



TOWN OF  
VICTORIA PARK

## Agenda Briefing Forum Agenda – 5 November 2024

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**WE'RE OPEN**  
VIC PARK

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 PM** on **Tuesday 5 November 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr David Doy – Acting Chief Executive Officer**  
31 October 2024

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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 at the Agenda Briefing Forum must be related to agenda items only.

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](mailto: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**

## **3 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 kaadijtin, 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.

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#### **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 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.

#### **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'.

## 5 Attendance

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Peter Devereux Cr Peter Melrosa Cr Lindsay Miles
<b>Jarraah Ward</b>	Cr Sky Croeser Cr Jesse Hamer Deputy Mayor Bronwyn Iffe
<b>Acting Chief Executive Officer</b>	Mr David Doy
<b>Chief Operations Officer</b>	Ms Natalie Adams
<b>Chief Financial Officer</b>	Mr Duncan Olde
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Acting Manager Governance and Strategy</b>	Ms Rhonda Bowman
<b>Strategic Projects Manager</b>	Mr Rizwan Check
<b>Coordinator Strategic Planning and Economic Development</b>	Mr Jack Hobbs
<b>Secretary</b>	Ms Winnie Tansanguanwong
<b>Public liaison</b>	Ms Felicity Higham

### 5.1 Apologies

### 5.2 Approved leave of absence

Nil.

### 5.3 Statutory leave

<b>Jarraah Ward</b>	Cr Daniel Minson
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## **6 Declarations of interest**

### **6.1 Declarations of financial interest**

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the Council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest, where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

### **6.2 Declarations of proximity interest**

A person has a proximity interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5) of the *Local Government Act 1995*) of land that adjoins the persons' land.

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

A member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Employees are required to disclose their proximity interests where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

### **6.3 Declarations of interest affecting impartiality**

Elected members (in accordance with Code of Conduct for Council Members, Committee Members and Candidates) and employees (in accordance with the Code of Conduct for employees) are required to declare any interest that may affect their impartiality in considering a matter. The declaration must disclose the nature of the interest. This declaration does not restrict any right to participate in or be present during the decision-making process.



- 7 Public participation time**
- 8 Presentations**
- 9 Deputations**
- 10 Method of dealing with agenda business**

# 11 Chief Executive Officer reports

## 11.1 Council Resolutions Status Report - October 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Support Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Outstanding Council Resolutions Report October 2024 [11.1.2 - 16 pages] 2. Completed Council Resolutions Report October 2024 [11.1.3 - 4 pages]

### Summary

The Council Resolution status reports are provided for Council's information.

#### Recommendation

That Council:

1. Notes the Outstanding Council Resolutions Report as shown in attachment 1.
2. Notes the Completed Council Resolutions Report as shown in attachment 2.

### Background

1. On 17 August 2021 Council resolved as follows:

*That Council:*

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

### Discussion

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 26 September 2024 to 30 October 2024. A status update has been included by the relevant officers.

### Legal and policy compliance

Not applicable.

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk Rating	Risk appetite	Risk Mitigation
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	

## Engagement

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

## 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.

## 11.2 Elected Member Superannuation

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Acting Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - Tax advice - Town of Victoria Park [11.2.1 - 10 pages]

### Summary

This report considers the Town becoming an eligible governing body under the *Taxation Administration Act 1953 (Cth)* for the purpose of making compulsory superannuation contributions to Elected Members.

### Recommendation

That Council does not progress to becoming an eligible governing body under the *Taxation Administration Act 1953 (Cth)* for the purpose of making superannuation contributions to Elected Members at this time.

### Background

1. At the Ordinary Council Meeting (OCM) of the 18 July 2023, a Notice of Motion was presented requesting the Chief Executive Officer (CEO) provide a report to Council to consider the Town becoming an eligible governing body under the *Taxation Administration Act 1953 (Cth)*, allowing the Town to make compulsory superannuation contributions to Elected Members.
2. At its ordinary meeting of the 15 August 2023, Council requested the CEO to obtain further advice to provide clarification on paying superannuation to Elected Members. It was requested that this advice be presented to the December Ordinary Council Meeting.
3. The item was presented to the OCM held on 12 December 2023 and until the May 2024 OCM. Council requested an allocation of funds to be included in the draft 2024/2025 Annual Budget for the purposes of paying Elected Member Superannuation in the future, if approved.
4. At the 21 May 2024 OCM, Council deferred the item to the June 2024 meeting. It was then deferred to the August 2024 OCM.
5. At the OCM held 20 August 2024, Council resolved:  
*"To refer this item back to the Acting CEO for further advice:*
  1. *To consider the progress of the Local Government Amendment Bill 2024 through the Western Australian Parliament.*
  2. *To take account of the Local Government Amendment Bill 2024 and the financial interest for all elected members if proceeding further."*

### Discussion

6. As the former Minister for Local Government supported amendments to the *Local Government Act 1995* to enable Council members to receive superannuation payments, it is recommended that Council not progress with Elected Member superannuation until those legislative amendments are in effect.

7. The Local Government Amendment Bill 2024 passed through the Legislative Assembly on 17 October 2024 but is yet to be debated in the Legislative Council. Once it has passed both houses and received the Governor's assent, the sector will be appropriately notified. The superannuation provisions will commence 'on proclamation' so they will not take effect until the relevant Regulations are subsequently made. No indication of exactly when this will occur has been provided by the Department of Local Government.
8. Should Council resolve to be paid superannuation, the Council must make a unanimous resolution that the remuneration of Council members be subject to withholding under Part 2-5 (about Pay As You Go withholding). The effect is to capture payments and benefits to Elected Members within the PAYG and fringe benefits tax (FBT) provisions.
9. The Council resolution must specify a day on which the resolution takes effect which must be within 28 days of the Council resolution.
10. An allocation of \$38,000 for Elected Member superannuation is included in the adopted 2024-25 annual budget.
11. The Town must then give written notice of the resolution to the Taxation Commissioner within 7 days of the Council resolution being made.
12. That resolution would continue in force despite any change to the membership of the Council but the Council would have the power, at a later stage, to make another unanimous resolution cancelling the initial unanimous resolution.
13. If such a resolution is made, the Elected Members will be taken to be 'employees' for the purposes of PAYG withholding, superannuation guarantee and FBT.
14. The Town will be required to withhold tax from amounts it pays to Council members (including by way of allowances) from the date on which the resolution takes effect and remit it to the Australian Taxation Office.
15. The Town will then be obliged to provide payment summaries to all Elected Members detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.
16. FBT rules are applicable to all benefits provided to Elected Members. The Town will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits in the annual FBT return, pay any FBT due on those benefits, and if applicable, if a reportable fringe benefit, report that on the payment summary issued to Elected Members.
17. Section 5.65 of the *Local Government Act 1995* states that Elected Members who have a financial interest in any matter to be discussed at a council meeting must disclose the nature of the interest. Disclosing members are not to participate in the meeting unless allowed by the members present at the meeting or by approval from the Minister. Section 5.63 of the Act provides for some matters that a financial interest disclosure is not required. The matter relating to Elected Members receiving superannuation is not included, therefore each Elected Member has a financial interest in this item. Section 5.69 of the *Local Government Act 1995* provides for Elected Members being allowed to participate in discussion on this matter and vote on it through a request to the Minister for Local Government.

## Relevant documents

Taxation and superannuation advice is contained in Confidential Attachment 1.

## Legal and policy compliance

[Taxation Administration Act 1953 \(Cth\)](#)

Section 5.59 [Local Government Act 1995](#)

## Financial implications

<b>Current budget impact</b>	A \$38,000 allocation to accommodate the cost of paying Elected Member superannuation for the current financial year has been included in the adopted budget.
<b>Future budget impact</b>	If Elected Member superannuation is supported, future budget allocations of approximately \$38,000 per year will be required.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	The Town has insufficient financial resources to pay for Elected Member superannuation	Medium	Low	Treat the risk by making provision for the payment through the annual budget process.
Environmental	Not applicable		Medium	
Health and safety	Not applicable		Low	
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	Not applicable		Low	
Reputation	Negative media coverage	Moderate	Low	Treat the risk by following amendments made to WA legislation for Elected Member superannuation
Service delivery	Not applicable		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Finance and Payroll have been consulted	Relevant officers have provided comments on the impact of implementing Elected Member superannuation.

## External engagement

Stakeholders	Comments
Taxation and superannuation advice	The Town sought taxation and superannuation advice which has been included in this report.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.
CL3 - Accountability and good governance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.

## Further consideration

## 12 Chief Community Planner reports

### 12.1 Consent to advertise draft LPP39 Tree Retention, LPP44 Significant Trees and LPP45 Tree Planting for Non-Residential Development

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Strategic Planning and Economic Development
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft revised LPP39 – Tree Retention</li><li>2. Draft LPP44 – Significant Trees</li><li>3. Draft LPP45 – Tree Planting for Non-Residential Development</li><li>4. Existing LPP39 Tree Planting and Retention</li><li>5. WALGA Tree Retention Model Local Planning Policy</li></ol>

#### Summary

The purpose of this report is to seek consent to commence public advertising the draft revised Local Planning Policy 39 – ‘Tree Retention’ (LPP39) and Local Planning Policy 45 – ‘Tree Planting for Non-Residential Development’ (LPP45).

As per Council’s request (Council Resolution 22/2024) a new draft Local Planning Policies 44 - ‘Significant Trees’ (LPP44) is also provided, however, the Administration do not recommend that Council proceed to public advertising of LPP44.

#### Recommendation

That Council:

1. Consent to the advertising of draft Local Planning Policy 39 ‘Tree Retention’ (as contained at Attachment 1) and draft Local Planning Policy 45 ‘Tree Planting for Non-Residential Development’ (as contained at Attachment 3) for public comment for a minimum period of 28 days, being 7 days greater than the minimum period required by deemed clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Note the preparation of draft Local Planning Policy 44 ‘Significant Trees’ (as contained at Attachment 2).
3. Requests the Chief Executive Officer to provide a further report to Council that summarises and responds to any submission received during the public advertising period along with a recommendation on whether to adopt draft Local Planning Policy 39 ‘Tree Retention’ and draft Local Planning Policy 45 ‘Tree Planting for Non-Residential Development’ with or without modifications.

#### Background

1. Declining tree canopy across urban areas in Western Australia is an issue of concern for the community and has garnered significant attention in recent years across metropolitan local governments.



2. Many local governments have collectively advocated for the State Government to place greater weight on tree retention on private land through introducing provisions within the State planning framework or within local planning schemes to provide statutory regulation of trees.
3. The State Government has resisted these advocacy efforts and in February 2024 announced that it would be preparing the Perth and Peel Urban Greening Strategy to explore various elements aimed at enhancing tree canopy, however, pursuing regulation of trees on private land is understood to be outside the scope of the strategy.
4. In the absence of State Government support for legislation or local planning scheme provisions that regulate trees on private land, in March 2024, the Western Australian Local Government Association (WALGA) released a Tree Retention Model Local Planning Policy (the Model LPP – contained at Attachment 4).
5. The WALGA Model LPP has been prepared to support local governments seeking to establish consistent policy settings and provisions for regulating trees on private land to reduce uncertainty for decision makers, proponents, and communities.
6. The Town's existing Local Planning Policy on this matter – Tree Planting and Retention (LPP39) - was first adopted by Council at its meeting held 18 February 2020 and was last amended on the 15 February 2022. The policy outlines requirements for planting trees as part of new development and encourages the retention of 'trees worthy of retention', however, it takes an incentive rather than regulatory approach to the protection of trees.
7. At its meeting held 20 February 2024, the Council passed a Notice of Motion (Council Resolution 22/2024) requesting the Chief Executive Officer to:
  - i. *upon gazettal of Town of Victoria Park Local Planning Scheme 2, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of clauses into Schedule A: Supplemental Provisions to the Deemed Provisions providing requirements for the need to make development applications to remove trees from private property;*
  - ii. *immediately commence preparation of a Local Planning Policy for the protection of trees on private property and the management of a Significant Tree Register;*
  - iii. *hold a workshop with elected members about points 1 and 2 above.*
8. Regarding item (i) of the above notice of motion, at the 20 February 2024 meeting Council also resolved to adopt Local Planning Scheme No.2 (LPS2) inclusive of modifications introducing provisions providing requirements for the need to make a development application to remove trees from private property and for the preparation of a Register of Significant Trees under the Scheme.
9. As modified, LPS2 was submitted to the Western Australian Planning Commission (WAPC) in March 2024 and remains under assessment. LPS2 is awaiting a decision from the WAPC and subsequently the Minister for Planning before it is gazetted.
10. At the earliest it is anticipated that gazettal of LPS2 may occur by the end of 2024, however, the Administration understands that the Council endorsed modifications to regulate trees on private land are highly unlikely to be supported by the WAPC and/or Minister for Planning.
11. In the absence of State level support for legislation or scheme provisions to achieve regulation, a local planning policy is a legitimate, albeit lower order, planning instrument to stipulate the circumstances in which the removal of a tree is, or is not, a development for which approval is required.

## Discussion

[Existing Local Planning Policy 39 - Tree Planting and Retention \(existing LPP39\)](#)

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12. The Town's existing LPP39 Tree Planting and Retention has been reviewed considering the Council's request to prepare a Local Planning Policy to regulate trees on private land.
13. It is recommended that existing LPP39 be replaced for the following reasons:
  - a) The policy adopts an incentive rather than regulatory approach to protecting trees on private land therefore does not meet the Council's direction.
  - b) The policy's definitions for 'tree worthy of retention' is inconsistent with the specifications of trees sought to be regulated under the provisions passed by Council in endorsing LPS2.
  - c) The existing policy was prepared pursuant to a previous version of State Planning Policy 7.3 Residential Design Codes (R-Codes) which did not contain tree planting requirements. Additionally, the existing policy contains definitions for 'Medium Tree' and 'Large Tree' as well as 'rates of trees to be provided' that are inconsistent with the current version of the R-Codes.
  - d) The existing policy addresses matters related to street trees which are contained in the local road reserve under the care and control of the Town and managed via Council Policy 255 'Tree Management'.
  - e) The policy provisions relating to the planting of new trees is incompatible with a policy structure to regulate trees on private land and these provisions would be better retained within a standalone policy.
14. Whilst it is recommended that the existing LPP39 be replaced for the above reasons, the objectives of the existing policy are largely retained within the revised LPP39.
15. The provisions related to the rate of trees to be provided by non-residential development are recommended to be retained in a separate standalone policy – LPP45 Tree Planting for Non-Residential Development.

#### *WALGA Tree Retention Model Local Planning Policy*

16. The WALGA Model LPP has been prepared on the basis of independent legal advice that in the absence of State level support for legislation or scheme provisions to achieve regulation, a local planning policy is a legitimate planning instrument to stipulate the circumstances in which the removal of a tree is, or is not, a development for which approval is required.
17. A local planning policy is however a due regard document and must be deemed 'reasonable' and consistent with the principles of orderly and proper planning to be given weight in decision making.
18. While local planning policy provisions are less certain than State legislation or Scheme provisions until they have been tested in the State Administrative Tribunal (SAT) or Court environment, a local government can have a high degree of confidence that SAT and Courts will accept that tree removal is not an exempt development activity pursuant to the extent that the requirements of a local planning policy for development approval are deemed reasonable.
19. WALGA's Model LPP has been prepared with these principles in mind and in consultation with various local governments to achieve a consistent approach. In summary the WALGA Model LPP:
  - a) Clarifies that tree removal (or other tree damaging activity) is works that requires development approval.
  - b) Introduces and defines the term 'regulated tree' being a living tree that:
    - Is 8m or more high; and/or
    - Has an average canopy diameter of at least 6m; and/or
    - Has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and

- Is of a species that is not included on State or local area weed register.
- c) Lists the circumstances where tree damaging activity would be exempt from requiring a development approval (i.e. tree does not meet the definition of a regulated tree, public safety, maintenance pruning etc).
- d) Lists what considerations will be made in the development assessment process where tree damaging activity to a regulated tree is proposed (ie health, location, environmental value, existing and proposed development, public safety, tree planting proposed etc) and also what justifications for tree damaging activity to a regulated tree will not be supported (ie impact on views, trees variety is disliked, cause of nuisance via leaf litter etc)
- e) Promotes and facilitates tree preservation at all stages of the planning and development process, including strategic planning proposals and subdivision applications, as well as development applications.

20. The WALGA Model LPP has formed the basis for the proposed revised LPP39.

*Revised Local Planning Policy 39 – Tree Retention (Revised LPP39)*

21. Revised LPP39 as contained at Attachment 1 is generally consistent with the WALGA Model LPP with the exception of the following:

- a) Formatting – the draft revised LPP39 has modified the order of provisions and general formatting to be consistent with other recently adopted LPPs.
- b) Introduction and Objectives – modified to reflect the Town’s context and language consistent with the Urban Forest Strategy.
- c) Street Trees – matters related to street trees have not been retained in the revised LPP39 as these matters are addressed in Council Policy 255 – Tree Management.
- d) Standard Conditions – imposition of conditions on development approvals is an administrative function that is imposed on a case-by-case basis. The Town intends to include the standard conditions recommended by the WALGA Model LPP within its standard administrative conditions.
- e) Application of Policy – refinement of the scope of the policy to clarify that it applies to zoned land and not reserved land under the local planning scheme. Trees on reserved land are regulated under Council Policy 255 – Tree Management.
- f) Definition of ‘maintenance pruning’ simplified, deleting reference to ‘affecting less than 10% of the canopy in a calendar year’ and ‘does not include limbs with a diameter of 100mm or more’ to assist with the application of the policy.
- g) Application Requirements – removed as such information is not necessary for inclusion within an LPP.
- h) Subdivision Application – clause deleted where altering the subdivision application requirements as the subdivision process is administered by the WAPC and the Town is only a referral agency.
- i) General Requirements – removal of minor modifications of various general provisions to improve legibility and clarity such as requirements relating to trees needing to be retained in perpetuity - trees are living things with a lifespan, should a trees age mean it is no longer ‘healthy’, the tree would no longer meet the policies definition of a regulated tree.

22. Should Council adopt revised LPP39, the effect of the policy is such that tree damaging activity of a regulated tree as defined by the policy will be considered works under the *Planning and Development (Local Planning Scheme) Regulations 2015* and the *Planning and Development Act 2005*.

23. Revised LPP39 defines a 'regulated tree' as:
- a) Is 8m or more high; and/or
  - b) has an average canopy diameter of at least 6m; and/or
  - c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
  - d) is of a species that is not included on State or local area weed register.
24. Revised LPP39 defines 'tree damaging activity' as including:
- a) the killing or destruction of a tree; and/or
  - b) the removal of a tree; and/or
  - c) the severing of branches, limbs, stems or trunk of a tree; and/or
  - d) the ringbarking, topping or lopping of a tree; and/or
  - e) any other substantial damage to a tree.
25. The policy exempts tree damaging activity from requiring development approval in the following circumstances:
- a) the tree does not satisfy the definition of regulated tree;
  - b) the tree damaging activity constitutes "works" that are urgently necessary for any of the following:
    - i) public safety;
    - ii) the safety or security of plant or equipment;
    - iii) the maintenance of essential services; or
    - iv) the protection of the environment.
  - c) the tree damaging activity is required as part of an approved Bushfire Management Plan;
  - d) the tree damaging activity is a public work.
  - e) the tree damaging activity is maintenance pruning, which includes:
    - i) involves removing dead or diseased wood only; or
    - ii) is of a fruit tree and done for fruit production; or
    - iii) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree.
26. The policy adopts a general presumption against tree damaging activity (other than maintenance pruning) to any regulated tree.

### Compliance and Enforcement

27. The ability for the Town to enforce LPP provisions is a relevant consideration in whether to adopt an LPP.
28. Whilst this report recommends that Council adopt the draft revised LPP39 for the purpose of advertising, should Council adopt the draft policy post advertising, the provisions detail that tree removal is considered development, and it would therefore be an offence under the *Planning and Development Act 2005* to remove a regulated tree without approval first being obtained.

29. Should a tree be removed or damaged, the Administration has concerns that it may be difficult to prove (for the purposes of prosecution) that a former tree met the criteria within LPP39 as being a regulated tree or that the tree damaging activity did not constitute maintenance pruning.
30. While the Town has access to aerial imagery and street photography, there is no guarantee that prosecution action for tree damaging activity to a regulated tree without development approval would ultimately be successful.
31. The difficulties associated with enforcement of a policy of this nature may reduce its overall effectiveness in retaining trees on private land.

#### *Pre-emptive Tree Removal*

32. Development approval is not currently required for the removal of trees on private land, and therefore trees can be removed prior to lodging of a subdivision or development application.
33. Should Council endorse revised LPP39 for public advertising and/or adoption there is a likelihood that trees may be pre-emptively removed by some landowners seeking to preserve their properties developability.
34. While the public advertising of LPP39 will explain the implications of the policy as well as the benefits of tree retention, pre-emptive removal of trees will remain a risk during this period.

#### *LPP45 Tree Planting for Non-Residential Development (LPP45)*

35. Existing LPP39 contains requirements for rates of trees to be planted in both residential and non-residential development.
36. The tree planting requirements of the existing LPP39 are incompatible with the WALGA Model LPP and therefore to be retained they will need to be transferred to a standalone policy.
37. As the R-Codes now contain tree planting requirements for residential development, it is appropriate for consistency and alignment with the standards applied for residential development elsewhere in the State, that the Town no longer have its own tree planting requirements for residential development and instead revert to the requirements of the R-Codes.
38. The existing LPP39 tree planting requirements for non-residential development remain valid and it is recommended that these provisions be retained in a standalone policy.
39. The proposed LPP45 Tree Planting for Non-Residential Development has retained all relevant provisions of existing LPP39 pertaining to tree planting requirements for non-residential development except for the specification of trees for which replacement planting is required.
40. Replacement tree planting provisions are recommended to be modified to require replacement plantings for 'regulated trees' (as per the definition proposed in revised LPP39 above) in place of the existing 'tree worthy of retention' specification (being a tree with a canopy of at least 3m and/or a trunk diameter of 100mm or more). This modification ensures that a degree of consistency is achieved between the respective policies in defining what trees are regulated and the Town's expectations in regards to the replacement of regulated trees.

#### *Local Planning Policy 44 – Significant Trees (LPP44)*

41. Council resolved to endorse LPS2 with modifications to include the establishment of a 'Significant Tree Register' which is for the purpose of identify trees within the Scheme area that are worthy of preservation.
  42. A Significant Tree Register is the WAPCs established preferred approach regarding tree retention on private land within local planning schemes.
  43. The extent to which a Significant Tree Register provides protection for registered trees is that it provides the local government the opportunity to require assessment or certification by an
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arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a registered tree.

44. The Administration recommended that provisions be included in LPS2 to support the preparation of a Significant Tree Register as a first step to affording registered significant trees a greater level of protection under the scheme. However, this was recommended on the basis that scheme provisions regulating the protection of trees on private land more broadly are unlikely to be supported by the WAPC or Minister for Planning.
45. Since the Administration made the recommendations to include Significant Tree Register provisions within LPS2, two matters have progressed that reduce the need for or effectiveness of pursuing a Significant Tree Register, being:
  - i) Council resolving to insert scheme provisions to regulate the protection of trees on private property broadly and subsequently pursuing a local planning policy to the same effect.
  - ii) The Administration now understands that the WAPC and/or Minister for Planning will require modifications to the proposed LPS2 Significant Tree Register provisions stipulating that the Town must not enter or remove a tree from the significant tree register unless it has received a written nomination from the owner of the land which contains the tree.
46. Introducing scheme and policy provisions to protect a broad range of trees on private land will generally capture any tree that may be considered for inclusion on a Significant Tree Register and offers a greater degree of protection of trees than those of a Significant Tree Register.
47. An approach to regulate the protection of trees more broadly also has the added benefit of not requiring the Town to administer the management of the register which is likely to contain very few trees given the need for landowner consent to list trees.
48. For the above reasons the Administration does not recommend that Council proceed with adopting a local planning policy to manage a Significant Tree Register. Nevertheless, in response to Council Resolution 22/2024 a draft policy has been prepared in the event Council does wish to proceed with the preparation of a Significant Tree Register.
49. Draft LPP44 specifies the criteria that the Town will consider when determining whether a tree should be entered onto the Significant Tree Register. These criteria include:
  - Aesthetic value – trees which contribute significantly to streetscape, parks, gardens, natural landscape or character of the area.
  - Old age – trees which are particularly old or venerable.
  - Species – trees which are of a rare species or variety, or having horticultural or genetic value
  - Commemorative – trees having associations with an important historical event
  - Associations – with a well-known public figure or ethnic group, or for heritage and cultural reasons
50. LPP44 cannot take effect until LPS2 has been gazetted (currently anticipated for late 2024 at the earliest), therefore, should Council wish to proceed with preparing a Significant Tree Register it is advised that public advertising of the policy would best occur following the gazettal of LPS2 when the associated Significant Tree Register scheme provisions are certain.
51. Should Council wish to pursue draft LPP44 once LPS2 is gazetted, the Town will undertake further public advertising calling for nominations for trees to be entered in the Significant Tree Register at this time.

## Relevant documents

[Draft Local Planning Scheme No.2](#)

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## Legal and policy compliance

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

52. The adoption or amendment of a Local Planning Policy must be undertaken in accordance with deemed clauses 4 and 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, including:

- Publication of a notice in accordance with deemed clause 87;
- Community consultation for a period of not less than 21 days after the day on which the notice is first published; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

53. As per deemed clause 4(5) and 6(b), the adoption of a new or revised local planning policy, or the revocation of an existing policy, takes effect upon the publication of a notice in accordance with deemed clause 87.

### [Local Planning Policy No.37 - Community Consultation on Planning Proposals](#) (LPP37)

54. Introducing a local planning policy that stipulates the circumstances in which tree damaging activity is or is not development that requires approval is a significant shift from existing planning frameworks in the Perth Metropolitan region which typically do not include statutory provisions to regulate trees on private land.

55. Additionally, tree preservation on private property was a theme of considerable community interest raised during the public advertising of draft Local Planning Scheme No.2.

56. For these reasons it is recommended that the consultation period for the revised LPP39 be extended to 28 days and that more extensive community consultation activities than the minimum requirements outline in LPP37 be undertaken.

57. The following engagement activities are planned for the advertising of LPP39 and LPP45:

- Online advertising (YourThoughts)
- Public inspection of policy (Admin/Library)
- Public notice (Town website)
- Public notice (Admin/Library) noticeboards
- 2x newspaper advertisement during the advertising period
- E-newsletter items (eVibe and Business e-news)
- 2x Social media posts
- Explanatory video explaining the rationale and implications of the policy to be shared on YourThoughts. E-news and social media posts.

58. Beyond the statutory advertisements requirements prescribed in the Regulations and as recommended above, the Administration recommends that a broader community advertising campaign explaining the implications of the policy be continued post advertising should Council ultimately decide to adopt the policy.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The passing of this recommendation does not result in funds being required in future budgets, however, should Council resolve to subsequently adopt the policy post advertising will result in additional funds being required in future budgets. Details of the estimated future budget impacts in relation to enforcement of the policy will be provided in a further report to Council after the conclusion of public advertising.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable		Low	
Environmental	The Council refuses to advertise LPP39 and LPP45, and without an appropriate statutory planning instrument, the Town has limited ability to protect tree canopy on private property.	Medium	Medium	Treat - consent to public advertising of revised LPP39 and LPP45 provide clear communications explaining the rationale for and implications of the policy
Environmental	Tree removal on private property is undertaken in anticipation of tree preservation regulations as property owners seek to preserve their property's developability.	Medium	Medium	Accept - consent to public advertising of revised LPP39 and LPP45 and provide clear communications explaining the rationale for and implications of the policy.
Health and safety	Not applicable		Low	
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	Not applicable		Low	
Reputation	The Council refuses to advertise LPP39 and/or LPP45 or continued application of existing policies that do not reflect the Town's strategic		Low	Accept - consent to public advertising of revised LPP39 and LPP45 and provide clear communications explaining the rationale for and implications of the policy.



	objectives for maintaining urban canopy cover			
Service delivery	Introducing policies to regulate trees on private land will increase the number of development applications requiring assessment by the Town (as well as any prosecution action required as a result of non-compliance). The resourcing implications of this on existing service delivery is uncertain.	Medium	Medium	Accept – should the proposed LPPs be adopted by Council the Administration will monitor the number of development applications and prosecution actions and the impact on service delivery for consideration in future workforce planning.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	<p>Concept Forum held on the 27 February 2024, points of discussions included:</p> <ul style="list-style-type: none"> <li>• The role of the State and Local planning frameworks in Urban Forests</li> <li>• The competing issues of infill development: <ul style="list-style-type: none"> <li>- Environmental impacts on the urban fringe of a sprawling city.</li> <li>- Housing needs of a growing population.</li> <li>- Transport needs to bring people closer together to support more sustainable modes of travel.</li> <li>- Making better use existing infrastructure at a metropolitan scale.</li> </ul> </li> </ul> <p>Protecting natural areas and ecological systems such as parks, rivers, beaches and wetlands a priority.</p> <ul style="list-style-type: none"> <li>• Introduction to planning instruments within the local planning framework for protecting trees: <ul style="list-style-type: none"> <li>- Significant Tree Registers</li> <li>- Regulating trees broadly under the Local Planning Scheme</li> <li>- Regulating trees broadly via a local planning policy</li> </ul> </li> </ul> <p>Elected Member Workshop held on the 1 May 2024, points of discussions included considering the risks and benefits of different components of the WALGA Model LPP including:</p> <ul style="list-style-type: none"> <li>• The definition of a 'regulated tree'</li> <li>• What constitutes 'tree damaging activity'?</li> <li>• What tree damaging activities should be exempt? (ie maintenance pruning)</li> </ul>

	<ul style="list-style-type: none"> <li>• When should the policy apply?</li> <li>• Criteria for significant trees</li> </ul>
Place Planning	Liaison in preparation of revised LPP39 and new LPP44 and LPP45 to ensure alignment with key strategies and plans – particularly the Urban Forest Strategy.
Urban Planning	Liaison in preparation of revised LPP39 and new LPP44 and LPP45.

<b>External engagement</b>	
Stakeholder	Urban Forest Implementation Working Group
Period of engagement	15 May 2024
Level of engagement	Consult
Methods of engagement	<p>The WALGA Tree Retention Model Local Planning Policy was presented to the Urban Forest Implementation Working Group. Points of discussions included considering the risks and benefits of different components of the WALGA Model LPP including:</p> <ul style="list-style-type: none"> <li>• The definition of a ‘regulated tree’</li> <li>• What constitutes ‘tree damaging activity’?</li> <li>• What tree damaging activities should be exempt? (ie maintenance pruning)</li> <li>• When should the policy apply?</li> <li>• Criteria for significant trees</li> </ul>
Advertising	Not applicable
Submission summary	Not applicable
Key findings	<p>Urban Forest Implementation Working Group members shared a variety of views on the WALGA Model LPP including:</p> <ul style="list-style-type: none"> <li>- General support for the Town pursuing a policy position to regulate trees on private land in the absence of State Government action.</li> <li>- Some views that the definition of a regulated tree should be broader to capture more trees (ie lower requirement for height, canopy cover and/or trunk circumference to be a regulated tree).</li> <li>- Some views that the strength of the WALGA policy is the consistency it will create amongst local governments who adopt it and that changing the core provisions would weaken the policies effect as a collective action.</li> <li>- General support for exempt activities with the exception of ‘maintenance pruning’ - some concerns with the prescriptive nature of the definition of and whether it could be reasonably understood by community members</li> </ul>

- and assessed or enforced by the Town.
- Various views of incentives that could be adopted to encourage the retention of trees on private land in place of a regulatory approach.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Advertising draft revised LPP39 and LPP45 provides the community with the opportunity to have their say on the proposed planning controls for the regulation of trees on private land within the Town.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	LPP39 and LPP45 set out the objectives and requirements for the regulation of trees on private land to support the planting and retention of trees within the Town to achieve strategic goals for urban canopy cover.
EN3 - Enhancing and enabling liveability through planning, urban design and development.	LPP39 and LPP45 set out the objectives and requirements for the regulation of trees on private land to support the planting and retention of trees within the Town to achieve strategic goals for urban canopy cover.

## 13 Chief Operations Officer reports

### 13.1 TVP/24/19 Burswood Station East Stage 1A Stiles Griffiths park upgrade Tender report

<b>Location</b>	Burswood
<b>Reporting officer</b>	Strategic Project Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1- Staging Maps Burswood Station East [<b>13.1.1</b> - 1 page]</li><li>2. Attachment 2 - Staging Map Burswood Station East part 2 [<b>13.1.2</b> - 1 page]</li><li>3. Attachment 3 - Landscape plan [<b>13.1.3</b> - 1 page]</li><li>4. CONFIDENTIAL REDACTED - TVP 24 19 Evaluation Report FINAL [<b>13.1.4</b> - ]</li><li>5. CONFIDENTIAL REDACTED - BSE Griffiths Stiles Park 1A BC clarification list [<b>13.1.5</b> - 3 pages]</li><li>6. CONFIDENTIAL REDACTED - BSE Griffiths Stiles Park 1A P3 clarification list [<b>13.1.6</b> - 6 pages]</li><li>7. CONFIDENTIAL REDACTED - BOS Clarification Responses 11 10 24 [<b>13.1.7</b> - 10 pages]</li><li>8. CONFIDENTIAL REDACTED - Phase 3 response to clarification list [<b>13.1.8</b> - 9 pages]</li><li>9. CONFIDENTIAL REDACTED - Phase 3 Reviewed Price Schedule REV1 RC221024 [<b>13.1.9</b> - 4 pages]</li></ol>

### Summary

The purpose of this report is to present to the Council a recommendation for awarding the construction contract for Stage 1A of the Stiles Griffiths Reserve Upgrade. As the contract value exceeds the limits of the current delegation register, Council approval is required to proceed. This report also highlights a \$210,000 funding shortfall, requesting an increase in the project budget to ensure the project can be delivered as per the outlined scope and meets the objectives of the Corporate Business Plan.

### Recommendation

That Council

1. Awards the contract associated with TVP/24/19 Burswood Station East Stage 1A, to PHASE 3 LANDSCAPING CONSTRUCTION (ABN: 55 126 011 321), for the upgrade of the Stiles Griffiths reserve at Burswood, with the terms and conditions as outlined in the contract, for the lump sum price of \$747,939.11 ex GST.
2. Approves a budget amendment to increase the capital works budget for Burswood Station East – Stiles Griffiths Reserve Upgrade stage 1A by an additional \$210,000 and to increase the transfers from reserve from the Future Fund Reserve by \$210,000.

## Background

1. The Public Tender TVP/24/01 for Stage 1A of the Stiles Griffiths Reserve Upgrade was published on Tenderlink on 10 September 2024 and closed on 25 September 2024.
2. The Stiles Griffiths Reserve Upgrade Stage 1A is the first phase of a larger redevelopment aimed at enhancing the Burswood Station East Precinct. Future stages include Stage 1B and 1C, with potential for a multi-use court and laneway upgrade and **Stage 2**, which will focus on streetscape improvements to enhance pedestrian movement and connectivity. **(Attachments 1 and 2)**
3. Suppliers were requested to provide a lump sum price for the landscape improvements, lighting, irrigation, footpath construction and related works as part of Stage 1A of the Stiles Griffiths Reserve Upgrade **(Attachment 3)**.
4. The Town received three submissions, with the submission from Phase 3 Landscape Construction deemed compliant, offering a total price of \$747,939.11 (ex GST), which exceeded the original budget allocation.
5. A budget of \$540,000 was allocated for the 2024/25 fiscal year, resulting in a funding shortfall. Negotiations were held with the preferred supplier to reduce the project scope while ensuring the quality and integrity of the upgrade were not compromised.

## Discussion

6. The assessment of the submissions was formally undertaken by a panel that included:
  - Project Officer
  - Strategic Project Manager
  - Place Leader for Burswood
  - Senior Design Engineer
7. The Town received three submissions, all of which were deemed compliant.
8. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below, with the first ranking scoring the highest:
  - Phase 3 Landscape Construction - Highest Score
  - Bos Civil - Second Highest Score.
  - Total Landscape - Third Highest Score.
9. Phase 3 Landscape Construction was selected due to their extensive experience in park upgrades and their clear approach to managing risks. They provided a solid plan for tree protection during construction and outlined effective traffic management strategies to ensure public safety and minimize disruptions
10. Although LD Total had the lowest bid, they did not include lighting, a significant part of the project. Both Phase 3 and Bos Civil included lighting in their submissions, with costs around \$91,000. Since lighting was excluded from LD Total's submission, it is not possible to fairly compare their bid with the others. The bids from Phase 3 and Bos Civil give a more accurate picture of the overall project costs.
11. The additional funding is critical to address key issues highlighted during the community consultation:
  - Improved lighting: Addressing safety concerns by installing lighting in the park.
  - Better connectivity to the train station: New footpath connections enhance accessibility, especially for those with mobility challenges.

- Upgraded amenities: Providing better facilities for residents and businesses which is crucial as the park is the only public open space in the area.

**Compliance criteria**

12. All Respondents were required to comply with the following criteria:

- (a) The submission was made in accordance with the conditions of the RFT;
- (b) All pricing was submitted in the format required by the Town;
- (c) They would comply with the Town’s General Conditions of Contract and Schedules;
- (d) To the extent the Respondents could not comply with the General Conditions of Contract, they set out all the departures from the General Conditions of Contract;
- (e) The provision of at least 3 references for prior work;
- (f) An acknowledgement of all addenda;
- (g) All pricing information is submitted;
- (h) All relevant information on the Respondent’s corporate information;
- (i) Provide confirmation of the Respondent's sound financial position;
- (j) Provide confirmation that the Respondent has no conflict of interest;
- (k) Details of all insurance cover has been provided; and
- (l) Confirmation the Respondent will comply with the Town’s Access and Inclusion Plan.

**Evaluation process**

<p><b>Demonstrated Project Experience.</b></p> <p>I) The Respondent must provide details of contracts for similar Goods and any related services provided for other clients. The Respondent must provide:</p> <ul style="list-style-type: none"> <li>(A) A detailed description of the Goods and / or Services provided;</li> <li>(B) Similarities between the previous contracts and this Request;</li> <li>(C) When the previous contracts were performed; and</li> <li>(D) The outcome of the previous contracts.</li> </ul> <p>II) The Respondent must also provide a minimum of [2] referees in respect of the contracts detailed above. Referee details must include:</p> <ul style="list-style-type: none"> <li>(A) The referee’s name and position;</li> <li>(B) Company name;</li> <li>(C) The contact telephone number; and</li> <li>(D) The contract or project title.</li> </ul>	<p>Weighting 25%</p>
<p><b>Methodology (process of service delivery, program of works)</b></p>	<p>Weighting 40%</p>

<p>The tenderer must include the following elements as a minimum in its methodology:</p> <p>I) Detailed Gantt chart showing the project timeline including critical task, dependencies, and resource allocation.</p> <p>II) Clear identification of key milestones and deliverables.</p> <p>III) Consideration of potential risks and contingency measures.</p> <p>IV) Methodology for minimizing disruption: considering parking near train station and commercial precinct such the Breweries, tree protection, underground services protection, and other key factors relevant to the site.</p>	
<p><b>Organisational Capacity</b></p> <p><b>I) Approach:</b> Respondents must provide an approach that includes the phases, tasks, timelines, and major milestones for the transition-in process. Additionally, they should detail their plan for knowledge transfer.</p> <p><b>II) Preliminary Program:</b> Respondents must present a preliminary program in the form of a Gantt Chart, using Microsoft Project or equivalent software. The chart should illustrate the proposed milestones, duration, links, resource allocation, lead times, and project completion. The program should use generic 'weeks/days' as the duration, with the number of weeks (and months) displayed on the timeline. The program should commence from the award of the contract.</p> <p><b>III) Roles and Responsibilities:</b> Respondents are expected to outline the transition management structure, including the roles and responsibilities of both the Respondent and the Council during the transition. This should include estimated resources and days required for the transition.</p>	<p>Weighting 25%</p>
<p><b>Sustainability of Proposed Goods and Services</b></p> <p>Respondents must, as a minimum, address the following information in an attachment and label it "<b>Sustainability of Proposed Solutions.</b>"</p> <p><b>I) Social Sustainability (Indigenous, disabled, human rights, labour practices):</b></p>	<p>Weighting 10%</p>

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.

a. Does your organisation follow any sustainable strategies? **YES / NO**, if yes, please provide details.

b. Does your organisation have any Social Impact Policy and Initiatives? i.e. Indigenous, diversity, human rights, labour practices. **YES / NO**, if yes, please provide details.

## **II) Economic Sustainability:**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation. Respondents should also demonstrate the benefits and contribution to the Town of Victoria Park local economy and community. Areas you may wish to cover include:

a. How will a contract with your organisation provide economic benefits to the geographical region of the Town of Victoria Park?

b. What benefits are you providing to the local community apart from employment or the payment of business rates? E.g. sponsorship of local community organisations or sporting clubs, culture initiatives, training opportunities for apprentices etc.

c. Please provide a Community Benefit Method Statement.

d. Are all your employees paid in accordance with minimum award rates for the goods or services you are providing? **YES / NO**, if yes, please provide details.

## **III) Environmental Sustainability:**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.

a. Does your organisation have an Environmental Management System (EMS) or adopt any environmental/sustainability practices? If yes, please provide details.

b. Does your organisation practice waste minimisation e.g., reduce packaging, or packaging with recycled materials or using compostable packaging? Please provide details including % of reused/recycled materials used.

c. Has your organisation ever received a warning or convicted of an environmental breach in Australia or overseas? If so, please provide details and outcome of the matter.

d. Please provide examples relating to the key environmental impacts considered over the life cycle of the goods/service.

Some examples for consideration are:

- Design for energy efficiency for energy using products.
- Reduced use of water (e.g. water saving/ efficiency)
- Design for recyclability
- Carbon Neutrality



- Substitution of environmentally harmful or scarce materials.
- Noise levels of plant and equipment when in use.
- Improved soil quality by reducing or eliminating releases to land (e.g. chemical fertilisers).

#### IV) Support of Local Businesses

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation. Respondents should also demonstrate the benefits and contribution to the Town of Victoria Park local economy and community. Areas you may wish to cover include:

- Does your organisation have premises (i.e. primary office / branch office / depot) located within the Town's boundaries? **YES / NO**, if yes, please specify and provide street address, and duration of tenancy at this location.
- What percentage of your employees lives within the Town's boundaries?
- Detail the involvement of any employees listed above in the delivery of the contract should you be successful?
- How many employees from Town of Victoria Park will be engaged in delivery of the goods or services? What total annual salaries will the employees receive?
- Are you using Town of Victoria Park based sub-contractors /suppliers to deliver the goods or service? YES / NO, if yes, please specify what percentage of the total contract value will be paid to subcontractors/ supplier should you be successful?
- If your organisation is awarded this contract will you purchase any goods / services from local businesses? YES / NO, if yes, please specify the type of goods / services required and an estimated value.

Does your organisation have any local employment initiative / program? YES / NO, if yes, please provide details.

### Legal and policy compliance

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

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

[Practice 301.1 Purchasing](#)

### Financial implications

#### Current budget impact

As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.

Sufficient funds do not exist within the annual budget. There is currently \$540,000 available for this project, which has been funded by the Future Fund reserve, and an additional \$210,000 is required. It is proposed that the additional funding will be acquired through:

	<ul style="list-style-type: none"> <li>• Transfers from the Future Fund reserve \$210,000</li> </ul> <p>This additional budget will ensure the project is adequately funded and allow the contract to proceed without delay.</p>
<b>Future budget impact</b>	Not applicable

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Potential cost overruns due to unexpected site conditions or design changes.	High	Low	TREAT risk by closely monitoring the project budget, conducting regular cost reviews, and applying contingency funds if necessary. Explore additional funding sources if required.
Environmental	Damage to existing trees or vegetation during construction.	High	Low	TREAT risk by implementing a comprehensive tree protection plan during construction, ensuring compliance with environmental regulations, and monitoring work near protected areas. Engagement of arborist to provide technical advice.
Health and safety	Injury to workers or public due to construction activities.	Medium	Low	TREAT risk by ensuring adherence to workplace health and safety standards, conducting regular safety inspections, and implementing clear traffic management around the site. Contractor to provide construction management plan/ JSA/SWMS prior commencement.
Infrastructure/ ICT systems/ utilities	Disruption to existing utilities (e.g., water, power) during construction.	Medium	Low	TREAT risk by coordinating with utility providers for service location prior to work and scheduling construction to minimise disruption to services and infrastructure.
Legislative compliance	Non-compliance with local or state government regulations, including permits and environmental laws.	Low	Low	TREAT risk by ensuring all required permits and approvals are obtained prior to work and continuous monitoring for compliance with relevant legislation throughout the project. The ATCO gas line along Griffiths will require specific attention.

Reputation	Negative public perception due to construction delays, disruption to local businesses (e.g., Blasta Brewery), and reduced commuter parking access	Medium	Low	TREAT risk by maintaining proactive communication with businesses and the public, ensuring alternative access routes and parking, and minimizing disruptions during peak periods. Provide sufficient notice to business and residents before construction starts.
Service delivery	Delays in project completion affecting public access to upgraded park facilities.	Medium	Medium	TREAT risk by closely monitoring project timelines, regularly reviewing contractor performance, and ensuring that any delays are communicated and mitigated early.

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the tender process, ensuring compliance with the Town's procurement policies and relevant legislation.
Parks and Irrigation	<p>Provided input on landscape design, tree canopy increase, and the selection of native species to enhance environmental outcomes for the project.</p> <p>Ensured the design and layout of the irrigation system is efficient, sustainable, and aligned with the long-term maintenance goals of the park.</p> <p>Ensured that irrigation requirements are met as part of the project.</p>
Place Planning	Ensured design aligns with the objectives of the endorsed concept design.
Street Improvement	Provide design inputs in relation to paths connectivity and parking location.
Safer Neighborhoods	Ensured that proposed design aligned with safety audit completed with key areas of focus on lighting and accessibility.
Project Management	Provided oversight of project milestones, budget reviews, and risk management to ensure the project remains on track and within scope.
Stakeholder Relations	Assisted in reviewing the public consultation feedback and ensuring that the park's design aligns with community needs and expectations.
Parking and Rangers	Provided advice on traffic flow and parking impact mitigation strategies,

particularly for surrounding businesses and train station commuters. Implementation of the parking management plan for this area.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	This project aligns with the Town’s strategic goal of managing resources efficiently. By negotiating with contractors to reduce costs while maintaining quality, the Town demonstrates effective resource management and performance oversight.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The project supports local businesses, such as Blasta Brewery, by ensuring that disruptions are minimized. In addition, the upgrade of Stiles Griffiths Reserve is expected to increase local foot traffic and patronage, benefiting nearby enterprises, and contributing to economic growth.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The project will increase the tree canopy by planting additional trees and native species, contributing to biodiversity and environmental sustainability. This will not only enhance the visual appeal but also improve air quality and reduce heat effects in the area.
EN3 - Enhancing and enabling livability through planning, urban design, and development.	The project enhances livability by improving park accessibility, safety, and overall design. It fosters active community engagement through well-planned spaces that encourage recreational activities, supporting urban sustainability.
EN4 - Increasing and improving public open spaces	The project will improve Stiles Griffiths Reserve by adding new footpath connections throughout the park. These pathways are designed with careful consideration for people with vision or mobility impairments, ensuring inclusivity and accessibility for all users.
EN5 - Providing facilities that are well-built and well-maintained.	The new facilities and landscaping upgrades will ensure high-quality construction and long-term maintenance, ensuring the park’s infrastructure remains functional and inviting for public use.

Social	
Community Priority	Intended public value outcome or impact
S1 - Helping people feel safe.	The upgrade focuses on safety improvements through enhanced lighting, better traffic management, and secure pathways, contributing to an overall safer environment for park users and commuters.

## Further consideration

## 13.2 TVP/24/16 Archer Mint Streetscape and blackspot funded intersections tender report

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL REDACTED - TVP 24 16 Evaluation Report [13.2.1 - ]</li> <li>2. CONFIDENTIAL REDACTED - Archer streetscape stage 2 and blackspot tender review clarification list [13.2.2 - 4 pages]</li> <li>3. CONFIDENTIAL REDACTED - BOS Civil Clarifications Response [13.2.3 - 5 pages]</li> <li>4. CONFIDENTIAL REDACTED - attachment 1-02922 Archer St Mint St Upgrade MAP V 7 [13.2.4 - 1 page]</li> </ol>

### Summary

The purpose of this report is to present to the Council a recommendation for awarding the construction contract for Archer streetscape section between Planet St to Mars St and Black spots intersections. As the contract value exceeds the limits of the current delegation register, Council approval is required to proceed. This report also highlights a \$369,000 funding shortfall, requesting an increase in the project budget to ensure the project can be delivered as per the outlined scope and meets the objectives of the Corporate Business Plan.

### Recommendation

That Council

1. Awards the contract associated with the Archer Mint Streetscape and Blackspot funded intersections, to BOS Civil (ABN: 16 618 643 477) for streetscape upgrade along Archer Street between Planet to Mars St and raised intersections on Mint Beatty and Mint Hubert Street, with the terms and conditions as outlined in the contract, for the lump sum price of \$1,859,453.37 ex-GST.
2. Approves the budget amendment to increase the capital works budget for:
  - a. Archer/Mint Street Streetscape Improvement Plan Stage 1B by \$100,000,
  - b. Intersection Improvement Mint Street and Beatty Avenue by \$172,000 and
  - c. Intersection Improvement Mint Street and Hubert Street by \$217,000.
3. Approves the budget amendment to increase the capital grants income for:
  - a. Intersection Improvement – Mint Street and Beatty Avenue by \$60,000 and
  - b. Intersection Improvement – Mint Street and Hubert Street by \$60,000.
4. Approves the budget amendment to increase the transfers from reserve from the Future Projects Reserve by \$369,000.

## Background

1. The Public Tender TVP/24/16 for the Archer Street Streetscape Upgrade was published on Tenderlink on 6 September 2024 and closed on 2 October 2024.
2. The tender has 3 separable portions (see attachment 1):
  - Portion A Streetscape upgrade along Archer Street between Planet to Mars St.
  - Portion B Mint Beatty raised intersection.
  - Portion C Mint Hubert raised intersection.
3. Suppliers were requested to provide a lump sum price for the streetscape works, including landscape improvements, road, footpath construction, drainage, and associated roadworks. The scope of the works aligns with the endorsed Archer Mint Streetscape Improvement Plan.
4. The Town received 1 submission, with the submission from Bos Civil deemed compliant, offering a total price of \$ 1,859,453.37 (ex GST), exceeding the original budget allocation.

## Discussion

5. The assessment of the submissions was formally undertaken by a panel that included:
  - Project Officer
  - Strategic Project Manager
  - Place Leader – Transport
  - Communication advisor
6. The Town received 1 submission from BOS Civil.
7. Bos Civil was selected for their proven experience in streetscape upgrades. They presented a clear strategy for managing traffic and pedestrian disruptions, with effective safety measures and risk mitigation plans in place. Their project team is experienced in delivering streetscape improvements with involvement in previous stages of the streetscape upgrade, ensuring minimal disruption to businesses and the community.
8. The submission includes a partial lane closure for through traffic along Archer Street during construction. While a full road closure was considered, it was not preferred due to limited cost savings (estimated at \$25-30K) and only minor reductions in the construction period. The partial lane closure was chosen as the more balanced solution, minimising impact on local businesses, residents, and traffic impacts on local roads.
9. Additional funding is essential to address key priorities:
  - Raised intersections are critical for improving safety (e.g. East Victoria Park primary school).
  - Upgraded streetscape: Completing the link between the recently finished Archer streetscape works (2022) and the protected bike lane (2024) is required to improve cycling accessibility to the Town Centre.

## Compliance criteria

10. All Respondents were required to comply with the following criteria:
    - (a) The submission was made in accordance with the conditions of the RFT.
    - (b) All pricing was submitted in the format required by the Town.
    - (c) They would comply with the Town's General Conditions of Contract and Schedules.
-

- (d) To the extent the Respondents could not comply with the General Conditions of Contract, they set out all the departures from the General Conditions of Contract.
- (e) The provision of at least 3 references for prior work.
- (f) An acknowledgement of all addenda.
- (g) All pricing information is submitted.
- (h) All relevant information on the Respondent's corporate information.
- (i) Provide confirmation of the Respondent's sound financial position.
- (j) Provide confirmation that the Respondent has no conflict of interest.
- (k) Details of all insurance cover has been provided; and
  - (a) Confirmation the Respondent will comply with the Town's Access and Inclusion Plan.

## Evaluation process

<p><b>Organisational Capacity</b></p> <p>Supply details to address the following criteria in an attachment labelled "<b>Organisational Capacity.</b>"</p> <p><b>I) Approach:</b></p> <p>Respondents must provide an approach that includes the phases, tasks, timelines, and major milestones for the transition-in process. Additionally, they must detail their plan for knowledge transfer.</p> <p><b>II) Preliminary Program:</b></p> <p>Respondents must present a preliminary program in the form of a Gantt Chart, using Microsoft Project or equivalent software. The chart should illustrate the proposed milestones, duration, links, resource allocation, lead times, and project completion. The program should use generic 'weeks/days' as the duration, with the number of weeks (and months) displayed on the timeline. The program should commence from the award of the contract.</p> <p><b>III) Roles and Responsibilities:</b></p> <p>Respondents are expected to outline the transition management structure, including the roles and responsibilities of both the Respondent and the Council during the transition. This should include estimated resources and days required for the transition.</p> <p><b>IV) Integration with Third-Party Providers:</b></p> <p>Respondents should describe their process for working with and integrating with any third-party providers (if applicable). Additionally, they should address how they will manage any disagreements or issues that may arise with these third parties (if applicable).</p>	<p>Weighting 25%</p>
<p><b>Demonstrated understanding</b></p> <p>Supply details to address the following criteria along with an outline of your proposed</p>	<p>Weighting 25%</p>

methodology in an attachment labelled “**Demonstrated Understanding.**”

**I) Demonstrating Industry Knowledge and Experience:**

Respondents must provide comprehensive details regarding their knowledge and experience in the industry relevant to the goods, services, and works being procured as per this tender. Three examples should be included where Respondents have successfully delivered similar applications to other Local Governments. Additionally, Respondents should provide references to substantiate their claims.

**II) Scope of Involvement:**

Respondents should clearly outline their scope of involvement in previous projects, specifying whether they acted as the prime contractor or sub-contractor. Details of achieved outcomes should also be provided to display the Respondents' contribution to those projects.

**III) Learning from Past Project Issues:**

Respondents are expected to outline any issues that arose during previous project(s) and explain how those issues were effectively managed. Additionally, Respondents should highlight how they intend to apply the lessons learned from past projects to ensure the success of the current project. Please ensure your response covers these points to meet the requirements of the tender.

**Sustainability of Proposed Goods and Services**

Respondents must, as a minimum, address the following information in an attachment and label it “**Sustainability of Proposed Solutions.**”

Weighting  
10%

**I) Social Sustainability (Indigenous, disabled, human rights, labour practices):**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.

- a. Does your organisation follow any sustainable strategies? **YES / NO**, if yes, please provide details.
- b. Does your organisation have any Social Impact Policy and Initiatives? i.e. Indigenous, diversity, human rights, labour practices. **YES / NO**, if yes, please provide details.

**II) Economic Sustainability:**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation. Respondents should also demonstrate the benefits and contribution to the Town of Victoria Park local economy and community. Areas you may wish to cover include:

- a. How will a contract with your organisation provide economic benefits to the geographical region of the Town of Victoria Park?
- b. What benefits are you providing to the local community apart from employment or the payment of business rates? E.g. sponsorship of local community organisations or sporting clubs, culture initiatives, training opportunities for apprentices etc.
- c. Please provide a Community Benefit Method Statement.
- d. Are all your employees paid in accordance with minimum award rates for the goods or services you are providing? **YES / NO**, if yes, please provide details.

**III) Environmental Sustainability:**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.



- a. Does your organisation have an Environmental Management System (EMS) or adopt any environmental/sustainability practices? If yes, please provide details.
- b. Does your organisation practice waste minimisation e.g., reduce packaging, or packaging with recycled materials or using compostable packaging? Please provide details including % of reused/recycled materials used.
- c. Has your organisation ever received a warning or convicted of an environmental breach in Australia or overseas? If so, please provide details and outcome of the matter.
- d. Please provide examples relating to the key environmental impacts considered over the life cycle of the goods/service.

Some examples for consideration are:

- Design for energy efficiency for energy using products.
- Reduced use of water (e.g. water saving/ efficiency)
- Design for recyclability
- Carbon Neutrality
- Substitution of environmentally harmful or scarce materials.
- Noise levels of plant and equipment when in use.
- Improved soil quality by reducing or eliminating releases to land (e.g. chemical fertilisers).

#### **IV) Support of Local Businesses**

Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation. Respondents should also demonstrate the benefits and contribution to the Town of Victoria Park local economy and community. Areas you may wish to cover include:

- a. Does your organisation have premises (i.e. head office / branch office / depot) located within the Town's boundaries? **YES / NO**, if yes, please specify and provide street address, and duration of tenancy at this location.
- b. What percentage of your employees lives within the Town's boundaries?
- c. Detail the involvement of any employees listed above in the delivery of the contract should you be successful?
- d. How many employees from Town of Victoria Park will be engaged in delivery of the goods or services? What total annual salaries will the employees receive?
- e. Are you using Town of Victoria Park based sub-contractors /suppliers to deliver the goods or service? YES / NO, if yes, please specify what percentage of the total contract value will be paid to subcontractors/ supplier should you be successful?
- f. If your organisation is awarded this contract will you purchase any goods / services from local businesses? YES / NO, if yes, please specify the type of goods / services required and an estimated value.

Does your organisation have any local employment initiative / program? YES / NO, if yes, please provide details.

#### **Methodology – Process of Service Delivery and Program of Works**

Respondents must include the following elements as a minimum in its methodology:

- Detailed Gantt chart showing the project timeline including critical task, dependencies, and resource allocation.
- Clear identification of key milestones and deliverables.
- Consideration of potential risks and contingency measures.
- Consideration of two methodologies for minimizing disruption:

Weighting  
40 %

- ✓ Full road closure: Impact on timeline, disruption, and cost.
- ✓ Partial road closure: Impact on timeline, disruption, and cost.
- Cost-benefit analysis of each methodology provided.
- The proposed traffic management strategy must address
  - o Traffic Flow: How traffic will be diverted and managed during both full and partial road closures.
  - o Safety Measures: Implementation of safety measures for both construction workers and the public.
  - o Communication Plan: Clear communication with stakeholders and the public regarding road closures and detours.
- The detailed program should include provisions for these traffic management strategies and demonstrate how they will be integrated into the overall project timeline to meet the completion deadline.

## Legal and policy compliance

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

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

[Management Practice 303.1 Purchasing](#)

## Financial implications

### Current budget impact

As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.

Sufficient funds do not exist within the annual budget. There is currently a total of \$1,400,000 available for this project and an additional \$369,000 is required as per the following breakdown.

Portion	Construction cost	Project Budget	Additional Main Roads Grant Funding	Additional Funding Required	Additional Funding Source
A – Archer streetscape upgrade section between Planet and Mars St	\$1,171,324.48	\$1,100,000	\$0	\$100,000	Future Projects Reserve
B- Raised intersection Mint Beatty	\$321,309.81	\$150,000	\$60,000	\$112,000	Future Projects Reserve
C- Raised	\$366,819.08	\$150,000	\$60,000	\$157,000	Future

intersection Mint Hubert					Projects Reserve
TOTAL	\$1,859,453.37	\$1,400,000	\$120,000	\$369,000	

The original contribution from Main Roads for portions B and C was \$200,000 and has since increased to a total of \$320,000.

The amended budget will ensure the project is adequately funded and allow the contract to proceed without delay.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Potential cost overruns due to unforeseen complications during construction (e.g., utility relocations, additional traffic management needs, or extended timelines). These may exceed the allocated project budget.	High	Low	<b>TREAT</b> by conducting thorough pre-construction site investigations, ensuring detailed cost planning, and regular financial monitoring. Include contingency amounts in the budget to account for unforeseen circumstances.
Environmental	Noise and dust pollution during construction could negatively impact nearby businesses and residents, particularly during business hours. Dust from construction activities may also affect air quality in adjacent areas.	High	Medium	<b>TREAT</b> by ensuring the contractor implements noise and dust control measures, such as water spraying for dust suppression and sound barriers to minimize noise impacts. Work schedules should minimize noisy activities during peak business hours. Regular monitoring will be conducted to ensure compliance with environmental standards.
Health and safety	Construction-related activities, such as road closures and pedestrian traffic, may lead to accidents or injuries if not responsibly managed.	Low	Low	<b>MONITOR</b> the risk by ensuring the contractor follows a robust safety plan, including signage, barriers, and regular inspections
Health and safety	Injury to workers or public due to construction activities.	Medium	Low	<b>TREAT</b> risk by ensuring adherence to workplace health and safety standards, conducting regular safety inspections, and implementing clear traffic management around the site.

				Contractor to provide construction management plan/ JSA/SWMS prior commencement.
Infrastructure/ ICT systems/ utilities	Disruptions to existing utilities and ICT systems during streetscape works could impact surrounding businesses and residents.	Low	Low	<b>TREAT</b> by conducting utility assessments prior to construction, coordinating with service providers, and having contingency plans in place for any disruptions. Contractor to undertake DBYD and service location to identify any service conflicts.
Infrastructure/ ICT systems/ utilities	Delays in the installation of street lighting by Western Power may prolong construction timelines, increase project costs, and result in temporary safety concerns for pedestrians and motorists.	High	Medium	<b>TREAT</b> by maintaining close communication with Western Power to monitor progress and address any potential delays promptly. Develop contingency plans, including temporary lighting solutions if delays occur, to ensure public safety and minimize the impact on project timelines.
Legislative compliance	Failure to meet local government procurement or environmental compliance regulations may result in penalties or project delays.	Low	Low	<b>MONITOR</b> the risk through continuous engagement with regulatory authorities and ensuring all legal requirements are met during the tender process and project execution.
Reputation	The project may cause disruptions to local businesses and residents, leading to complaints. Noise and vibrations from construction during business hours could impact operations, especially for nearby businesses like cafes, restaurants, and retail shops. Parking disruptions could inconvenience customers, further affecting business revenue. Road closures may also divert traffic onto local streets, increasing noise and speeding, leading to more complaints from	High	Low	<b>TREAT</b> by working closely with businesses and residents to provide clear timelines and updates on potential disruptions. Schedule noisy activities outside of peak business hours wherever possible. Offer alternative parking solutions and minimize road closures. Implement regular engagement sessions with businesses to address concerns in real-time and adjust construction plans where feasible.  Business newsletter to be issued regularly about upcoming works.

	residents.			
Service delivery	The closure of key roads and pedestrian walkways could hinder access to local businesses, impacting foot traffic and causing revenue losses. Increased traffic volumes on surrounding local roads due to diversions could lead to speeding, posing safety risks for residents and adding to the volume of complaints. Long construction timelines may exacerbate these issues if not responsibly managed.	Medium	Medium	<b>TREAT</b> by developing a phased construction approach to reduce the overall impact on road access and parking availability. Implement comprehensive traffic management plans to control traffic speed and flow on diverted routes. Regularly review and adjust traffic management strategies based on community feedback. Engage with local businesses ahead of key construction activities to prepare them for potential disruptions, offering signage and assistance to direct customers to alternative access routes.

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and functioned as a probity advisor throughout the tender process, ensuring compliance with the Town's procurement policies and relevant legislation.
Parks and Irrigation	<p>Provided input on landscape design, tree canopy increase, and the selection of native species to enhance environmental outcomes for the project.</p> <p>Ensured the design and layout of the irrigation system is efficient, sustainable, and aligned with the long-term maintenance goals of the park.</p> <p>Ensured that irrigation requirements are met as part of the project.</p>
Street Improvement	Actively engaged in the design and delivery of street improvements, focusing on the raised intersections to ensure they enhance pedestrian safety, particularly around East Vic Park Primary School. Worked closely with Project Management to ensure design specifications met safety standards and community expectations for safer pedestrian crossings
Project Management	Provided oversight of project milestones, budget reviews, and risk management to ensure the project remains on track and within scope.
Stakeholder Relations	Assisted in reviewing the public consultation feedback and ensuring that the

	streetscape design aligns with community needs and expectations. An updated communication engagement plan will be developed to inform residents, elected members, business, and external stakeholders about project impacts.
Parking and Rangers	<p>Provided advice on traffic flow and parking impact mitigation strategies, particularly for surrounding businesses. Assisted in addressing concerns related to car park disruptions and road closures and support arranging temporary parking arrangements in the Archer public car park, offering alternative parking options for customers impacted by the parking loss during construction.</p> <p>A report on temporary parking changes at the Archer Street Carpark and Milford Street (in support of the Metronet project) is being presented by the Parking and Rangers Team in this OCM.</p>
Place Planning	<p>Provided input on landscape design, tree canopy increase, and the selection of native species to enhance environmental outcomes for the project.</p> <p>Participated in the assessment of the submissions as Evaluation Panel member to ensure selected contractor was appropriate for the project and met selection criteria.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	This project aligns with the Town’s strategic goal of managing resources efficiently. By negotiating with contractors to reduce costs while maintaining quality, the Town demonstrates effective resource management and performance oversight.

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centers through place planning and activation.	This project supports economic growth by enhancing accessibility to local businesses through improved streetscape and pedestrian infrastructure. The streetscape upgrades will create a more inviting environment, encouraging increased foot traffic and economic activity in the surrounding area, benefiting local shops, cafes, and services. Additionally, the raised intersections will improve safety, making the area more attractive to both residents and visitors.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling livability through planning, urban design, and development.	The project enhances livability by incorporating urban design elements that prioritize pedestrian-friendly spaces and sustainable development. This includes improved streetscape design and better access to public transport.
EN4 - Increasing and improving public open spaces	Use of native species in the landscaping promotes environmental sustainability, enhances public open spaces, and improves the overall aesthetic of the area.
EN6 - Improving how people get	The project improves connectivity by providing safer pedestrian

around the Town.	walkways and upgraded intersections, encouraging active transport options such as walking and cycling, while also improving access to key areas like train stations and local businesses.
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Social	
Community Priority	Intended public value outcome or impact
S1 - Helping people feel safe.	The project directly addresses safety concerns raised (e.g., East Vic Park Primary School community). The raised intersections at Mint Street and Beatty Avenue will improve visibility for both pedestrians and drivers, reducing the likelihood of accidents. These improvements will create a safer environment for children and families traveling to and from the school, fostering greater confidence in pedestrian safety.

## Further consideration

## 14 Chief Financial Officer reports

### 14.1 Schedule of Accounts- September 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Payment Summary September 2024 [<b>14.1.1</b> - 9 pages]</li><li>2. Credit Card Transactions September 2024 [<b>14.1.2</b> - 2 pages]</li><li>3. Fuel and Store Card Transactions September 2024 [<b>14.1.3</b> - 1 page]</li></ol>

### Summary

Council is required to confirm payments made from the municipal fund, payments by employees via purchasing cards each month and fuel and store card transactions under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996. The information required for Council to confirm the payments made is included in the attachment for the month ended 30 September 2024.

### Recommendation

That Council:

1. Receives the accounts for September 2024, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Receives 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.
3. Receives the credit card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.
4. Receives the fuel and store card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.

### 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) and 13A 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 authorised an employee to use a credit, debit or other purchasing card, 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 Audit and Risk 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 and 13A of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$7,520,744.59
Payroll		\$1,319,565.14
Bank Fees		\$17,965.85
Corporate MasterCard	September 2024	\$4,518.53
<b>Total</b>		<b>\$8,862,794.11</b>

## Discussion

6. 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

Nil

## Legal and policy compliance

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

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

[Procurement Policy](#)

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in Schedule of accounts.	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transactions	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ICT systems/utilities	Not applicable.			
Legislative compliance	Not accepting schedule of accounts will lead to non-compliance.	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable.			
Service Delivery	Not applicable.			

## 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 & 13A of Local Government (Financial Management) Regulation 1996.

## Further consideration

## 14.2 Financial Statement September 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statement September 2024 [14.2.1 - 26 pages]

### Summary

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 30 September 2024.

### Recommendation

That Council receives the financial statements for September 2024, as included in the attachment, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

### 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 (-) \$50,000 or 10% 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 (-) \$50,000 or 10% 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.

## Discussion

4. The Financial Statements – September 2024 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 Statements – September 2024 be accepted.

## Relevant documents

Not applicable.

## Legal and policy compliance

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in financial statements	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	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	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

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

## Engagement

<b>Internal engagement</b>	
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.

## Strategic alignment

<b>Civic Leadership</b>	
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> .

## Further consideration

## 14.3 Temporary Parking Changes - Metronet and Archer Mint

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Coordinator Parking & Rangers, Metronet Liaison Officer
<b>Responsible officer</b>	Manager Business Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Oats Street Stage 3 Closure Overview Map [<b>14.3.1</b> - 1 page]</li> <li>2. Attachment 2 - Milford Street Temporary Parking Changes [<b>14.3.2</b> - 4 pages]</li> </ol>

### Summary

As part of the Metronet Level Crossing Removal (LXR) project works; the State Government’s contractor needs to close a portion of Oats Street between Jan-Mar 2025. Metronet will be diverting traffic from Oats Street to use Milford Street during the closure and have asked the Town to consider restricting parking on Milford Street during the closure to help improve safety and ease congestion.

As part of the Town’s Archer-Mint Street Redevelopment, this report proposes temporary parking restrictions at the Archer Street carpark (47 Archer Street, Carlisle), to manage parking during the upcoming streetscape upgrade between Planet Street and Mars Street, scheduled for early January 2025. The streetscape works will result in a loss of parking bays, affecting access to local shops. To address this, the temporary restrictions will provide alternative parking options by increasing parking bay turnover in the Archer Street carpark and help improve access for customers during construction

### Recommendation

That Council endorses the:

- A) Temporary change in parking restrictions on the western side of Milford Street, East Victoria Park for the duration of the Metronet Road diversion on Oats Street.
- B) Temporary change to parking restrictions at the Town’s Archer Street carpark on 47 Planet Street, Carlisle during the Archer Mint Street redevelopment works.

### Background

#### Metronet Level Crossing Removal Project – Milford Street Temporary Parking Changes

1. The State Government, via its METRONET portfolio, is currently constructing the Level Crossing Removal (LXR) project to upgrade the Armadale Train Line.
2. As part of the LXR project civil works, it is necessary to close a portion of Oats Street from Bank Street to Rutland Avenue from January 2025 to March 2025.
3. This closure will be the third and final stage of Oats Street closures/diversions required to allow project construction to go ahead.
4. The Stage 3 closure of the road is to allow civil construction works to rebuild the portion of Oats Street within the project area.

5. During the Stage 3 closure, traffic using Oats Street will be diverted to Milford Street (see Attachment 1 for Oats Street Diversion Stage 3 Overview Map).
6. The contractor constructed a temporary road to allow vehicles to still cross the rail corridor. This temporary road will be adjusted as necessary and utilised as part of the diversion route during the Stage 3 Oats Street closure.

### **Archer Street**

7. The public parking on Archer Street currently operates with no time restrictions, resulting in low turnover, with vehicles often parked for extended periods throughout the day. This has contributed to limited availability of parking spaces, particularly for visitors to local businesses.
8. During the first stage of the Archer Streetscape Upgrade in 2022, temporary 1P (8am-5:30pm Mon-Fri, and 8am-12pm Saturdays) parking restrictions were introduced to manage the loss of on-street parking bays caused by construction activities. These restrictions were implemented in collaboration with local business owners to minimise the impact on their operations and ensure customer access. Once the construction work was completed, the temporary parking restrictions were removed, and the public parking returned to its previous no restriction status.

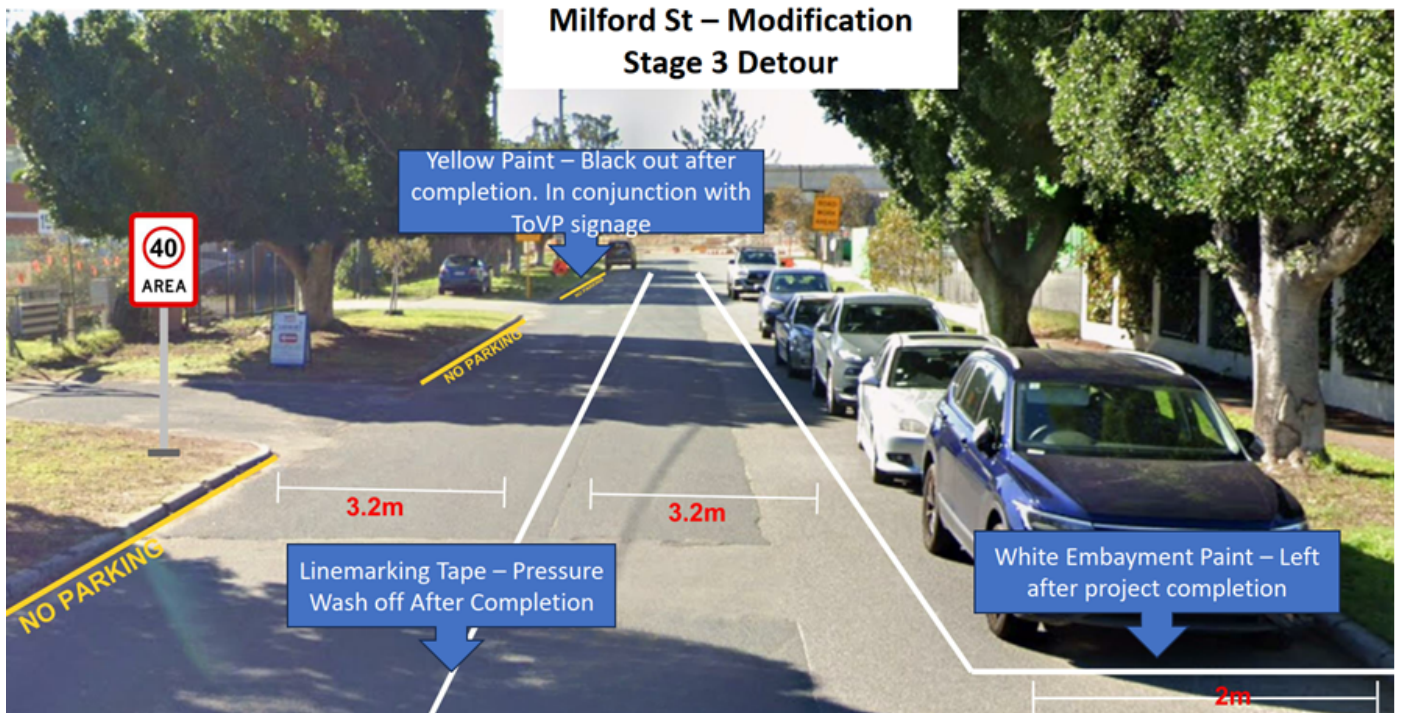
## **Discussion**

### **Metronet**

9. When Milford Street was presented as the diversion route for the Stage 3 Oats Street closure, the original request from the contractor was for the Town to temporarily restrict all parking on both sides of the street for the duration of the closure/diversion.
10. Recognising that parking is in high demand in the area, and wanting to minimise impact on the community, Town staff made the decision to explore other options and undertook an analysis of Milford Street carriageway to ascertain whether it could be possible to retain parking on one side of the street.
11. The outcome of the Town's analysis found that the Milford Street carriageway was sufficient in width to accommodate two Transperth buses passing each other and still have enough room to provide on-street parking on one side of the road.
12. The full outcome of the analysis is contained in the Street Improvement comments in the internal engagement section of this report.
13. The Town was able to use the outcomes of the carriageway width analysis to negotiate an agreed outcome with the Metronet contractor and Public Transport Authority.
14. The agreed negotiated outcome for the Oats Street closure / Milford Street diversion includes temporarily restricting any parking on the western side of Milford Street and a speed limit reduction to 40km/hr along Milford Street (as per Street Improvement recommendation)
15. The Metronet contractor will put in place some line marking to demark the adjusted configuration of Milford Street, including:
  - a. Temporary yellow 'No Stopping' line marking on the western side of Milford Street (to be blacked out after the diversion ends)
  - b. Line marking tape to show the new centre line of the road (to be pressure washed off after the diversion ends)
  - c. White parking embayment line work to depict the on-street parking areas on the eastern side of Milford Street (which may be retained at the end of the closure)
16. Other closure implementation measures include:

- a. Placement of temporary 'No Stopping' signage by Town of Victoria Park rangers on the western verge
- b. Instalment of temporary 40 km/hr speed signs by project contractor
- c. Project contractor providing traffic controllers on site for the first week or so of the diversion, to guide motorists during the initial adjustment/transition

17. All the temporary diversion measures outlined above are targeted at minimising risk and improving safety.



18. The above sketch was prepared by the project contractor to depict changes to Milford Street for the Oats Street closure/diversion.

19. Town staff have also prepared a plan depicting the changes to Milford Street to implement the temporary diversion proposal. This is contained at Attachment 2 of the report.

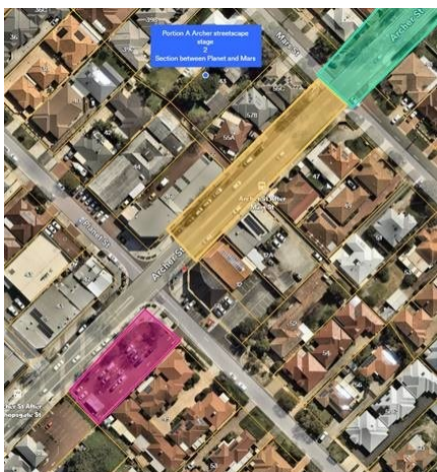
20. Once Oats Street is re-opened, traffic will no longer be diverted along Milford Street and the on-street parking will revert to its original condition.

21. It is recommended that Council endorse Part A of the officer's recommendation to allow implementation of the temporary parking restrictions along Milford Street for the duration of the LXR Oats Street Stage 3 closure.



## Archer Street

22. The Archer Street carpark is located at 47 Archer Street, Carlisle and shown in pink, below, with the next stage of the Archer-Mint Street project shown in yellow.



23. The suggestion to introduce temporary 1P parking restrictions (8am-5:30pm Mon-Fri, and 8am-12pm Saturdays) at 47 Archer Street, Carlisle is necessary to manage parking during the Archer Streetscape Upgrade between Planet Street and Mars Street, starting in January 2025. The construction will reduce on-street parking, affecting access to businesses. Implementing these restrictions will ensure alternative parking and improve turnover for customers.
24. The current no time restriction setup leads to low turnover, limiting available spaces for visitors. Temporary 1P time limits, similar to the successful measures during the 2022 upgrade, will help maintain business access during construction.
25. While the changes may inconvenience some long-term parkers, the need to support local businesses is seen as a primary need. Without the restrictions, access to shops would be further reduced, potentially impacting trade.
26. Once the tender report for the Archer-Mint Streetscape Upgrade is endorsed by Council, the Town will communicate the temporary parking changes to businesses and residents. Clear signage and information will be provided to ensure the community is aware of the new parking arrangements and their duration
27. It is recommended Council endorse the officer's recommendation and endorse the implementation of temporary time restrictions in the Archer Street Carpark for the duration of the construction period. After which the parking will revert back to unrestricted parking.

## Community Consultation

28. It is of primary importance that relevant community notifications are provided on endorsement of this report to ensure adequate notification prior to any potential Christmas leave or shutdowns.
29. METRONET have already undertaken a public notice period about the upcoming Stage 3 Oats Street closure, including details of the diversion to Milford Street.
30. Upon endorsement of this report, METRONET will undertake more targeted notifications of businesses and community in the local area that will be impacted by the temporary parking restrictions.
31. Community notifications will include door knocking, letter drops and website updates.

## Relevant documents

Not applicable.

## Legal and policy compliance

Not applicable.

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Infrastructure/ ICT systems/ utilities			Medium	
Legislative compliance			Low	
Reputation	Not endorsing Part A of the officer recommendation may result in the perception that the Town is hindering or obstructing the progress of a major infrastructure project. Not endorsing recommendation B may result in negative reputational damage due to lost revenue.	Medium Medium	Low Low	TREAT the risk by endorsing the implementation of temporary No Stopping restrictions on the western side of Milford Street, East Victoria Park.  TREAT the risk by endorsing the implementation of temporary 1P parking in the Archer Street Carpark.
Service delivery			Medium	

## Engagement – METRONET

### Internal engagement

Stakeholder	Comments
Street Improvement	<p>As per Table 3.1 of the AS2890.5 On-street Parking document, the width of the on-street parallel parking space is between 2.0 to 2.3m for roads with a speed limit of 50km/h or less. It should also be noted that no safety buffer is required for 50km/h or less.</p> <p>Based on the aerial desktop measurement and Radar’s email below, it has been observed that Milford Street is 8.6m wide and it requires a total of 6.4m road width (3.2m + 3.2m) for buses to pass each other. This leaves a remaining width of 2.2m, which confirms that on-street parallel parking on one side of the road is still feasible.</p> <p>Further, to enhance traffic safety, we recommend reducing the speed limit to 40km/h on this section of Milford Street to act as an additional safety measure during this temporary change.</p>
Metronet Liaison Officer	The Metronet Liaison Officer has been involved throughout this process. They coordinated the Town’s review and analysis of the proposal from the Metronet contractor and provided input into this report.

### External engagement

Stakeholders	Include engagement with METRONET team – original request
Armadale Line Upgrade Alliance (ALUA)	As outlined in the above sections of the report, Town officers have worked closely with ALUA, the METRONET contractor, to reach the negotiated outcome for the temporary parking proposal on Milford Street.
Public Transport Authority / Transperth	The Public Transport Authority was consulted to confirm the routes and movements and requirements for buses during the Milford Street diversion. Buses diverted from Oats Street will be travelling in both directions along Milford Street, and sufficient width has been provided in the road carriageway to accommodate those movements.

## Strategic alignment

### Environment

Community Priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	To help improve safety and ease congestion during the Metronet road closure and diversion.

## Further consideration

- 15 Committee reports**
- 16 Motion of which previous notice has been given**
- 17 Public participation time**
- 18 Questions from members without notice on general matters**
- 19 Confidential matters**
- 20 Closure**