



TOWN OF
VICTORIA PARK

Agenda Briefing Forum Notes – 6 June 2023



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** was held at **6:30 PM** on **Tuesday 6 June 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
12 June 2023

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1 About the Agenda Briefing Forum

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

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

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

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

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

Disclaimer

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

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

2 Opening

Mayor Karen Vernon opened the meeting at 6:30pm.

3 Acknowledgement of country

Cr Peter Devereux read the Acknowledgement of Country.

Acknowledgement of the traditional owners

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

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

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

4.2 Notice of recording and live-streaming

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

4.3 Conduct of meeting

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

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

4.4 Public participation time

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

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

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

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

4.5 Questions taken on notice

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

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

5 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson
Cr Peter Devereux
Cr Wilfred Hendriks
Cr Luana Lisandro

Jarrah Ward

Cr Jesse Hamer
Cr Bronwyn Ife
Cr Jesvin Karimi
Cr Vicki Potter

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

A/Chief Community Planner

Mr Paul Gravett

Manager Governance and Strategy

Ms Bernadine Tucker

Manager Development Services

Mr Robert Cruickshank

Manager Property Development and Leasing

Mr Paul Denholm

Manager Finance

Ms Nana McIntosh

Management Accountant

Ms Amanda Arul Nathan

Secretary

Ms Felicity Higham

Public liaison

Ms Alison Podmore

Public

2

5.1 Apologies

Nil.

5.2 Approved leave of absence

Nil.

6 Declarations of interest

6.1 Declarations of financial interest

Name/Position	Cr Luana Lisandro
Item No/Subject	12.2 - Actions relating to the Town's Residential Character Study Area
Nature of interest	Financial
Extent of interest	I'm an Enduring Power of Attorney for a family member whose property is situated within the Residential Character Study area.

6.2 Declarations of proximity interest

Nil.

6.3 Declarations of interest affecting impartiality

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality
Extent of interest	I have attended events and functions hosted by and / or involving the Perth Football Club, West Coast Eagles and Waalitj Foundation, all organisations involved in Lathlain Park.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality
Extent of interest	I have attended events at the WCE and Perth Football Clubs who are referenced as key stakeholders in the plan.

Name/Position	Cr Peter Devereux
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality
Extent of interest	I have attended functions at Perth football club and am a member of the Lathlain advisory group.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality
Extent of interest	I have attended events and functions run by the WAALITJ Foundation, Perth Football Club and the West Coast Eagles, who are situated within the subject area.

Name/Position	Cr Vicki Potter
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality

Extent of interest	I work for an organisation that operates a programme with the West Coast Eagles who are named in the plan.
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Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.1 - Lathlain Park Management Plan Review
Nature of interest	Impartiality
Extent of interest	I have attended events run by The Perth Football Club and the Walitdj Foundation

Name/Position	Mayor Karen Vernon
Item No/Subject	12.2 - Actions relating to the Town's Residential Character Study Area
Nature of interest	Impartiality
Extent of interest	I own character property within the residential character study area.

Name/Position	Cr Vicki Potter
Item No/Subject	12.2 - Actions relating to the Town's Residential Character Study Area
Nature of interest	Impartiality
Extent of interest	I have an original weatherboard house in the proposed residential character study area.

Name/Position	Cr Bronwyn Ife
Item No/Subject	12.2 - Actions relating to the Town's Residential Character Study Area
Nature of interest	Impartiality
Extent of interest	I own an original character home in the character study area.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	12.2 - Actions relating to the Town's Residential Character Study Area
Nature of interest	Impartiality
Extent of interest	I own a home in the residential character study area.

Name/Position	Cr Bronwyn Ife
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community Members
Nature of interest	Impartiality
Extent of interest	Four of the applicants are known to me.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community Members
Nature of interest	Impartiality
Extent of interest	I am friends with one of the applicants.

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community

	Members
Nature of interest	Impartiality
Extent of interest	Some of the applicants are known to me.

Name/Position	Cr Peter Devereux
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community Members
Nature of interest	Impartiality
Extent of interest	I am an active member of the Urban Forest Working Group and know some of the candidate's seeking appointment.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community Members
Nature of interest	Impartiality
Extent of interest	One of the persons proposed to be appointed to the working group is known to me as a previous employee of the Town.

Name/Position	Cr Vicki Potter
Item No/Subject	12.3 - Urban Forest Working Group - Appointment of New Community Members
Nature of interest	Impartiality
Extent of interest	One of the candidates is known to me.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.1 - 47 Planet Street, Carlisle - Offer for the purchase and development of the Towns landholding
Nature of interest	Impartiality
Extent of interest	I have had discussions with the community and a landholder close to the stated property about the communities wish for a grocery store in the area, and the landholder's future development

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.1 - 47 Planet Street, Carlisle - Offer for the purchase and development of the Towns landholding.
Nature of interest	Impartiality
Extent of interest	I live on Planet St and know the owners of the Café across the road from the Carpark.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.3 - Edward Millen House - Approval of Publication of a Business Plan for Agreement for Lease and Lease to Blackoak Capital.
Nature of interest	Impartiality
Extent of interest	I voluntarily run a market an outdoor farmers market in the Town as a member of the Rotary Club of Victoria Park.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.3 - Edward Millen House - Approval of Publication of a Business Plan for Agreement for Lease and Lease to Blackoak Capital.
Nature of interest	Impartiality
Extent of interest	I have received communications from local residents about the proposed lease to Blackoak.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.4 - 355-357 Shepperton Road, East Victoria Park - Proposed Sale
Nature of interest	Impartiality
Extent of interest	I have received communications from local residents and submissions from legal advisors about the proposed sale of this property.

Name/Position	Mayor Karen Vernon
Item No/Subject	19.1 - 355-357 Shepperton Road, East Victoria Park - Proposed Sale
Nature of interest	Impartiality
Extent of interest	I have received communications from local residents and submissions from legal advisors about the proposed sale of this property.

Name/Position	Cr Bronwyn Ife
Item No/Subject	19.2 - Maintenance and Cost Sharing Agreement for Landscaping of Road Reserves located in the Burswood Peninsula
Nature of interest	Impartiality
Extent of interest	In July I will commence my appointment as a member of the Burswood Park Board.

Name/Position	Anthony Vuleta
Item No/Subject	19.2 - Maintenance and Cost Sharing Agreement for Landscaping of Road Reserves located in the Burswood Peninsula
Nature of interest	Impartiality
Extent of interest	I am a member of the Burswood Park Board

7 Public participation time

Anthony Payne, St James

1. Raised his concerns about an issue he has with a resident living over the road from him as he has been verbally threatened with serious harm and it is an ongoing issue which has been extremely difficult to deal with.

Mayor Karen Vernon advised she was disappointed to hear about the behaviour of this neighbour and suggested it would be helpful to make an appointment to see the Town's staff to discuss what assistance can be provided. If an in-person visit is not possible then advice can also be provided over the phone.

Karen Payne, St James

1. Described how she has lived in St James for 9 years but is now living in fear after being threatened with a hammer by a Department of Communities tenant living opposite. It was a terrifying experience requiring Police assistance. She and her husband have been threatened with significant violence and have witnessed serious domestic abuse between tenants in the complex opposite. They have been following the recommended reporting procedures with the authorities, but things have not improved, in fact they have deteriorated to the point she now feels like prisoner in her own home.

Mayor Karen Vernon reiterated her disappointment at the behaviour Ms Payne had been subjected to and recommended speaking with the Local Member for Swan, Ms Hannah Beazley who can contact the appropriate Departments and Police to assist with the situation. Although Local Government is limited in the assistance it can provide, it was suggested Ms Payne call the Town to see what can be done.

8 Presentations

Nil.

9 Deputations

Nil.

10 Method of dealing with agenda business

Questions were received from elected members on the following items:

- a) 12.1 Lathlain Park Management Plan Review
- b) 12.3 Urban Forest Working Group - Appointment of New Community Members
- c) 13.1 47 Planet Street, Carlisle - Offer for the purchase and development of the Towns landholding
- d) 13.3 Edward Millen House - Approval of Publication of a Business Plan for Agreement for Lease and Lease to Blackoak Capital
- e) 13.4 355-357 Shepperton Road, East Victoria Park - Proposed Sale
- f) 14.1 Adoption of Annual Budget 2023/24
- g) 15.4 Policy amendment - Policy 301 - Purchasing
- h) 19.1 355-357 Shepperton Road, East Victoria Park - Proposed Sale
- i) 19.2 Maintenance and Cost Sharing Agreement for Landscaping of Road Reserves located in the Burswood Peninsula

11 Chief Executive Officer reports

11.1 Council Resolutions Status Report - May 2023

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Outstanding Council Resolutions Report - May 2023 [11.1.1 - 46 pages] 2. Completed Council Resolutions Report - May 2023 [11.1.2 - 41 pages]

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

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

Strategic alignment

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

Engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
- The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 29 April 2023 to 31 May 2023. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

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

12 Chief Community Planner reports

12.1 Lathlain Park Management Plan Review

Location	Lathlain
Reporting officer	Senior Planning Officer
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Draft amended Lathlain Park Management Plan - for endorsement and community consultation [12.1.1 - 30 pages]2. Approved WAPC Lathlain Park Management Plan (July 2017) [12.1.2 - 58 pages]3. Draft amended Lathlain Park Management Plan - tracked changes version [12.1.3 - 30 pages]4. Online Community Survey Results Extract [12.1.4 - 9 pages]

Recommendation

That Council endorses advertising of the draft amended Lathlain Park Management Plan, as contained at Attachment 1, for a period of twenty-eight (28) days.

Purpose

To seek Council's endorsement to advertise the draft amended Lathlain Park Management Plan.

In brief

- The Lathlain Park Management Plan (LPMP) was originally approved by the Western Australian Planning Commission (WAPC) in July 2017 and is to be reviewed every 5 years.
- At the September 2021 Ordinary Council Meeting (OCM), Council resolved to commence the early review of the LPMP, subject to consent from key stakeholders, with a report to be presented to the February 2022 OCM.
- At the February 2022 OCM, Council received a report on the review of the Lathlain Park Management Plan, with it being recommended that a consultant be appointed to progress with the stakeholder engagement, community consultation and preparation of an amended LPMP.
- Since the February 2022 OCM, the LPMP has undergone an extensive review process, including but not limited to a desktop analysis, meetings with key stakeholder groups, community engagement, preparation of the draft amended LPMP and review of the draft amended LPMP by Town Officers.
- Council's endorsement is sought to advertise the draft amended LPMP for public comment. Following the conclusion of the twenty-eight (28) day consultation period, and the consideration of public submissions, a further report will be presented to Council to endorse the final amended LPMP for forwarding to the WAPC for approval.

Background

1. The Lathlain Park Management Plan was approved by the WAPC in July 2017. A copy of the approved LPMP is at Attachment 2.

2. Lathlain Park is on land that is a regional 'Parks and Recreation' reservation under the Metropolitan Region Scheme (MRS).
3. The purpose of the LPMP is to guide the development, use and management of the Lathlain Park precinct. The LPMP intends to reflect the needs of key stakeholders, primarily the Perth Football Club and the West Coast Eagles, and the local community. The LPMP is a guiding document to be given due regard, it is not a statutory document.
4. The land the subject of the LPMP comprises 3 zones – Zone 1: Perth Football Club; Zone 2: Community Activity; and Zone 3: West Coast Eagles (as per the image below). Development of Zones 2 and 3 has been undertaken in accordance with the LPMP. Development of Zone 1 is yet to commence.



5. Having regard to Clause 16 of the MRS text, it was originally intended that development undertaken in accordance with the LPMP would not require development approval.
6. Since the WAPC's approval of the LPMP in 2017, a number of planning approvals and initiatives have been progressed relating to the use and management of the Lathlain Park precinct.
7. In December 2020, the WAPC granted planning approval to the playing of competitive football matches by the West Coast Eagles Football Club and Perth Football Club at Lathlain Park for a period of three (3) years subject to certain conditions inclusive of the following:
 - No more than 6,500 spectators are to attend the site at any one time. After the three year period, no more than 3,500 spectators are to attend the site at any one time and the approval for 6,500 spectators shall lapse and be of no further effect.

- No more than 45 game days permitted per year, of which no more than three are to be an Australian Football League (AFL 'pre-season' men's games). Fixtures are to be provided to the Town prior to the commencement of each season.
 - Prior to the commencement of the development a Transport Impact Assessment, Parking and Traffic Management Plan and a Travel Plan are to be submitted and thereafter implemented to the specifications of the Town of Victoria Park and the satisfaction of the WAPC on the advice of the Town of Victoria Park.
 - Prior to the commencement of the development an acoustic report demonstrating compliance with relevant environmental requirements is to be submitted and thereafter implemented to the specifications of the Town of Victoria Park and the satisfaction of the WAPC on the advice of the Town of Victoria Park.
8. Subsequently, in November 2021, the Council granted approval to an amendment to the Deed of Agreement with the West Coast Eagles to permit the playing of competitive football games by the West Coast Eagles including up to 45 game days (including AFL, AFLW and AFL pre-season football games) on Oval 1 at Lathlain Park.
9. The LPMP outlines that a review of the document should be undertaken every 5 years after its approval, or a lesser timeframe as determined and agreed to by key stakeholders.
10. At the September 2021 OCM, Council considered motions from the Annual Meeting of Electors, including motions relating to game and event day parking restrictions around Lathlain Park. Council resolved as follows:

Electors' Resolution	Council Action
<p>Resolution 7 That Council:</p> <ol style="list-style-type: none"> 1. Implements game and event day parking restrictions in the surrounding street network in Lathlain prior to or as close to the commencement of the 2022 football season to mitigate impact on amenity. The surrounding street network is identified in the Lathlain Park Management Plan. 2. Identifies the parking restrictions according to time, days, and months, by means of clear and regular interval signage in the streets; replacing faded signs as a priority. 	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the elector's resolution when considering the draft Parking Management Plan, which includes the following proposed actions: <ol style="list-style-type: none"> a. Review the parking demands on event days to gather information to allow more efficient parking management for future events b. Use this information to educate visitors of the available and preferred parking locations c. Encourage the West Coast Eagles management to provide incentives for catching the train to attend events d. Improve the streetscape from

3. Ensures the parking restrictions, enables the safe passage of vehicles and pedestrians and allows for emergency access with consideration that one side of each street prohibits parking on game and event days as required.
4. Considers issuing resident parking permits similar to those implemented in Burswood Peninsula in December 2020.
5. Provides an implementation update on points 1, 2 and 4 through appropriate Town mechanisms such as the Ordinary Council Meeting on a regular basis, such as bi-monthly.

Victoria Park Station to Lathlain Park to encourage the use of other forms of transport which reduces parking capacity requirements.

2. Notes that a review of signage in the Lathlain Park area and broadly across the Town is ongoing. Replacement of faded/damaged signs is a priority and will continue to occur.
3. Requests the Chief Executive Officer to conduct a review (post major event with 4,500-6,500 patrons in attendance) of those roads impacted by events at Lathlain Oval and investigate those streets which will require parking to be reduced, on the basis of traffic safety, to one side only dependent on road width/occupancy levels and a risk assessment.
4. Request the CEO to provide a report to the November 2021 detailing considerations, engagement options and costing to implement and install game/event day parking restrictions to the surrounding street network prior to or as close to the commencement of the 2022 football season as detailed in the Lathlain Park Management Plan (July 2017).
5. The Chief Executive Officer seek the consent of the key stakeholders to commence the 5 year review of the Lathlain Park Management Plan by no later than 31 October 2021, being a time frame less than 5 years since adoption of the Plan in July 2017, and to report the outcome of the review to Council by no later than February 2022.

11. In relation to action 5, the following reasons were provided for this additional item:

"The Lathlain Park Management Plan was approved by the WA Planning Commission in July 2017. It is required to be reviewed every 5 years or other lesser timeframe as determined and agreed to by the key stakeholders. Since the Plan was approved in 2017, the West Coast Eagles commenced occupation of Lathlain Park in July 2019 and since then have added an AFLW and WAFL team to their AFL team in 2020, the WA Planning Commission approved the playing of competitive matches by the West Coast Eagles at Lathlain Park for crowds up to 6,500 in late 2020, and the Perth Football Club is looking to expand with womens football. It is fair to say that the intensity of use of Lathlain Park has increased, despite COVID-19 interruptions, and 2022 may be the busiest year since the Eagles commenced there.

For that reason, and the Town's work towards developing a Parking Management Plan for the whole Town, it would be appropriate to bring forward the review of the Lathlain Park Management Plan to begin by 1 November 2021 to understand what has been achieved in this Plan and what remains to be achieved, and to inform the residents' concerns about the need for increased traffic and parking management in the area from the start of the 2022 football season."

12. Further to Council’s resolution of September 2021, written consent was received from both of the key stakeholders, being the Perth Football Club and West Coast Eagles Football Club, to commence the review of the LPMP ahead of the 5 year review period.

13. Furthermore, at the February 2022 OCM, Council received a report that made the following recommendation:

“It is recommended that Council note the contents of this report, and that a consultant be appointed to undertake the following works:

- *Review the LPMP and identify any further issues requiring attention.*
- *Meet with Perth Football Club, West Coast Eagles Football Club, DPLH Officers and Council Officers to discuss the LPMP and identify any issues requiring attention.*
- *Preparation of a draft amended LPMP.*
- *Undertake community consultation on the draft amended LPMP.*
- *Review public submissions and modify the draft amended LPMP as necessary.*
- *Present final draft amended LPMP for consideration by Council and approval by the WAPC.”*

14. Element Advisory were subsequently appointed to undertake the review of the LPMP.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Ensure the land is used and developed in an orderly and proper manner.

Engagement

15. The draft amended LPMP was circulated to Town Officers within relevant service areas for review and comment. Overall, each service area was supportive of the draft amended LPMP. Some minor amendments were made to the content of the draft amended LPMP based on feedback from the Town’s Officers.

Internal engagement	
Place Planning	Generally supportive of the draft amended LPMP.
Strategic Projects	Generally supportive of the draft amended LPMP.
Property Development and Leasing	Generally supportive of the draft amended LPMP.
Parking and Rangers	Generally supportive of the draft amended LPMP.

16. A community survey was undertaken prior to the preparation of the draft amended LPMP (part of the Phase 1 consultation on the project). The purpose of the survey was to obtain community feedback on the operation of the LPMP to date, and any issues that exist particularly on game days. The following table summarises the feedback obtained. This feedback was then used to inform the review and preparation of the draft amended LPMP.

Phase 1 External engagement – Community Survey	
Stakeholders	<ul style="list-style-type: none"> Residents near Lathlain Park (within 500m) Wider community Local businesses near Lathlain Park
Period of engagement	23 days from 13 February to 7 March.
Level of engagement	2. Consult
Methods of engagement	Your Thoughts engagement page with project summary, resources and online survey
Advertising	<ul style="list-style-type: none"> Local newspaper advertisement Resident letters (within 500m of Lathlain Park) Posters and flyers Social media
Submission summary	82 survey responses were received (Extract of community survey responses at Attachment 4)
Key findings	<ul style="list-style-type: none"> Overall spectator game day experience is good. Overall resident game day experience is good. Parking and traffic are more of an issue on game days, but this is to be expected with bigger crowds attending the area. Community members are supportive of the LPMP including limitations around game days / events (including crowd sizes, number of games per year and management measures).

17. Through the LPMP review process, the Town and its engaged consultant undertook meetings with key stakeholders of the Lathlain Park precinct. The purpose of the meetings was to gain feedback from the stakeholders on the overall performance of the existing LPMP since its approval in 2017 and recommendations for ways to improve the LPMP through the review process. The outcomes of these meetings are summarised below.

Other engagement	
Department Planning, Lands and Heritage	<ul style="list-style-type: none"> Ensure updated LPMP maintains consistency with the planning purpose of the 'Parks and Recreation' reserve. Competitive match crowd capacity of 6,500 from Planning Approval was based upon Environmental Health requirements. Important that the LPMP includes the correct level of details to address community expectations around built form and land use.

	<ul style="list-style-type: none"> • Future LPMP should include exemptions from planning approval requirements to avoid unnecessary development application and to manage community expectations. • Crowd capacity and game limitations may be appropriate to include in the updated LPMP, however, finer grain detail such as transport and noise management plans may not be. • Need remains for built form controls in the updated LPMP given that Zone 1 is yet to be developed.
Perth Football Club	<ul style="list-style-type: none"> • Generally supportive of existing LPMP principles. • Keen to see conditions from 2020 Development Approval integrated into updated LPMP to allow competitive matches to continue in the future (beyond the length of approval). • Maximum crowd capacity of 6,500 is realistic and appropriate.
West Coast Eagles Football Club	<ul style="list-style-type: none"> • Generally supportive of existing LPMP principles. • Keen to see conditions from 2020 Development Approval integrated into updated LPMP to allow competitive matches to continue in the future (beyond the length of approval).
Lathlain Park Advisory Group	<ul style="list-style-type: none"> • No amenity issues noted by residents on game days. • Maintain community access to Oval 2 as per current LPMP. • Include built form controls for development of Zone 1.

18. Further to this early engagement with key stakeholders, the last 3 listed key stakeholders were also provided with an opportunity to review and comment on the draft amended LPMP that is now presented to Council for consideration, with some minor modifications resulting.

Legal compliance

19. There are no statutory provisions, policies or guidelines that deal with preparing or amending Management Plans.

Risk management consideration

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

compliance						
Reputation	Dissatisfaction from stakeholders if LPMP is not reviewed and/or no longer valid.	Minor	Possible	Medium	Low	Treat by reviewing and updating the LPMP.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address work undertaken in the 2022/23 financial year.
Future budget impact	Some funding may be required in the 2023/24 budget as it is expected that the project will extend into this period.

Analysis

20. The LPMP has been useful in providing guidance on the development of Zones 2 and 3. It is necessary for the LPMP to remain in place not only to provide guidance for the management of the ongoing use of these zones, but also for the future development of Zone 1.
21. Having regard to Clause 16 of the MRS Text, Officers of the Department of Planning, Lands and Heritage (DPLH) have previously advised that as the Town is not a public authority, the preparation of a Management Plan may not necessarily negate the need for development approval. However, through the key stakeholder meeting with DPLH as part of the LPMP review process, Officers have been able to clarify that it is appropriate to take the pragmatic point of view that the Town as the landowner functions in a similar way to a public authority and that updating the Management Plan provides an opportunity to clarify exemptions from planning approval and which future development would require planning approval (i.e. new grandstand development in Zone 1).
22. The original LPMP was prepared in 2016, although not approved by the WAPC until July 2017. The LPMP was prepared on the basis of the information known at the time. Since this time, a number of factors have changed, including but not limited to:
- The establishment of an AFLW and WAFL team by the West Coast Eagles Football Club;
 - The playing of pre-season games by the West Coast Eagles senior mens team at Lathlain Park;
 - The WAPC approving a development application allowing for competitive matches to be played with a maximum of 6,500 persons in attendance; and
 - The completion of development within Zones 2, 3, 4 and 5.
 - Growth in women's football for both West Coast Eagles and Perth Football Club.
23. The LPMP has been updated to reflect these changing circumstances. The key changes in the draft amended LPMP are outlined below (with Attachment 3 being a tracked changes version depicting all amendments):

- Addition of a new section to outline the playing of competitive matches at Lathlain Park and the associated management of impacts on the surrounding community (based on the provisions of the WAPC's 2020 development approval for competitive matches).
 - Updated sections of the report to reflect the current planning framework, including Town of Victoria Park Parking Management Plan and Integrated Transport Strategy, and the deletion of transport strategies already implemented as part of the Zone 2 and 3 works.
 - All sections of the report updated to reflect the current circumstances at Lathlain Park, including the completion of development at Zones 2, 3, 4 and 5.
 - Updated aerial photography and figures.
 - Updated general public uses for Zone 1, to provide greater flexibility of possible land uses that may occupy new community space being planned for the Town of Victoria Park in the Zone 1 redevelopment.
 - An increase in the number of Perth FC game days from 20 to 25, accounting for a future WAFLW team, but still being within the total maximum of 45 game days across both West Coast Eagles and Perth FC.
 - Introduction of greater flexibility allowing the Town and the WAPC to consider alternative uses or operations.
24. It should be noted that the following comments received from West Coast and Perth Football Club on the content of the draft Lathlain Park Management Plan have not been agreed to at this time, and have not been included in the draft amended LPMP at Attachment 1:
- A request from West Coast Eagles to permit the playing of matches on a Thursday night and Monday night also, in addition to the permitted nights of Friday to Sunday under the current development approval and as now proposed in the draft amended LPMP. The Officers view is that the playing of competitive matches on Friday to Sunday nights is reasonable, and to extend this to two weeknights is unreasonable and not consistent with amenity expectations for nearby residents.
25. Endorsement is sought from Council to advertise the draft amended LPMP for public comment. The Town's Communications team have been consulted and prepared a Communications and Engagement Plan outlining the consultation methods for Phase 2 advertising. These methods have been summarised below:
- Your Thoughts page;
 - Website news article;
 - Social media;
 - Digital advertisements; and
 - Direct emails to Phase 1 respondents.
26. Following the conclusion of the twenty-eight (28) day consultation period, and the consideration of public submissions, a further report will be presented to Council to endorse the final draft amended LPMP for forwarding to the WAPC for approval.

Questions and responses

Cr Wilfred Hendriks

1. *Can the captions on figure 1 on page 2 of the draft plan be enlarged?*

Mayor Karen Vernon advised that yes these can be updated.

2. *Can lot 2 on figure 2 on page 3 be better noted so it is clearly identifiable?*

Mayor Karen Vernon advised that yes this can be updated.

3. *Is the Town doing anything to prevent parking in areas around Rayment Park that have seedlings planted such as permanent or temporary signage?*

The Manager Development Services took the question on notice as the question will be responded to by the Town's parking team.

4. *Has an evaluation been done on the use of temporary traffic lights to determine if they have been successful with improving traffic congestion?*

The Manager Development Services took the question on notice as the question will be responded to by the Town's parking team.

5. *Are there plans to replace the outdated signage in the area?*

The Manager Development Services took the question on notice as the question will be responded to by the Town's parking team.

6. *Will reviews on parking be completed for future event days as stated in the Town's Parking Management Plan?*

The Manager Development Services took the question on notice as the question will be responded to by the Town's parking team.

Further consideration to be added to the Ordinary Council Meeting agenda

At the Agenda Briefing Forum held on 6 June 2023, the following information was requested.

1. Provide information on what the Town is planning on using temporary or permanent signage to prevent parking in areas around Rayment Park which have caused damage to plantings in the past.
2. Provide details on any evaluations that have taken place on the benefits of temporary traffic lights with reducing congestion.
3. Detail any plans for replacing outdated signage in the area.
4. Outline plans for completing reviews on parking for future event days as per the Town's Parking

Management Plan.

12.2 Actions relating to the Town's Residential Character Study Area

Location	Town-wide
Reporting officer	Manager Development Services
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council note the Officer's report and request the Chief Executive Officer to present a report to Council by no later than the December 2023 Ordinary Council Meeting which further considers:

- (a) Modifying draft Local Planning Policy 'Character Retention Guidelines';
- (b) Investigating the designation of heritage areas in accordance with clause 9 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- (c) Investigating the development of incentives and development bonuses to encourage the retention and maintenance of character dwellings.

Purpose

At the September 2022 Ordinary Council meeting it was resolved that a report be presented by the June 2023 Ordinary Council Meeting regarding further investigation work to be undertaken relating to land in the Town's Residential Character Study Area.

In brief

- Council resolved that a report be presented by the June 2023 Ordinary Council Meeting which further considers planning controls and other measures relating to properties within the Residential Character Study Area.
- Officers have been unable to undertake the necessary further investigation work due to resourcing and other workload priorities.
- Council's approval is now sought for a further 6 months to complete this work

Background

1. At the September 2022 Ordinary Council Meeting, Council considered Amendment 88 to Town Planning Scheme No. 1 and while resolving to not support Amendment 88, also resolved as follows:

"5. Request the Chief Executive Officer to present future reports to Council by no later than the June 2023 Ordinary Council Meeting which further consider:

- a. Modifying draft Local Planning Policy 'Character Retention Guidelines';*
- b. Investigating the designation of heritage areas in accordance with clause 9 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- c. Investigating the development of incentives and development bonuses to encourage the retention and maintenance of character dwellings."*

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	To consider options that will require or encourage the retention and maintenance of the streetscape quality in the Residential Character Study Area.

Engagement

Not applicable.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Not undertaking the further investigation work would result in the ongoing absence of protection for character dwellings and a business as usual approach for the assessment of new dwellings.	Moderate	Likely	High	Low	Treat: Investigate the identification of heritage areas and investigate the development of an incentives and development bonus policy to encourage the retention and maintenance of character dwellings.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Not applicable.
Future budget impact	Not applicable.

Analysis

2. Officers have been unable to complete the necessary further investigation. work due to a combination of resourcing and other workload priorities. This includes staff turnover and vacancy periods, as well as leading or providing support with other significant planning work and projects including draft Local Planning Scheme No. 2 (LPS 2), Local Development Plan for Precinct A at Belmont Park, Metronet development applications, and participating in the Small Business Development Corporation's red tape reduction program. This is in addition to normal day-to-day work such as development application assessments, policy reviews and providing planning advice.
3. The inability to undertake the necessary work by the June 2023 Ordinary Council Meeting has no implications from a legislative or compliance perspective, with the status quo remaining in terms of the planning and other measures applying to the Residential Character Study Area.
4. The further investigation work will include:
 - a. liaising with other local governments on the approaches they have taken and their success;
 - b. seeking advice from Heritage Officers within the Department of Planning, Lands and Heritage;
 - c. discussing the implications of financial incentives with the Town's Finance team; and
 - d. reviewing the public submissions that were received on the draft Character Retention Guidelines.
5. While optimistically, Officers would like to think that the matters can be investigated and reported back to Council within 3 months, resourcing and workload pressures still exist. This includes a staff vacancy, five current JDAP applications, further JDAP applications on the short-term horizon, the introduction of the amended R-Codes (including the Medium Density Codes) in September 2023 and further support in relation to the progress of draft LPS 2, the draft Albany Highway Precinct Structure Plan and the draft Oats Street Precinct Structure Plan.
6. On this account, realistically a 6 month period is required to complete the further investigation work relating to the Residential Character Study Area.

Relevant documents

Not applicable

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

12.3 Urban Forest Working Group - Appointment of New Community Members

Location	Town-wide
Reporting officer	Place Leader - Urban Forest
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. UFS IWG 2023 EOI Assessment Matrix Master [12.3.1 - 16 pages] 2. Terms of Reference - UFS IWG 2021.22 [12.3.2 - 3 pages]

Recommendation

That Council:

1. Appoints the following persons to the community members positions of the Urban Forest Working Group:
 - Jeff Engledow
 - Asile Wong
2. Notes the terms of reference for the Urban Forest Implementation Working Group (Attachment 1)

Purpose

To appoint two (2) new members to the Urban Forest Implementation Working Group (UF IWG).

In brief

- On the 23 March 2023, expressions of interest (EOI) opened to commence the process of re-appointing two (2) new members to the working group.
- Applications closed 13 April 2023 with six (6) applications.
- The working group comprises of three (3) elected members, six (6) community members and six (6) Town Officers with two (2) community member positions open for re-appointment.

Background

1. The UF IWG was initiated in October 2020 with the primary objective to provide advice and recommendations to guide the detailed planning process of UFS implementation activities and assist in the delivery of strategic outcomes through the implementation of the UFS implementation Action Plan.
2. The UFS IWG Terms of Reference states the group is to comprise the following:
 - Six (6) community members;
 - Three (3) elected members; and
 - Six (6) Town officers.
3. In March 2023 two (2) of the community members stepped down from their positions therefore leaving two roles needing to be filled.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The UF IWG provides the community members an opportunity to engage and provide feedback to the town across the delivery of the program.

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	UF IWG members can provide contribution in a structured forum to the development of the program as well as any other initiatives that can positively impact the protection and enhancement of the natural environment

Engagement

Internal engagement	
Communications	Advice sought on communication methods to promote IWG an EOI

External engagement	
Stakeholders	Local Community
Period of engagement	23 March - 13 April 2023
Level of engagement	1. Inform
Methods of engagement	Online web form located on dedicated Urban Forest Working Group webpage for all interested community members to complete and submit. The webpage included information on the criteria and desired characteristics.
Advertising	Social Media: <ul style="list-style-type: none"> • One LinkedIn Post • 2 x Facebook posts Direct contact with Active Community Members
Submission summary	6 applications received
Key findings	6 applications received

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	Appointed members do not understand their role or responsibilities as a member of the UF IWG.	Minor	Possible	Medium	Low	TREAT risk by clearly outlining the requirements of an advisory group member as per Policy 101 and the Urban Forest Implementation Working Group Terms of Reference.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

- At the March 2023 an Expression of Interest commenced to appoint two (2) community members to the UF IWG.

5. Interested community members were required to complete an online form which asked for contact details, professional skills and relevant qualities relevant to the UF IWG.
6. The selection criteria for candidates were made available on the Town's website.
7. The Town asked candidates to demonstrate they were:
 - a. A Local resident of the Town;
 - b. An active member of the community;
 - c. Experienced or had expertise with relevance to the Urban Forest Strategy and Program;
 - d. Able to advocate and align with the principles of the Urban Forest Strategy and Program; and
 - e. Able to commit to the time and effort required from joining the group (attendance of monthly meetings)
8. The EOI was widely promoted through social media.
9. The EOI closed on 13 April 2023. Six (6) Applications were received.
10. A panel of 3 Town staff assessed the EOI against the position criteria. The candidates were shortlisted as per the results in Attachment 1. The top four (4) candidates were considered against each other and in relation to the existing composition of the Urban Forest Implementation Working Group. To help with the panel's consideration it was deemed necessary to interview the applicants and seek some further information. Three (3) of the candidates attended their scheduled interviews.
11. Following the interviews two (2) candidates were selected by the panel and Council is asked to support their appointment.

Relevant documents

[Policy 101 Governance of Council Advisory and Working Groups - Victoria Park](#)

Questions and responses

Cr Peter Devereux

1. Is it normal practice to include in a public agenda the assessment matrices with applicant details?

The A/Chief Community Planner advised that this is an error by administration and has been rectified, the information has been removed and updated.

2. Can the format of the attachment be revised to make it easier to read and compare?

The A/Chief Community Planner advised the new attachment has been updated. Be mindful that what is being put forward is for elected members to understand how the assessment has been reached but not to undertake an assessment as an elected member.

Cr Peter Devereux confirmed the new format is good.

3. What is the weighting for interview compared to other criteria?

The A/Chief Community Planner advised the interviews and application have the same assessment weighting. In essence it is using the shortlisting process on the preferred applicant and then who was the strongest from looking at the criteria from what was presented. The interview tried to solidify candidates' expertise and fit with the working group.

4. What was the weighting given to the interview compared to the initial information provided?

The A/Chief Community Planner advised that the assessment was based on candidate experience on paper and what was provided in the interview.

Cr Wilfred Hendriks

1. The Terms of Reference, point 3 indicates they are effective upon endorsement and continue until 31 December 2022, should this be amended to a date in the future?

The A/Chief Community Planner advised this is being discussed at the next Urban Forest working group meeting and will be presented to Council.

Mayor Karen Vernon

1. The Town's Policy on working and advisory groups indicates appointment would have the same cycle as Council elections, as elected members are on working groups. Does this working group come to an end at the same time as Council elections this year?

The A/Chief Community Planner took the question on notice.

2. If the Policy indicates the working group comes to an end when there's an election, or in December as per the Terms of Reference, why would we be making a recommendation so close to the end?

The A/Chief Community Planner advised that he would confirm if the intention is for members to continue beyond the initial term or for a longer term. The question was taken on notice.

3. Using the assessment matrix final rankings 1 - 6, apart from the two recommended, who was the other person who came for an interview by their ranking number?

The A/Chief Community Planner took the question on notice.

4. Is there any information on why the applicant invited for interview, did not attend?

The A/Chief Community Planner advised that attempts were made to contact them, but they did not respond.

5. What ranking did that person have based on the assessment matrix?

The A/Chief Community Planner advised that they were ranked 1 as part of the combined scoring pre-interview process.

Cr Peter Devereux

1. Was consideration given to interviewing the 5th ranked person?

The Chief Community Planner took the question on notice.

Further consideration to be added to the Ordinary Council Meeting agenda

At the Agenda Briefing Forum held on 6 June 2023, the following information was requested.

1. Provide details on the appointment cycle for the UFS working group.
2. Provide information on why the appointments are being made so close to the working group coming to an end.
3. Include details on who was interviewed but not a preferred applicant.
4. Provide details on whether or not consideration was given to interviewing the 5th ranked person.

13 Chief Operations Officer reports

13.1 47 Planet Street, Carlisle - Offer for the purchase and development of the Towns landholding

Location	Carlisle
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Aerial view and 47 Planet Street [13.1.1 - 1 page]

Recommendation

That Council:

1. Authorise the Chief Executive Officer to enter into non-binding discussions with the potential buyer regarding the unsolicited offer of sale for the property 47 Planet Street, Carlisle to explore Option 5 in paragraph 15 of the report.
2. Endorse the Chief Executive Officer to engage with the local community regarding the future of the property, including retention of the existing car park and a sale and development for the purposes of grocery retail, by inviting comment, including advertisement on the Towns website.
3. Requests the Chief Executive Officer to provide a report to a future Council meeting as to the outcome of the non-binding discussions referred to in 1 above and the community engagement outcome referred to in 2 above.
4. Notes that Recommendations 1-3 above do not preclude the Town from pursuing alternative options..

Purpose

For the Council to consider authorising the Chief Executive Officer to initiate non-binding discussions and to engage with the local community on the offer made to purchase 47 Planet Street, Carlisle for the purpose of the buyer building an IGA supermarket.

In brief

- An unsolicited bid of \$1,100,000 excl GST on freehold land owned by the Town of Victoria Park was received on 17 February 2023 for 47 Planet Street, Carlisle. The offer has been made on the basis that it is subject to the Town approving the development of an IGA supermarket on site
- The subject land is Lot 328 Plan 1740. The current use is a car park featuring 17 car bays, 1 ACROD car bay and a 30m² toilet block with bathroom facilities.
- The Town obtained internal comments from relevant teams to consider opinions relating to the offer, which are incorporated within the report.

Background

1. 47 Planet Street, Carlisle is freehold land transferred from the City of Perth to the Town of Victoria Park on 3 April 1995.
2. The site is 1052m² and is currently an unmetered car park with 17 parking spaces including 1 ACROD parking space, providing free parking to the local community and businesses.
3. The car park and toilets currently cost on average \$11,000 a year to maintain.

4. On 17 February 2023 the Town received an unsolicited offer to purchase 47 Planet Street, Carlisle for \$1.1m, which was initially subject to two conditions.
 - a. successful purchase of 88 & 90 Bishopsgate;
 - b. the Town approving the site for the supermarket (IGA).
5. The party that submitted the offer subsequently elected to remove condition a. from the terms of the offer.
6. The site features infrastructure and amenities, including the following:
 - a. Surfaced car park with 17 parking spaces and 1 ACROD parking space;
 - b. 7 Light poles;
 - c. 6 large trees;
 - d. 30m² public toilets and bathroom amenities block which is open 06:00-18:00pm each day;
 - e. Upgraded bore infrastructure;
 - f. 2 Electricity Meters;
 - g. 1 Water Meter;
 - h. Gardens beds at the base of the trees on the Northwest side of the site;
 - i. Loss of public walkway paving completed by the Town in the Archer/Mint Streetscape in November 2022.
7. The Land Asset Optimisation Strategy 2022 recommendation is that the site is retained in its current format with a view to any future opportunity for disposal or development, in accordance with the Town's adopted Integrated Transport Strategy (2022) and Parking Management Plan (2022) following adoption of the final LPS2.
8. The site is subject to the Town's Parking Management Plan (2022) and Integrated Transport Strategy (2022).
9. The planning framework for Carlisle Town Centre is being updated in the new draft Local Planning Scheme No. 2 (LPS2) which recommends a density code of RAC4 (up to 3 storeys).
10. The Town obtained a valuation from a licensed valuer. The valuer determined on 8 March 2023 that the site is worth \$1.1million.
11. Comments were obtained from various departments within the Town through an internal meeting on 6 April 2023.
12. The Town subsequently visited the site to discuss the offer and the next steps and review the site's boundaries, features and amenities.
13. A grocery retail operation on this site may improve access to food options (including fresh vegetables and fruit) for the local community. There is some evidence that improved access to food options is desired by the local community and will be beneficial. On balance, the unsolicited offer received by the Town has some merit but is not at this juncture assessed to be sufficiently attractive in terms of this benefit, weighed against existing amenities provided at the site. Further investigation is recommended to explore scope for improved terms and outcomes, including the extent to which existing amenities can be retained, replaced, mitigated and any other enhanced sustainable development outcomes.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The Land Asset Optimisation Strategy aims to deliver well thought out projects and deliver them successfully.

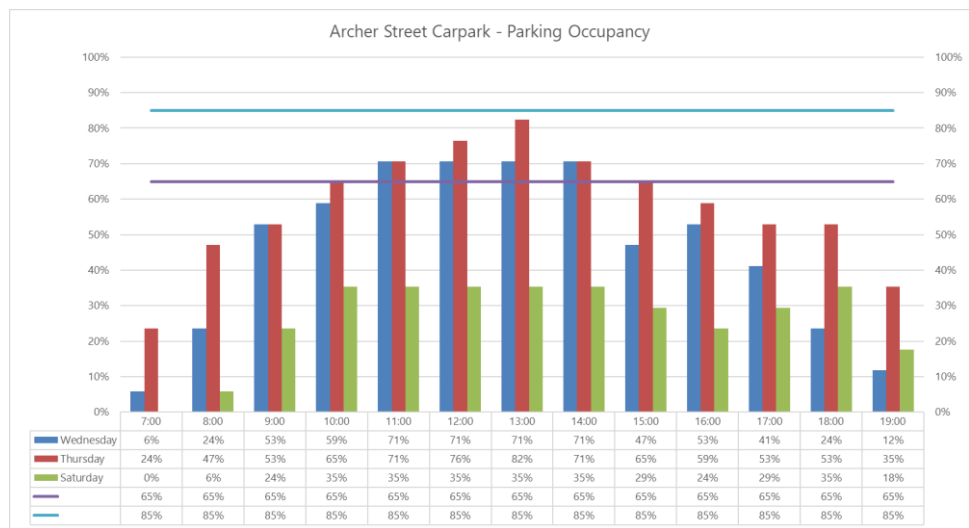
Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Depending on which option is chosen, the anticipated development from the sale of the Town's landholding will generate local employment opportunities or continue in its use of providing the local community with accessible and free car parking and other amenities, supporting local businesses.

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Ensure environmental impact assessment to evaluate the potential impact of the proposed development is conducted. Considering important factors such as loss of trees, impact on local biodiversity, changes to groundwater resources and any associated pollution or habitat fragmentation. The findings can guide decision-making and help develop mitigation measures.
EN3 - Enhancing and enabling livability through planning, urban design and development.	The inclusion of the Town's landholding will potentially achieve an overall design outcome that opens brings much needed shopping facilities to the area making the area more desirable.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Strategic Waste, Environmental and Asset Management	We think this proposal has merit. There are numerous factors that need to be considered with this proposal, such as potential negative feedback if the public toilet is removed. The Town currently has a maintenance obligation for this public toilet and car park. The proposed development would need to provide adequate parking. The car park provides parking primarily for the café and surrounding businesses on Archer Street, most of which have no onsite parking for customers. Six trees of decent size would need to be removed, which would be considered as a potential loss to the Town.

Strategic Projects Manager	The existing bore is critical for the Town as it currently services newly installed planter boxes and landscape as part of the streetscape project. It will also be important as part of the next stage of the bike lane. Any impact would require a relocation of the bore which may or may not be achieved.
Place Leader	Some community members have expressed a need for better access to food including fresh fruit and vegetables. They shared through survey (Unwrap Archer Street event Dec 2022) and in person, that food options are hard to access (distance, crossing a busy road), and closer options are expensive. From a Place perspective, the proposal for commercial use at this site has potential to contribute towards a more activated transport-oriented development in the Carlisle Town Centre.
Manager Development Services	<p>Over a number of years, as part of the Town’s approval for the use/development of other commercial properties along Archer Street, there has been a reliance upon the public car park at No. 47 Planet Street to support the use/development and any proposed parking shortfalls. Any intent to remove/sell this public car park would remove the availability of this parking for nearby businesses and could attract concern from both business operators and their patrons.</p> <p>Should Council consider there is merit in progressing with the sale, there may be opportunity for the loss of public car parking to be addressed through a condition of any sale requiring a specified number of car bays to be provided for general public use as part of the redevelopment of the site, separate to the parking requirement for the new development. This would be similar to that which occurred as part of the sale of Town owned land at No. 355-357 Shepperton Road.</p> <p>It is noted that the offer received by the Town relates to the use of the site as a supermarket. It is important to clarify that any land sale process is separate to the statutory planning approval process. While a supermarket (“Shop’ land use) is a use of the land that is capable of approval under the Town’s Town Planning Scheme No. 1, any support from Council to progress the land sale should not be construed as the Town’s support for a development application for a supermarket, as this will be determined through a separate statutory process.</p>
Coordinator Parking and Rangers	The sale or lease of 47 Planet Street for development is not supported by Parking. Currently, the site subject to the offer is used as an off-street carpark, with occupancy shown in the table below.



The sale and development of this land will have a high impact on street parking in terms of occupancy, reduced capacity and congestion in the immediate area. A review of Local Planning Policy No.23 - Parking is scheduled for later this year which will consider the merits of reducing or removing on-site parking requirements for businesses. Given the choice, where businesses elect not to provide on-street parking, greater pressure on on-street parking will likely result. If implemented, it is anticipated the reduction in parking bay capacity may lead to a rise in complaints from the customers of local businesses.

Legal compliance

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

[Section 3.59 of the Local Government Act 1995](#)

[Section 1.7 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The proposed sale of the land would generate income for the Town that could contribute to future projects.	Moderate	Possible	Moderate	Low	TREAT risk by ensuring Council receives legal advice and additional guidance from internal engagement and Council.
Environmental	The loss of trees and natural environment within the Town owned Car Park if	Minor	Likely	High	Medium	TREAT risk by negotiating specific environmental conditions of

	the disposal were to proceed.					contract to ensure tree replacement
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Failure to comply with <i>Local Government Act 1995</i> if the Town wishes to dispose of the land.	Minor	Unlikely	Low	Low	TREAT risk by ensuring processes is in accordance with the <i>Local Government Act 1995</i> .
Reputation	Potential reputational risk if the Town accepts or declines the offer made, including the risk that the Town is seen as unwilling to approve of a local supermarket at the proposed site.	Moderate	Possible	Moderate	Low	TREAT risk by engaging with the local community about the possibility of the disposal of the land for the development of a local shopping centre.
Service delivery	Not applicable.					

Financial implications

Current budget impact

The option chosen by Council will determine the budget requirements, as shown below:

- (a) Option 1 – The Town retains the site in its current form as public parking, toilet and other amenities and is responsible for its upkeep and asset replacement.
- (b) Option 2 – Ground lease.
- (c) Option 3 – Allow the sale of land on the offered price and terms of \$1,100,000.
- (d) Option 4 – Open Market Sale eg by public tender.
- (e) Option 5 – Non binding negotiations to seek improved terms from the Counteroffer the amount the Town is willing to sell the land for

Sufficient funds exist within the annual budget to undertake options (1), (3), (4) & (5). Option (2) may not be feasible within the annual budget for the reasons set out in paragraph 15 of the Analysis section of this report.

Future budget impact

The option chosen by Council will determine the future budget impact, as shown below:

- (a) Option 1 – The Town is still obligated to maintain and repair the property without a sale.
- (b) Option 2 – Providing the Town with a potential annual income. See also paragraph 15 of the Analysis section of this report.
- (c) Option 3 – Accepting the offered market valuation for the site.
- (d) Option 4 – Open Market Sale eg by public tender.
- (e) Option 5 – The Town may be able to negotiate a higher purchase price than the open market valuation offered.

Analysis

14. The development opportunity represents an investment in commercial and retail infrastructure with scope for jobs to be created during the construction phase and ongoing long-term employment opportunities, urban renewal, the resulting redevelopment will also deliver ongoing annual rates revenue.
15. The following options have been identified:
 - a. Option 1: Reject offer. Retain existing car park and other amenities.
 - b. Option 2: Ground Lease.
 - c. Option 3: Unsolicited Bid.
 - d. Option 4: Open Market Sale.
 - e. Option 5: Counteroffer.
16. Analysis of the Options is as follows:-
 - a. **Option 1:** Reject offer and do not proceed any further. The Town will continue to provide and maintain the existing car park, public toilet and other amenities. The approximate expenditure for the Town is \$11,000 per annum to continue with this option. The bore is a critical asset to the Town as it currently services newly installed planter boxes and landscape as part of the streetscape project. The relocation of the bore is an important factor.
 - b. **Option 2:** Ground Lease (e.g for grocery retail development) - This is likely to be impractical to achieve given that the lots the buyer wishes to develop in conjunction with the site are in third party ownership and would need to be amalgamated. This option would also be complex and expensive for the Council to pursue and its feasibility will require funds to be placed on the budget to finance any required acquisition of the third party property. This option is not recommended.
 - c. **Option 3:** Proceed with existing unsolicited offer. The valuation provided to the Town of Victoria commented that "there is evidence in the market where adjoining owners have demonstrated a willingness to pay over and above market values." The value of the unsolicited bid is \$1,100,000 excl GST is in line with the Town's valuation. If the offeror could already reach an agreement to purchase neighbouring lot(s), the Town's site would be more valuable to them. The Town has however had no input into the terms of the existing offer, which is unsolicited and has been set by the buyer. The existing offer does not address the existing amenities on the site and whether any of those amenities will be retained, replaced or mitigated in the proposed development. This option is not recommended.
 - d. **Option 4:** Open Market Sale by public tender - there is a risk that the most active buyer in the market – the one who approached the Town, would have little competition and be able to control the sales process, which might lead them to strategically lower their price than they had

initially offered. It also could be beneficial to the Town to consider further sellers if the demand to purchase is high. If the choice is to redevelop this site, this is a good option for the Town to consider.

- e. **Option 5:** Non binding negotiations with the proposed buyer to explore improved terms for a sale and development of the land and scope for retention, replacement or mitigation of loss of existing amenities on the site and other development outcomes eg sustainability. The proposed buyer is seeking to develop a grocery retail facility on the site and adjoining land. It is possible that such a development might be a big win for the local community. Exploration of this option would not prevent the Town from subsequently adopting another approach or option. Exploration of this option is therefore recommended at this time, in conjunction with community engagement.

17. Whilst the development of a grocery retail facility on the site might be a big win for the local community, there are a number of other considerations noted in this report that will need to be weighed up and balanced in due course, for example:-:

- a. Provision of parking in the proposed development and the extent of any public access;
- b. Environmental Impact: impacts on natural environment and any mitigation that can be incorporated into the proposed development;
- c. Tree Preservation: If the sale and development would result in the removal of trees, prioritise tree preservation wherever possible. Considering alternatives such as incorporating the trees into the design or relocating them if feasible. If removal is unavoidable, compensate for the loss by planting new trees elsewhere in the local area or on-site, with a view to seeking a net gain in tree cover and biodiversity;
- d. Sustainable design within the development. This can include energy efficient building design, green infrastructure like rain watering harvesting systems, and incorporating green spaces within the site. Permeable surfaces to promote groundwater recharge and minimise stormwater runoff.
- e. If there is no scope to retain the existing public toilet facilities on the site, will the proposed development include any alternative provision.
- f. Options for retention or replacement of the existing water bore, lighting, garden beds and other infrastructure.

18. The closest supermarket to the proposed site is an IGA on Albany Hwy in East Victoria Park, which is located 1.3km Southwest of the proposed site. The locality of this IGA is some distance away for pedestrian access by the community for convenience shopping and requires pedestrians to cross busy roads.

Relevant documents

Not applicable.

Questions and responses

Cr Bronwyn Ife

1. Does the proposed buyer own any adjacent properties?

The Manager Property Development and Leasing advised that no, not according to the Town's records but we don't know if the proposed buyer has entered into discussions that the Town is not aware of.

2. What risks are there in negotiating the sale if the buyer is not successful in purchasing adjacent properties?

The Manager Property Development and Leasing advised that if the proposed buyer is not successful there will be a risk that the proposed development cannot be realised. If the Town were to accept the terms of the unsolicited offer the buyer may have no use for land. Any development would need to be within the constraints of the zoning.

3. Is there any use of the Town undertaking negotiations on the proposed sale before they have secured the adjacent properties.

The Manager Property Development and Leasing advised that if the sale is something the Town is happy to consider the Town can determine if they have the right or option over adjacent properties.

Cr Peter Devereux

1. There is an \$11,000 payment to maintain toilet and carpark is consideration being given to charging for parking?

The Manager Property Development and Leasing advised that the Parking team has indicated that yes this is in line with the Integrated Transport Strategy and the Parking Management Plan provides a matrix that enables the Town to introduce parking restrictions based on occupancy levels. Occupancy surveys conducted by the Town on 29 and 30 March and 1 April 2023 identified the average weekday and weekend occupancy was 52% and 26% respectively. No parking restrictions will be applied at this stage.

Mayor Karen Vernon asked for the question to be taken on notice as this response does not answer the question.

2. If there is not enough cars to justify paid parking is there a threshold for the Town to consider alternate more productive uses for the land, other than car parking?

The Chief Financial Officer took the question on notice.

Cr Wilfred Hendriks

1. Was there a reason given why the unsolicited bid removed the condition about a successful purchase of 88 and 90 Bishopsgate Street?

The Manager Property Development and leasing advised the party who made the unsolicited offer did not provide a reason for removing the clause.

Deputy Mayor Claire Anderson

1. What risks is there if the Town negotiates a sale and guarantees there will be an IGA there once sale goes through?

The Manager Property Development and Leasing advised that the land sale is a separate statutory process to the planning approval process. The proposed purchaser has stipulated a condition that the purchase is subject to obtaining development approval for a supermarket. There is a risk that the proposed sale would not guarantee an IGA or other development outcome. However non-binding negotiations will provide for

the Town to mitigate risks.

Cr Jesse Hamer

1. Is there a current parking shortfall in that area servicing businesses and restaurants?

The Manager Development Services advised he could not confirm whether there is a parking shortfall as it requires analysis of demand vs what parking is available. But has observed there is some parking extending up residential side streets. I am more familiar with assessment of individual development applications for land use for shops and is aware that some have proposed a shortfall in parking.

2. How many parking bays would the proposed IGA need?

The Manager Development Services advised the Town's Local Planning Policy 23 – Parking, states the minimum car parking requirements for land use. If it was a supermarket, it requires 1 bay for every 10m² of retail floor area. Any future development application will require the applicant to demonstrate the actual bays proposed will meet the likely parking demand.

3. Is it likely to be more or less than 17 bays?

The Manager Development Services advised the Town does not know the floor area of any proposed supermarket so the parking bays required is unknown.

Mayor Karen Vernon

1. Is there any reason it's taken from February 2023 when the offer was made, for this to be presented to Council?

The Manager Property Development and Leasing advised there has been internal consultations and reviews of the offer, report preparation and site inspections.

2. What is the proposed date for a future report to come to Council?

The Manager Property Development and Leasing advised it would depend on progress and outcome of negotiations with the applicant. The recommendation is to undertake public consultations, so it could be a further 3-4 months.

3. In terms of community consultation is that just on their wishes and interests in the site?

The Manager Property Development and Leasing advised that is correct.

4. What are the advantages of pursuing non-binding discussions prior to the outcome of the community engagement?

The Manager Property Development and Leasing advised there is speed in doing the two in parallel.

5. What are the disadvantages of pursuing non-binding discussions with the buyer prior to knowing the outcome of community engagement?

The Manager Property Development and Leasing took the question on notice.

6. *When is Local Planning Scheme No. 2 (LPS2) predicted to be adopted?*

The Manager Development Services advised he understands it is probably about 2 years.

7. *The land asset optimisation strategy recommends this property be retained until after the adoption of LPS2. Why is the Town recommending ongoing negotiations with a prospective buyer and community consultations, when the LPS may result in increased density, and alter the value and use of this site?*

The Manager Property Development and Leasing took the question on notice.

8. *Given commentary in the report from the Manager Development Services should the Council's first decision be on the desire to sell before engaging on improved terms with someone who has made an unsolicited bid to the Town?*

The Manager Property Development and Leasing took the question on notice.

9. *When is Local Planning Policy 23 – Parking is scheduled to take place?*

The Manager Development Services advised it is proposed for the financial year ending 30 June 2024.

10. *What is the basis for the Town recommending we engage now in simultaneous ongoing discussion with a prospective buyer and community consultations ahead of the review outcome for Local Planning Policy 23 – Parking?*

The Manager Property Development and Leasing took the question on notice.

Cr Luana Lisandro

1. *Has the potential buyer undertaken any similar undertakings in any other area, have they had previous experience in running supermarket?*

The Manager Property Development and Leasing took the question on notice.

2. *Does IGA as a body approve locations of IGA's and has the town sought advice on any criteria for location requirements?*

The Manager Property Development and Leasing took the question on notice.

3. *Does the Town know of any other proposed supermarket developments in the area?*

The Manager Development Services advised the only property he knows of is 355-357 Shepperton Road, but no others.

4. *Has there been any development applications in the Carlisle Town Centre to develop a convenience store?*

The Manager Development Services advised there have been no development applications.

5. *Has there been any discussion with any adjoining landowners on having a convenience store in the area?*

The Manager Development Services advised there was some community speculation that a landowner wanted to use their land as a supermarket, but it didn't result in a supermarket application.

Cr Wilfred Hendriks

1. Does the unsolicited bidder pay a fee to do that or does the Town wear the cost?

The Manager Property Development and Leasing advised the Council does not charge a party for making an unsolicited bid to Council.

Further consideration to be added to the Ordinary Council Meeting agenda

At the Agenda Briefing Forum held on 6 June 2023, the following information was requested.

1. Provide an explanation on why there is no charge for parking when the Town pays \$11,000 to maintain the toilet and carpark.
2. Provide details on potential productive uses for the carpark given the occupancy does not warrant charging for parking.
3. Provide information on the disadvantages of pursuing non-binding discussions with the buyer prior to knowing the outcome of community engagement.
4. Explain why the Town is continuing negotiations with a potential buyer and community consultations when LPS2 may change the alter the use and value of this site.
5. Provide information on why the Council's first decision should be to sell before engaging with the proposed buyer on improved terms.
6. Provide details on why the Town is negotiating with a prospective buyer and conducting community consultations ahead of the review outcome for Local Planning Policy 23 – Parking.
7. Provide information on whether the potential buyer has prior experience running a supermarket..
8. Provide information on whether IGA as a group have criteria and/or approve locations for IGA branded supermarkets.

13.2 99 Shepperton Road - Organisational Future Accommodation Strategic Business Case

Location	East Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Organisation Accommodation Location Strategic Business Case - March 2023 [13.2.1 - 265 pages]

Recommendation

That Council:

1. Receives the Organisational Future Location- Strategic Business Case.
2. Requests the Chief Executive Officer to investigate how the preferred option can be incorporated into the Macmillan Precinct Redevelopment Masterplan
3. Requests the Chief Executive Officer to prepare a report to be brought back to Council by April 2024 with the outcomes of the investigation into the viability of the incorporation into the Macmillan Precinct Redevelopment Masterplan.

Purpose

To provide the outcomes of the business case for the Organisational Future Location with the preferred option to incorporate into the long-term Social Infrastructure Strategy and asset planning of the Town.

In brief

- Following the project mandate by Council resolution 537/2020, dated 20 October 2020, the Town and project consultants have prepared the Organisational Future Accommodation – Strategic Business Case.
- The Business Case assessed the Four (4) preferred options and Baseline option in greater detail and identified that the preferred option was Option 2a – A new integrated Administration, Civic and Customer Service facility within the Macmillan Precinct.
- The report was prepared through a structured, methodical and analytical process to refine the potential accommodation options into a preferred option.
- To date, the Macmillan Precinct Redevelopment Masterplan has not specifically included the required civic and administration functions and areas, so an investigation into how this will be achieved is recommended.

Background

1. The Town of Victoria Park (the Town) has delivered its administrative, civic and customer service functions from 99 Shepperton Road, Victoria Park, since its formation in 1994.
2. Following the project mandate by Council resolution 537/2020, dated 20 October 2020, the Town and project consultants prepared the Town of Victoria Park Future Accommodation - Multi-criteria Analysis Report outlining the recommended accommodation options to be investigated further in a future business case.
3. The Future Accommodation Multi-criteria Analysis Report was presented to Council in June 2021. The 5 options that emerged from the Multi-criteria Analysis Report were:

- a. Option 1a - Do Minimal
 - b. Option 1c – Redevelopment of 99 Shepperton Road.
 - c. Option 2a – A new integrated Administration, Civic and Customer Service facility within the Macmillan Precinct.
 - d. Option 3a – A new integrated Administration, Civic and Customer Service facility within the Aqualife Precinct.
 - e. Option 4c – A new integrated Civic and Customer Service facility within the Macmillan Precinct and a new Administration facility within the Aqualife Precinct.
4. Council resolution 114/2021 approved the Chief Executive Officer to proceed to a business case to identify a preferred option from the list of options in point 3 above, subject to budget approval.
 5. In December 2021 Urbis was successful in the procurement of this scope of works to prepare a Strategic Business Case.

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	By providing an integrated facility with modern community services interaction it will ensure the appropriate asset to meet future community needs
CL3 - Accountability and good governance.	By looking closely at the needs for future community services and a needs-driven basis for the administration building and civic functions the option will deliver investment in-line with asset management and funding obligations

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	<p>The project's outputs will allow Council to make informed and strategic decisions for the future of administration and civic functions that currently operate from 99 Shepperton Road, Victoria Park.</p> <p>The investigation into the Macmillan Precinct will allow a centralised District Community hub of an appropriate scale that will serve the community into the future</p>

Engagement

Internal engagement	
Elected Members	Presentation at Concept Forum by the project team and project consultants, and via Elected Members Portal, input into the draft assessment criteria.
C-Suite	Regularly informed on project progress, input into the draft assessment criteria.
PMO	Project Executive for this project, procurement of consultants, facilitated the

	workshops and prepared this report.
Place Planning	Attended workshops, input into the draft assumptions and criteria, and refinement against the Social Infrastructure Strategy.
Business Services	Attended workshops, input into the draft assumptions and criteria, including the recreational facilities.
Communities	Attended workshops, input into the draft assumptions and criteria.
Asset Management	Attended workshops, input into the draft assumptions and criteria, as well as current condition and renewal programs.
Stakeholder and Community	Attended workshops, input into the draft assumptions and criteria, as well as current condition and renewal programs.
Service Area Leads	Interviews on current workspace and future service area plans.

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	Large investment in the current building caused by compliance and other issues due to the age.	Major	Likely	High	Low	TREAT by addressing the short and medium term requirements in the Asset Management Strategy for buildings, and also develop the Long Term Financial funding requirements on the proposed option for the future location.
Environmental	Not applicable.				Medium	
Health and safety	Workplace does not meet current standards of compliance under standards or	Moderate	Likely	High	Low	TREAT identify the specific areas of non-compliance and address through specific

	legislation.					maintenance and renewal submissions in the budgets.
Infrastructure/ ICT systems/ utilities	Aging building is not adequate to meet the current or future requirements for a workplace without major upgrade.	Major	Possible	High	Medium	TREAT by initiating a program of interim measures TREAT with the long term planning and funding arrangements to move to the preferred future locations.
Legislative compliance	Current building does not meet compliance requirements on some access elements.	Moderate	Almost Certain	High	Low	TREAT undertake a compliance audit and determine a program of works to ensure that compliance aspects are met.
Reputation/ Image	New building seen as not being required.	Minor	Likely	Medium	Low	TREAT ensure that the final detailed business case is supported by the asset management plans and Long Term financial plans.
Service delivery	Not progressing the project may impact the Town's cannot deliver adequate services for a growing population.	Major	Likely	High	Medium	TREAT risk by preparing a floor plan and cost estimates by priority items which focus on Compliance issues within 99 Shepparton Rd.

Financial implications

Current budget impact

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

Future budget

The future impacts are to be assessed only after the proposed investigation of

Impact

the Preferred option is presented to Council.

Given the longer-term nature of the proposed location, the Town is to undertake a series of upgrades to 99 Shepperton Road to accommodate future staff increases and customer service improvements in future budget years. These will be scoped, costed and presented to Council for consideration as required.

Analysis

6. A full functional brief by Urbis with Plus Architects was developed to determine the spatial requirements and functions to be housed within an Organisational (or Administration) Facility, including:
 - a. Future working arrangements and trends;
 - b. The endorsed workforce plan to map the number of employees;
 - c. Alignment with key Corporate Strategies
 - d. Interviews with Managers and key subject matter experts were held from across the business to identify and validate gaps or issues;
 - e. Current information relating to the maintenance costs and future Asset Management requirements for accommodation at 99 Shepperton Road, Victoria Park;
7. A comprehensive analysis for each option was carried out, identifying the specific nature of each site concerning the potential for the functionality to be located at each location.
8. The Urbis and Plus Architects looked at future functionality and future ambitions but then ranked against criteria which were:
 - a. Operational Needs
 - b. Stakeholder and Strategic Alignment
 - c. Property Asset Optimisation
 - d. Building Costs and Site Alignment
9. Option 2a – A new integrated Administration, Civic and Customer Service facility within the Macmillan Precinct was ranked highest of the Options.
10. The ongoing maintenance of 99 Shepperton Road will be assessed to optimise expenditure in the short to medium term until such time the Macmillan Precinct Redevelopment proceeds – assumptions in the business case have not included recent maintenance activity

Relevant documents

Not applicable.

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

13.3 Edward Millen House - Approval of Publication of a Business Plan for Agreement for Lease and Lease to Blackoak Capital

Location	East Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Edward Millen Business plan Rev 2 [13.3.1 - 12 pages] 2. Attachment 2 - 2023-05-15 DRAFT Agreement for Lease with Annexures - Edward Millen Precinct [13.3.2 - 140 pages] 3. Attachment 3 - 2023-05-15 DRAFT Lease - Edward Millen Precinct [13.3.3 - 50 pages] 4. Attachment 4 - Public Notice of Business Plan publication [13.3.4 - 1 page]

Recommendation

That Council approves the publication of a business plan in line with Section 3.59 of the Local Government Act for a proposed lease to Blackoak Capital for the Edward Millen Heritage precinct.

Purpose

To seek council approval to initiate advertising of a Business Plan for the proposed agreement for lease and lease to Blackoak Capital. This aligns with Section 3.59 of the Local Government Act for major land transactions providing transparency and allowing the local community to comment on the proposed transaction to inform council decision making.

In brief

- The Town has drafted a Business Plan describing the Agreement for Lease (AFL) and ground lease it proposes entering into with Blackoak Capital (the selected preferred tender submission).
- This will invite public comment on the proposed transaction and will be advertised for a minimum of 6 weeks in line with Section 3.59 of the Local Government Act 1995.
- The public comments will help inform the decision of Council to execute the Agreement for Lease and Lease, which in due course will grant Blackoak access to the site to begin restoration and redevelopment works.
- The AFL (Agreement for Lease) and Ground Lease will facilitate the heritage restoration and adaptive reuse of the Edward Millen Heritage Precinct, creating a hospitality precinct that will ensure the heritage buildings once again play a significant role in the community.

Background

1. Since the transfer to the Town in 2006 of the Edward Millen property on a conditional freehold basis, the Council has sought to identify options to realise the full potential of the heritage-listed buildings and expansive reserve to minimise the ongoing costs to maintain the precinct and maximise the benefit to the community of the heritage assets.
2. The Edward Millen Redevelopment Project has sought to identify appropriate uses for the site, which would facilitate its greater use and balance the potential benefits of the redevelopment with the financial cost to Council.

3. To attract the significant investment and expertise required, a Tender and marketing package was created to entice the private sector aimed at achieving the best possible outcome for the Town of Victoria Park community. A long term ground lease was envisaged to provide sufficient security for private sector capital investment into preservation and adaption of the state heritage listed buildings, with a view to securing a long term arrangement for these to be preserved, maintained and put back into active use.
4. The Town advertised the Tender for the Edward Millen Adaptive Heritage Redevelopment, with tender submissions closing on 27 January 2021.
5. Tenderers were requested to provide a Ground Lease offer based on a proposed Agreement for Lease contract provided. Additionally, Tenderers were requested to consider the \$4 million Federal Government Community Development Grant within their submission. The Purpose for which the completed project is required to be used is to restore and repurpose the Edward Millen Hospital series of heritage buildings to both protect the heritage of the site and activate certain areas for new purposes, thereby stimulating local commerce and investment.
6. An evaluation of the tender submissions against the prescribed criteria was completed, and Blackoak Capital Ventures (Blackoak) were selected as the preferred submission, and 18 May 2021 Council resolved (93/2021) that the Town could enter into negotiations with Blackoak as the preferred lessee.
7. The Town negotiated with Blackoak and reported back to Council on 2 August 2021 (173/2021).
8. From 24 August 2021 to 8 September 2021, the Town advertised the proposed Agreement for Lease and Ground Lease by public notice pursuant to section 3.58 of the *Local Government Act 1995*.
9. Council Resolution on 15 February 2022 (11/2022) accepted the funding agreement from the Federal Government providing for up to \$4,000,000 (ex GST) funding to undertake heritage restoration to the buildings.
10. Lengthy negotiations with Blackoak Capital have resulted in the current draft Agreement for Lease and Lease documents that Town officers recommend as suitable for publication and exploration via a business plan.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The Town has sought and obtained consent from Blackoak to make certain public disclosures pertaining to the confidential Contract in the interests of accountability and promoting perceptions of good governance.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The overall vision and objective of the Edward Millen redevelopment will directly deliver a place for commerce, tourism, employment, and Entrepreneurship.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Redevelopment of the Town and adjoining land holdings will upgrade the existing streetscape and provide a cleaner place to visit. The additional increase in pedestrians and tenancies will

	potentially build out criminal occurrences with additional passive surveillance
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Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The transaction will achieve an overall design outcome that opens the area for a more considered pedestrian lead design opportunity, this will allow a design with greater focus on place planning and place activation.
EN5 - Providing facilities that are well-built and well-maintained.	The redevelopment of Edward Millen will aim to deliver a well-built, well maintained and well managed facility. It also aims to transform an unsafe and inaccessible asset to a safe and accessible destination place.

Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing	The property development and leasing team have led the negotiations with Blackoak Capital that have resulted in the current proposed draft AFL and Lease.
Urban Planning	The Urban planning team has been engaged for advice and guidance on the formalisation of the draft proposal and its relationship to permitted uses for the site and heritage considerations.
Place Planning	The Manager Place Planning and Place Leader Urban Design (East Victoria Park) have been involved in review of legal and design documents and provided advice and guidance.

External engagement	
Stakeholders	We have previously published a public advertisement for the proposed ground lease in line with the requirements of Section 3.58 of the Local Government Act 1995.
Period of engagement	24 August 2021 to 9 September 2021
Level of engagement	2. Consult
Methods of engagement	Compliance with Local Government Act 1995 advertising requirements.
Advertising	<ul style="list-style-type: none"> Edward Millen Agreement for Lease and Ground Lease advertised on the Towns notice boards Edward Millen Agreement for Lease and Ground Lease advertised on the Towns website

	<ul style="list-style-type: none"> • Edward Millen Agreement for Lease and Ground Lease advertised on the Towns Your Thoughts Web Page • Edward Millen Agreement for Lease and Ground Lease advertised in the West Australian • Media Release on Towns Website – Delivering a World Class Heritage Destination to Victoria Park
Submission summary	One submission received during the advertising period neither for or against the proposal.
Key findings	No significant findings were received

Other engagement

Stakeholder	Comments
Department of Heritage, Planning and Lands	The Department of Heritage and Lands has been involved in the lease negotiations process providing advice on aspects of land use, heritage, and conditional tenure arrangements.
Deloitte Australia	Deloitte Australia have been consulted regarding high level Tax regulations and principals.

Legal compliance

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

[Section 3.59 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	If the Town fails to reach an agreement with Blackoak, the lack of associated financial contributions and Ground Lease divestment will result in ongoing heritage maintenance obligations.	Moderate	Likely	High	Low	TREAT risk by proceeding with the transaction

Environmental	The existing contract document incorporates a higher standard of environmental development requirements than would otherwise apply to a development of the property under the planning system	Moderate	Likely	High	Medium	TREAT risk by accepting the Tender allowing the redevelopment to occur which will de contaminate the structure of HAZMAT materials
Health and safety	Property remains undeveloped. Vacant land can reduce the quality of streetscapes and potentially become a dumping ground for waste or antisocial behaviour.	Moderate	Possible	Medium	Low	TREAT risk by proceeding with the agreement for lease to have the site developed
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Ensure compliance with Section 3.58 & 3.59 of the Local Government Act 1995					TREAT risk by advertising the transactions as required within the Act
Reputation	Not accepting the Tender, associated financial contributions and Ground Lease divestment may result in the continued reputational loss having not achieved activation and redevelopment of the Edward Millen State	Moderate	Possible	Medium	Low	TREAT risk by accepting the Tender and associated investment resulting in the redevelopment and revitalisation of the Edward Millen State Heritage Listed buildings.

	Heritage Listed buildings
Service delivery	Not applicable.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Future budget impact involves the following:</p> <ul style="list-style-type: none"> • Edward Millen Heritage Buildings - Will be informed by an Asset Management Plan which will be attached the ground lease – overall given the divestment as a ground lease the Edward Millen Heritage Buildings will require limited ongoing financial commitments by the Town. • Income – The annual rental has been negotiated at \$122,000 net per annum exclusive of GST and outgoings with CPI (Consumer Price Index) increase set at a maximum of 2.5% and a minimum of 1% from year 21. • Income – a \$2,000,000 upfront payment will be made by Blackoak to the Town and be used to fund the upgrade of Edward Millen Park. • Income –Future rates revenue will be generated from the future commercial operations of the precinct and will have a positive financial benefit to the Town.

Analysis

11. Although the transaction does not require a Business Plan to be drawn up, the Town is following this process for transparency with the local community and to allow for public comment on the proposal.
12. The requirements of section 3.59 of the Local Government Act state a business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of:
 - . its expected effect on the provision of facilities and services by the local government; and
 - a. its expected effect on other persons providing facilities and services in the district; and
 - b. its expected financial effect on the local government; and
 - c. its expected effect on matters referred to in the local government’s current plan prepared under section 5.56; ((1) Each financial year, a local government is to prepare a plan for the next 4 or more financial years. 166 Local Government Act 1995 [No. 74 s. 5.57 (2) The plan is to contain details of — (a) the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan; (b) the objectives of each principal activity; (c) the estimated cost of, and proposed means of funding, each principal activity; (d) how the local government proposes to assess its performance in relation to each principal activity; (e) the estimated income and expenditure for each financial year affected by the plan; and (f) such other matters as may be prescribed.)
 - d. the ability of the local government to manage the undertaking or the performance of the transaction; and
 - e. any other matter prescribed for the purposes of this subsection.
13. The Business Plan will be advertised in The West Australian Newspaper and on the Towns, website ensuring the Town meets the requirements to advertise the transaction state-wide and for a minimum of 6 weeks inviting public submissions.

14. After the last day for submissions, the Town is to consider any submissions made and may decide to proceed with the undertaking and enter into the proposed Agreement for Lease and subsequent Ground Lease for the Edward Millen Heritage Redevelopment.
15. The Ground Lease defines all parties' obligations for the duration of the redevelopment and establishes the parameters upon the redevelopment work's conclusion.
16. The AFL requires the Tenant to prepare a Development Application for approval in accordance with the Tenants' plans and any applications for Heritage approval. Additionally, it permits the Landlord to grant a licence of the Premises for the Tenant to undertake the Tenants Works to carry out the redevelopment and obligates the Tenant to obtain all the necessary consents and approvals required to undertake the Tenants Works. There may be some final detail amendments to the draft AFL and Lease.
17. There are significant revitalisation and Community outcomes being achieved by the Blackoak ground lease proposal.
18. Blackoak Capital Ventures propose to deliver the following key outcomes with consideration to the permitted uses by complementing the parkland, providing services to the community and preserving the heritage fabric of the site. These community outcomes include:
 - . Deliver a world-class destination that attracts visitors from the greater community through an innovative and creative mix of uses operating in an environmentally sustainable way.
 - a. Create a hub with real community purpose by providing both for-profit and not-for-profit services, delivering community access to arts, crafts, theatre, and music, and creating public green spaces accessible to all.
 - b. Preserve the history of the Edward Millen buildings, by fully refurbishing the heritage buildings, sympathetic design, and incorporating a museum space into the project.
 - c. Contribute to realising the Edward Millen Park plan by making a \$2M upfront lease payment to assist with the upgrade.
19. The proposed redevelopment includes businesses and activities directly owned and operated by Blackoak Capital Ventures as well as external specialist operators. Directly operated businesses and activities include:
 - . mixed hospitality offerings, which include an artisan café, garden bistro dining and gastro pub;
 - a. internal and external events and function spaces; and
 - b. Vegetable and herb gardens, and local produce store.
20. External operators include:
 - (a) Farmers market;
 - (b) Artisan food and craft operators;
 - (c) Woodfired bakery; and
 - (d) Museum and other community use and services.
21. Following the completion of the public advertising period, approval for execution of the Lease and AFL will be sought at a future meeting of Council. This will include a collation of the comments received and officer response to each comment.

Relevant documents

Not applicable.

Questions and responses

Cr Wilfred Hendriks.

1. On page 8, attachment 13.3.1 states costs for the upkeep will be Blackoak's responsibility, however page 47 of the officer's report indicates there are limited ongoing financial commitments by the Town. What are the limited ongoing financial commitments for and what is the anticipated cost to the Town?

The Chief Operations Officer advised that attachment 13.3.1 the reference to upkeep is for repair and maintenance, attachment 13.3.3 has draft lease terms which explains the nature of the repair and maintenance. The limited ongoing financial commitments is related to our residual landlord responsibilities such as managing the landlord tenant relationship, lease concerns and ensuring compliance with statutory duties.

13.4 355-357 Shepperton Road, East Victoria Park - Proposed Sale

Location	East Victoria Park
Reporting officer	Property Development and Leasing Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council receives updated information relating to the proposed sale to Fabcot of the Town's property at 355-357 Shepperton Road.

Purpose

To provide updated information relating to the proposed sale to Fabcot of 355-357 Shepperton Road.

In brief

- A contract of sale for the Town's land at 355-357 Shepperton Road was entered into between the Town and Fabcot Pty Ltd (the Contract) and is confidential.
- The land comprising ROW 54 was located between land owned by Fabcot and the Town's land at 355-357 Shepperton Road.
- The Town has undertaken a range of activities, including actions to secure the conversion of ROW 54 into a road and to facilitate the closure and disposal of that road to Fabcot Pty Ltd.
- The time frames in the Contract (as well as in a number of deeds of extension) for settlement have expired. The parties have sought to negotiate the terms of a further proposed deed of extension.
- If the Council wishes to proceed with the proposed sale, it will be necessary to reinstate the Contract by entering into an appropriate deed. This will include a requirement to, as a pre-requisite, repeat compliance with the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

Background

1. At the Ordinary Council Meeting of 19 November 2019, the Council considered public submissions on the proposed sale of 355-357 Shepperton Road and resolved to proceed with the sale of the land in line with the negotiated Contract, as is more fully provided for in the terms of Council resolution 244/2019 dated 19 November 2019.
2. The Contract was entered into between the Town and Fabcot Pty Ltd and is confidential.
3. The land comprising ROW 54 (ROW) is situated between the Town's land at 355-357 Shepperton Road and lots owned by Fabcot Pty Ltd.
4. In brief, the Council, at its Ordinary Council Meeting of 17 November 2020, resolved to request the Minister for Lands (WA) to dedicate the ROW as a road.
5. At the Ordinary Council Meeting of 15 June 2021, the Council resolved to give notice and invite public submissions to request the Minister for Lands (WA) to close and amalgamate the ROW being a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria

Park pursuant to section 58 and section 87 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998.

6. At the Ordinary Council Meeting of 21 September 2021, the Council resolved as follows by resolution 206/2021 dated 21 September 2021: -

That Council:

1. Notes the outcomes of the notice to invite public submissions on the proposal to request the Minister for Lands (WA) to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park.

2. Authorises the Chief Executive Officer and Mayor to execute all necessary documentation under the Town's Common Seal, in accordance with sections 58 and 87 of the Land Administration Act 1997, and regulation 9 of the Land Administration Regulations 1998 to request the Minister for Lands (WA) to close a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park and amalgamate into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.

7. The Town has requested the Minister for Lands (WA) to close the ROW (445m² portion of dedicated road referred to in Council resolution 206/2021 dated 21 September 2021). At the time of preparing this report, a check of publicly available Landgate records reflects that the 445m² portion of dedicated road referred to in Council resolution 206/2021 dated 21 September 2021 is now Lot 502 on Deposited Plan 415185, held under certificate of Crown land title LR3173-171 as Crown Land in the name of the State of Western Australia, with the status of dedicated road. The status of dedicated road is stated to have been registered on 7/4/2021. In terms of this information, the closure of the dedicated road had therefore not been completed by the relevant authority.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential Contract with a view to providing public communication and engagement.
CL3 - Accountability and good governance.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential Contract in the interests of accountability and promoting perceptions of good governance.
Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	It has been estimated that the anticipated development from the sale of the Town's landholding will generate local employment opportunities in the order of 150 ongoing jobs and stimulate business creation opportunities.
EC2 - Connecting businesses and people to our local	Redevelopment of the Town and adjoining land

activity centres through place planning and activation.	holdings will upgrade the existing streetscape and provide a cleaner place to visit, the additional increase in pedestrians and tenancies will potentially build out criminal occurrences with additional passive surveillance.
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Environment	
Community priority	Intended public value outcome or impact

EN1 - Protecting and enhancing the natural environment.	The inclusion of the Town's landholding will potentially achieve an overall design outcome that opens up Albany Hwy for a more considered pedestrian lead design opportunity, this will allow a design with greater focus on place planning and place activation.
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Engagement

External engagement	
Stakeholders	Public advertisement of the proposed Deed will be necessary in terms of Section 3.58 of the Local Government Act 1995.
Period of engagement	A minimum of 14 days
Level of engagement	2. Consult
Methods of engagement	Compliance with Local Government Act 1995 advertising requirements.
Advertising	Details of the advertising used to draw the community's attention to opportunity to engage e.g., newspaper advertisement, Town website, social media & public notice boards
Submission summary	None at this stage.
Key findings	None at this stage.

Legal compliance

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

[Section 58 of the Land Administration Act 1997](#)

[Section 87 of the Land Administration Act 1997](#)

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
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Financial	The sale of the land is confidential however the Town has disclosed in the mandatory s3.58 statutory advertisement process a sale price of \$3,821,000.	Severe	Possible	High	Low	TREAT risk by ensuring the Council follow the legal advice received and the advice and guidance from relevant Government agencies including the Department of Planning, Lands and Heritage.
Environmental	The sale of the land is confidential and comments have been provided in a confidential report.	Moderate	Possible	Medium	Medium	The sale of the land is confidential and comments have been provided in a confidential report.
Health and safety	Property remains undeveloped. Vacant land can reduce the quality of streetscapes and potentially become a dumping ground for waste or antisocial behaviour. Closure and realignment of the Road is not progressed, maintaining the non-compliant status of the crossover	Moderate	Possible	Medium	Low	TREAT risk by ensuring Council follow the legal advice received and continue the realignment process by closing the subject portion of road.
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	The Minister for Lands (WA) is	Moderate	Possible	Medium	Low	TREAT risk through the

	ultimately responsible for determining requests for the closure of roads. It is possible that the Minister may decide to refuse or modify the pending road closure request notwithstanding Council's resolution.					provision of the required information as per Regulation 9 of the Land Administration Regulations 1998 and sufficient Information for the road closure request.
Reputation	The Town does not finalise this transaction or respect its agreed terms including confidentiality. Potential reputational risk on future land and other transactions, including the risk that the Town is seen as unwilling to follow through on transactions or respect agreed terms	Moderate	Possible	Medium	Low	TREAT risk by finalising transaction and respecting the confidentiality of the transaction as agreed to by Council. Obtain consent for public release of information as to progress.
Service delivery	Not applicable					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Proceeds from the anticipated sale have been allocated to the land optimisation reserve.

Analysis

8. As noted above, the Contract entered into between the Town and Fabcot is confidential.

9. The Town's report to Council's 18 October 2022 meeting includes the following: -
 - a. The sale of the property has not been settled;
 - b. In discussions between the Town and Fabcot, both parties have indicated they wish to continue on the basis outlined in the latest (expired) Contract;
 - c. As the Contract's periods and subsequent extensions have expired, it will not be possible to settle the sale of the property unless a legally valid and binding extension to the Contract is in place and lawfully entered into.
 - d. The Town has been working with Fabcot and the Town's lawyers to establish the terms for such an extension, which would also need to be acceptable to Council;
10. Legal advice has been obtained on 1 June 2023 from the Town's lawyers McLeods on the terms of the proposed Deed of Amendment and Reinstatement.
11. The original sale price was \$3,821,000. Current market valuations for the land are as follows and are significantly lower than the original sale price of \$3,821,000: -
 - Town's valuations conducted since the process started
 - Colliers (Colliers International (WA) Pty Ltd) - Valuation dated 18 April 2019 - \$3,610,000
 - LMW – Valuation dated 28 March 2019 - \$2,500,000
 - Acumentis – Valuation dated 15 May 2023 - \$2,500,000
 - Fabcot's valuation*
 - Colliers (Civas (WA) Pty Ltd) - Valuation dated 14 November 2022 - \$3,140,000

*Fabcot have confirmed this valuation may be publicly disclosed.
12. It is clear from all of the above valuations that if the Council were to progress with the reinstatement of the Contract, this would provide the Town with a financial return that is more than market value.
13. If Council wishes to progress the new disposition, it would be necessary for the proposed Council to endorse this, together with the proposed agreed altered terms, to enable the advertising process under section 3.58(3) of the LGA to be re-commenced should Council agree to the new disposition;
14. The advertising process under section 3.58 of the Local Government Act 1995 requires that the Council advertise the proposed disposition for at least 14 days and invite submissions. The advertisement is required to describe the property concerned and include the following details: -
 - a. the names of all other parties concerned;
 - b. the consideration to be received by the local government for the disposition; and
 - c. the market value of the disposition —
 - i. as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - ii. as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
15. If a submission is received, Council may not proceed with the disposition unless it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Relevant Documents

Not applicable.

Questions and responses

Cr Wilfred Hendriks

1. The report mentions the closure of a dedicated road, is there further information on when the closure may occur?

The Manager Property Development and Leasing stated that due to confidentiality it is not possible to comment in a public meeting.

14 Chief Financial Officer reports

14.1 Adoption of Annual Budget 2023/24

Location	Town-wide
Reporting officer	Manager Finance
Responsible officer	Chief Financial Officer
Voting requirement	Absolute majority
Attachments	1. Final Draft Budget Version 1.2 [14.1.1 - 60 pages]

Recommendation

That Council:

1. Adopts the Annual Statutory Budget for 2023/2024 financial year pursuant to the provisions of Section 6.2 of the Local Government Act 1995 (as amended), and Part 3 of the Local Government (Financial Management) Regulations 1996, as included in attachments, for the Town of Victoria Park for the 2023/2024 financial year, which includes the following:
 - (a) Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$14,048,013.
 - (b) Statement of Financial Activity showing an amount required to be raised from rates of \$49,475,403.
 - (c) Notes to, and forming part of, the budget.
 - (d) Transfers to/from reserve accounts as detailed in the Notes.
 - (e) The Schedule of Fees & Charges for 2023/2024.
 - (f) Elected Members' fees and allowances.
2. Differential rates, minimum payments, service charges and instalment payment arrangements
 - (a) Imposes the following differential rates for the 2023/2024 financial year for the purpose of yielding the deficiency disclosed by the 2023/2024 Annual Statutory Budget pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995.
 - (i) Residential – GRV of 8.473 cents in the dollar of gross rental value applicable to properties used primarily as a place of residence subject to a minimum rate of \$1,269 per assessment.
 - (ii) Non-Residential – GRV of 10.290 cents in the dollar of gross rental value applicable to properties not used primarily as a place of residence subject to a minimum rate of \$1,319 per assessment.
 - (iii) All Vacant Land - GRV of 15.867 cents in the dollar of gross rental value applicable to properties used primarily as vacant land subject to a minimum rate of \$2,036 per assessment.
 - (b) Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, nominates the following due dates for rate payment in full and by instalments.
 - (i) Full payment and first instalment due date 20 September 2023.
 - (ii) Second quarterly instalment due date 22 November 2023.
 - (iii) Third quarterly instalment due date 24 January 2024.
 - (iv) Fourth quarterly instalment due date 27 March 2024.
 - (c) Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$12 for each instalment after the initial instalment is paid (representing a total of \$36.00 over the second, third and fourth installments).

- (d) Pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 4.0% where the owner has elected to pay rates and service charges through an instalment option.
 - (e) Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 8% for rates and service charges, and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
3. Fees and Charges.
- (a) Pursuant to Section 6.16 of the Local Government Act 1995, Section 245A (8) of the Local Government (Miscellaneous Provisions) Act 1960, Section 67 of the Waste Avoidance and Resources Recovery Act 2007, and Regulation 53(2) of the Building Regulations 2012, adopts the Schedule of Fees and Charges for 2023/2024 financial year as attached to, and forming part of, this report.
4. Elected Members' fees and allowances.
- (a) Pursuant to Section 5.98 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, adopts the following annual fees for payment of Elected Members in lieu of individual meeting attendance fees:
 - (i) Mayor \$32,410.
 - (ii) Councillors \$24,170.
 - (b) Pursuant to Section 5.99A of the Local Government Act 1995 and Regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, adopts the Information and Communication Technology allowance of \$3,500 for Elected Members.
 - (c) Pursuant to Section 5.98(5) of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996, adopts the annual local government allowance of \$65,915 to be paid to the Mayor in addition to the annual meeting allowance.
 - (d) Pursuant to Section 5.98A of the Local Government Act 1995 and Regulation 33A of the Local Government (Administration) Regulations 1996, adopts the annual local government allowance of \$16,479 to be paid to the Deputy Mayor in addition to the annual meeting allowance.
5. New loans.
- (a) Pursuant to Section 6.20 of the Local Government Act 1995 authorises the following new loans:
 - (i) Edward Millen Site - \$2,200,000.
6. Creation of Reserves.
- Pursuant to Section 6.11 (1) of the Local Government Act 1995, approves the creation of the following reserve accounts.
- (a) McCallum & Taylor Reserve for the purpose of:
 - (i) to be used to assist in improving and/or maintain the McCallum & Taylor Reserve including the associated grounds.
 - (b) Lathlain Park reserve for the purpose of:
 - (i) to be used to assist in improving and/or maintain the Lathlain Park Zone 1 Reserve including the associated grounds.
7. Material variance reporting for 2023/2024.
- (a) Pursuant to Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996,

and Australian Accountings Standard AASB 1031 Materiality, the level to be used in Statements of Financial Activity in 2023/2024 for reporting material variances to be (+) or (-) 10%, or \$50,000, whichever is the lowest, for each category of Nature or Type, for both revenue and expenditure.

Purpose

The purpose of this report is to facilitate final consideration of the recommended annual budget for 2023/2024, enabling the continued operation of the Town's works and service programs.

In brief

- As required by Section 6.2 of the Local Government Act 1995, a local government is required to prepare and adopt a budget for its municipal fund for the financial year ending 30 June 2024.
- Council has advertised its intention to levy differential rates and minimums for 2023/2024 which represents a 6.93% increase in rate revenue, generating rate revenue in the order of \$49.47 million contributing to total operating revenue of \$65.2 million.
- Total capital grants, subsidies and contributions and proceeds from asset sales, of \$15.67 million.
- Total capital expenses in the order of \$34.9 million contributing to total expenditure of \$101.5 million.
- The budget statements presented have been prepared in accordance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards (to the extent that they are not inconsistent with the Act). The Annual Budget 2023/2024 presents a balanced budget and is recommended for adoption by Council.

Background

1. Over the past three years Council has endorsed budgets that have resulted in decreases or low rate increases, with annual rates income over that period not increasing.
 - (a) In the 2019/20 budget, Council approved no increase to rates, with rates revenue of \$46,943,703.
 - (b) In the 2020/21 budget, Council approved a 7.88% reduction in rates, with rates revenue of \$43,062,877.
 - (c) In the 2021/22 budget, Council increased rates by 0.88%, with rates revenue of \$44,322,879.
 - (d) In the 2022/23 budget, Council increased rates by 3.5%, with budgeted rates revenue of \$46,431,117.
2. While cost increase remained flat for 2020/21, since then the Town has experienced significant cost escalation for both operating and capital items.
3. Many contracts for materials, utilities, insurance, services and capital works have increased by between 5-15%, if not more. For example, road resurfacing and roads works have seen a 10-15% increase, park and tree maintenance costs (fertilizer, irrigation fittings, tree pruning) has increase 30-40%, bulk verge waste pick has seen 111% increase per household, and insurance is estimated to increase by 7-10%.
4. The Producer Price Index for construction (published by the ABS), shows an increase of 4% for 2020/21, 17.3% increase for 2021/22, and 9.9% for the period July 2022 to March 2023. The Town has seen this level of price increase in a number of recent construction contracts.

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.	Proposed differential rates advertised and public comment sought.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The 2023/2024 budget has been developed with Elected Members through a series of workshops to ensure the budget is reflective of the communities current needs.

Engagement

Internal engagement	
Stakeholder	Comments.
Elected Members	Engagement was completed with Elected Members over five workshops with the administration. In addition, two informing videos between workshops issued.
Managers	Developed draft budget for towns programs, services and projects. Provided with regular updates.
C Suite	Approval of service area draft budgets. Provided with updates on the budget process, its key informing documents and the overall project delivery.
Service Area Leaders	Developed draft budget for towns programs, services and projects. Provided with regular updates.
Strategic Asset Advisory Group	Worked cross functionally to develop and recommend the capital works schedule, based on endorsed strategies, critical asset maintenance, safety considerations and advocacy/council decision.

Legal compliance

Section 6.2 of the *Local Government Act 1995*

Part 3 of the *Local Government (Financial Management) Regulations 1996*

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	Potential reduction in the quality of assets provided and services delivered if the proposed annual budget is not adopted.	Moderate	Unlikely	High	Low	Treat risk by Ensuring elected members have been involved in the annual budget process to ensure understanding and collaboration in order for the budget to be understood and adopted.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Potential reduction in the quality of assets provided if the proposed annual budget is not adopted.	Moderate	Unlikely	High	Medium	Treat risk by Ensuring elected members have been involved in the annual budget process to ensure understanding and collaboration in order for the budget to be understood and adopted.
Legislative compliance	Legislative compliance will not be adhered to if the annual budget is not adopted and forwarded as appropriate within the required timeframes.	Moderate	Unlikely	High	Low	Treat risk by Ensuring elected members have been involved in the annual budget process to ensure understanding and collaboration in order for the budget to be understood and adopted.
Reputation	Negative public perception if Council does not adopt the annual	Minor	Unlikely		Low	Treat risk by Ensuring elected members have been involved in

	budget.				the annual budget process to ensure understanding and collaboration in order for the budget to be adopted. Community submission periods.
Service delivery	Potential reduction in the quality of services delivered if the annual budget is not adopted.	Possible	Moderate	Medium	Treat risk by Ensuring elected members have been involved in the annual budget process to ensure understanding and collaboration in order for the budget to be understood and adopted.

Financial implications

Current budget impact	No impact on the current budget, however, an assessment has been made on likely carried forward budget allocations, and any likely carried forwards surplus or deficit.
Future budget impact	The adoption of the 2023/2024 budget will enable the continuity of service delivery, maintenance of existing assets and generation of new assets in line with the Strategic Community Plan.

Analysis

5. The development of the draft annual budget and presentation for endorsement by Elected Members aimed to find an approach befitting the Town's fiscal position, noting significantly escalating costs.
6. The draft budget was developed through over five workshops which saw Elected Members consider the many facets of the budget with the input and advice of a range of Town staff. The workshops considered the following matters;
 - (a) Overall consideration of the financial environment and the Long Term Financial Plan.
 - (b) The Strategic Community Plan, adopted in April 2022.
 - (c) Capital Works Program, using criteria if the proposed project was for critical asset preservation, addresses a safety issue, was a key advocacy or Council decision, or part of an endorsed strategy, and the funding sources for projects being municipal, use of reserves, grants or borrowing.
 - (d) Fees & Charges.
 - (e) Rating options and modelling after the revaluation process was completed.
 - (f) Operational team management budgets, and
 - (g) New operational requests.

7. Themes

- (a) The budget continued with the themes created for the 2022/23 budget with Elected Members and tested with the Community, these included;
 - (i) Green and Clean Vic Park.
 - a. Creating a green and clean Vic Park through sustainable and accessible urban design.
 - b. Taking action to address the climate emergency, which should underpin everything we do going forward.
 - (ii) Thriving and Vibrant Vic Park.
 - c. Building a thriving and vibrant Vic Park through events, community engagement, urban design, and support for local business.
 - (iii) Improving the Town's financial health, and
 - d. Improving the Town's financial health through focusing on asset renewals, projects that will lead to income generation, and a reduction of operating costs.
- (b) These themes helped establish the foundational values by Town staff prepared budget options and on which Elected Members could judge and compare various budget items.

8. Rates

- (a) Landgate sets the Gross Rental Values (GRV) – the gross annual rental that a property might reasonably be expected to earn annually if it were rented – and Council determines the rate in the dollar to achieve the target rates revenue. The GRV is multiplied by the rate in the dollar to give the total rates payable. The rate in the dollar differs for each differential rate, with Council having three differential rates, being Residential, Non-Residential and Vacant Land. These can be seen in Table 1. There are no recommended changes to the rate categories for 2023/2024.
- (b) Council must also set a minimum payment for each rate category, shown in Table 1, which cannot be charged more than 50% of the total properties in each rate category i.e. Residential, Non-Residential and Vacant Land.

Table 1

Rating Category	Rate in the dollar	Minimum rate
Residential	\$0.084730	\$1,269
Non-residential	\$0.102900	\$1,319
Vacant land	\$0.158670	\$2,036

- (c) Differential general rates can only be imposed based on certain characteristics.
- (d) The Local Government Act 1995, section 6.33 (1), states:

A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned, whether or not under a planning scheme as defined in the Planning and Development Act 2005; or*
- (b) a purpose for which the land is held or used as determined by the local government; or*
- (c) whether or not the land is vacant land; or*
- (d) any other characteristic or combination of characteristics prescribed.*

- (e) Any other characteristic, such as length of ownership, visual appearance of a lot or building, or length of vacancy or non-development, are not prescribed under the Act, and therefore not a characteristic for which a differential rate can be raised.
- (f) Every three years, the State government agency (Landgate), undertakes a revaluation of GRV of all rateable properties within the Town. This was undertaken during 2022/23, to apply for the 2023/24 financial year.

- (g) The Town has a total of 18,136 properties which will be rated in the 2023/2024 financial year.
- (h) The number of additional rateable properties being added to the rates base during the 2022/23 financial year is 85.
- (i) Total budgeted revenue from raising of rates for 2023/2024 financial year is \$49,475,403. This will be derived from rate in the dollar and minimum rates outlined above, including estimated interim rates of \$50,000. These figures represent a 6.93% increase in overall rates revenue.

9. Fees & Charges

- (a) Total Fees & Charges revenue for 2023/2024 financial year is \$10,683,879, which is the 3.5% increase from the 2022/23 financial year budgeted amount.
- (b) Fees & Charges includes both regulated fees set by legislation or regulation, and fees and charges for which the Town has some discretion as to the amount. For discretionary fees, consideration has been given to the level of fair cost recovery for a service, ability for the community to pay, and overall impact on the Town's budget.

10. Service Charges

- (a) Total revenue budgeted from service charges installments for 2023/2024 financial year is \$949,805. The revenue will be transferred to the Underground Power Reserve and fund the repayment of the loan borrowed for the Western Power upgrade charges.
- (b) The service charges are related to Western Power's State Underground Power Project 6 (SUPP6) and Network Renewal Undergrounding Program Pilot (NRUPP). The full charge of SUPP6 was raised with 2021/22 Budget and with 2022/23 Budget for the NRUPP.
- (c) Ratepayers were given the option to pay upfront, or by installment over seven years. 2023/2024 financial year falls on the third year of the installment option for the SUPP6 and second year of the installment option for the NRUPP.

11. Grants

- (a) The Town is anticipating \$17.24 million in grant funding across a range of projects and services. The following Table 2 shows the projects receiving more than \$250,000 in grant funding.

Table 2

Project	Grant Funding
Rutland Avenue Shared Path	\$7,600,000
Blackoak Investments Ed Millen parklands	\$2,000,000
LPRP Zone 1 Community and Sports Club Facility	\$2,000,000
Roads - Black Spot	\$1,521,213
Archer/Mint Bike Lanes	\$800,000
Roads - MRRG - Rutland Avenue - Welshpool Road to Oats Street	\$490,145
Roads - MRRG - Oats Street - Planet Street to Tuckett Street	\$258,893

12. Capital Works Program

- (a) The recommended budget allows for delivery of a number of projects as part of the broader capital works program and includes;
- (i) **Edward Millen Heritage Redevelopment:** which will see the revitalization of the original heritage buildings into a community and entertainment hub of major significance. This is a partnership to make this area an iconic precinct involving the Town, private development through Blackoak Capital and the Federal Government through its Heritage Grant of \$4 million to restore the historic buildings.
 - (ii) **Edward Millen Park:** which adjoins the Heritage Redevelopment, is a major parkland and playground redevelopment that will feature large event space, various recreation spaces and a playground specifically designed to suit neurodiversity. \$2 million from the Blackoak Capital lease of the Heritage building precinct will contribute to the park redevelopment. The total cost of the park redevelopment is \$7.5 million, the expenditure for the 23/24 financial year is expected to be \$2.5 million.
 - (iii) **Lathlain Precinct Redevelopment Project Zone 1:** which will deliver the final portion of the broader Lathlain Park Redevelopment Project. The facility will provide a home for the Perth Football Club that meets contemporary standards and facilitates AFLW matches. It will also create a 250m² community space that will be operated by the Town and available for the local community to hire. The project has external funding from the Federal and State government, the West Coast Eagles, and Western Australian Football commission totaling \$9.2 million. The Town's contribution will be \$5 million. The expenditure for the 23/24 financial year is expected to be \$3 million.
 - (iv) **Archer/Mint Bike Lane:** this project, part of the Council endorsed Archer Streetscape Plan, which aims to deliver a protected bike lane between Hubert Street and Gemini Way along Archer Street. The project secured external funding of \$800,000 from the Department of Transport. The cost of the project is \$1.5 million.
 - (v) **Rutland Avenue Shared Path:** which will construct the section of path between Miller Street and Great Eastern Highway to provide safer cycling infrastructure with full funding from Main Roads WA. The cost of the project is \$7.6 million.
 - (vi) **Road Renewals:** to maintain critical Town infrastructure, the Town has identified a number of sites that require critical renewal to maintain current service levels. Further degradation may result in significantly more expensive repairs at a later date. The total cost of road renewals is \$3.588 million.
- (b) In addition to the construction phase of projects, the Town will also be in design and planning phases on a number of other key projects which include;
- (i) **Kent St Sandpit Bushland Management Project:** the first stage of the project will formalise the parking area, the primary and secondary pathways, and features. The features include the knowledge exchange nodes/yarning spaces, bird waterers and ramps. The cost of the project is \$300,000.
 - (ii) **Higgins Park Sporting Field Lighting:** which is a large contribution to ensure the lighting is upgraded to modern standards to meet the demand from our local sporting clubs. The cost of the project is \$1.3 million.
 - (iii) **Macallum Active Area Detailed Design:** which will complete the design and allow the Town to finalise the works with a federal government contribution of \$2.5 million.

13. Workforce

- (a) There are no additional full time equivalent staff positions recommended in the draft 2023/2024 annual budget.

(b) The employee costs inclusive of salary, superannuation, allowances and other employee-related costs are;

- (i) \$28,053,746, an increase of \$2,821,957 from 2022/23 annual budget. Variance is due to;
- \$656,175 relates to the correction of the nature and type categorization of some employee cost account effectively increasing the comparable 2022/2023 employee cost budget to \$25,887,964.
 - \$1,676,906 relates to employment agreement increases, both entitled guaranteed increase and step increases, contractual package benefits previously allocated to materials and contracts, and reallocation agency staff costs from materials and contracts to casual employee costs.
 - \$292,154 for additional superannuation, both the superannuation guarantee charge, and additional council superannuation under the Town's employee agreement.
 - \$256,777 the variance to the workers compensation budget based on the calculated workers compensation cost for 2024.
 - a net reduction of \$60,055 across other minor employee cost.
- (ii) Changes to the salary costs include salary increases and variations to the mandatory employer superannuation contribution rates.

14. Reserves

- (a) The proposed transfers detail a net decrease of \$9.2 million to the Town's reserves. These have been recommended to fund a portion of the capital works program and underground power-related expenses.
- (b) Full detail on the proposed reserve transfers is included within the attached draft annual budget under note 9 and the capital works listing.

15. Loans

- (a) The budget does include a loan to be raised for the Edward Millen project to the value of \$2.2 million dollars. This will be raised in the 2023/2024 financial year once works have commenced. This loan has been included in previous budgets, but not yet drawn down.

16. Compliance

- (a) The differential rating model and the statement of objects and reasons for each differential rates category was advertised in accordance with statutory requirements for 21 days. Any public submissions will be included in the agenda item for the Ordinary Council Meeting scheduled for 20 June 2023.
- (b) In compiling the annual budget officers have, in accordance with the Local Government Accounting Manual produced by the Department of Local Government;
- (i) identified recurring operating revenue and expenditure.
 - (ii) prepared salary and wages schedules including staff increment changes and enterprise agreement increases.
 - (iii) prepared capital expenditure based, where possible, on long-term asset management plans
 - (iv) confirmed grants for both operating and capital requirements.
 - (v) determined and applied the assumptions for the opening current position from the previous financial year.
 - (vi) identified any carry-forward projects into the new financial year.
 - (vii) flagged committed funds and excluded these from the brought forward balance in the determination of the current position.
 - (viii) established, if there is, a budget deficit or surplus to be carried forward restricted to the prescribed amount.

- (ix) obtained estimates for non-current assets to be sold or traded in on new assets.
 - (x) obtained estimates for insurance, including workers' compensation.
 - (xi) updated the schedule of fees and charges for the next 12 months.
 - (xii) compiled projected cash flows over the next 12 months to ensure there is sufficient liquidity to meet current commitments throughout the year.
 - (xiii) prepared the budget document consistently with comparative financial results for the previous year.
 - (xiv) ensured that any surplus funds invested conform with the short-term requirements for drawdowns as and when the funds are required.
 - (xv) completed all the required statutory schedules for adoption by Council.
- (c) Determination of material variance for reporting purposes.
- (i) Each year Council is required to adopt a percentage or value for the purposes of reporting material variances in the monthly Financial Activity Statement.
 - (ii) This value or percentage is then used throughout the financial year to identify potential areas in Council's actual revenues and expenditures that may not be in keeping with Council's budget. The early identification of these potential issues can assist in better utilisation and allocation of Council funds and resources.
 - (iii) The values chosen should provide a good indication of variances that would not normally be able to be covered through Council's normal operations and should, therefore, be assessed to identify if a potential issue exists or not.
- (d) Council has previously used a value of (+) or (-) \$25,000 per business unit/service area, for each of the revenue and expenditure areas included in the Statement of Financial Activity. To be compliant with 34 (3)(5) of *Local Government (Financial Management) Regulations 1996*, this is amended to a variance of (+) or (-) 10%, or \$50,000, whichever is the lowest, for each category of nature or type, for both revenue and expenditure to be included in the Statement of Financial Activity.

17. Summary

- (a) The draft annual budget presented for endorsement to Elected Members has found a balance between rate increases, service delivery and infrastructure maintenance that is fair for, and benefits, the Community, while delivering a capital works program in the face of significant cost pressures.

Relevant documents

Not applicable.

Questions and responses

Deputy Mayor Anderson

1. *Is funding for upgrades of Ceres Lane included in the budget?*

The Chief Financial Officer advised that yes, it is shown on page 30 of the budget document as a carryforward and is referred to as ROW 33.

2. *It' shows as a carry forward but we needed additional funds for the works, have we met the target?*

The Chief financial Officer advised that in the March budget review the current budget was \$390,000, and the upcoming budget recommends the same amount.

Mayor Karen Vernon advised there was no resolution to allocate additional funds as the tender was above the budgeted amount, but we didn't go to the next level. The tender was not awarded as it exceeded the budget no resolution to increase the original budget but understand from the Town was that the project was back on track for the coming budget year and is within the original budget.

14.2 Schedule of Accounts - April 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - April 2023 [14.2.1 - 6 pages]

Recommendation

That Council:

1. Confirms the accounts for April 2023, 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 April 2023.

In brief

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

Background

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$2,184,730.98
Payroll		\$1,230,901.00
Bank Fees		\$12,151.92
Corporate MasterCard		\$7,926.44
Cancelled EFTS		(\$1,820.00)
Total		\$3,433,890.34

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact

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

Legal compliance

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

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

Risk management consideration

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

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

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

14.3 Financial Statements - April 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - April 2023 [14.3.1 - 45 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 30 April 2023, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 30 April 2023.

In brief

- The financial activity statement report is presented for the month ending 30 April 2023.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 30 April 2023.

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

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

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

Financial implications

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

Analysis

- The Financial Activity Statement Report – 30 April 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 April 2023 be accepted.

Relevant documents

Not applicable.

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

15 Committee reports

15.1 Additional meeting date for 2023

Location	Town-wide
Reporting officer	Mayoral and Governance Support Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	Nil

Recommendation from the Policy Committee:

That Council schedules a future Policy Committee meeting to be held on 21 August 2023 at 5.30pm.

Purpose

To set a Policy Committee meeting date after the 2022-2023 financial year and before the 2023 October elections.

In brief

- In April 2022, Council set the Policy Committee dates for the 2022-2023 financial year, with the final date being 22 May 2023.
- Due to elections scheduled for October 2023, the 2023-2024 financial year meeting dates will not be set until the new Policy Committee members have been appointed.
- It is likely that another Policy Committee will be required prior to elections.

Background

1. The Policy Committee Terms of Reference were adopted on 29 October 2019 and were last reviewed on 16 June 2020.
2. Over recent years, Council has conducted major reviews of its policies.
3. Policy 001 – Policy development and management states “A policy evaluation is to occur for each policy at least once every four years.”.

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.	Clear setting of meeting dates assist in allowing the committee to run efficiently and effectively, which in turn helps the community to understand the purpose, structure and function of the committee.

Engagement

Internal engagement

Stakeholder	Comments
Managers	Managers have indicated a number of upcoming policies that will need to go to Council.

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Setting Policy Committee meeting dates schedule.	Minor	Unlikely	Medium	Low	TREAT risk by continuing set meeting dates once members have been appointed after elections.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

4. Following the elections scheduled for October 2023 and the establishment of Policy Committee and its members, a report will be presented to Council with the setting of the next financial year's meeting dates schedule.

Relevant documents

[Policy 001 – Policy development and management](#)

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

15.2 Policy evaluation - Policy 052 - Recording and Live Streaming

Location	Town-Wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy-052- Recording-and-live-streaming [15.2.1 - 3 pages]

Recommendation from the Policy Committee:

That Council defer review of *Policy 052 – Recording and Live Streaming* until changes to the *Local Government Act 1995* and associated regulations are implemented.

Purpose

That Council defer review of *Policy 052 – Recording and Live Streaming* (Policy 052) until changes to the *Local Government Act 1995* (the Act) are implemented.

In brief

- Policy 052 has been adopted by Council to guide the implementation of the audio and video recording, and live streaming, of meetings of Council and electors, and to establish how audio and video recordings will be used and made available.
- An evaluation of the policy was due to be presented to the Policy Committee in May 2023, however as part of the local government reform process the Local Government Act Amendment Bill 2023 has been passed by both Houses of Parliament and at the time of writing this report is awaiting Royal Assent.
- The Bill provides an ability for regulations to be made, including new requirements for recording of meeting proceedings.

Background

1. Policy 052 was first adopted by Council at its meeting held on 9 June 2015 (Item 10.1 refers) and has been amended on a number of occasions since that time.
2. The purpose of this policy is to guide the implementation of the audio and video recording and live streaming of meetings of Council and electors, and to establish how audio and video recordings will be used and made available.
3. Council at its meeting held on 12 April 2022 (Item 15.6 refers) resolved for Policy 052 to be reviewed and evaluated by May 2023.
4. On 11 May 2023, the Local Government Act Amendment Bill 2023 passed through both Houses of Parliament which is intended to progress a number of reforms to the operations of local governments. The Bill provides, among other things, for regulations to be made to require the live streaming and recording of meetings, offering greater transparency into decision-making processes at council meetings.
5. The State Government intends to establish a tiered requirement for band 1 and 2 local governments to live stream broadcasts, while band 3 and 4 local governments will be required to publish audio recordings of meetings at a minimum. The Town is classed as a Teir 2 local government and currently

streams both its Agenda Briefing Forums and Council meetings over its website, as well as makes the recording available.

6. The new Regulations to be introduced, but yet to be developed, will now provide that all proceedings on confidential items must be recorded and provided to the Department of Local Government, Sport and Cultural Industries, if requested. This is not currently undertaken by the Town.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The policy has been established to provide greater access to the community on activities and decisions made at Council meetings.

Engagement

Not applicable.

Legal compliance

[Part 2 of the Local Government \(Administration\) Regulations 1996](#)

[Local Government Amendment Bill 2023](#)

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	Inadequate Recording Systems	Low	Possible	Low	Medium	Implement adequate technology for the recording of meetings.
Legislative compliance	The policy could be inconsistent with the legislation.	Low	Possible	Low	Low	Amend policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation

						supersedes the policy.
Reputation	Inconsistency with legislation could affect Town's reputation	Low	Unlikely	Low	Low	Amend policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation supersedes the policy.
Service delivery	Not applicable				Medium	

Financial implications

Current budget impact	An allocation has been made in the Town's 2022-23 budget to address future requirements for the Council Chamber that will consider the new requirements for recording.
Future budget impact	Not applicable.

Analysis

7. As part of the 2022-23 Corporate Business Plan, a scope of work is currently being developed investigating improvements to audio visual system in the Council Chamber. This project will now need to consider changes to the current recording software for meetings and associated processes, specifically recording of proceedings that are confidential and not open to the public.
8. While it is not expected that any new regulations will affect the policy direction and requirements, and the current policy provisions are still sound, it is recommended that the Town defers any changes to the policy until regulation changes are implemented.

Relevant documents

Not applicable.

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

15.3 Policy evaluation - Policy 312 – Transaction card

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Policy-312- Transaction-card [15.3.1 - 3 pages]

Recommendation from the Policy Committee:

That item 7.3 - Policy evaluation - Policy 312 – Transaction card be referred to a future Policy Committee.

Purpose

To present the results of the review of the Town’s transaction card policy.

In brief

- The Town’s Transaction card policy was last reviewed and amended in April 2021.
- The current policy is considered appropriate, and no changes are proposed.

Background

1. The policy provides a framework to guide the establishment and implementation of appropriate systems and procedures for incurring expenditure and making payments specific to transaction cards.
2. The Town’s powers to procure goods and services using the correct methods whether it is using corporate credit cards, purchasing cards, store cards or other methods available.

Policy Statement

3. The Town is committed to ensuring the procurement of goods and services is managed appropriately, sustainably and transparently for the benefit of the community using the correct procurement methods.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 – Communication and engagement with the community	Finances are managed appropriately, sustainably and transparently for the benefit
CL3 - Accountability and good governance	Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

Engagement

Internal engagement

Stakeholder	Comments
Financial Services	Staff have provided comments on the current policy.

Legal compliance

The powers to borrow are prescribed in Section 6.20 of the Local Government Act 1995

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
E.g. Financial Borrowing beyond the financially sustainable capacity of the Town	Moderate	Likely	High	Implement System and procedures for transaction cards
Environment	N/A			
Health and Safety	N/A			
Infrastructure/ ICT Systems/ Utilities	N/A			
Legislative compliance			Low	
Reputation			Low	
Service Delivery			Low	

Financial implications

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

Analysis

4. The Town has reviewed the policy and no changes are proposed.

Relevant documents

Local Government Act 1995

Practice 312.1 Store Card

Practice 312.2 Credit Card

Policy 301 Procurement

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

15.4 Policy amendment - Policy 301 - Purchasing

Location	Town-wide
Reporting officer	Manager Finance
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Purchasing Policy 301

Recommendation from the Policy Committee:

That Council adopts the amended Policy 301 - Purchasing as attached; subject to the following:

1. Amend the definition of "Local Business" to read as follows:

"Local Business" is defined as a business that is located within the boundaries of the Town.

2. To insert the following new clause 7 and renumber thereafter:

7. When assessing value-for-money, the Town must consider the environmental sustainability of the proposed goods and services (such as energy efficiency, environmental impact and the use of re-usable, recycled and recyclable products).

Purpose

To provide the Council with an updated Purchasing Policy to include the three pillars of corporate sustainability and support for local business, disability enterprises or aboriginal businesses.

In brief

- An amended Policy 301 Purchasing policy to include the consideration of the three pillars of corporate sustainability (social, economic, environmental) and support of local business, disability enterprises or aboriginal businesses as part of the Town's procurement process.

Background

1. A concept forum was held in December 2021 to discuss how to address triple bottom line sustainability through procurement and one of the outcomes sought was consideration to the current procurement policy.
2. In December 2021 the Town's procurement plans were updated to include a mandatory evaluation section relating to sustainable procurement with a suggested evaluation ranking of between 5% and 20% to be used within appropriate tenders.
3. A policy committee meeting held 22 August 2022 decided that the Policy Committee refer item 7.5 - Review of Policy 301 - Purchasing to a Concept Forum in October 2022 to allow elected members to have a more detailed conversation about the use of weighting for future procurement.
4. Currently, procurement processes do not mandate rules on the use of sustainable procurement, local suppliers, disability enterprises and aboriginal businesses.

Strategic alignment

Civic Leadership

Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensure Councils purchasing systems are compliant with legislation and best practice.
CL3 - Accountability and good governance	Ensures Council policy is compliant with legislative requirements.

Economic

Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Promoting local suppliers and suppliers who support the Town's community needs through local employment, use of local subcontractors or other local suppliers, creation or funding of training opportunities and other initiatives for social inclusion within the local community.

Environment

Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Minimising damage to the environment by supporting suppliers who have adopted environmentally friendly solutions in their operations and businesses.

Engagement

Other engagement

John Filippone (Procurement Plus)	Procurement Plus, a specialised procurement consultancy, was engaged to review the current policy 301 – Purchasing, and provide recommendations based on best practice within government agencies.
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Legal compliance

The legislation below should always be included.

[Section 2.7 of the Local Government Act 1995](#)

[Local Government \(Functions and General\) Regulations 1996](#)

[Policy 312 Transaction Card](#)

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				Low	
Environmental	Procurement of non-sustainable suppliers could be selected as there is not a requirement for preference for sustainable procurement.	Moderate	Possible	Medium	Medium	Procurement of non-sustainable suppliers could be selected as there is not a requirement for preference for sustainable procurement.
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Suppliers providing local economic benefit or sustainable procurement may be a lower preference than other suppliers.	Moderate	Possible	Medium	Low	Treat risk by Council adopting an updated purchasing policy which includes preference for local benefit and sustainable procurement.
Service delivery	N/A				Medium	

Financial implications

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

Analysis

- Following on from the Concept Forum held on October 2022 a further review of Policy 301 Purchasing has been undertaken to include the consideration of the three pillars of corporate

sustainability (social, economic, environmental) and support of local businesses, disability enterprises or aboriginal businesses. The changes to the policy will ensure that the qualitative criteria evaluations include consideration to local economic benefit and provides a preference to sustainable procurement through the qualitative assessment.

Questions and responses

Cr Peter Devereux

1. The proposed amendment includes the term 'recyclable', can you advise the definition of recyclable, and should it be included in the policy?

The Chief Financial Officer advised it is 'materials or products that can be used again after appropriate treatment.

2. Is it possible to estimate whether the addition of 'recyclable' to the other categories of recycled or reused will incentivise the use of recyclable items because of the less rigorous environmental requirements likely needed for this category.

The Chief Financial Officer advised that not without some sort of case study, it will be necessary to speak with the officers to get responses so will take the question on notice.

3. What is recyclable what would not be recyclable with that definition?

The Chief Financial Officer took the question on notice.

Further consideration to be added to the Ordinary Council Meeting agenda

At the Agenda Briefing Forum held on 6 June 2023, the following information was requested.

1. Provide information on whether the term 'recyclable' will incentivise the use of these items because of the less rigorous environmental requirements for this category.
2. Provide details on what is recyclable and what would not be recyclable with that definition.

15.5 Policy amendment - Policy 352 - Workzone Permits

Location	Town-wide
Reporting officer	Coordinator Parking and Rangers
Responsible officer	Manager Business Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Policy-352- Parking-work-zones-at-building-sites (Current) [15.5.1 - 3 pages] 2. Policy 352 Parking work zones at building sites May 2023 [15.5.2 - 5 pages]

Recommendation from the Policy Committee:	
That item 7.4 - Policy amendment - Policy 352 - Workzone Permits be referred to a future Policy Committee.	

Purpose

To adopt amendments to Policy 352 Parking work zones at building sites.

In brief

- Policy 351 Residential Parking Permits is subject to frequent requests for amendments from the Community and is currently subject to a petition.
- Policy 352 has been reviewed due to its links to permit parking and to ensure alignment and relevance in formatting and content.
- Additional permit class has been added to allow for periodic maintenance work of high-rise buildings in the Burswood Peninsula precinct.
- Other than formatting and the addition of an additional permit class, no other material changes have been made to policy 352.

Background

Policy review

1. At the OCM 23 February 2023, Council received the petition from Clinton Bielawski requesting Council to provide equitable parking arrangements for residents of Willis Street and adjacent streets. Part of this request, was a review of Policy 351 Residential Parking Permits.
2. Policy 352 is linked to Policy 351 Residential Parking permits, and both are being reviewed to ensure alignment and relevance in terms of formatting and content.
3. Policy 352 has been subject to a request for amendment from Axis Apartments for a review of the Policy to enable ongoing high-rise maintenance at the Burswood Peninsula precinct.
4. Policy 352 was last reviewed and amended 12 April 2022.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact

EN6 - Improving how people get around the Town.	To facilitate parking for necessary work to be undertaken within the Town.
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Engagement

Internal engagement

Stakeholders	Comments
Place Planning	No changes required.
Street Improvement	No changes required.

Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	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 adopting these changes risks reputational damage concerning not being responsive to community needs.	Insignificant	Almost certain	Medium	Low	TREAT risk by adopting the policy amendment.
Service delivery	Not applicable				Medium	

Financial implications

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

Analysis

5. Feedback received from the Manager at Axis Apartments is that the current work zone permits are not fit-for-purpose with their unique needs, which require the attendance of a variety of trades for both scheduled and ad-hoc maintenance of the high-rise buildings within the Burswood Peninsula Precinct. This presents a particular problem on Optus event days, when the Town undertakes parking compliance activity.
6. With a view to fully transition to digital permits for all permit types and prevent misuse of paper permits, maintenance permits will be self-serviced by the applicant via the Town's digital permit dashboard, currently being sourced and tested.
7. With an additional permit class, the Ongoing Maintenance Permit, formatting of the Policy has been revised to align with Policy 351.
8. Section 24 (g) of the Policy has been amended to allow for parking contrary to "No Stopping" or "No Parking" conditions where expressly permitted. This has been included to assist with works in high density areas impacted by no stopping restrictions, for example, the Burswood Peninsula, where no other alternative exists.
9. No other material changes have been made to Policy 352.

Relevant documents

[Fees and Charges](#)

[Town of Victoria Park Vehicle Management Local Law 2021](#)

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

15.6 Policy amendment - Policy 112 - Visual Arts

Location	Town-wide
Reporting officer	Arts Development Officer
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy-112- Visual-arts [15.6.1 - 2 pages]2. Policy 112 Visual Arts Clean - May 2023 [15.6.2 - 2 pages]3. Policy 112 Visual Arts Marked Up - May 2023 [15.6.3 - 2 pages]

Recommendation from the Policy Committee:

That Council adopts the amended Policy 112 – Visual Arts as attached; subject to inserting the following new clauses to the policy:

5. The Town shall maintain an Art Collection register including photographic, location and acquisition records of every artwork acquired by the Town.
6. The Town shall ensure the conservation of the Visual Art collection through:
 - a. appropriate display, storage, management and maintenance;
 - b. regular valuation and insurance;
 - c. recognition as an asset of the Town.
7. The Town shall promote community access to, and appreciation of, the Visual Art collection through a variety of means, including:
 - a. displaying individual artwork at the Town’s buildings;
 - b. online access to a digital photographic catalogue of the collection;
 - c. holding a public exhibition of a portion of the collection on a regular basis, at a minimum every 3 years, subject to budget approval.

Purpose

To review the content of Policy 112 – Visual Arts (Policy 112).

In brief

- At its meeting of 21 April 2021, Council adopted a work plan to review several policies. Policy 112 was identified as one of the policies to be reviewed.
- Policy 112 applies to the Town’s visual art collection.
- A review of the policy has been completed concluding that the scope of Policy 112 is still relevant and only minor amendments are proposed.

Background

1. Council adopted Policy 112 – Visual Arts (Policy 112) in 2014.
2. Council last reviewed Policy 112 on 12 April 2022, Council resolution 73/2022.

3. The policy evaluation schedule for 2022/2023 was adopted by the Council at the April 2022 Ordinary Council Meeting (Item 15.6). Policy 112 was one of the policies identified for review.
4. Policy 112 was due to be presented to Policy Committee in February 2023. This item was delayed due to the Notice of Motion (NoM) regarding the Town's Art Collection which could have influenced the intent and detail of the policy. The NoM was discussed at the Council Forum on 6 December 2022, and a report to Council relating to the Town's Art Collection was tabled at the OCM 23 March 2023.
5. This policy guides the Town's aspirations to be a leader of contemporary visual arts and to further develop the cultural identity of the Town of Victoria Park.

Strategic alignment

Social	
Community priority	Intended public value outcome or impact
S4 - Improving access to arts, history, culture and education.	The Town recognises the important role played by visual arts in expressing the cultural identity of the Town of Victoria Park, as well as the broader benefits of associating a place with art, rather than art with a specific place.

Engagement

Internal engagement	
Stakeholder	Comments.
Arts Development Officer	Minor amendments suggested to assist clarity of terms / definitions.
External engagement	
Local Government Authorities – City of South Perth, City of Joondalup, City of Subiaco, City of Perth.	Consulted with LGAs to benchmark Policy 112 and best practice pertaining to policy direction.

Legal compliance

[Section 2.7 of the Local Government Act 1995.](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	A lack of clarity amongst Town of Victoria Park stakeholders may lead to financial decisions outside the scope of this policy.	Minor	Likely	Medium	Low	Treat risk by adding Definitions to Policy 112.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	A lack of clarity amongst Town of Victoria Park stakeholders may lead to operational decisions that create a reputational risk.				Low	Treat risk by adding Definitions to Policy 112.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Not applicable.
Future budget impact	Future procurement of artworks for the Town's art collection will be guided by annual budget amounts endorsed by Council in that financial year.

Analysis

6. The scope of Policy 112 – Visual Art is still relevant.
7. A minor amendment is requested to provide further clarity within the policy:
 - a) Inclusion of definitions to clarify the parameters of the policy to both internal and external stakeholders.

- b) Update the 'Related Documents' in the policy.

Relevant documents

[Arts and Culture Plan](#)

[Policy 301 - Purchasing](#)

[Policy 112 - Visual Arts](#)

Further consideration

8. The marked up attachment and clean attachment of the policy has been amended to reflect the correct strategy outcome (S4).
9. The proposed additional clauses align with the intent of the overarching Policy, although are in part a duplication of the approaches outlined in the National Standards for Museums and Galleries, a reference document referred to within the existing Policy.

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

16 Motion of which previous notice has been given

Nil.

17 Public participation time

Nil.

18 Questions from members without notice on general matters

Nil.

19 Confidential matters

19.1 355-357 Shepperton Road, East Victoria Park – Proposed Sale

19.2 Maintenance and Cost Sharing Agreement for Landscaping of Road Reserves located in the Burswood Peninsula

20 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 8.12pm.

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

Signed:

Dated this: Day of:2023