that fee intake will reduce by approximately \$2000 within a 12 month period as a result of the new exemptions which do not already exist under LPPs 32 and 41. It is noted that this amount is in addition to the estimated \$4000 per year reduction in development application fees for change of use applications that has already occurred since the adoption of LPP 41 in April 2020, based upon the number of exemption of verification requests received to date in accordance with LPP 41, and the number of change of use applications received in previous years. This is a conservative estimate, as there may be an unknown number of exempt changes of use which have occurred that the Town has not been informed of.</p> <p>There will also be increased administrative costs in terms of staff time and resources used to administer the amended policy and provide guidance to the public when receiving or responding to enquiries to confirm if a proposal is exempt. However, some of these administrative costs may be offset by the recommended revocation of LPP 41, which can no longer require change of use proponents to obtain written verification of an exemption from development approval for a change of use, as these provisions have now been superseded, and are not required, by the amended Regulations.</p>

Analysis

14. A review of existing LPP 32 'Exemptions from Development Approval' (as contained in Attachment 2) and LPP 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing

Buildings' (as contained in Attachment 3) has been completed by Council officers. This review has considered:

- (a) the effectiveness of the current policy including any issues of interpretation, application, gaps or deficiencies;
 - (b) like policies of other local governments;
 - (c) alignment with relevant State legislation, policy and/or guidelines;
 - (d) greater clarity in the objectives of the policies; and
 - (e) improving the presentation and ease of use (for both the public and Council officers) of the policies.
15. The major issues identified during the review relate to:
- (a) the now superseded policy guidance provided by LPP 32 and LPP 41 in relation to the requirement for development approval for a wide range of works and land uses introduced through recent amendments to the Regulations;
 - (b) the need to provide clarity and consistency in terms of the conditions and specific guidance that is provided in relation to the differing circumstances where exemptions from development approval may apply. This is particularly important given the large number of exemptions which now exist across multiple planning instruments, including the Regulations, the Scheme, local planning policies and local development plans;
 - (c) the exemptions listed under the amended Regulations lack precision and clarity as to their application within the Town as they have been drafted in a generalised manner for incorporation under the local planning schemes of all local governments in the Perth Metropolitan and Peel regions; and
 - (d) the significant risk posed by the amended Regulations if not translated in a precise, consistent manner via a local planning policy, potentially leading to:
 - i. confusion and lack of clarity amongst members of the public;
 - ii. inconsistent or incorrect advice being provided by staff to members of the public due to confusion, differences of opinion or interpretation; and
 - iii. substantial administrative and staff resources that may be required to address administrative errors, including the refund and withdrawal of unnecessary development applications for exempt developments, and additional compliance action to follow up unauthorised developments retrospectively, that should have been subject to the requirement for development approval before being carried out.
16. In view of the above, the review of existing LPP 32 and LPP 41, has concluded that the incorporation of all works and land use exemptions from development approval should be captured within one consolidated local planning policy to provide a single point of reference for the Town's staff and members of the public.
17. Having regard to the above, existing LPP 32 has been amended to:
- Incorporate the exemptions introduced by the amended Regulations, specific to their application in accordance with the Town's local planning scheme and other relevant planning instruments (i.e. specific zones, Precincts, local development plans etc.);
 - Maintain the existing range of exemptions granted by existing LPP 32 that are not affected by the amended Regulations, either as separate stand-alone exemptions or via integration with several of the exemptions legislated by the amended Regulations; and

- Incorporate the exemptions from LPP 41 which remain of value and have not been superseded by the amended Regulations, including those relating to provision of universal/accessible car bays and the temporary use of food premises as Fast Food Outlets during a State Government imposed lockdown (such as has occurred at various stages of the COVID-19 pandemic).
18. As the recommended changes to LPP 32 capture and consolidate the provisions of LPP 41, it is recommended that LPP 41 be revoked by Council.
 19. The amendment of LPP 32 has followed the table format and style of exemptions listed for works (Table 1) and land uses (Table 2) by the amended Regulations, with additional Town-specific guidance provided, to ensure compliance and awareness with relevant conditions, development standards or other requirements, and minimise the risk of works or changes of use being carried out without other necessary approvals. The exemptions listed within Tables 1 and 2 have also been modified from their general zoning and terminology to reflect their precise application within the Town of Victoria Park in accordance with the zoning, precincts and land use table of the Town's local planning scheme, and other relevant planning instruments within the Town's local planning framework.
 20. The policy review and recommended revocation of LPP 41 has also noted the prior review of administrative Policy 451 'Transitional Use' (as contained in Attachment 4), as detailed in the Minutes of the OCM held on 15 September 2020 (refer to Background above).
 21. While the review of Policy 451 noted the similarity of its objectives to those of LPP 41, it is no longer considered appropriate for its provisions to sit within LPP 41 in light of the amended Regulations and its recommended revocation and consolidation under amended LPP 32. Additionally, any change of use proposals that may be considered under the provisions of Policy 451 require development approval from the Town in all instances, so their inclusion within an exemption policy would be at odds with their intended purpose and function.
 22. It is still considered appropriate that the provisions of Policy 451 be incorporated within a local planning policy, adopted under the Town's local planning scheme, rather than as an administrative policy of Council. However, further review is necessary to determine the appropriate existing or new local planning policy that's its provisions should be incorporated within before Policy 451 can be repealed.
 23. Amended LPP 32 has been drafted to provide clarity and consistency in the interpretation and application of the exemptions legislated by the Regulations by Council officers who will be administering the policy and providing advice and confirmation of exemptions from development approval to members of the public, local businesses and others within the development industry. They will also minimise the potential for confusion or misinterpretation by these external stakeholders who will be able to utilise the policy to understand the full range of works and changes of land use that are exempt from the requirement for development approval within the Town.
 24. Advice received from senior DPLH officers has confirmed that it is reasonable for local governments to consider changes to existing local planning policies to bring them into consistency with the amended Regulations as minor amendments, that can be adopted by Council without the requirement to undertake public advertising. This is in view of their administrative nature and as the changes result from legislated changes which will commence operation as of 15 February 2021 across all local governments within the Perth Metropolitan and Peel Regions, irrespective of their local planning frameworks.
 25. Amended LPP 32 will serve as a single, comprehensive policy instrument that is reflective of the current local and State Government planning frameworks with respect to the range of works and changes of land use that are exempt from development approval within the Town.
 26. In view of the above, it is recommended that Council adopt amended LPP 32 'Exemptions from Development Approval' (as contained in Attachment 1) and revoke LPP 41 'Exemption Policy for

Specified Changes of Use and Activities Carried Out From Existing Buildings' (as contained within Attachment 3), in accordance with deemed clauses 5 and 6 of the Regulations.

Relevant documents

Not applicable.

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

12.4 Investigation of lockers for people living with homelessness

Location	Town-wide
Reporting officer	Anastasia Brooks
Responsible officer	Paul Gravett
Voting requirement	Simple majority
Attachments	1. Engagement Report - Public Lockers [12.4.1 - 8 pages]

Recommendation

That Council:

1. Notes community consultation feedback regarding the provision of public lockers, or alternate storage spaces, for people who are sleeping rough in the Town.
2. Requests the Mayor to write to the newly elected members of State Government, advocating for additional funding for assertive outreach services in order to engage rough sleepers living in the Town.

Purpose

To provide Council with the findings of the community consultation conducted on the provision of public lockers, or alternative storage spaces, for people who are sleeping rough in the Town.

In brief

- The Town consulted with the community to understand the level of support for the Town being involved in the installation and maintenance of public lockers or alternative storage spaces. The consultation took place between 23 November – 6 December 2020 and 118 submissions were received.
- The consultation findings suggest a general level of community support for public lockers or alternative storage spaces. However, support decreased significantly for people living or operating a business within 250 metres of the identified locations, and strong confidence was not demonstrated in the Town to lead such an initiative.
- Given the findings of the initial investigation and the results of the subsequent community engagement, the Town is best placed to provide advice and support to community organisations to provide public lockers or alternative storage solutions in the Town. A service provider-operated program allows rough sleepers to seek additional information and support to end their homelessness.
- The Town acknowledges there is a lack of assertive outreach providers servicing the Town, limiting options for rough sleepers to access support to exit homelessness. As such, and in light of the March 2021 State Government Election, the Town recommends writing to the newly elected members of State Government, advocating for additional funding for assertive outreach services in order to capture rough sleepers living in the Town.

Background

1. At the 21 July Ordinary Council Meeting, Council resolved:

That the Chief Executive Officer investigates the provision of public lockers, or alternative storage spaces, for people living with homelessness in the Town, including but not limited to the possible locations, costs and any security arrangements;

Requests that the Chief Executive Officer presents a further report back to Council on the results of the investigation conducted, in line with point 1 above, by its September 2020 Ordinary Council Meeting.

2. The Town investigated the feasibility of installing public lockers or alternative storage spaces in the Town, possible locations, security arrangements and costs between July – September 2020.
3. The Town’s preliminary investigations outlined in the 15 September 2020 Ordinary Council report included internal engagement with Street Operations, Ranger Services, Library Services, Strategic Assets, Community Development, and Leisure Facilities. The preliminary investigations also included feedback and information gathering from Kensington Police, City of Bunbury, City of Perth, City of Adelaide, City of Sydney, City of Melbourne, The Haven, Uniting WA, Ruah Community Services, Oz Lockers, Baggage Storage, a lived experience advisor, RooForce Facility Services, as well as several international experiences. Overall, the preliminary investigations identified several concerns with the provision of public lockers. These included, but are not limited to:
 - Public lockers becoming a focal meeting place for vulnerable people, and that strategies would need to be considered to address any arising issues.
 - Concerns with how the lockers would be managed including the cost of managing, maintaining and cleaning, and the legal and ethical concerns of impounding or disposing of items if storage users had not returned in some time.
 - Although providing lockers provides an opportunity for the Town to minimise the stress associated with living without a home, the initiative does not in itself contribute to ending homelessness.
 - International experiences identified the most successful storage programs were operating by services providers which included an element of ‘checking in’ with users. These programs not only provided storage, but linked users to pathways out of homelessness.
4. This preliminary investigation also identified a number of potential options should the Town choose to progress a lockers or storage initiative. However, broad community consultation had not been undertaken to ascertain community support for a storage initiative, or the three locations that had been identified - outside of the Hubert Street Car Park, outside of the Victoria Park Library and outside of the Haven.
5. At the 15 September Ordinary Council Meeting, it was resolved that Council:
 - Notes the preliminary results of the initial investigation into the provision of public lockers, or alternative storage spaces, for people living with homelessness in the Town.*
 - Requests the Chief Executive Officer to conduct community consultation about installing public lockers or alternative storage spaces in the Town.*
 - Requests the Chief Executive Officer to present a report back to Council at the March 2021 Ordinary Council Meeting with findings of the community consultation.*
6. The Town engaged with the broader community between 23 November – 6 December 2020. The engagement aimed to understand whether the community was supportive of the Town being involved in the installation and maintenance of public lockers or alternative storage spaces. The results of the community engagement are contained in this report.
7. In December 2020 the Town also received the Street Count Report from the City of Perth, detailing the final number and locations of rough sleepers counted by Town staff on Tuesday 27 October 2020. The Street Count is an initiative led by the City of Perth and joined by other metro LGAs. The purpose of the Street Count is to collect reliable, current data on how many people are sleeping rough in the Town and more broadly in the Inner City Region. A total of 8 people were counted in the Town during the October 2020 Street Count.

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	A service provider-operated storage program allows rough sleepers to seek additional information and support to assist in ending homelessness.

Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	Advice sought on requirement for an application for development approval if lockers installed at the Haven.

External engagement							
Stakeholders	Residents, property owners, representatives from businesses and community organisations.						
Period of engagement	Monday 23 November – Sunday 6 December 2020						
Level of engagement	2. Consult						
Methods of engagement	<ul style="list-style-type: none"> • Online and in-person Q&A information sessions • Online and hard copy feedback surveys 						
Advertising	<ul style="list-style-type: none"> • Letters to residents and property owners located within close proximity of the identified locker locations • Email to businesses and community organisations located within close proximity of the identified locker locations • Southern Gazette advertisement • VIBE e-newsletter • Your Thoughts web page • Sounding Board email • Email to previous participants of the homelessness policy review consultation • Facebook posts – two organic, one paid advertisement 						
Submission summary	118 submissions						
Key findings	<p>Total survey responses</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: black; color: white;">Response</th> <th style="background-color: black; color: white;"># participants</th> <th style="background-color: black; color: white;">% participants</th> </tr> </thead> <tbody> <tr> <td style="background-color: #d9e1f2;">I support</td> <td>74 participants</td> <td>63%</td> </tr> </tbody> </table>	Response	# participants	% participants	I support	74 participants	63%
Response	# participants	% participants					
I support	74 participants	63%					

I support, but have some concerns	19 participants	16%
I do not support	25 participants	21%

Responses from participants living within 250m of the identified locations

Response	# participants	% participants
I support	6 participants	19%
I support, but have some concerns	8 participants	26%
I do not support	17 participants	55%

Responses from business representatives operating within 250m of the identified locations

Response	# participants	% participants
I support	1 participant	17%
I support, but have some concerns	3 participants	50%
I do not support	2 participants	33%

Note, no community organisations within 250 metres of the identified locations took part in the consultation.

Additional feedback is presented in the attached Engagement Report.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Additional rubbish and litter in public locker areas, resulting in excessive cleaning costs	Minor	Almost certain	Medium	Low	AVOID Town delivered public lockers not recommended
	Town installing infrastructure on private property, resulting in requests from other property owners for same level of service	Moderate	Possible	Medium	Low	AVOID Town delivered public lockers not recommended
	Town management of public lockers, including impounding and disposal of belongings left for extensive periods or dumped, resulting in additional staffing workload	Minor	Almost Certain	Medium	Low	AVOID Town delivered public lockers not recommended
	Vandalism to public lockers, resulting in high maintenance costs	Minor	Likely	Medium	Low	AVOID Town delivered public lockers not recommended
Environmental	Additional rubbish and litter in public locker areas, resulting in pollution to the environment	Insignificant	Almost certain	Medium	Medium	AVOID Town delivered public lockers not recommended
Reputation	Town installing infrastructure on private property, resulting in claims of 'favouritism'	Moderate	Possible	Medium	Low	AVOID Town delivered public lockers not recommended
		Minor		Medium	Low	

	Public lockers, without a connection to service providers, do not provide a solution to homelessness		Almost Certain			AVOID Town delivered public lockers not recommended
	Community backlash due to lack of strong support demonstrated for the Town to deliver public lockers	Moderate	Likely	High	Low	AVOID Town delivered public lockers not recommended
	Public lockers do not meet the needs of and/or are not used by rough sleepers	Insignificant	Moderate	Low	Low	AVOID Town delivered public lockers not recommended
	Public lockers are over-subscribed, users become possessive and/or some rough sleepers are not able to access a locker, resulting in damage to relationship with the Town	Minor	Possible	Medium	Low	AVOID Town delivered public lockers not recommended
Legislative compliance	Town management of public lockers, including impounding and disposal of belongings left for extensive periods or dumped, implemented without regulative authority	Moderate	Possible	Medium	Low	AVOID Town delivered public lockers not recommended
Health and safety	Public lockers used for storage or drop-off of illicit substances, resulting in health or safety risks to locker users of	Moderate	Possible	Medium	Low	AVOID Town delivered public lockers not recommended

	members of the public						
	Anti-social behavior at public locker location, resulting in health or safety risks to locker users or members of the public	Moderate	Possible	Medium	Low		AVOID Town delivered public lockers not recommended
Infrastructure / ICT systems/ utilities	Not applicable.						
Service delivery	Not applicable.						

Financial implications

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

Analysis

8. The Town undertook a period of community consultation between 23 November – 6 December 2020. The community was asked their thoughts around the Town’s role in a lockers or storage initiative, whether they supported the Town installing public lockers or alternative storage spaces in the Town, and whether they supported any/all of the locations identified in the initial investigation.

Role of the Town

9. As public lockers and alternative storage spaces are a relatively new phenomenon in communities, participants were asked to comment on what should be the role of local government. Key themes included:
- To provide lockers, or to provide and maintain lockers (20% - 24 participants)
 - To support the initiative (role not defined) – including champion, support, investigate, facilitate (19% - 23 participants)
 - To play no role (15% - 18 participants)
 - To maintain the safety of the location (13% - 15 participants)
 - To fund the initiative – including purchasing, or funding organisations (8% - 9 participants)
 - To support community organisations to deliver the initiative (7% - 8 participants)
10. The consultation findings suggest a general level of community support for lockers or alternative storage spaces. However, if a local government was involved, participants demonstrated a preference

for the local government to fund, facilitate or support a community organisation to deliver the initiative (34% - 40 participants), rather than taking sole responsibility (20% - 24 participants). These findings are in alignment with Policy 113 Homelessness – The Town’s role, whereby building the capacity of community organisations to meet local needs is a key policy commitment.

Support for a local initiative

11. Consultation participants were subsequently asked whether they support the Town installing public lockers or alternative storage spaces. Of the 118 participants who took part in the consultation, 63% (74 participants) were supportive, 16% (19 participants) were supportive, but had some concerns, and 21% (25 participants) were not supportive.
12. Comments from participants who were not supportive of a storage initiative, or were supportive, but had some concerns picked up on some of the key risks identified by the Town in the initial investigation. Comments included:
 - a) Concern for the ongoing security and maintenance of the lockers
 - b) Concern for increase in litter and dumping
 - c) That the initiative appears short term, and does not assist rough sleepers into housing and out of homelessness
 - d) Supportive of the idea, but not the locations identified
 - e) Concern for an increase in anti-social behaviour and/or criminal activity in the area

Support for the locations

13. Participants were asked to select which of the three locations identified in the initial investigation, if any, they supported the installation of public lockers or alternative storage solutions:

Response	# participants
None of the locations	24 participants
Outside of the Hubert St Car Park toilet block	48 participants
Outside of the Library, adjacent John Macmillan Park	59 participants
Outside of the Haven in East Victoria Park	78 participants

14. None of the locations were without participants demonstrating some level of concern. In addition to these concerns, there was a significant decrease of support for public lockers or alternative storage spaces for people living or operating a business within 250 metres of the identified locations.
15. The Hubert Street Car Park was supported by 15% (2 participants) located within 250 metres of the location, 31% (4 participants) supported with some concerns, and 54% (7 participants) did not support the location. Participants identified existing anti-social behaviour in the area and a lack of onsite services affecting the suitability of the location for installing public lockers or alternative storage spaces.
16. The Library was supported by 17% (1 participant) located in close proximity to the location. For the remaining, 50% (3 participants) supported with some concerns, and 33% (2 participants) did not support the Library location. Participants expressed concern for the safety of women and children who

use the Library, due to the heightened risk of rough sleepers experiencing mental health issues or alcohol/drug abuse.

17. The Haven, although receiving the highest level of support from all consultation participants - 78 of the total 118 participants indicated support, 70% (7 participants) located within 250 metres of the Haven were not supportive. Of the remaining participants, 20% (2 participants) supported, and 10% (1 participant) supported with some concerns. Participants in close proximity to the Haven detailed their experiences with existing anti-social behaviour in the area. Locating lockers or alternative storage solutions in residential areas was also raised as a concern by a number of consultation participants.

Next Steps

18. The findings of the initial investigation into the provision of public lockers or alternative storage spaces in the Town indicated that:
 - a) Although providing lockers provides an opportunity for the Town to minimise the stress associated with living without a home, the initiative does not in itself contribute to ending homelessness, and
 - b) International experiences identified the most successful storage programs were operating by services providers which included an element of 'checking in' with users. These programs not only provided storage, but linked users to pathways out of homelessness.
19. Given the initial investigation findings and the results of the community engagement, whereby a preference was demonstrated for the Town to work with community organisations rather than to lead a storage initiative, the Town is best placed to provide advice and support to community organisations to take the lead in providing public lockers or alternative storage solutions for rough sleepers in the Town.
20. The Town is committed to continuing to deliver actions that contribute to ending homelessness, contained within the Homelessness Policy Implementation Plan 2020-2023. However, the Town acknowledges that assertive outreach services are concentrated in the Perth CBD, restricting local rough sleepers from accessing support to end their homelessness. As such, and in light of the March 2021 State Government Election, the Town recommends writing to the newly elected members of State Government, advocating for additional funding for assertive outreach services to capture rough sleepers living in the Town.
21. The Town does not oppose service provider operation of public lockers or alternative storage solutions for rough sleepers. The Town will encourage any interested service providers to seek funding through the Community Funding Program to operate a storage initiative, with any application received assessed on its merits. Further, should the Haven choose to pursue external public lockers an application for development approval will not be required.

Relevant documents

[Policy 113 Homelessness – The Town's role](#)

[Homelessness Policy Implementation Plan July 2020 – June 2023](#)

[15 September 2020 Ordinary Council Meeting Minutes](#)

Questions and responses

Cr Ronnhda Potter

1. How would you see support and advice to community organisations playing out? Would it be in the form of financial, in-kind or resource support?

The Chief Community Planner advised that the Town could provide the following support:

- information on international and Australian examples, and potential maintenance and management requirements, as per the research undertaken for the September 2020 OCM report
- current and historic data on the number of rough sleepers in the Town
- introductions to local organisations supporting rough sleepers for additional information on rough sleeper needs and/or partnership support
- information on whether an application for development approval would be required
- an invitation to attend the Town's next grant writing workshop
- advice on the Town's community funding program
- advice on reaching out to potential corporate funders or other funding bodies.

2. Could the Town address how lockers are managed by using the same processes as City of Bunbury?

The Chief Community Planner advised that if Council made a decision to progress Town-installed and operated public lockers or alternative storage solutions, further investigation would be required to determine the final locker type and digital locking mechanism, the hours of operation, rules for acceptable use, the daily cleaning and maintenance schedule and the process for impounding or disposing of items that have not been collected in line with the rules of use. Although the City of Bunbury uses an automatic unlocking system in order to encourage rough sleepers to return to their items, dumping still occurs at the city's locker locations.

3. Will the street count become an annual event?

The Chief Community Planner advised that the Town will participate in the City of Perth's Street Count annually.

4. If lockers were installed, how many would be necessary?

The Chief Community Planner advised that the Town wouldn't encourage any more than 10 at this point in time.

5. Were any local community organisations engaged during this consultation?

The Chief Community Planner advised that 15 community organisations were engaged.

6. Have there been any reports of belongings being left in public areas? If so, how does the Town deal with this?

The Chief Community Planner advised that between February 2020 and February 2021 there have been six reports. The Town has recently developed a management practice where the Ranger attends the site to leave stickers and brochures. Belongings do get impounded if they are left for a significant period of time.

7. How many current service providers does the Town think have the capability to provide lockers?

The Chief Community Planner advised that there are 30 service providers in the Town but it is not known how many would be capable. The Haven is the only organisation that has come forward to be involved.

8. Has there been a discussion with The Haven about a location for lockers if they were to go ahead? Would it be an option for them to go on Town land close to The Haven?

The Chief Community Planner advised that the Haven indicated a preference for the installation of public lockers at the rear of the building. The Town investigated the installation of public lockers outside of the Hubert Street Car Park Toilet Block and outside of the library. Both properties are owned by the Town, and are located within walking distance of the Haven.

9. If a service provider were to operate the lockers in the Town, would lighting still be provided and paid for by the Town?

The Chief Community Planner advised that if the Town was to fund a community organisation to provide public lockers or alternative storage spaces through a community grant process, the organisation could include funding for lighting upgrades in their application.

10. Would Town Rangers patrol or monitor the area if lockers were operated by a community organisation?

The Chief Community Planner advised that Rangers could potentially patrol the area if competing priorities and resources allowed. These patrols would also depend on the location of the lockers.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12.5 Operating Subsidies 2020-2021 Round Two

Location	Town-wide
Reporting officer	Katie Schubert
Responsible officer	Paul Gravett
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council award three-year operating subsidies, commencing 1 July 2021, to:

- (a) Victoria Park Centre for the Arts for \$104,000 per year
- (b) Victoria Park Community Centre for \$85,000 per year

Purpose

To provide Council with oversight of the Town's three-year operating subsidy applications and assessments for Council endorsement.

In brief

- Operating subsidies are made available to support the ongoing operating capacity of the Town's service providers to deliver a range of programs, services, events, and partnerships, that align with the Town's strategic outcomes to enhance the quality of life of the community.
- At the 17 November 2020 Ordinary Council Meeting, Council requested for Victoria Park Community Centre and the Victoria Park Centre for the Arts be invited to submit new applications for an operating subsidy.
- Applications for Victoria Park Community Centre and Victoria Park Centre for the Arts were open from 5 January 2021 and closed on 3 February 2021.
- In review of applications by the assessment panel, the two applications sufficiently met the outlined criteria and subsequently have been recommended for Council endorsement with a total funding request of \$189,000 per annum, for the next three years.

Background

1. The Town recognises that community health and wellbeing is influenced by numerous factors, including social connectedness, a sense of belonging, a place where people have meaningful and accessible opportunities to participate in the arts, culture, education and to celebrate heritage.
2. As the tier of government closest to the community, local government plays a significant role in shaping and supporting the overall health and wellbeing of the community. This is achieved through a collective impact approach of working in collaboration with the local community, service providers and stakeholders.
3. Operating subsidies are to support the ongoing operating capacity of the Town's service providers to deliver a range of programs, services, events, and partnerships, which enhance the quality of life of the community.
4. At the 17 November 2020 OCM in response to Operating Subsidy application submitted for consideration, the following alternate Council resolution was made:

That Council:

1. Approves a further extension of the operating subsidy for Connect Victoria Park in the sum of \$50,000 from 1 January 2021 to 30 June 2021;
2. Approves an operating subsidy for Connect Victoria Park in the sum of \$75,000 to commence on 1 July 2021 for three years;
3. Declines to award an operating subsidy of \$6,000 to The Haven;
4. Approves a community grant of \$1,000 to The Haven for the provision of a Christmas lunch people for 2020;
5. Approves a community grant of \$5,000 to The Haven for the provision of regular meals for people in need.
6. Requests the Chief Executive Officer to invite the Victoria Park Community Centre and the Victoria Park Centre for the Arts to submit new applications for an operating subsidy to commence on 1 July 2021 for three years in accordance within the following timetable:
 - a. applications to be called for in January 2021;
 - b. applications to be assessed by the Town's community funding assessment panel in February 2021;
7. Requests the Chief Executive Officer to present a further report back to Council in March 2021 with the recommendations on any applications received from the Victoria Park Community Centre and the Victoria Park Centre for the Arts;
8. Requests the Chief Executive Officer to commence a review Policy 114 – Community Funding in December 2020, beginning with a concept forum for elected members in December 2020;
9. Requests the Chief Executive Officer to bring a report on the review of Policy 114 to the Policy Committee by no later than February 2021.

5. The Town currently provides operating subsidies to the following groups:

Organisation	Amount	Timeframe
Harold Hawthorne Community Centre	<ul style="list-style-type: none"> • 3-year operating subsidy • \$132,328 + Perth CPI annually • Peppercorn lease - \$222,000 annually • Financial assistance to contribute to the employment costs of the Centre to deliver programs to community. 	Contract end 30 June 2022
Vic Park Centre for the Arts	<ul style="list-style-type: none"> • 2-year operating subsidy • \$111,200 + Perth CPI annually • Peppercorn lease - \$30,000 annually • Financial assistance to contribute to the employment costs of the Centre of the Arts Director to deliver programs to community. 	Contract end 30 June 2021
Connect Vic Park	<ul style="list-style-type: none"> • 3-year operating subsidy • Contract extension endorsed Nov 2020 • Financial assistance contributing to staffing costs and direct program delivery for the wider community. • \$50,000 to 30 June 2021 • \$75,000 1 July 2021 to 30 June 2024 	Contract end 30 June 2024

6. Prior to this operating subsidy round opening on 5 January 2021, Impact Seed (an organisation specialising in social entrepreneurship and social impact measurement) were commissioned by the Town to work with both organisations to enhance their capacity to address application criteria. This included support towards the development of a Theory of Change and Program Logic Model, how to capture data, how to use data, and how to address the Operating Subsidy application criteria. This assistance was aimed to strengthen the funding application of each group as well as their longer-term effectiveness / sustainability.
7. Impact Seed were commissioned to provide up to 8 hours of support and development with each organisation. The final invoice for training is yet to be provided, however \$2,400 was set aside for these purposes.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Provision of agile appropriately managed funding that provides an opportunity for community organisations to respond to community need.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Through provision of funding community organisations will have the capacity to ensure community remain connected and engaged on topics that are of importance to them.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Provision for funding programs that ensure community could remain engaged, with access to arts culture and education.

Engagement

Internal engagement	
Panel	Review and evaluation of applications
Governance	Advice relating to publicly advertising successful applicants. Consultation on Policy 114 Community Funding. Advice relating to type/level of detail for community/Council consideration.

External engagement

Stakeholders	Victoria Park Centre for the Arts and Victoria Park Community Centre were engaged to better understand issues with the previous application process, and to provide feedback regarding the refined criteria for this round.
Period of engagement	December 2020 – February 2021.
Level of engagement	Consult
Methods of engagement	Email, phone
Advertising	Nil
Submission summary	Two Applications were submitted to the Town for evaluation.
Key findings	Two operating subsidy application submissions met the Town’s criteria and are recommended for endorsement.

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	Service providers not delivering outlined support to community.	Moderate	Unlikely	High	Low	TREAT by ensuring fair and equitable application process guided by Policy 114 Community Funding. Continue to work in partnership with service providers in relation the operating subsidy and social outcomes measurements.
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	

Legislative compliance	Service providers not meeting agreed legislative requirements.	Moderate	Unlikely	High	Low	TREAT – by sighting relevant documentation within the application process and including within contractual agreement.
Reputation	Negative public perception towards the Town should applications not be funded	Moderate	Unlikely	High	Low	TREAT by transparent approval process. Managed by online funding platform and Council endorsement. Town funding panels. Ensure fair and equitable application process guided by Policy 114 Community Funding.
Service delivery	Not applicable				Medium	

Financial implications

Current budget impact	Not applicable.
Future budget impact	<p>Endorsement of this recommendation requires a three-year operational subsidy commitment in future budgets, starting 1 July 2021.</p> <p>Victoria Park Centre for the Arts = \$104,000 per annum x 3 years Victoria Park Community Centre = \$85,000 per annum x 3 years</p> <p>= \$189,000 ex GST x 3 years = \$567,000 ex GST total (2021/22 - 2023/24) To include provision for the addition of Perth CPI annually.</p> <p>Current supported operating subsidies with future budget implications include:</p> <ul style="list-style-type: none"> • Harold Hawthorne Community Centre = \$132,328 x 1 year (ending 30 June 2022) • Connect Vic Park = \$75,000 x 3 years (ending 30 June 2024) <p>Total estimated commitment for 2021/22 = \$396,328 ex GST inclusive of current and recommended operating subsidies.</p>

Analysis

8. Applications for Victoria Park Community Centre and Victoria Park Centre for the Arts were open from 5 January 2021 and closed on 3 February 2021.
9. Additional relevant and reasonable application questions were received by both organisations during the application process. These questions were dealt with and answered by the Grants Officer with support from the Manager Community, when needed. The internal assessment panel were not involved in any of the responses and did not assist with any of the inquiries.
10. The Town received operational subsidy application submissions from both organisations with a total request of \$189,000 ex GST.
11. The application requires the completion of four parts:
 - 1.1. Eligibility
 - 1.2. Application Details (organisation, auspice arrangements etc);
 - 1.3. Project details; and
 - 1.4. Assessment Criteria as outlined in the table below.
12. The Operating Subsidy application form was aligned with the Town's Strategic Community Plan outcomes and consisted of four questions with a maximum score of five points per question. With four panel members scoring across the four assessment criteria with a maximum score of 80 available per application. Final weighted score for the complete application was out of 100%.

Updated content in assessment criteria questions from 2020 to 2021 rounds can be seen below in italics.

Assessment Criteria Questions	Weighting per question per panel member
<p>Question 1 - Demonstrated evidence-based need (25% weighting)</p> <ul style="list-style-type: none"> • Are you addressing a service gap in the community? If so, how can you demonstrate this? How is your service unique? • How many people (approximately) will benefit from your service <i>within a 12-month period?</i> • Have you considered or undertaken human centre-design and development evaluation? <i>If so, what did this tell you?</i> • Are there secondary data sets to support the need for your service in the local community? <i>https://profile.id.com/au/victoria-park; State and Federal Government; Australia Early Development Census (AEDC), Health and Wellbeing indicators; Industry specific research/modelling;</i> • Is your service a duplication of a service that already exists in the community? <i>If so, in what ways?</i> • <i>If it is a duplication, please outline how your service addresses a specific priority need/opportunity not being met by others.</i> 	<p>Total score available is five per panel member = 20 points total</p>

<p>Question 2 - Alignment to the Town’s Strategic Community Plan</p> <p>(25% weighting)</p> <p>In this section identify the top three outcomes of the Town’s Strategic Community Plan your service will deliver upon.</p> <p>https://www.victoriapark.wa.gov.au/About-Council/Council-documents/Integrated-planning-and-reporting-framework/Strategic-Community-Plan</p> <ul style="list-style-type: none"> • How will these outcomes be achieved and what evidence do you have to prove that you can achieve these outcomes? • <i>Have you created a Theory of Change and Program Logic to help you demonstrate an alignment to the Town’s Strategic Outcomes? If so, please provide as an attachment.</i> • Do you have a monitoring, evaluation and outcome measurement framework/process in place? If so, provide details as to how you will collect data for the Annual Outcome Report. • <i>Can you provide evidence of past outcomes achieved at an individual and/or community level, and how they were measured?</i> • <i>Can you provide evidence of the skill set, capabilities and capacity of staff to measure outcomes?</i> 	<p>Total score available is five per panel member = 20 points total</p>
<p>Question 3 -Value for money</p> <p>(25% weighting)</p> <p>In this section explain how you will deliver value for money</p> <ul style="list-style-type: none"> • <i>What do you specifically aim to deliver as a result of receiving an operating subsidy? Or what will you have capacity to deliver due to receiving an operating subsidy that you would not normally be able to?</i> • <i>Have you calculated the cost per participant for your service (total service cost divided by number of people accessing your offering/services)? If so, please provide.</i> • If you are seeking funds to cover salaries, have you provided examples of similar positions, an average wage for such positions and an explanation of why the role/salary is required? • <i>Is the initiative/service located within the Town? Yes/No</i> • <i>Is the initiative/service free for the community? Yes/No</i> • <i>If you charge a fee, how does this compare to other like services?</i> • If you are seeking funds for an ongoing program, provide examples of similar programs and operational costs. • <i>You may also like to consider including the number of volunteer hours engaged in your service over the previous 12-month period.</i> 	<p>Total score available is five per panel member = 20 points total</p>
<p>Question 4 - Governance</p> <p>(25% weighting)</p> <p>In this section provide details of the governance structures the organisation has in place.</p> <p>Give consideration to:</p> <ul style="list-style-type: none"> • Details of the Board of Management structure <i>and core areas of experience/expertise</i> 	<p>Total score available is five per panel member = 20 points total</p>

<ul style="list-style-type: none"> • Staff skills, experience and capabilities <i>in delivering proposed activities outline within the Operating Subsidy.</i> • Details of risk mitigation strategies, <i>including meeting Covid19 requirements.</i> • <i>Attaching Strategic Plan</i> • <i>Attaching financials for previous two years</i> 	
Total weighting for four questions = 100%	Total score available = 80 points

13. The Town’s internal assessment panel consisted of four Town officers:
- 1.1. Chief Community Planner
 - 1.2. A/Coordinator Community Development
 - 1.3. Communications Advisor – Stakeholder Relations
 - 1.4. Coordinator Urban Planning
14. Applications were assessed individually utilising a defined assessment matrix with descriptions and rating scale to guide the assessor with appropriate scoring. Then applications were reviewed within a formal panel meeting in line with Policy 114 Community Funding and the criteria outlined for the Town’s Operating Subsidy funding program. On average, it took the Community Funding Assessment Panel members between one to two hours per application to assess individually with a one-hour panel meeting.
15. Funding requested and panel scoring are outlined in the table below:

Applicant	Funding requested What will the operating subsidy be used for?	Panel score total (out of 80)	Requested funding
Victoria Park Community Centre (VPCC)	<p>Operating subsidy will provide financial assistance for the following:</p> <ul style="list-style-type: none"> • Manager – 15 hours a week • Project Officer - 25 hours a week that specialises in CaLD, Youth and/or Men. • Superannuation of the above wages of 9.5% contribution • Project Funding • Culture Counts subscription <p>The operating subsidy will support VPCC to deliver programs, support and services to the local community.</p> <p>The programs will be aimed at 25-65 year olds. Examples of these programs include No Light No Lycra (dancing group), Awkwardstra Community Orchestra, Narcotics Anonymous, Hatha Yoga, Activate Mental Health Board Games, Vic Park Sewcialist sewing group, Making noise with Sam Newman</p>	64	\$85,000

(music production event), Mental Health Check for Parents, Learn to Podcast Seminar, Slow Fashion Skill Share, Keeping chooks – skillshare, Breadmaking workshops and Indoor plant care workshops.

VPCC expect to deliver:

- Room-hire 52 weeks per year
- An increase in centre users from 15,000 per year to 18,000 per year by the end of the funding period.
- No less than 12 community-building events per year, all of which will align to S1, S3 or S4
- Below market rate venue hires for at-risk groups such as Narcotics Anonymous, Sisters of Hope (domestic violence support group) and Saint Mary’s Outreach service (community meal and allied health).
- Results-based accountability outcomes assessment.
- Sustainable programming at the centre
- Business development to be a sustainable organisation past the funding period.
- 350 people using the service weekly by the end of the funding period
- 680 bookings for the use of space per year by the end of the funding period
- 680 unique Children users in playgroups by the end of the funding period
- 19 regular community groups by the end of the funding period
- 2071 hours of booked time at the Centre by the end of the funding period

Victoria Park Centre for the Arts (VPCA)

The operating subsidy will provide a stable funding source to support VPCA’s core operating costs. Specifically, the funds will be used to subsidise the Centre’s payroll budget and operating expenses (such as utilities and administrative costs etc).

The operating subsidy will allow the VPCA to keep the Centre functioning, and to continue employing a part-time professional team comprising the arts manager, administrator, communications officer, community coordinator, and a casual cleaner. The Town’s Operating Subsidy will be used to fund three of these positions and a financial assistant (4 hours per week).

VPCA outlined their goals and priorities for the next three years in their Strategic Plan 2020-2023. In particular VPCA’s community reach is expected to increase over the next three years, as shown below:

Measure	2020	2021	2022	2023
---------	------	------	------	------

68 \$104,000

Membership	124	130	140	150
Art workshops / sessions	591	670	690	700
# of workshop participants	4740	5374	5520	5600
Gallery exhibitions	15	33	33	33
Visitors to gallery and events	7479	8000	8200	8400
# of artists / exhibitors / facilitators	142	275	300	325

VPCA's particular focus for the next three years is to expand provision for diverse artists and audiences, as follows:

- Increase gallery exhibitions from 20 in 2020 to 33 in 2021, through more frequent shows and using the Mini-Gallery
- Extend the Create Connect music and art workshops for people with disabilities
- More engagement with youth, local schools and broader community
- A new focus on environmental art projects including building a partnership with the Friends of Jirdarup Bushland, local environmental assets and developing links with local community groups and state level funding initiatives.
- Multicultural art and music projects, developing links with United in Diversity, Roots TV and other new initiatives.

16. The application for Victoria Park Community Centre has been assessed by a panel of four assessors and the total scores for each criterion are outline in the below table:

Essential Assessment Criteria	Score (out of 20)
Q1. Demonstrated evidence-based need	18
Q2. Alignment to the Town's Strategic Community Plan	15
Q3. Value for money	15
Q4. Governance	16

Cumulative totals of assessment score

64 out of 80

Assessment Panel Comments:

- Greatly improved application with clear deliverables. Attachments are very clear and provide evidence.
- The revised application provides improved details of how the operating subsidy is proposed to be used. It is recommended that future applications include benchmarking against similar organisations in the Perth metropolitan area.
- Application was well-written with sufficient details in the body and attachments to support the application.

17. The application for Victoria Park Centre for the Arts has been assessed by a panel of four assessors and the total scores for each criterion are outline in the below table:

Essential Assessment Criteria	Score (out of 20)
Q1. Demonstrated evidence-based need	17
Q2. Alignment to the Town's Strategic Community Plan	18
Q3. Value for money	17
Q4. Governance	16
Cumulative totals of assessment score	68 out of 80

Assessment Panel Comments:

- Significantly improved application with clear deliverables. Attachments provide clear evidence and annual report was excellent.
- Overall, a well-written application clearly outlining what Victoria Park Centre for the Arts has achieved, their strategic direction and how it plans to use the proposed operating subsidy. This revised application is strengthened by its considered use of evidence-based data to demonstrate the need for the service within the community and its value for money.
- Overall, application was well-thought-out and put together. Strong evidence and statistics provided to support the need for the service in the Town.

18. In review of applications by the panel, the two applications sufficiently met the outlined criteria and subsequently have been recommended for Council endorsement with a total funding request of \$189,000 per annum, for the next three years.

Relevant documents

[Policy 114 Community Funding](#)

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

12.6 Community Sporting and Recreation Facilities Fund (CSRFF) - Small Grants Application: Harold Rossiter Park

Location	East Victoria Park
Reporting officer	Tim Cronin
Responsible officer	Paul Gravett
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Approves submission of a \$40,000 grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) for modifications to Harold Rossiter Park change rooms.
2. Approves the receipt of CSRFF grant funding up to \$40,000, should the grant application be successful.

Purpose

To seek Council approval for the Town to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application for \$40,000 to DLGSC by 31 March 2021 and to accept grant funding of up to \$40,000 should the Town's application be successful.

In brief

- The CSRFF, which is administered by Department of Local Government, Sport and Cultural Industries (DLGSC), provides financial assistance to community groups and Local Government Authorities (LGA) to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- LGAs are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC, upon approval by Council.
- The Town's five-year capital works program lists Harold Rossiter Park clubroom for renewal in 2021/2022 and it is proposed a budget of \$120,000 will allow for necessary upgrades to the amenities that encourage and support the participation of females in sport.
- The Town has completed similar works at other sporting facilities over the last two financial years, namely Raphael Park and Higgins Park Club rooms.

Background

1. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.
2. Funding is for projects between \$7,500 to \$300,000. Minimum grant is \$2,500 and maximum grant is \$100,000. Up to \$1 million is available in the total pool this round.
3. \$500,000 is notionally allocated each round out of the annual \$12million available to projects that improve the useability of facilities for female participants. Projects that address this issue, such as the

upgrade of change rooms to cater for females including lockable, individual showers and more toilet cubicles in lieu of urinals, are a priority. Facility audits will also be considered for funding so that a future project can be appropriately scoped and designed.

4. Other examples of CSRFF Small Grant projects include new sports courts, cricket nets, small floodlighting projects, sports storage and change room refurbishments.
5. Where a local government is the applicant, it must fund two thirds of the total project cost, with the State contributing up to one third.
6. The CSRFF program operates on a reimbursement system. Grantees, in this case the Town, are required to demonstrate that they have expended the funds equivalent to the full cost of project before CSRFF grant funds will be paid in full.
7. Through consultation and site visits with the Curtin Victoria Park Cricket Club and Victoria Park Soccer Club it was identified that upgrades to the shower and toilet facilities at Harold Rossiter Park are required as they are in poor condition and do not comply with contemporary / industry standards (ie currently open plan, as per traditional male change rooms).
8. The shower and toilet facilities will be upgraded to unisex facilities. This will include removal of urinals and replacement with cubicles, and the partition of showers, inclusive of lockable shower doors.
9. It is anticipated that the modifications will encourage female participation and retention in sport and will demonstrate the Town's commitment to equality in service provision.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Renewed facilities which meet current standards and maximised facility usage, through a well planning project management framework.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Clubs will be engaged, consulted and provide input into the project.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Renewing facilities, keeping them well maintained, modern, fit for purpose to allow for 'all' community use.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facilities. Promote participation in community sport through the provision of contemporary changeroom and bathroom facilities which provide privacy for all.

Engagement

Internal engagement	
Stakeholder	Comments
Coordinator Strategic Assets and Community Development	Relevant officers have met regularly to discuss capital works requirements and to identify appropriate changeroom solutions.
Strategic Assets Advisory Group (SAAG)	Provides expertise, direction and advice into the make up and prioritisation of the Town's capital works program.

External engagement	
Stakeholders	Comments
Stakeholders	Site meetings with Curtin Victoria Park Cricket Club and Victoria Park Soccer Club to discuss potential upgrades to change rooms at Harold Rossiter Park.
Period of engagement	December 2020 to present.
Level of engagement	3. Involve
Methods of engagement	Site visits, inspections, meetings, phone calls and written correspondence.
Advertising	Email direct to impacted seasonal user.
Submission summary	Clubs were supportive of the changeroom upgrades to accommodate male and female teams, in line with industry standards.
Key findings	Areas requiring upgrade were subsequently identified, scoped and priced.

Other engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	Officers have discussed the proposed grant submission with DLGSC when requesting the CSRFF application form. It is likely that a site meeting will take place with DLGSC in the near future.

Legal compliance

Building Code of Australia

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Construction costs exceed estimates.	Minor	Possible	Medium	Low	ACCEPT - Indicative quote has been received and within budget allocation. However, if justified and unforeseen incidentals arise, Town would be required to cover the cost.
Environmental	Not Applicable				Medium	
Health and Safety	Not Applicable				Low	
Infrastructure / ICT Systems / Utilities	No Applicable				Medium	
Legislative Compliance	Town unable to complete the projects within outlined project timeline.	Moderate	Possible	Medium	Low	TREAT - A project management plan will be prepared to ensure project delivery within allocated timeframes.
Reputational	Required changeroom closure for works.	Moderate	Possible	Medium	Low	TREAT - Ensure a comprehensive communication plan for both internal and external stakeholders and the community.
Service Delivery	Not Applicable				Medium	

Financial implications

Current budget impact

There is no budget impact in the current financial year, as works are proposed to occur in the 2021/22 financial year.

Future budget impact

As part of the Town's Annual Capital Works budget process, funds are requested each year to complete proposed priority works.

There would be a requirement to budget \$120,000 within the 2021/2022 financial year to complete the recommended project.

If successful, grant income of \$40,000 will offset the total project cost.

Prior to annual budget considerations estimated quotes will be sought to provide a more accurate budget estimate for the scope of works required.

Whole of life costs associated with maintenance and cleaning of renewed / upgraded facilities are already accounted for in respective facility maintenance budgets, which are also a consideration by Council in the annual budget process. The maintenance and operating costs of this facility will not have a material impact as a result of doing the renewal/upgrade works to the change rooms.

Analysis

10. There is evidenced based need to upgrade the change room facilities at Harold Rossiter Park to contemporary / industry standards as set by the DLGSC.
11. The Town will be required to fund the capital works upgrade, with reimbursement of \$40,000 through CSRFF should the grant application be successful.
12. Should the CSRFF grant be unsuccessful, the Town will be required to fund the full capital works costs estimated at \$120,000.
13. Works will not commence until the 2021/2022 financial year.
14. A comprehensive capital works project plan will be implemented to ensure the project is managed and delivered successfully.
15. Town officers will continue to refine its approach to engaging local clubs and understanding priority sport and recreation facility needs that may align with CSRFF criteria, and the Town's capital works program in an effort to maximise potential cost sharing / resource leveraging opportunities into the future.

Relevant documents

Not applicable

Questions and responses

Cr Wilfred Hendriks

1. Can the Town apply for funding to improve lighting with this application?

The Acting Chief Operations Officer advised that this project was identified as suitable from the five-year capital works project. Funding of up to \$300,000 is available through the fund so lighting would be out of scope. The intention of this grant application is to provide change rooms to encourage players of all genders.

Cr Ronhhda Potter left the meeting at 7.43pm.

Mayor Karen Vernon

1. Is this project being put forward for a CSRFF grants application because of a need to upgrade facilities being identified through the recent expressions of interest from sporting groups?

The Acting Chief Operations Officer advised that it was partly for that reason however the Town is currently looking at all facilities on the capital works plan to accommodate players of all genders.

Cr Ronhhda Potter returned to the meeting at 7.44pm.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12.7 Final Adoption of Local Planning Policy 40 Burswood Station East Precinct

Location	Burswood
Reporting officer	Carly Pidco
Responsible officer	David Doy
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Summary of Your Thoughts Survey - Burswood Station East Local Planning Framework [12.7.1 - 5 pages] 2. Draft Local Planning Policy 40 Burswood Station East Precinct Design Guidelines and Public Realm Improvements [12.7.2 - 64 pages] 3. Local Planning Policy 35 Policy Relating to Development in Burswood Station East [12.7.3 - 1 page]

Recommendation

That Council:

1. Revokes Local Planning Policy 35 'Policy Relating to Development in Burswood Station East', in accordance with clause 6 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, and subject to the gazettal of Amendment No. 82 to the Town of Victoria Park Town Planning Scheme No. 1.
2. Adopts Local Planning Policy 40 'Burswood Station East Precinct Design Guidelines and Public Realm Improvements', in accordance with clause 4(3) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, and subject to the gazettal of Amendment No. 82 to the Town of Victoria Park Town Planning Scheme No. 1.

Purpose

The purpose of this report is to obtain Council approval for adoption of the final component of the draft Burswood Station East local planning framework, being Draft Local Planning Policy 40 Burswood Station East Precinct, and complementary revocation of Local Planning Policy 35 Policy Relating to Development in Burswood Station East.

In brief

- Burswood Station East is a prime growth opportunity within the Town of Victoria Park local government area. The precinct is identified for mixed-use, transit-oriented development in the Burswood Peninsula District Structure Plan and the Town's draft Local Planning Strategy. At its meeting of 15 December 2020, the Council resolved to support final adoption of Scheme Amendment 82, which is intended to facilitate this development transition.
- Alongside Scheme Amendment 82, the Town has been progressing Draft Local Planning Policy 40 ("Draft LPP 40"), which provides specific design guidance for development in Burswood Station East. Draft LPP 40 was advertised concurrently with Scheme Amendment 82 from 8 July to 7 September 2020. The advertising period yielded 28 survey responses and 6 written submissions from the community, as well as written submissions from City of Belmont, Main Roads WA, Public Transport Authority and Water Corporation. The draft framework was also reviewed by the Town's Design Review Panel.
- Several amendments have been made to Draft Local Planning Policy 40 in response to submissions received. These modifications have been workshopped internally with development services, finance and

operations. The amended Draft LPP 40 is now presented to Council for final approval. Alongside approval of Draft LPP 40, it is recommended that the existing Local Planning Policy 35 (“LPP 35”) for BSE (which was adopted to prevent proposals that might prejudice future development of Burswood Station East until such time as the local planning framework is updated) be revoked.

- Draft LPP 40 has been drafted to complement Scheme Amendment 82, which will not come into effect until it is published in the Government Gazette following approval from the Minister for Planning, Lands and Heritage. It is recommended that Council approve the adoption of Draft LPP 40 and revocation of LPP 35 subject to gazettal of Scheme Amendment 82, so that the complete local planning framework will come into effect at the same time.

Background

1. The BSE Precinct is currently zoned “Office/Residential” under TPS1 with a general development standard of maximum 15m building height and 2.0 plot ratio. It is also subject to Local Planning Policy 35 Policy Relating to Development in Burswood East (“LPP 35”). This policy states that Council will not support development applications that might prejudice future development in Burswood Station East until such time as a new local planning framework is in place.
2. At its meeting of 21 May 2019, the Council resolved to initiate Scheme Amendment 82 to TPS 1. The Scheme Amendment retains the current Office/Residential zoning but proposes amendments to the Precinct Plan for the BSE Precinct (Precinct Plan P2 Burswood Precinct Sheet A) to facilitate future redevelopment of the area.
3. At its meeting of 18 February 2020, the Council resolved to endorse Draft Local Planning Policy 40 Burswood Station East Precinct Design Guidelines and Public Realm Improvements (“LPP 40”) for public advertising. Advertising of the Draft LPP 40 was slightly delayed from intended timeframes due to the onset of the COVID-19 pandemic and its impact on communications and engagement.
4. Draft LPP40 (as advertised) comprised the following major parts:
 - a) Development objectives;
 - b) Policy requirements for built form design (‘design guidelines’);
 - c) Development incentives for community benefit;
 - d) Public Realm Fund (a funding mechanism for landowners to contribute to the cost of public realm upgrades); and
 - e) Public Open Space.
5. Scheme Amendment 82 and Draft LPP 40 were advertised for public comment from 8 July 2020 to 7 September 2020, in accordance with the advertising requirement for a complex Scheme Amendment in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. Following minor modifications in response to advertising, Scheme Amendment 82 was supported by Council for final approval at its meeting of 15 December 2020. The Amendment must now be approved by the Minister for Planning, Lands and Heritage and gazetted before taking effect.
7. Draft LPP 40 has also undergone modifications in response to advertising. While these modifications are substantial, their impact is to simplify the LPP (not change its intent) and further public advertising has not been undertaken.

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	Draft LPP 40 takes a people-focused, ‘design-first’ approach, with an emphasis on private development

for people with different housing need and enhances the Town's character.	achieving excellent outcomes where it interacts with the public realm. This cumulatively contributes to safe, activated and interesting streetscapes for people.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Draft LPP 40 recognises the importance of people-focused streets for successful community design. Requiring private development to contribute to the amenity of adjacent streets will ultimately improve the quality of the walking and active transport environment.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Draft LPP 40 includes flexible mechanisms to encourage high-quality landscaping and rooftop greening in private developments.
EN07 - Increased vegetation and tree canopy.	Draft LPP 40 includes green roof landscaping as an optional Development Incentive for Community Benefit, encouraging developers to contribute to increased vegetation and tree canopy.

Engagement

Stakeholder	Comments
Urban Planning	<p>Written comments were received. A meeting was held with several statutory and strategic planners to discuss the Public Realm Fund and advertising response, and proposed modifications to planning controls in response to external comments. The meeting concluded:</p> <ul style="list-style-type: none"> • The Public Realm fund was generally supported as a fair approach to sharing costs. The estimated cost per development was considered reasonable. • There were some concerns about how the Public Realm Fund requirements would be applied in a JDAP or SAT environment. • An alternative model of a “% for Public Realm” based on development value was raised, however, this was not considered a better option in view of the “need and nexus” principle and potential for greatly higher contribution costs. • Proposed modifications to the Scheme Amendment and Development Incentives provisions were supported. <p>Urban planning also undertook a further review of the Draft LPP40 after it was modified in response to advertising.</p>
Finance	<p>A meeting was held to discuss the Public Realm Fund and public advertising response. The meeting concluded that the public realm fund could be administered by the Town but would require additional processes. The cost of the works, while not insignificant, are within the Town's capability to borrow or budget over several years subject to further Long Term Financial Planning and ultimately Council approval. These options were considered favourable as they remove the uncertainty of timing for funding. It was also acknowledged that early investment by the Town would have positive impact</p>

	for development uptake and by extension a possible positive impact on revenue to the Town.
Operations	<p>A meeting was held and concluded that:</p> <ul style="list-style-type: none"> • Mixed views on whether the Public Realm Fund was a fair approach and whether it would impact development uptake. • Strong views that timing was the greatest risk to successful implementation of the Public Realm Fund. The uncertainty of timing for receipt and expenditure of funds was considered a major risk for both the Town and land owners that might contribute to it. • Concern for the risk of a funding shortfall in the Public Realm Fund and how that would impact delivery of the works.
Design Review Panel	<p>The Draft LPP 40 was considered by the Town's Design Review Panel. Key feedback included:</p> <ul style="list-style-type: none"> • Supportive of the general intent of Draft LPP 40 and its design objectives. Consider the parking ratio appropriate to a Transit Oriented Development. Support the Development Incentive criteria being very specific. • DRP members felt that the Draft LPP 40 was overly complicated, primarily due to the need to acknowledge both Volume 1 and Volume 2 of the Residential Design Codes. This is unavoidable given the overarching land use permissibilities in this precinct. • Tiered approach to Development Incentives was considered overly complicated and possibly too onerous in view of fragmented lot ownership. This has been simplified in the modified Draft LPP 40. • Mixed responses to the calculation methodology of the Public Realm Fund but supportive of its general cost-sharing principles.

External engagement	
Stakeholders	Land owners and occupiers within the Burswood Station East precinct. Public authorities considered likely to be affected by the Draft LPP.
Period of engagement	8 July 2020 to 7 September 2020
Level of engagement	2. Consult
Methods of engagement	<p>Written submissions and YourThoughts (the Town's online engagement tool).</p> <p>An informal online meeting with industry professionals was also held to discuss the proposed Public Realm Fund in Draft LPP 40.</p>
Advertising	Notices published in the Southern Gazette. Documents displayed at the Town's administration building and public library. Direct mailout to land owners, occupants and public authorities. Advertisements on the Town's YourThoughts platform, main website and Facebook page.

Submission summary	<p>7 written submissions were received, 6 in support and 1 neutral. These submissions primarily focuses on Scheme Amendment 82.</p> <p>4 written submissions from public authorities were received, 3 in support and 1 neutral.</p> <p>28 responses to a YourThoughts survey were received.</p>
Key findings	<p>Responses were generally supportive of Draft LPP 40 overall. Survey respondents gave the widest variety of views in relation to matters addressed by Draft LPP 40, however, recurring themes were a desire for the Burswood Station to be upgraded and agreement that public realm improvements are important for the precinct's future (refer to Attachment 1).</p>

Legal compliance

[Division 2 – Local Planning Policies, Schedule 2 Deemed provisions for local planning schemes, *Planning and Development \(Local Planning Schemes\) Regulations 2015*](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Conditions of approval requiring Public Open Space contributions are not applied or upheld in an appeal setting.	Major	Unlikely	Medium	Low	TREAT risk by Advocating to DPLH in decision making and progressing POSS contributions implementation policy.
Financial	Minister does not support release of Public Open Space contributions for upgrade works.	Major	Rare	Low	Low	TREAT risk through advocacy and preparing robust works and expenditure plans prior to seeking release of funds.
Environmental	Not applicable					
Health & Safety	Not applicable					
Infrastructure / ICT Systems / Utilities	Not applicable					
Legislative Compliance	Not applicable					

Reputation	Negative public and/or media perception if Public Open Space contributions are not managed effectively.	Moderate	Possible	Medium	Low	TREAT the risk by proactively identifying projects and planning for expenditure. TREAT the risk by including communications strategy in these processes.
Service Delivery	Landowners and developers find "Street Interface Typology" approach unfamiliar and difficult to use	Moderate	Possible	Medium	Medium	TREAT risk by ensuring staff are familiarised with policy and able to give clear advice. TREAT the risk by providing information on Town website.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>If adopted as presented, Draft LPP 40 will impact future budgets by:</p> <ul style="list-style-type: none"> • Bearing responsibility for management of funds that might be received through Public Open Space contributions. • Confirming the expectation that the Town will fund streetscape public realm upgrades within the Burswood Station East Precinct, with estimated value in excess of \$8.1 million. These works can occur in stages over several years. • Naturally increase the rates base of the Town as the precinct accommodates growth and new residents to the Town. <p>These future budget impacts are being accounted for in the review of the Town's Long Term Financial Plan.</p>

Analysis

Development Incentives for Community Benefit

8. State Planning Policy 7.3 Residential Design Codes, Volume 2 establishes a framework for development to achieve additional intensity in exchange for providing a community benefit above the usual standard. The parameters for these “Development Incentives for Community Benefit” are established within the local planning framework based upon local needs and character.
9. In BSE, the Burswood Peninsula District Structure Plan contemplates 4,500 dwellings for the precinct. A simple mathematical model has been prepared utilising the absolute minimum standards for apartment yield in Residential Design Codes Volume 2 (a highly conservative approach). Using this model, the planning framework is capable of yielding a maximum of approximately 3,200 dwellings using the baseline standards of 6 storeys and 2.0 plot ratio. The mathematical model does not account for nuances that will impact design and ultimate yield such as building articulation, variations in apartment size or mix, irregular lot shapes, or setbacks for visual privacy. Therefore, the model is considered to provide the theoretical upper limit to potential yield and actual yield using the baseline proposed in the Scheme Amendment will not approach the capacity for the area determined in the Burswood Peninsula District Structure Plan. The Development Incentives for Community Benefit provisions of draft LPP 40 attempt to bridge this gap.
10. In earlier decision-making, the Town has supported additional development intensity in BSE in association with design excellence using Clause 29 of TPS1 which provides a general discretion to vary development standards of the Scheme. The provisions within Draft LPP 40 provide greater clarity for developers and assessors as to how discretion should be used in this scenario. Following the advertising process, several modifications to the Development Incentives for Community Benefit provisions are proposed. These are outlined in the table below, including justification for the broad incentive concept and any modifications made in response to the advertising period.

Advertised Development Incentive (paraphrased)	Proposed Modification	Justification for Inclusion of this Development Incentive
A) The development site area has an area of at least 1,800m ² ; and	None (retain)	The additional plot ratio and building height should be considered for sites which have sufficient development potential to achieve a meaningful community benefit outcome and excellent design outcome.
B) A Design Statement demonstrating that the development achieves excellent design outcomes in accordance with State Planning Policy 7.0 Design of the Built Environment is provided, to the satisfaction of the Town on advice from the Design Review Panel; and	Modify to read: “The development achieves excellent design outcomes (in accordance with State Planning Policy 7.0 Design of the Built Environment) to the satisfaction of the Town, on advice from the Design Review Panel” I get	The wording of this provision has been modified following public advertising to improve readability, however, the underlying concept remains unchanged. Design excellence is an important principle of SPP7.0 and SPP7.3. The modification provides greater consistency with the standard implementation of SPP7.0 through the development application process.

		The Town will investigate preparing a Management Practice to provide further guidance on how design excellence will be assessed through the development application process.
C) The proposed plot ratio and proposed building height do not exceed the absolute maximums expressed in Table Two (below); and	Modify to read: "c) the plot ratio does not exceed an absolute maximum of 6.0 and the development height does not exceed an absolute maximum of 22 storeys; and"	<p>This provision as advertised included a 'tiered approach', where bonus height and plot ratio are scaled to lot size (expressed in Table Two). The advertising process yielded two major critiques. These are:</p> <p>1) The tiered approach is overly complicated for little additional benefit. It would be easier for the community to understand, and for the Town to implement, if there is a simple baseline development standard and bonus development standard; and</p> <p>2) The tiered approach may return vastly different development intensity outcomes on neighbouring lots, which could create a disjointed streetscape and undermine the continuous frontage design intent.</p> <p>These positions are considered valid and there is likely to be limited practical benefit for development outcomes in scaling the provisions. It is recommended that the provision be modified to remove scaling by lot size.</p>
D) The proposal incorporates on-site waste collection facility/s and servicing arrangements, with no individual bins to be placed on the verge for collection from the street; and	None (retain)	The requirement is intended to prevent individual rubbish bins from crowding the street, where they can become an eyesore and hazard to pedestrians and vehicles. The large bin storage areas required for a more intense development should also be carefully designed to minimise undue impact on amenity.
E) Provide at least one of the benefits listed below:		
i. Exceptional activation of a laneway (0.5 to 1.0 bonus plot ratio, depending on lot size)	Modify -	Current laneway environments in BSE are poor. Surveys completed during public advertising consistently identified laneways as

	It is recommended that the maximum achievable bonus plot ratio be modified to 2.0	needing improvement. A substantial intensification of development has the potential to further reduce the amenity of laneways if building facades and car parking are not intentionally designed with this in mind. Higher intensity developments should be encouraged to contribute to the improvement of laneway environments. The proposed bonus plot ratio is also commensurate with the additional public art.
ii.	Provision of a landscaped public space adjacent to the truncation (0.5 bonus plot ratio)	None (retain) No specific public comment received. These micro-parks are intended to contribute both to the amenity of the BSE public realm and provide complimentary public open space for future residents.
iii.	6 Star Design rating under the Green Star program or equivalent (1.0 bonus plot ratio)	None (retain) The 6 Star Design rating originates from early project consultation where environmental sustainability was identified as an important aspiration for the precinct.
iv.	Rooftop greening	Modify - It is recommended that the maximum achievable bonus plot ratio be modified to 2.0 Rooftop greening can provide passive recreation opportunities for residents in an area with constrained local public open space. It can also contribute to the general amenity and visual appeal of developments. The recommended increase to bonus plot ratio reflects the importance of rooftop greening in offsetting potential environmental and amenity impacts of larger scale development.
v.	Additional proportional contribution to the Public Realm Fund	Remove It is recommended that the Public Realm Fund be removed (see below) and this provision is therefore no longer required.

11. Several of the modifications above change the contemplated bonus plot ratio for each development incentive. This is in part due to the removal of the tiered incentives structure. Also, feedback received during consultation processes suggested that the burden of some incentives was too high to justify the bonus provided. The framework has been restructured to give greater weight to those most important community benefits to achieve and encourage robust design responses.

The Public Realm Fund

12. The Public Realm Fund provisions largely received positive feedback during the public advertising process. Developers and the community were generally supportive of the principles behind the Public Realm Fund, and the need for the street environments in BSE to be upgraded. Concerns have been raised however regarding the timing and certainty of works. The Public Realm Fund as advertised relies upon high-level cost estimates which are vulnerable to fluctuations. Further, the highly fragmented lot ownership in BSE means that redevelopment will follow an incremental process over the broad timeframes of different landowners. This creates uncertainty for developers who contribute early in the process, and then have no surety that their contributions will have a practical impact in the short-term, and for the Town as there is no reliable method of predicting future funding for project delivery. While these risks were first identified during the risk workshop held in 2019, they have been unpacked further through the public advertising process and in the current context are considered unacceptable. It is therefore recommended that the Public Realm Fund be removed from draft LPP 40.
13. Removal of the Public Realm Fund does not remove the urgent need for public realm upgrades in BSE. However, these can now be contemplated in an environment of low borrowing costs and substantial stimulus spending opportunities. It is recommended that the Town further investigate these options to secure funding for the upgrades and provide a more controlled and certain funding stream for ongoing works planning. It is also noted – as presented previously to Council at a Concept Forum – that investment in the precinct by the Town can be a stimulus in turn for private investment. As development progresses, the Town will see returns in the form of a safer, more cohesive community; greater usage of Town infrastructure and assets by the increased population; and increased rates revenue from an increased number of dwellings.

Public Open Space Contributions

14. The public open space provisions in draft LPP 40 provide that the Town will request contributions to public open space in accordance with the State Government's Development Control Policy 2.3 Public Open Space in Residential Areas ("DC 2.3"). The standard contribution is for 10% of land to be ceded for Public Open Space or an equivalent cash-in-lieu contribution. The advertised draft LPP 40 included a provision for the Town to request less than 10% for cash-in-lieu contributions, based on the identified public open space project to be delivered by the Town (Stiles-Griffiths Reserve) and a desire to keep the cumulative burden of contributions reasonable. The DPLH has informally flagged concern about this approach, with the preference being to utilise the standard 10% contribution in DC 2.3. It is recommended that the public open space provisions of draft LPP 40 be modified to reference the standard 10% contribution requirement only for the following reasons:
 - This provides a more consistent and certain approach for the community.
 - It reflects the overarching DC2.3 provisions and likely DPLH treatment of public open space in an assessment scenario.
 - Removal of the Public Realm Fund can in part balance out utilising the standard contribution.
15. It is noted that the Town will need to manage any funds received closely and ensure that these are reinvested into appropriate public open space projects in a timely manner. This can be achieved through sound project management of the proposed upgrades to Burswood Station East.

Front Setbacks and Noise Attenuation

16. Burswood Station East is bounded by major transport corridors and future development will be required to address the impacts of noise on occupants in accordance with State Planning Policy 5.4. The impact of noise increases with proximity and there is potential that the standards of State Planning Policy 5.4 might only be met through separation. It is recommended that a provision in draft LPP 40 be

added to allow for this eventuality while retaining alternative strategies as a preference to setback modifications. The additional recommended provision is as follows:

AO5.3.3 Setbacks greater than those stated in AO5.3.2 are considered where necessary to meet the requirements of State Planning Policy 5.4 Road and Rail Noise, provided that:

a) the building incorporates articulation and variation in street setbacks;

b) the setback area and building facade are designed to meet the streetscape interface typology objectives and have a positive impact on the street environment; and

c) the application is supported by a report from a suitably qualified acoustic consultant demonstrating that appropriate design measures to mitigate noise impacts has been taken and the proposed setbacks are unavoidable and necessary.

General Modifications for Readability

17. A number of minor modifications are also recommended to generally improve the readability of the policy document. These are detailed in the table below.

Draft LPP 40 Reference	Proposed Modification	Justification
2.3 Definitions	Add new definition for "R-Codes"	Provide clarity on the meaning of this common abbreviated term.
Part 3 How to Use This Policy	New section "3.2 Retention and Replacement of R-Codes Acceptable Outcomes" added on page 10.	Provides guidance on how to interpret the "Relationship to SPP7.3" tables that preface each design element throughout Part 5 of LPP40.
5.1 Applicable Standards and Requirements, subclauses 5.1.1 to 5.1.3	Consolidate and shorten existing 5.1.1 to 5.1.3 to improve readability.	Improve readability. There is no change to the intent of the provisions.
5.1 Applicable Standards and Requirements	Insert a new clause 5.1.3 as follows "Where an Acceptable Outcome in this Policy refers to a provision from the R-Codes Volume 2, all development types including those not generally subject to the R-Codes Volume 2 (Single Dwellings, Grouped Dwellings and Non-Residential Development) shall be assessed as if those specified provisions applied".	This clause provides overarching clarification for the interpretation of references to the R-Codes Volume 2 throughout the document. Including this clause negates the need to repeat references to all of these development types in more specific parts of LPP40. The new clause 5.3.1 is designed to aid interpretation and does not change the intent of LPP40.
5.2	Text and tables rearranged over an extra page (no change to content)	Improve readability. There is no change to the intent of the provisions.
5.2.1	Add additional text: "b. development in excess of 6 stories in height is approved..."	Improve readability. There is no change to the intent of the provision.

5.3.1	Relocate 5.3.1 to 5.3.4 and renumber all affected provisions. Reword 5.3.1 to read "5.3.4 Where a street setback area is provided, the setback area is to be landscaped to a high standard to support the Streetscape Interface Typology objectives in Part 4".	Improve readability. The proposed modification directly links landscaping requirements with the overarching desired streetscape outcomes.
Figures 3A to 3D	Captions updated to address labelling error.	Improve readability. There is no change to the intent of the provisions.
5.4.1	Remove references to "all other development, including Single Dwellings, Grouped Dwellings and Non-Residential Development"	This text is superfluous with the introduction of subclause 5.1.3 described above. There is no change to the intent of the provisions.
5.6.1	Reorder and renumber all subclauses	Improve readability through arranging subclauses in a progression. There is no change to the intent of the provisions.
5.6.2a, 5.6.2b, 5.6.2c and 5.6.2d	Insert "In addition to AO5.6.1..." at the beginning of each	Improve readability through clarifying that both clauses are applicable. There is no change to the intent of the provisions.
5.6.2a(ii) "Development fronting Urban Avenues includes awnings that:"	Modify provision to read "Development fronting Urban Avenues includes continuous awnings that:"	Insertion of the word "continuous" conveys that awnings should comprise a major feature of the façade design, and should be designed to complement the general continuous frontage aesthetic and as well as provide weather protection for pedestrians.
5.6.2a(iv), 5.6.2b(ii) and 5.6.2c(ii) "Car parking areas are to be sleeved or located below ground level..."	Modify all provisions to read "Car parking areas are to be sleeved with active uses or located below ground level..."	Insertion of the words "with active uses" clarifies the intention of the word "sleeved" in these provisions.
5.6.2	Replace all instances of the term "parapet wall" with the term "boundary wall".	Consistency with terminology used in the R-Codes and Local Planning Policy 26. There is no change to the intent of the provision.
5.6.2d(iv) "No more than one vehicle access point per frontage servicing a development, unless required for infrastructure servicing or emergency management."	Relocate (advertised) clause AO5.7.2 to become clause AO5.6.2d(iv).	This Acceptable Outcome was previously included in Part 7 Laneway Design Areas. This created some uncertainty as to whether the provision applied only to sites within a Laneway Design Area or to all development fronting laneways. The

		relocation of the provision removes this uncertainty.
5.7	Reorder and renumber all subclauses	Improve readability through arranging subclauses in a progression. There is no change to the intent of the provisions.
5.7.1 and 5.7.2	Insert a new subclause in each that reads: "Limits vehicle access points to a maximum of one access point per site;"	This provides clarity following the relocation of AO5.7.2 to become clause AO5.6.2d(iv) as described above.
5.7.4	Insert a new clause 5.7.4 that reads: "AO5.7.4 Where a site is to be developed in accordance with a Local Development Plan under this part: a. in the case of Transitional Development, the Local Government may approve the development in the absence of a Local Development Plan where the development does not prejudice the future character or utility of the Laneway, or attainment of the specific outcomes in AO5.7.1 and AO5.7.2; or b. in the case of all other development, consistency with a Local Development Plan that has been approved by the Local Government shall be demonstrated at the time of lodging a Development Application.	The new clause provides clarity on when in the development process the required Local Development Plans should be prepared.
5.7, Figure 4	Reword caption to read "Laneway Design Areas for the Burswood Station East Precinct"	Improves clarity and readability. There is no change to the intent.
5.9.3b "create any additional unacceptable amenity impacts;"	Reword to read "create any additional unacceptable amenity impacts such as excessive noise, odour, heavy vehicle movements or overshadowing"	Provides more specific guidance on the unacceptable impacts inconsistent with the future character of the precinct.
6.1.3 "The Town may also, at its discretion, approve development with additional Building Height and/or Plot Ratio that exceeds the base standards or requirements in	Reword text to read "The Town may also, at its discretion, approve development with Building Height or Plot Ratio that exceeds the base standards or requirements in the TPS	Removes excess wordage to improve readability.

<p>the TPS 1 Precinct Plan and Part 5 of this Local Planning Policy and exceeds any additional Plot Ratio above the base standards or requirements as provided by clause 6.1.2 of this Local Planning Policy, so long as such variation does not exceed the absolute maximums set out in Table Two, where:"</p>	<p>1 Precinct Plan and this Local Planning Policy so long as such variation does not exceed the absolute maximums set out in Table Two, where:"</p>	
<p>7.1.1</p>	<p>Insert text "Western Australian Planning Commission's" before text "Development Control Policy 2.3..."</p>	<p>Improves clarity through differentiating between State and Town policies.</p>

Local Planning Policy 35 Policy Relating to Development in Burswood Station East

18. Local Planning Policy 35 ("LPP 35") was adopted to guide Council's decision making until such time as a robust local planning framework for the BSE Precinct is adopted. It states that Council will not support substantial applications for development until that time. Amendment 82 and draft LPP 40 meet the intent of LPP 35 for a detailed local planning framework (which is expressed in LPP 35 as a local structure plan, but as addressed in the Amendment Report for Amendment 82 this is not considered required). Therefore it is recommended that LPP 35 be revoked upon commencement of draft LPP 40 and gazettal of Amendment 82.

Timing of Draft LPP 40 Approval

- 19. Scheme Amendment 82, draft LPP 40 and the revocation of LPP 35 provide comprehensive guidance for future development of the Burswood Station East precinct in keeping with the vision for the area and Office/Residential zoning. These changes to the Town's planning framework will facilitate a more intense form of a development with high-quality built form and public realm aspirations fitting of a transit-oriented development.
- 20. While the provisions of Draft LPP 40 can largely operate under the current TPS1 zoning, it is intended to complement Scheme Amendment 82. In the interests of orderly and proper planning, it is appropriate for Draft LPP 40 to become operational (and LPP 35 to be formally revoked) once Scheme Amendment 82 comes into effect. Accordingly, it is recommended that formal notice of adopting Draft LPP 40 and revoking LPP 35 be executed once Scheme Amendment 82 is gazetted.

Relevant documents

[Local Planning Policy 35 Policy Relating to Development in Burswood Station East](#)

[State Planning Policy 7.3 Residential Design Codes – Volume 1](#)

[State Planning Policy 7.3 Residential Design Codes – Volume 2](#)

[State Planning Policy 5.4 Road and Rail Noise](#)

[Town of Victoria Park Public Open Space Strategy](#)

[Development Control Policy 2.3 Public Open Space in Residential Areas](#)

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

12.8 Covid-19 Economic Impact and Opportunities Assessment

Location	Town-wide
Reporting officer	Lisa Tidy
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	1. Economic Impact and Opportunities Assessment [12.8.1 - 50 pages]

Recommendation

That Council notes the COVID-19 Economic Impact and Opportunities Assessment.

Purpose

To note the final COVID -19 Economic Impact and Opportunities Assessment.

In brief

- In response to the COVID-19 pandemic, FAR Lane was engaged as a consultant to prepare a COVID-19 Economic Impact and Opportunities Assessment (EIOA).
- The EIOA analyses the impact of COVID-19 on the local economy and business community, as well as providing key themes and recommended initiatives and projects the Town can engage in.
- Three industry roundtables were undertaken as part of the process, as well as engagement with other key stakeholders. Feedback from these sessions informed the creation of the final EIOA.

Background

1. On 15 March 2020, a state of emergency was declared for Western Australia in response to the pandemic caused by COVID-19. This resulted in significant changes to the local economy, including social distancing measures and bans on large gatherings, resulting in hospitality businesses only being able to operate under a takeaway or delivery method, and many businesses having to adapt to the new measures.
2. As restrictions eased, and businesses began to return to trade under a 'new normal', it became obvious there was a need to better understand the impact COVID-19 had on the local economy, as well as opportunities that the Town could seize to support the business community.
3. Council resolved to adopt a COVID-19 Response Strategy (Restart VicPark Strategy) and establish a COVID-19 Response Working Group at the 21 May 2020 Ordinary Council Meeting (OCM). The Restart Vic Park Strategy also included a COVID-19 Action Plan (CAP) which was approved at the 18 August 2020 OCM. The CAP includes an action to prepare an EIOA.
4. The EIOA provides guidance that identifies targeted projects and processes appropriate for local government that can help local business as they recover from the COVID-19 pandemic. This guidance is appropriate to us for both the Town Administration as well as Elected Members.

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 local business community were engaged throughout the process, and their feedback was used to inform the final report.
CL03 - Well thought out and managed projects that are delivered successfully.	The project was delivered on time and within budget.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Businesses were engaged as part of the process and received ongoing communication.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The final report outlines several key themes and initiatives the Town can undertake to work with, and support, the local business community.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Local businesses that took part in the industry roundtables had their feedback heard and fed into the final report.

Engagement

Internal engagement	
Place Planning	Place Leaders were engaged throughout the process through several workshops. Place Leaders also attended the external business workshops.
Communications	Key staff in the Communications team were part of relevant internal workshops.
COVID-19 Response Working Group	The EIOA and its recommendations were presented to the COVID-19 Response Working Group
Selected Staff	A briefing meeting between selected staff from across the entire organisation was held to discuss the EIOA and its recommendations.

External engagement	
Stakeholders	Business owners, community members
Period of engagement	Throughout October- industry roundtables were held on: <ul style="list-style-type: none"> • 14 October • 16 October • 22 October There were also a number of one on one meetings held throughout October and the start of November.
Level of engagement	3. Involve
Methods of engagement	Three industry roundtables were held with a number of representatives across different industries. Other stakeholders were engaged with one on one.
Advertising	Emails were sent to businesses from key industries.
Submission summary	n/a
Key findings	Please see the <i>Appendix 1 - Town of Victoria Park COVID-19 Impacts and Opportunities Industry Roundtables - Workshop Summary</i> within the Economic Impact and Opportunities Assessment for key findings.

Legal compliance

Not applicable.

Risk management consideration

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

Service delivery	Not applicable	Medium
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Additional budget may be required in the future to deliver some of the initiatives within the report, however funding will be requested through the usual budget process on a case by case basis.

Analysis

5. FAR Lane was engaged to prepare a COVID-19 EIOA, as well as engage with the local business community through a number of industry roundtables.
6. Three industry roundtables were held with a total of 24 businesses contributing to them. A number of other key stakeholders were engaged with also (ie Support our Strip and Vic Park Collective).
7. A number of internal workshops were also held with key areas, with the final report presented to a broad range of staff.
8. The final EIOA is contained in Attachment 1 and presents:
 - a) An analysis of the impact of COVID-19 on the local economy and key industries.
 - b) A summary of the engagement undertaken throughout the process.
 - c) A SWOT analysis.
 - d) Key converging themes due to the data analysis and engagement.
 - e) Potential local government initiatives and projects.
9. The EIOA is a key informing document in the development and prioritisation of key projects, services and procedural improvements in the Town and is a useful guide for Elected Members and Town Staff when making decisions that impact the recovery of the Town's local economy.
10. It is recommended that the EIOA is noted by Council, in particular the potential local government initiatives and projects which may inform the Town's future program of work.

Relevant documents

Not applicable.

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

12.9 Urban Forest Strategy Implement Working Group Terms of Reference 2021-2022

Location	Town-wide
Reporting officer	Pierre Quesnel
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	1. DRAFT Terms of Reference - UFS IWG [12.9.1 - 3 pages]

Recommendation

That Council endorses the terms of reference for the Urban Forest Strategy Implementation Working Group contained in Attachment 1.

Purpose

To endorse the Terms of Reference for the Urban Forest Strategy Implementation Working Group (UFSIWG) as included in attachment 1.

In brief

- On 18 January 2021 the UFSIWG met for the first time with the newly appointed members.
- During this first meeting a Draft Terms of Reference was reviewed by the group with several amendments recommended.
- Following circulation to the group of the amended version consensus was reached that the attached Terms of Reference should go to the March OCM for final endorsement.

Background

1. The UFSIWG is not a decision-making body. It collaborates with Town staff and suggest ideas and techniques, however its main role is the provision of advice and recommendations on various proposals which helps inform operational decisions by staff.
2. The UFSIWG was formed in December 2019 with the members developing a Terms of Reference that prescribed a 12-month term for the group.
3. The group has collaborated with Town staff and provided valuable advice and recommendations on a wide range of UFS implementation activities and processes throughout 2020.
4. At the 19 May 2020 OCM, Council adopted Policy 101 Governance of Council Advisory Groups and adopted a motion that Council ratify the appointment of the members of the UFSIWG and the Terms of Reference of the UFSIWG until the end of their term on 31 December 2020.
5. At the 20 October 2020 Council resolved to establish a UFSIWG, and requests that the Chief Executive Officer presents a further report by December 2020 back to Council with a recommendation on community member appointments in line with the selection criteria and process endorsed at that OCM.
6. At the 15 December OCM Council appointed the membership of the UFSIWG following an expression of interest process.
7. On 18 January 2021 the UFSIWG met for the first time with the newly appointed members.

8. During this first meeting a Draft Terms of Reference was reviewed by the group with several amendments made. Following circulation to the group of the amended version consensus was reached that the attached Terms of Reference should go to the March OCM for final endorsement.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The UFSIWG has been a valuable contributor of recommendations and advice that have enabled successful first year of implementation actions and processes.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	The Terms of Reference clarifies the roles, responsibilities and expectations of the members of the group. An appropriate Terms of Reference will ensure the experience of the community members within the group will be a positive one.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The group has built upon the community knowledge base and drawn from local knowledge to guide urban greening in the Town. This has allowed community leaders in this field a direct and meaningful role in guiding the direction and methods employed by the Town.

Environment	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	The group has improved the outcomes of Urban Forest implementation activities that have led to increases in the amount of additional canopy delivered and in the expansion of vegetated areas through Town.

Engagement

Internal engagement	
Stakeholder	Comments
Governance	Advice provided on the terms of reference and impact of Policy 101 Governance of Council Advisory and Working Groups.

External engagement	
Stakeholders	Urban Forest Strategy Implementation Working Group members
Period of engagement	n/a
Level of engagement	4. Collaborate.
Methods of engagement	The draft terms of reference were included in the meeting agenda for the group's 18 January meeting. This draft was reviewed by members prior to the meeting and the collaboratively reviewed during the meeting. An amended version was circulated and consensus reached on the final version.
Advertising	n/a
Submission summary	n/a
Key findings	Several amendments were made.

Legal compliance

Not applicable

Risk management consideration

Risk category	Impact	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk option rationale and actions	treatment and for
Financial		Not applicable				Low		
Environmental		Not applicable				Medium		
Health and safety		Not applicable				Low		
Infrastructure/ ICT systems/ utilities		Not applicable				Medium		
Legislative compliance		Not applicable				Low		
Reputation		Not endorsing the terms of reference means the group will lack clarity around member roles, responsibilities and expectations reflecting poorly on the Town's				Low	TREAT risk by adopting an appropriate terms of reference which provides strong guidance for the successful	

	ability to collaboratively work with its community.	operation of the group.
Service delivery	Not applicable	Medium

Financial implications

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

Analysis

9. The first year of the UFSIWG has been highly successful and issue free. Town staff have appreciated the collaborative manner in which the group has functioned and have valued recommendations from the community members.
10. The UFSIWG is one of the approaches that contributes to the Town’s Urban Forest Strategy being viewed as best practice in community led urban greening as evidenced by the recent state and nation wide media exposure it has received.
11. The following significant changes to the previous terms of reference were made following a collaborative review by Town Officers and members of the UFSIWG:
 - a) The duration of the term of the group will be 24 months (the 24-month term will be completed at the end of the 2022 calendar year).
 - b) That the appointed 6 community members and 3 elected members are voting members of the group. The following officers are to be appointed to the group by the CEO as non-voting members:
 - i. Chief Community Planner;
 - ii. Manager Place Planning;
 - iii. Manager Infrastructure Operations;
 - iv. Place Leader Urban Forest; and
 - v. Parks Technical Officer.
 - c) The addition of the following role: *“Act as an Urban Forest Community Ambassador through active sharing and promotion of Urban Forest news and activities and participating in leadership opportunities for implementation, education or planting projects.”*
 - d) That a quorum shall be 4 (four) voting members and must comprise at least 2 community members.
 - e) That meeting notes will be published on the Town’s website.
12. It is recommended that Council endorses the UFSIWG Terms of Reference.

Relevant documents

[Policy 101 Governance of Council Advisory Groups](#)

Questions and responses

Cr Wilfred Hendriks

1. Is the urban forest place leader a special place leader or just a normal one?

The Chief Community Planner advised that the urban forest place leader is one of several place leaders.

Mayor Karen Vernon advised that the role is a dedicated place leader that specialises in urban forest.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

13 Chief Operations Officer reports

13.1 TVP/20/07 Turf Mowing and Maintenance Works

Location	Town-wide
Reporting officer	Gregor Wilson
Responsible officer	Nicole Anson
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">2021-02-16 - Probity Certificate - Town of Victoria Park - TV P-20-07 [13.1.1 - 2 pages]CONFIDENTIAL REDACTED - TV P 20-07 Evaluation Report [13.1.2 - 55 pages]

Recommendation

That Council awards the contract associated with TVP/20/07 Turf Mowing and Maintenance Works to LLS Aust Pty Ltd trading as Lochness Unit Trust (ABN 69 516 567 693) for the maintenance of turf areas and other works, with the terms and conditions as outlined in the contract.

Purpose

To seek Council approval to appoint a preferred contractor to carry out Turf Mowing and Maintenance Works as the value of the tender exceeds \$250,000. It is estimated that the contract will cost in the order of \$1,221,170 (excluding GST) over the maximum term of the contract.

In brief

- TVP/20/07 was advertised in the West Australian newspaper on Wednesday 28 October 2020 and released via the tenderlink Portal on the same day.
- The tender submission deadline closed at 2pm on 12 November 2020.
- Suppliers were requested to provide a schedule of rates for mowing, garden maintenance and turf renovations.
- This item's approved municipal funding allocation comes out of various parks budgets and is estimated as \$350,000 - \$450,000 per annum. The contract is for three years with the option of two further 12-month extensions.
- Ten submissions were received. All were deemed compliant.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by LLS Aust Pty Ltd trading as Lochness Unit Trust and enters into a contract to carry out the required works.

Background

- The Town of Victoria Park has over 92 hectares of irrigated public open space.
- The Town maintains drainage sumps, main arterial road verges, and two industrial areas in addition to parkland areas.
- While the Town staff carry out some tractor mowing of active playing surfaces and hand mowing of selected small parks, the majority of mowing within the Town is carried out under contract as the Town is not resourced to do so in house.

4. The tender Scope of Works covers mowing of reserves, verges and sumps, turf renovations and garden bed maintenance. This can include weed control, minor pruning, reactive works and litter removal.
5. Turf renovation work relates to specialized maintenance of our turf playing surfaces and can include coring, vertimowing, vertidrainage, sweeping, turfing and foliar application of fertilizers or wetting agents.

Compliance criteria

6. Tender submissions must comply with the advice provided under the compliance criteria, as indicated in section 5.2.1 of the tender documents.
7. The Town's Senior Procurement Officers assessed all submission for compliance against the compliance criteria set out in section 5.2.1 of the tender documents.
8. All submissions were deemed compliant.

Evaluation process

9. The evaluation was conducted as per the Evaluation Plan that was prepared and endorsed by the Evaluation Team before commencing the evaluation.
10. Tenders were assessed against the following Qualitative criteria:

<p>Relevant experience</p> <p>i). Provide details of similar work undertaken</p> <p>ii). Provide scope of the Tenderer's involvement including details of outcomes.</p> <p>iii). Provide details of issues that arose during the project and how these were managed.</p> <p>iv). Demonstrate competency and proven track record of achieving outcomes.</p> <p>v). Project reference sheet.</p>	<p>Weighting 30%</p>
<p>Methodology, key issues and risks</p> <p>i). Proposed methodology for this project to be completed on time and within budget.</p> <p>ii). Evidence of successful results.</p> <p>iii) Ability to provide a high level of:</p> <ul style="list-style-type: none"> - Site management - Finish - Practices regarding industrial relations - Practices regarding environmental protection - Practices providing a safe working environment. <p>iv). Understanding of the required service by identifying the key issues and risk associated with delivering the project.</p>	<p>Weighting 20%</p>
<p>Occupational Health and Safety Capability</p> <p>Tenderers must address the following information in an attachment and label it "Occupational Health and Safety":</p> <p>Your response must include consideration of (but is not necessarily limited to):</p> <p>i). Prepare detailed 'Safe Work Method Statements' that are relevant to the services and facilities detailed in the scope of work.</p> <p>ii). Complete and return the Contractor's Occupational Safety and Health Management System Questionnaire.</p>	<p>Weighting 10%</p>

iii). Complete and return the Tenderer's Safety Record schedule.	
Price Tenderers to provide Schedule of Rates and complete Pricing Schedule provided in Part 5 of tender document.	Weighting 40%

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	A public tender process ensures integrity in the appointment of contracts for maintaining Town assets.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Programmed maintenance of the Towns Public Open Space ensures an aesthetically pleasing and clean area for the public to use.

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Regular mowing and garden maintenance of Public Open Space ensures they are kept to an acceptable standard.

Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Parks staff	Provide feedback on tender document and current practices.
Clubs Development Officer	Feedback on park standards relating to sporting clubs and level of service

Legal compliance

[Section 3.57 of the Local Government Act 1995](#)

[Part 4 Division 2 of the Local Government \(Functions and General\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failure to have a transparent, credible process for employing a contractor	Moderate	Almost certain	High	Low	TREAT risk by awarding a contract with clear scope objectives, service level agreement and KPIs to ensure POS and verges are maintained to agreed standards.
Environmental	Failure to maintain parks resulting in the spread of weeds	Moderate	Likely	High	Medium	TREAT risk by adopting a regular maintenance regime
Health and safety	Failure to maintain parks to safe standard resulting in potential injury	Moderate	Possible	Medium	Low	TREAT risk by adopting a regular maintenance regime
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	
Legislative compliance	Not applicable				Low	
Reputation	Not applicable				Low	
Service delivery	Failure to maintain parks due to lack of resources	Moderate	Likely	High	Medium	TREAT risk by awarding this contract to the recommended contractor

Financial implications

Current budget impact	<p>Council Delegation 1.1.16 – Limits on Delegations to CEO requires all tenders exceeding \$250,000 to be by Council determination.</p> <p>Sufficient funds exist within the annual budget to address this recommendation.</p>
Future budget impact	Funds relating to this tender will be included in future maintenance budgets.

Relevant documents

Council Policy 301 Purchasing

Analysis

11. Due to the value of the tender being over \$1,000,000, an external probity advisor was formally engaged to provide probity oversight and compliance with relevant legislation and Town's Procurement policy requirements. A probity certificate is provided in attachment. The detailed evaluation report is also provided as a confidential attachment.
12. The assessment of the submissions was formally undertaken by a panel that included:
 - Reserves and Capital Works Supervisor
 - Manager Infrastructure Operations
 - Finance Manager
13. The Town received a total of ten submissions, and all were deemed compliant.
14. An evaluation of submissions against the qualitative criteria and was conducted as per the Evaluation Plan.
15. Price assessment was carried out using quantity estimates multiplied by the schedule of rates the tenderers provided, to provide a total to be used for the price weighting.
16. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings shown below with 1 as the highest score (Included are the Top 3 rankings only).

Company	Ranking
LLS Australia trading as Lochness Unit Trust	1
LD Total	3
Turfmaster Facility Management	2

17. Therefore, it is recommended LLS Aust Pty Ltd trading as Lochness Unit Trust be awarded the contract as it is considered the most advantageous for the Town.

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

14 Chief Financial Officer reports

14.1 Schedule of Accounts for January 2021

Location	Town-wide
Reporting officer	Bonnie Hutchins
Responsible officer	Stuart Billingham
Voting requirement	Simple majority
Attachments	1. Payment Summary Listing - January 2021 [14.1.1 - 7 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 January 2021, 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 31 January 2021.

In brief

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

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 3. the payee's name
 - a) the amount of the payment
 - b) the date of the payment
 - c) sufficient information to identify the transaction
4. That payment list should then be presented at the next Ordinary Meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
5. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior

to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608817 - 608826	4,487
Creditors – EFT Payments		2,555,604
Payroll		1,613,375
Bank Fees		8,456
Corporate MasterCard		7,026
		4,188,948

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	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 the payment listing to Council is a requirement of Regulation 13 of Local Government (Financial 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 impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in Schedule of accounts.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
	Fraud or illegal transactions	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and

						segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ICT systems/utilities	Not applicable					
Legislative compliance	Not accepting schedule of accounts will lead to non-compliance.	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable					
Service Delivery	Not applicable					

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

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

14.2 Financial Statement for month ending January 2021

Location	Town-wide
Reporting officer	Bonnie Hutchins
Responsible officer	Stuart Billingham
Voting requirement	Simple majority
Attachments	1. Financial Statements for the month ending January 2021 [14.2.1 - 37 pages]

Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 31 January 2021 as attached.
2. Notes that the Town’s final opening financial position (1 July 2020) is subject to final audit.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 January 2021.

In brief

- The financial activity statement report is presented for the month ending 31 January 2021.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the Local Government (Financial Management) Regulations 1996.
- The financial information as shown in this report does not include several end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town’s final financial position for the period ended 31 January 2021.

Background

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

Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
- (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, sustainably 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 can make informed decisions for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

Engagement

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

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
	Fraud or illegal transaction	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ICT systems/utilities	Not applicable					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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

Analysis

4. The Financial Activity Statement Report – 31 January 2021 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 – 31 January 2021 be accepted.

Relevant documents

Not applicable.

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

14.3 Adoption of Vehicle Management Local Law 2021

Location	Town-wide
Reporting officer	Lisa Manser
Responsible officer	Luke Ellis
Voting requirement	Absolute majority
Attachments	1. Vehicle Management Local Law 2021 [14.3.1 - 36 pages] 2. Vehicle Management Local Law Public Submissions [14.3.2 - 3 pages]

Recommendation

That Council:

1. Considers the submissions received in relation to the proposed *Vehicle Management Local Law 2020*.
2. Makes the *Town of Victoria Park Vehicle Management Local Law 2021* as at attachment 1 in accordance with section 3.12 of the *Local Government Act 1995*.
3. Refers further consideration of local laws related to prevention of parking on verges to the September 2021 concept forum.

Purpose and effect

The purpose of this local law is to provide for the regulation, control and management of parking and vehicles within the local government.

The effect of this local law is to regulate parking and vehicles, including where they may stop or park, requiring tickets for parking in certain locations and preventing certain types of vehicles from being in certain locations.

Purpose

To consider submissions received in relation to the proposed *Vehicle Management Local Law 2020* and make the *Vehicle Management Local Law 2021*.

In brief

- As required by law, consultation commenced on the proposed *Vehicle Management Local Law 2020* on 1 October 2020 and closed on 21 November 2020.
- It is recommended the *Vehicle Management Local Law 2021* be made with minor amendments.

Background

1. Council at its meeting on 18 February 2020 resolved that a review of the *Town of Victoria Park Parking and Parking Facilities Local Law 2008* be conducted. As a result of this review, Council at its meeting on 15 September 2020 resolved to give notice of its proposed *Vehicle Management Local Law 2020*.
2. The Town of Victoria Park as a local government is responsible for the management of 196km of roads. This management does not just include maintenance but also the management of use of these roads, in the context of state laws. As part of this role, local governments make local laws to manage vehicles, including where they may park and stop. Through these laws local governments often adopt aspects of the *Road Traffic Code 2000*. By adopting these local laws, it means that the Town can enforce these laws

through its Parking Officers and Rangers. This frees up the WA Police to focus on other more serious criminal matters.

3. The Town of Victoria Park in the *Parking and Parking Facilities Local Law 2008* has implemented a large number of these controls. A significant amendment exercise through the *Parking and Parking Facilities Amendment (General) Local Law 2013* was undertaken in 2013 in order to implement paid parking within the local law.
4. Since 2008 and the 2013 amendments, transport methods have evolved including the introduction of ride share services and a significant increase in on demand food delivery. These are recognised in changes to state legislation in the *Transport (Road Passenger Services) Bill 2018*. Amendments are also proposed to laws in respect of wheel clamping, impounding and towing of vehicles through the department of transport.
5. Technology is also evolving in the parking space. In 2019 the Town introduced pay by app parking and in 2020 has introduced digital permits. In the coming financial year, the Town will be undertaking the review of the Integrated Movement Network Strategy and Parking Management Plan which will set out the Town's policy approach that the local law will implement.
6. In developing any replacement local law the focus was on the below core objectives:
 - (i) A functional local law that matches the nature of the Town as an inner-city suburban local government and its parking infrastructure;
 - (a) Consideration and avoidance of any conflicts with the Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020.
 - (b) A simple local law that is easy to read and understand for the public; and
 - (c) A consistent local law that avoids repetition and duplication of clauses and laws.
7. The local law is divided into five key parts:
 - (d) Part 2 – General laws of parking and stopping
 - (e) Part 3 – Stopping Zones
 - (f) Part 4 – Parking Zones
 - (g) Part 5 – Paid Parking
 - (h) Part 6 – Parking Permits
8. Each of these parts sets out a core aspect of the law and the different ways the Town manages vehicles.
9. Information regarding the law parts can be found in the report of the 15 September 2020 Ordinary Council Meeting.

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.	Identifying that a law requires replacement demonstrates sound and accountable governance.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Concluding the review of the parking local law fulfils a legislative responsibility.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Updating the parking local law ensures the Town can better support local business in ensuring bay turnover.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The vehicle management local law will help improve the Town's transport network.

Engagement

Internal engagement	
Stakeholder	Comments
Parking and Rangers	Parking Officers and Rangers were engaged in the process of review for the local law and their feedback was incorporated into the draft.
Street Improvement	No objections were received.
Place Planning	No objections were received.
Urban Planning	Urban planning has no concerns in relation to the proposed law.

External engagement	
Stakeholders	All community members
Period of engagement	1 October 2020 to 21 November 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts and written submissions
Advertising	Southern Gazette Social Media Website Public notice boards Your thoughts monthly email
Submission summary	4 submissions were received, all supporting the local law as provided at attachment 2.
Key findings	Of the submissions received: <ul style="list-style-type: none"> Two submissions sought specific parking changes which form part of how the law is administered but not a change to the law itself. One supported the law unconditionally.

- One proposed a significant change to the law which requires further separate consideration.

Other engagement

Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	The department provided a submission containing some brief comments regarding the proposed law, however no substantive amendments.
Cornerstone Legal	The Town engaged Cornerstone Legal to provide advice in relation to the proposed law.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The Town fails to conclude the review of the local law.	Moderate	Unlikely	Medium	Low	Treat by resolving the review of local law.
Reputation	The Town's local law is perceived as outdated.	Moderate	Likely	High	Low	Treat by replacing the local law.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

10. In accordance with section 3.12 of the Local Government Act 1995, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks. In total, the submissions period was open for 52 days. In that period 4 submissions from the public were received. In addition, a submission was received from the Department of Local Government, Sport, and Cultural Industries.
11. The department's submission provided for technical amendments to the local law, particularly inserting the words 'by resolution' into the law where it relates to establishing parking restrictions.
12. One submission from a member of the public proposed a significant change, which would be the prohibition on parking on a verge. The argument they provided in the view of the Town had merit, however, an amendment of this nature would be a significant amendment to the law. Under the Act, this would require readvertising of the law. It should also receive appropriate consideration in relation to the effect it would have on the availability of parking throughout the Town.
13. It is proposed to consider this more thoroughly through discussion and workshop at a future concept forum. If Council were to proceed, an amendment local law could be made to introduce this law.

Relevant documents

Not applicable.

Questions and responses

Cr Luana Lisandro

1. Is the restriction of not parking within 10 metres of an intersection included within the local law?

The Chief Executive Officer advised that the *Road Traffic Code 2000* covers that so doesn't need to be included.

Cr Wilfred Hendriks

1. Where do trailers fit in as they are not under classes of vehicles? How should these be parked?

The Chief Financial Officer advised that he would provide the information in report for the Ordinary Council Meeting.

2. Is there any law that prevents motorcycles being parked in normal bays?

The Chief Financial Officer advised that there is nothing stopping a motorcycle being parked in a normal parking bay however there are some dedicated bays provided in the Town. More information will be included in the report for the Ordinary Council Meeting.

3. What does section 17b in the local law mean?

The Chief Financial Officer advised that this information will be provided in the report for the Ordinary Council Meeting.

Cr Luana Lisandro

1. Is there anywhere within the local law that prevents trailers or caravans being permanently parked on a crossover?

The Chief Financial Officer advised that this information will be provided in the report for the Ordinary Council Meeting.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Where trailers fit into the local law, including how they should be parked.
2. Whether there is any law that prevents motorcycles being parked in normal bays.
3. What section 17b of the local law means.
4. Whether anything in the local law prevents trailers of caravans being permanently parked on a crossover.

15 Committee reports

15.1 Compliance Audit Return 2020

Location	Victoria Park
Reporting officer	Bana Brajanovic
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	1. 2019 Compliance Audit Return [15.1.1 - 13 pages] 2. 2020 Compliance Audit Return [15.1.2 - 12 pages]

Recommendation from the Audit and Risk Committee:

That Council:

1. Adopts the Compliance Audit Return for the period of 1 January 2020 to 31 December 2020, as shown in attachment 1.
2. Authorises the Mayor and Chief Executive Officer to jointly certify the Compliance Audit Return and submit it to the Department of Local Government, Sports and Cultural Industries by 31 March 2021.

Purpose

To present the response to the 2020 Compliance Audit Return (CAR) for review by the Audit and Risk Committee and Council endorsement, and to refer the Town's responses to the Department of Local Government, Sport and Cultural Industries.

In brief

- Regulation 14 of the Local Government (Audit) Regulations 1996 (Regulations) requires that a Compliance Audit Return be completed and submitted to the Department of Local Government by 31 March 2021.
- Regulation 15 of the Local Government (Audit) Regulations 1996 (Regulations) requires a joint certification to be completed by the Mayor and Chief Executive Officer and the document to be forwarded to the Department of Local Government, Sport and Cultural Industries through 'SmartHub'.
- The Town remains compliant of the Local Government Compliance Audit for 2020 calendar year.

Background

1. In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996, the Town is required to carry out an annual audit of statutory compliance in the form determined by the Department of Local Government, Sport and Cultural Industries.
2. The 2020 Compliance Audit Return deals with the period 1 January 2020 to 31 December 2020 and focuses on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

3. The Regulations require that the CAR be presented to Council for adoption following review of its Audit and Risk Committee. Once adopted, the CAR is to be certified by both the Mayor and Chief Executive Officer before it is submitted to the Department of Local Government and Communities by 31 March 2021 through SmartHub.
4. The CAR covers a range of matters that require actions to be completed by local governments in performing their functions to maintain legislative compliance with the Act.
5. The CAR requires that responsible officers respond to the audit questions, whether the Town was compliant of required actions, by answering yes, no or n/a.
6. Local governments are required to provide feedback or comments on areas of non-compliance. This assists the Department in better understanding any problems or issues that have resulted in a local government's inability to achieve full compliance in a particular area.
7. The following table summarises the Town's performance in each of the relevant categories, along with a comparison between the 2019 and 2020 CARs.
8. The Town remains 98% compliant for the 2020 Compliance Audit Return.

Category	2019 Audit Questions	Compliance Rating	2020 Audit Questions	Compliance Rating
Commercial Enterprises by Local Governments	5	100%	5	100%
Delegation of Power / Duty	13	100%	13	100%
Disclosure of Interest	19	100%	21	100%
Disposal of Property	2	100%	2	100%
Elections	2	100%	3	100%
Finance	14	100%	11	82%
Integrated Planning & Reporting	7	100%	3	100%
Local Government Employees	5	100%	6	100%
Official Conduct	6	100%	4	100%
Tenders for Providing Goods and Services	27	100%	24	100%
Optional questions	4	75%	10	100%
TOTAL	104	99.03%	102	98.36%

Table 1 – Town’s performance in each of the relevant categories, with a comparison between the 2019 and 2020 CARs

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	As the completion of a Compliance Audit Return is statutory under the Act, it is important that this review be submitted to the Department of Local Government by 31 March.

Engagement

Internal engagement	
Stakeholder	Comments
Governance and Strategy	Provided responses under the following sections: commercial enterprises by local governments, delegations, disclosures, election, integrated planning and reporting, official conduct and optional questions.
People and Culture	Provided responses under the following sections: integrated planning and reporting and local government employees.
Financial Services	Provided responses under the following sections: finance, integrated planning and reporting, tenders and optional questions.
Operations	Provided a response under the following section: disposal of property.
Business Services	Provided a response under the following section: commercial enterprises by local governments.
Property and Leasing	Provided responses under the following sections: commercial enterprises by local governments and disposal of property.

Legal compliance

Regulations 14 and 15 of the [Local Government \(Audit\) Regulations 1996](#).

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A					
Environmental	N/A					
Health and safety	N/A					
Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	Not completing the Compliance Audit Return will result in non-compliance with the Town's statutory reporting obligations.	Moderate	Likely	High	Low	The submission of the attached Compliance Audit Return to the Department of Local Government by 31 March 2021.
Reputation	N/A					
Service delivery	N/A					

Financial implications

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

Analysis

9. The 2020 Compliance Audit Return contains the following compliance categories:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Finance
- Integrated Planning and Reporting

- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services; and
- Optional Questions.

10. In completing the CAR, relevant officers were required to provide responses to the questions identified as part of their responsibilities. While the survey presented by the Department does not require inclusion of evidentiary information, the Town has made it a requirement that the responses provided by officers are evidenced by either a comment, or where applicable, citing references to relevant internal and external documents under the 'Comments' section of Attachment 1.
11. The Town has identified two area of non-compliance due to the Town not receiving audit reports from the Office of Auditor General.

Compliance Area	Compliant	Non-Complaint	Opportunity for Improvement
Commercial Enterprises by Local Governments	5		
Delegation of Power/Duty	13		
Disclosure of Interest	21		
Disposal of Property	2		
Elections	3		
Finance	9	2	The Town will continue to work closely with Office of the Auditor General. Due to COVID-19 last year some schedules have been moved.
Integrated Planning and Reporting	3		
Local Government Employees	6		
Official Conduct	4		
Tenders for Providing Goods and Services	24		
Optional Questions	10		

Table 2 – Town of Victoria Park Compliance Audit Return Result Summary

12. Two non-compliance areas were identified in this year's CAR and are as follows:

- LG Act s7.9(1) - The auditor's report for the financial year ended 30 June 2020 was not received by the Town by 31 December 2020 because the Office of the Auditor General is still completing audit tasks.
 - Audit Reg 10(1) - The auditor's report for the financial year ending 30 June has not yet been received by the Town. The auditor's report will be presented within 30 days of completion of the audit once it is received by the Town.
13. The Town responded as Not Applicable (N/A) to questions 6, 7, 8 and 9 under the attachment "Finance" section questions because the final audit report was not available at time of filling in this Compliance Audit Return. The Town will fulfill these requirements when it receives the audit report from the Office of the Audit General.

Relevant documents

Not applicable.

Further consideration

14. At the Audit and Risk Committee meeting held on 22 February 2021, the date of Council accepted the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures was sought. This review was accepted by Council at its meeting of 21 July 2020 – item 15.2.
15. In addition, clarification was sought in relation to the appointment of the Auditor. Following changes to the Local Government Act 1995, the Town no longer has the power to appoint the Auditor. Under the Act, the Office of the Auditor General is the Town's Auditor. The OAG has appointed KPMG to conduct the Audit. The comments have been updated in the CAR.

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

15.2 Update on Outstanding Actions from Reg 17 Review

Location	Town-wide
Reporting officer	Bana Brajanovic
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	1. Update on Outstanding Actions from Reg 17 Review [15.2.1 - 6 pages]

Recommendation from the Audit and Risk Committee:

That Council:

1. Receives the update on actions resulting from the Chief Executive Officer's review of systems and procedures relating to legislative compliance, internal controls, and risk management, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.
2. Requests that the Chief Executive Officer provides a further report to the Audit and Risk Committee on the progress of recommended further actions by December 2021.

Purpose

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

In brief

- Regulation 17 of the Regulations requires 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 was reviewed and reported on individually to the Audit Committee in 2019.
- As a result of the reviews conducted, a total of 24 opportunities for improvement were identified across the three areas of review.
- As resolved by Council, an update on the outstanding actions are presented to the Audit and Risk Committee.

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 the 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. In 2019, the Audit Committee received three separate reports for their consideration, relating to risk management, internal controls, and legislative compliance.
3. Upon receiving the results of the review, Council resolved, at its meetings held on 16 April 2019, 17 September 2019, and 17 December 2019, to request that the Chief Executive Officer provide updates to the Audit Committee on the progress of the opportunities for improvement actions identified as part of the reviews. Further to this at its meeting held on 20 October 2020 Council resolved to requests that the Chief Executive Officer provides a further report to the Audit and Risk Committee on the progress of recommended further actions by March 2021.
4. As many actions are already underway, the Town has sought to provide an update on all identified actions, rather than presenting a separate report for each individual area of review.

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 ensure that its systems and processes relating to legislative compliance, internal controls and risk management are appropriate and in line with industry best practice.

Engagement

Internal engagement	
Corporate Services	Supplied response to 1.5 and 3.5
Human Resources	Supplied response to 1.3 and 2.2

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	N/A					
Environmental	N/A					
Health and safety	N/A					

Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	The Town's current systems relating to internal controls not meeting requirements	Minor	Possible	Medium	Low	Treat risk by proactively improving Processes relating to legislative compliance, Internal controls, and risk management as identified by the review.
Reputation	The Town will face Reputational damage if a lack of appropriate internal controls results in a breach of the Local Government Act 1995, and other relevant legislation	Moderate	Possible	Medium	Low	Treat risk by completing the actions as a result of this review. and Ensure that internal controls, as outlined in The Guidelines, meets best practice standard.
Service delivery	N/A					

Financial implications

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

Analysis

- There are currently 24 opportunities for improvement identified as a result of the CEO's review of systems and processes relating to legislative compliance, internal controls, and risk management. The status of these actions is summarised below:

Review area	Total actions	No. not started	No. in progress	No. completed
Legislative Compliance	11	0	2	9
Internal Controls	7	0	1	6

Risk Management	6	0	0	6
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4. Actions completed or updated since the last report was presented to the Audit and Risk Committee in September 2020 are summarised in the table below:

Review area	Reference Number	Required Action	Status Change	Summary
Internal Controls	2.1	Ensure consistency in the drafting and keeping of procedures and/ management practices using the Town's Record Management System	Complete	The Town has developed a Management Practice which outlines how Management Practices are to be developed, reviewed, and recorded.
Internal Controls	2.4	Establish a review process for procedures and/or management practices	Complete	See response to 2.1.
Internal Controls	2.5	Establish and implement a regular internal audit program.	Complete	An Internal Audit Program was developed and presented to the Audit & Risk Committee in June 2020 and adopted by Council at the July 2020 OCM.
Risk Management	3.2	Review and update operational and strategic risk registers	Complete	The reviewed Strategic Risk Register has been endorsed by Council at its 18 February 2020 meeting. A corporate-wide operational risk has been conducted in October 2020 with a new operational risk register has been established as an output.
Risk Management	3.4	Present regular risk reports to the Audit Committee, in line with its Terms of Reference, and the reviewed Risk Management Framework	Complete	The CEO will continue to conduct biannual strategic risk reviews and present them to the Audit and Risk Committee as per Council resolution and in line with Terms of Reference.
Risk Management	3.6	Implementing an ongoing monitoring and reporting program for both operational and strategic risks, inclusive of risks	Complete	An ongoing monitoring and reporting program for both operational and strategic risks has been developed through: Risk Policy; Risk Framework; Risk Management Practice.

relating to fraud and misconduct

5. Actions to be completed and presented to a future Audit and Risk Committee summarised in the table below:

Review area	Reference Number	Required Action	Status	Summary
Legislative Compliance	1.3	Development of a policy and/or procedure for complaints relating to elected members.	In progress	A policy for the management of complaints relating to Elected Members in matters relating to breaches of the Town's Code of Conduct (Division 3) is being developed. This action should be completed before May 2021.
Legislative Compliance	1.7	Ensure the internal audit program is appropriately resourced.	In progress	The Town is going to outsource the internal audit service. This action will be completed by April 2021.
Internal Controls	2.3	Ensure that all 'policy statements' and procedures' are appropriately captured, in line with before the next CEO's review on systems and processes relating to internal controls, which will be due in 2022	In progress	Several outdated policies have been reviewed and the review program is ongoing and should result in every policy having been individually reviewed by 30 June 2022.

6. The full report on each action, inclusive of officer comments, are attached to this report as Attachment 1.

Relevant documents

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

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

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

16 Public participation time

John Gleeson

1. Once the land on the corner of Albany Highway is sold to Woolworths does the money from the sale need to be spent on parking because it was a parking area?

Mayor Karen Vernon advised that parking revenue is to be spent on parking.

The Chief Financial Officer advised that the sale of land comes under the Land Asset Optimisation Strategy and the proceeds will go to that reserve. It is not a requirement for the money to go into parking or parking infrastructure. The land itself is an asset.

2. Can I get a copy of actual law?

Mayor Karen Vernon advised that the Land Asset Optimisation Strategy is not part of the parking local law or Parking Management Plan.

Herb Rowe

1. What is Council's opinion on the cement batching plant on Cohn Street?

Mayor Karen Vernon advised that Council doesn't have defined opinion.

2. Is Council against it and what is Council doing to prevent it?

The Manager Development Services advised that the matter is not coming before Council as it will be decided by the Joint Development Assessment Panel.

3. What is happening with the traffic lights at Miller Street and Shepperton Road?

The Acting Chief Operations Officer advised that the project has been pushed to June 2022 as the Town is still waiting for approval from Main Roads.

4. Does the Council have any intention to keep cats inside through cat laws?

The Chief Financial Officer advised that the animal local law is on its way to Council and will go out for public comment.

17 Questions from members without notice on general matters

Deputy Mayor Bronwyn Ife

1. When will the trial for the noise-attenuating backboards in Lathlain end? If successful, can these be installed in all parks in the Town?

The Acting Chief Operations Officer advised that the trial goes for 12 months and the Town is currently three months into trial. Rolling these out to other parks can be considered but a cost analysis would need to be undertaken. More information can be provided.

Cr Luana Lisandro

1. Has Council considered putting padding on the basketball poles at Zone 2X? Can it be considered?

The Acting Chief Operations Officer took the question on notice.

18 Confidential matters

Nil.

19 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 8.02pm.