

# Office of the Chief Executive Officer Memorandum

<b>Subject:</b>	Item 15 – Committee Reports
<b>Date:</b>	14 March 2022

The recommendations for items 15.1 - Review of Policy 251 - Rainforest timbers – use in Town construction and 15.2 - Review of Policy 252 - Nuclear free zone have been amended to reflect the recommendations from the Policy Committee meeting held on 28 February 2022.



**ANTHONY VULETA**  
**CHIEF EXECUTIVE OFFICER**



TOWN OF  
VICTORIA PARK



# Ordinary Council Meeting

## 15 March 2022

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**WE'RE OPEN**  
**VIC PARK**

Please be advised that an **Ordinary Council Meeting** will be held at **6.30pm** on **Tuesday 15 March 2022** as an electronic meeting.

**Ms Natalie Adams – A/Chief Executive Officer**  
10 March 2022

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# 1 Declaration of opening

## Acknowledgement of Country

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

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

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

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

*Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.*

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

## 2 Announcements from the Presiding Member

### 2.1 Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to the public. Recordings are also made available on the Town's website following the meeting.

### 2.2 Public question time and public statement time

There are two opportunities to ask questions and make statements at the beginning and at the end of the meeting. Each public question and statement time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

For this electronic meeting, all questions and statements from the public are to be received by 12 noon of the meeting date by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). These will be read out by the presiding member and a relevant senior staff member will be called on to provide answers if required.

### **2.3 No adverse reflection**

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

### **2.4 *Town of Victoria Park Meeting Procedures Local Law 2019***

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

### **2.5 Mayor's report**

### **3 Attendance**

**Mayor**

Ms Karen Vernon

**Banksia Ward**

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

**Jarraah Ward**

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

**Chief Executive Officer**

Mr Anthony Vuleta

**Chief Operations Officer**

Ms Natalie Adams

**A/Chief Financial Officer**

Mr Luke Ellis

**Chief Community Planner**

Ms Natalie Martin Goode

**Manager Development Services**

Mr Robert Cruickshank

**Manager Technical Services**

Mr John Wong

**Finance Manager**

Mr Stuart Billingham

**Coordinator Governance and Strategy**

Ms Jasmine Bray

**Secretary**

Ms Natasha Horner

#### **3.1 Apologies**

#### **3.2 Approved leave of absence**

## **4 Declarations of interest**

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

### **Declaration of financial interests**

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

### **Declaration of proximity interest**

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

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

### **Declaration of interest affecting impartiality**

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



## **5 Public question time**

### **5.1 Response to previous public questions taken on notice at Ordinary Council Meeting held on 15 February 2022**

Nil.

### **5.2 Public question time**

## **6 Public statement time**

## **7 Confirmation of minutes and receipt of notes from any agenda briefing forum**

### **Recommendation**

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 15 February 2022.
2. Receives the notes of the Agenda Briefing Forum held on 1 March 2022.
3. Receives the notes of the Mindeera Advisory Group meeting held on 23 February 2022.

## **8 Presentation of minutes from external bodies**

### **Recommendation**

That Council:

1. Receives the minutes of the South East Metropolitan Zone meeting held on 16 February 2022.
2. Receives the minutes of the Tamala Park Ordinary Council Meeting held on 22 February 2022.

## **9 Presentations**

### **9.1 Petitions**

### **9.2 Presentations**

### **9.3 Deputations**

## **10 Method of dealing with agenda business**

## 11 Chief Executive Officer reports

### 11.1 Adoption of Strategic Community Plan 2022-2034

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Strategy and Risk Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Public submissions [11.1.1 - 39 pages]</li><li>2. Elected member feedback [11.1.2 - 10 pages]</li><li>3. Strategic Community Plan 2022-2034 [11.1.3 - 39 pages]</li></ol>

#### Recommendation

That Council:

1. Acknowledges feedback received from the community, as at attachment 1.
2. Acknowledges elected member feedback and changes made as a result, as at attachment 2.
3. Adopts the Strategic Community Plan 2022-2034, effective from 1 July 2022, as at attachment 3.

#### Purpose

For Council to adopt the Strategic Community Plan 2022-2034, following the major review.

#### In brief

- Council resolved to advertise the draft strategic direction for 2022-2034 for public comment in December 2021. This began on 17 January 2022 and ran until 6 February 2022.
- Forty submissions were received from the community. These have been presented in attachment 1.
- Elected members provided feedback on the draft Strategic Community Plan 2022-2034. The feedback and any changes made as a result are provided in attachment 2.
- The content of the current Strategic Community Plan was reviewed in line with feedback from Town staff and elected members. It has been improved and simplified.
- The proposed Strategic Community Plan 2022-2034 is recommended for adoption, to be effective from 1 July 2022. This is to allow for current arrangements and reporting to continue until the new Corporate Business Plan is developed and adopted by Council in June 2022.

#### Background

1. The Town's current Strategic Community Plan (SCP) was adopted by Council in June 2019 as a result of a minor review.
2. A major review of the SCP was completed in December 2021. Council resolved that it:
  1. Approves the advertising of the draft strategic direction for 2022-2034, as at attachment one, for public comment subject to the following amendments in the Values:
    1. the words Proactivity, Inclusivity and Care be changed to "Proactive" and "Inclusive" and "Caring";

2. *the narrative of "Be Authentic" for Integrity be deleted, and the words be "honest, accountable and transparent" be substituted.*

2. *Requests the Chief Executive Officer to report the outcomes of the public comment period and present the proposed Strategic Community Plan 2022-2034 to the March 2022 Ordinary Council Meeting.*

3. The public comment period began on 17 January 2022 and ran for three weeks until 6 February 2022.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Releasing the draft strategic direction for public comment allowed people that had already participated in VicVision to determine how well the Town and Council had interpreted their feedback. It also allowed the Town to consider any further comments before recommending the Strategic Community Plan 2022-2034 for adoption. Feedback received during the public comment period has informed the SCP being recommended for adoption.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The results of the public comment period provide Council with the opportunity to further consider the views of the community before making their decision on whether to adopt the SCP recommended by the Town.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite, Managers and subject-matter experts	The revised SCP is a Town-wide effort, with many people being involved in consolidating and drafting the content that supports and communicates the proposed strategic direction. This group of people were also sent the finalised draft content for review and comment. Changes were made as a result of this.
Elected members	Elected members were provided with the finalised draft content for review and comment on the Councillor Portal. Comments were received from three elected members. A summary of these and any changes as a result are provided in attachment 2.

## External engagement

Stakeholders	Entire community.
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Period of engagement	17 January 2022 to 6 February 2022.								
Level of engagement	2. Consult								
Methods of engagement	Public submissions through Your Thoughts and hard-copy form.								
Advertising	<ul style="list-style-type: none"> <li>• Facebook and Instagram ads</li> <li>• Google ads</li> <li>• Posts on social media – Facebook, Instagram and LinkedIn</li> <li>• Southern Gazette advertising on 20 January and 27 January</li> <li>• TV sliders at Town facilities</li> <li>• Email signature</li> <li>• Email to VicVision engagement participants</li> <li>• Email to advisory and working group participants</li> <li>• Email to YourThoughts active database</li> <li>• e-Vibe e-newsletter</li> <li>• Library Bookmark e-newsletter</li> <li>• Vic Park Biz News e-newsletter</li> <li>• Goodness me! e-newsletter</li> </ul>								
Submission summary	<p>Submissions were received from 40 people.</p> <p>Demographics of respondents and details of submissions received are included in attachment 1.</p>								
Key findings	<p>The proposed strategic direction was clearly supported by the majority of respondents.</p> <p>Two changes were made to the proposed strategic direction as a result of the submissions. These were adding the Climate Emergency Plan as a relevant strategy against “Improving how people get around the Town” and including the goal of “Facilitating the reduction of transport-related carbon emissions.” “Facilitating a strong economy” has also been changed to “Facilitating a strong local economy” as all goals and measurements do relate to the local economy.</p> <p>Other feedback can be categorised into themes. These are addressed below.</p> <table border="1"> <thead> <tr> <th>Theme</th> <th>Response</th> </tr> </thead> <tbody> <tr> <td>Not understanding the meaning of particular words used.</td> <td>It is hoped that everything is sufficiently explained in the content of the SCP.</td> </tr> <tr> <td>Not understanding the purpose of each part of the strategic direction or what should be included in each level.</td> <td>A glossary is included in the SCP. This has been revised to improve clarity.</td> </tr> <tr> <td>Need to include environmental</td> <td>This is covered through the purpose</td> </tr> </tbody> </table>	Theme	Response	Not understanding the meaning of particular words used.	It is hoped that everything is sufficiently explained in the content of the SCP.	Not understanding the purpose of each part of the strategic direction or what should be included in each level.	A glossary is included in the SCP. This has been revised to improve clarity.	Need to include environmental	This is covered through the purpose
Theme	Response								
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Need to include environmental	This is covered through the purpose								

sustainability in every part of the strategic direction.	and one of the community priorities. The purpose is the first decision-making filter and relates to everything the Town and Council does. This means it is covered through the whole strategic direction. Including it at every level would be duplication that isn't necessary.
Suggestions for specific methods, ideas and projects to achieve community priorities.	Goals and measures guide many of the suggestions. These will also be taken on board through operational planning in the major review of the Corporate Business Plan – the five-year plan that sets out how the strategic direction will be achieved.
Strategic direction not being measurable.	Each community priority and Town objective has measures attached. These were not included in the strategic direction released for public comment but are in the proposed SCP that is presented. Positive results against the Town objectives indicate achievement of the mission. Positive results against the community priorities indicate progression towards the vision.
Proposed priorities not needing to be priorities for the community.	The priorities were formed using the top 20 themes from the initial VicVision engagement period. These were all directly informed by the community.
Combining some community priorities and Town objectives.	The structure and selection of each priority and objective underwent thorough consideration when drafted and support is clear through the public comment period.
Proposed plan not representative of community demographics.	An extensive communication campaign supported both the initial engagement phase and public comment period.  A typographical error was included in the supporting document for the

		public comment period. The age category of 35-39 on the snapshot should have read 35-49. This has been amended in the proposed plan.
	Questions about specific Town services.	The purpose of the public comment period was to receive feedback from the community on the proposed strategic direction. Specific questions should be asked through regular communication channels.

## Legal compliance

[Section 5.56 of the \*Local Government Act 1995\*](#)

[Regulation 19C of the \*Local Government \(Administration\) Regulation 1996\*](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Failure to adopt a revised SCP will mean that the Town is not compliant with the requirement to complete a major review every four years.	Minor	Unlikely	Low	Low	TREAT by adopting the proposed SCP.
Reputation	Failure to adopt the proposed SCP could result in	Moderate	Unlikely	Medium	Low	TREAT by adopting the proposed SCP or

	negative public perception due to the extensive effort of both the community and staff to develop it.					providing clear justification if further revision is required.
Service delivery	Failure to adopt a revised SCP will result in the major review of the Corporate Business Plan being delayed. Depending on extent of delay the Town may not be able to meet the Council resolution of presenting a new Corporate Business Plan with the 2022-2023 annual budget. It will also not have an adopted action plan.	Major	Unlikely	Medium	Medium	TREAT by adopting the proposed SCP.

## 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.

## Analysis

- VicVision included extensive community engagement that genuinely shaped the proposed strategic direction created by the Town and Council.
- The public comment period asked the community whether their feedback had been interpreted correctly. Each part of the proposed strategic direction was clearly supported by the majority. Feedback was also provided on ways the Town could achieve each priority. This information will be considered as part of the major review of the Corporate Business Plan (CBP).
- A full review of the SCP content took place. Content proposed for removal and inclusion is detailed below.

### Content added

Section	Page in SCP 2022-2034	Reason
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<b>Acknowledgement and story of country</b>	3 and 4	To acknowledge the traditional custodians of the land and enhance community understanding of Aboriginal and Torres Strait Islander cultures – an action of the Town’s Reflect Reconciliation Action Plan.
<b>Why we’re unique and what our people value most</b>	11	To include appreciative feedback from the community that directly influences the strategic direction.
<b>Our challenges</b>	13	To show what our community thinks the Town needs to consider and overcome to achieve the vision.
<b>Long-term projects</b>	13 and 14	To provide a list of long-term commitments that the Town is working towards.
<b>Planning for delivery</b>	37	To show how each document of the IPRF contributes to achieving the community’s priorities and vision for the Town.

Content amended

<b>Section</b>	<b>Page in SCP 2017-2032</b>	<b>Page in SCP 2022-2034</b>	<b>Reason</b>
<b>Strategic direction summary</b>	2	1 and 2	Updated in line with new strategic direction.
<b>Mayor’s message</b>	6	5	Updated by current Mayor in line with new strategic direction.
<b>Introduction</b>	7 and 8	6	Changed to “What is a Strategic Community Plan?” to help the community understand the purpose of the plan. Also incorporates contents page to shorten document.
<b>How will the plan be used</b>	9	7 and 8	Changed to “How to use the plan” to outline how community, elected members and the administration should use the plan.
<b>A little bit about the Town</b>	13	9	Changed to “Where we’re located” with a map of Town showing places and major landmarks. Small pull out of history retained.
<b>A snapshot of the Town of Victoria Park</b>	14 and 15	10	Changed to “Snapshot of our community” as it covers the Town’s demographics. Text revised and simplified.
<b>State and regional context</b>	16 and 17	12	Strategies and plans brought up to date.
<b>What we set out to do and what we did</b>	22 and 23	15 and 16	Changed to “How we engaged” and “Who we heard from.” Updated with details of VicVision engagement and simplified to be more visual. Demographics of participants included.
<b>What we heard about the vision and aspirations</b>	24	17 and 18	Changed to “What we heard” with summary of feedback relating to the new strategic direction included.
<b>Glossary</b>	32	19	Updated in line with new strategic direction.
<b>Strategic direction</b>	33 to 43	20 to 35	Updated with new strategic direction.
<b>Our way of achieving the strategic outcomes</b>	44	36	Moved under the implementation section.
<b>Implementation</b>	45	36	Research removed as delivery method as it

			would be linked to a service or project. Advocacy highlighted as method. Explanations simplified.
<b>Strategic risk management</b>	49	38	Changed to "Managing risks." Strategic risks and ratings included, as adopted by Council.

Content removed

<b>Section</b>	<b>Page in SCP 2017-2032</b>	<b>Reason</b>
<b>Acknowledgment and thanks</b>	3	Covered in Mayor's message.
<b>Everything you need to know about this plan</b>	4	Duplication of other content in the plan.
<b>Getting read for 40,000 new residents by 2050</b>	11	This was included in the previous SCP to acknowledgement the requirement for the first time. Population growth is already covered in other sections.
<b>Context introduction</b>	12	Document not long enough to require introductions to each section.
<b>Seven future global megatrends likely to affect the Town</b>	18 and 19	This information was already used to inform engagement participants. Megatrends should have been considered when feedback was provided. Raw feedback on challenges from the Town included elsewhere.
<b>Community engagement introduction</b>	21	Document not long enough to require introductions to each section.
<b>What we heard about the level of service expectations</b>	26 and 27	Section more relevant to CBP.
<b>What we heard about land use expectations</b>	28 and 29	Section more relevant to Local Planning Strategy.
<b>Strategic direction introduction</b>	30 and 31	Document not long enough to require introductions to each section.
<b>Resourcing implications</b>	46	Information included in Workforce Plan.
<b>Workforce requirements</b>	48	Information included in Workforce Plan.
<b>Role of the community</b>	50	Included in "How to use the plan" on pages 7 and 8.

### Next steps

7. If Council choose to adopt the attached SCP, a new strategic direction for the Town will be introduced from 1 July 2022. The reason for delay is to ensure that both the SCP and new CBP come into effect at the same time, having both strategy and ways to implement the strategy covered. Council could choose for the new SCP to come into effect immediately however, a lot of work would be needed to operationalise the strategy and it may not be an efficient use of resources or time when a new CBP is in the process of being developed for adoption in June 2022.
8. The strategic direction will flow through to the new CBP being presented to Council in June 2022. The major review of this plan has already commenced but is reliant on the strategic direction being confirmed. It will also inform all reviews of other IPRF documents.
9. Following adoption and prior to the strategy coming into effect, many items in the Town's governance framework will need to be reviewed to remove references to the old strategic direction and replace them with the new one. A list will be created as part of the project closure for VicVision and shared with relevant service areas. Examples of these are the Town's policies, Council report template, quarterly reporting and other documents in the IPRF.
10. The plan will be graphically designed to help with communicating the content to the community more easily. A one-page summary of the strategic direction will also be designed for easy reference.
11. The SCP will be published on the Town's website and printed copies will be made available.

12. The Town's organisational structure will be reviewed to ensure that the organisation is sufficiently resourced in priority areas and structured in the most optimal way to serve, empower and connect community while it continues to work towards creating a dynamic place for everyone.

## **Relevant documents**

[Strategic Community Plan 2017-2032](#)

[Minutes of the Ordinary Council Meeting held on 14 December 2021](#)

[Integrated Planning and Reporting Framework and Guidelines](#)

## 11.2 Mid-year Corporate Business Plan review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Strategy and Risk Advisor
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Endorses amendments to the Corporate Business Plan 2017-2022, as contained in the analysis section of this report.
2. Requests the Chief Executive Officer to publish the amended version of the Corporate Business Plan 2017-2022.

### Purpose

To present the mid-year review of the Corporate Business Plan 2017-2022 and seek endorsement of the proposed changes.

### In brief

- Local governments are required to review their Corporate Business Plan every year. The Town has already completed its review this financial year.
- Council adopted the strategic risk review in December 2021. Strategic risk treatment actions were identified during this review. Substantial treatment actions are proposed to be added into the Corporate Business Plan to allow for Council oversight and regular reporting.
- The Town is also taking advantage of the proposal for changes by alerting Council to items that will not be completed this financial year. Recommendations for a delay or removal are being made.
- Council is requested to endorse the proposed amendments to the plan.

### Background

1. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available. The plan highlights the services, operations, projects and initiatives a local government will deliver within a defined period.
2. It is one of the documents in the Integrated Planning and Reporting Framework. Regulation 19DA(4) of the Local Government (Administration) Regulations 1996 states "A local government is to review the current corporate business plan for its district every year".
3. The Town completed the required yearly review of the Corporate Business Plan in September 2021.
4. A review of the Town's strategic risk register was completed in December 2021. As part of this, Council resolved that Council:
5. *"Requests the Chief Executive Officer to list outstanding risk treatment actions for consideration in the mid-year Corporate Business Plan review, to be presented to Council with the mid-year budget review."*

6. This allows Council to have oversight over the Town’s strategic risk management through the quarterly reporting process.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Sets expectations for what will be delivered by the Town to achieve strategic outcomes and initiatives listed within the Strategic Community Plan 2017-2032.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite, Manager and Service Area Leaders	Participated in strategic risk review and confirmed treatment actions that are being added to the Corporate Business Plan. Provided deliverables for removal or delay with justification.

## Legal compliance

[Section 5.56\(1\) of the Local Government Act 1995](#)

[Regulation 19DA of the Local Government \(Administration\) Regulations 1996](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	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	Negative public perception towards the Town if progress expectations are not being met.	Moderate	Possible	Medium	Low	TREAT risk by resolving proposed changes to manage expectations.
Service delivery	Not applicable.				Medium	

## 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.

## Analysis

- This review of the Corporate Business Plan was minor in scope. The review focused on including strategic risk treatment actions adopted by Council in December 2021 and removing items that are unable to be completed during the life cycle of the plan.
- The proposed amendments and any justification are tabled below.

### Deliverables with amended deadlines

- The following deliverables will not be completed in the 2021/2022 financial year. Reasons for delays have been provided. Items will be added to the Corporate Business Plan 2022-2027 that is being presented to Council in June 2022.

Deliverable	Responsible service area	Amended due date	Reason deliverable won't be completed
S1.1.2 - Conduct a review of the Local Public Health Plan	Community Development	June 2023	<ul style="list-style-type: none"> <li>Impact of delayed timeframe for Social Policy Specialist role to commence (mid Oct 2021).</li> <li>Number of plans and levels of engagement currently being undertaken/recently completed by the Town creating potential engagement fatigue and confusion.</li> <li>Capacity of staff to deliver due to business continuity challenges associated with parental leave, long service leave and COVID-19.</li> </ul>

S3.1.2 - Review the Reconciliation Action Plan	Community Development	June 2023	<ul style="list-style-type: none"> <li>• Impact of delayed timeframe for Social Policy Specialist role to commence (mid Oct 2021).</li> <li>• Number of plans and levels of engagement currently being undertaken/recently completed by the Town creating potential engagement fatigue and confusion</li> <li>• Capacity of staff to deliver due to business continuity challenges associated with parental leave, long service leave and COVID-19.</li> <li>• Proposed re-alignment of engagement schedule to include National Reconciliation Week (27 May – 2 June 2022).</li> <li>• Four-to-six-month timeframe for Reconciliation Australia to review and endorse RAP from proposed final draft (as per RA Guidelines). Aim would be to submit Draft RAP to RA as soon as possible post engagement analysis/report development.</li> </ul>
S3.1.4 - Develop a Community Development Strategy	Community Development	June 2023	<ul style="list-style-type: none"> <li>• Impact of delayed timeframe for Social Policy Specialist role to commence (mid Oct 2021).</li> <li>• Number of plans and levels of engagement currently being undertaken/recently completed by the Town creating potential engagement fatigue and confusion.</li> <li>• Capacity of staff to deliver due to business continuity challenges associated with parental leave, long service leave and COVID-19.</li> </ul>
EN1.1.7 - Amend the Town Planning Scheme provisions related to the Burswood Lakes Structure Plan	Urban Planning	June 2023	<ul style="list-style-type: none"> <li>• This is a proponent-led amendment to the planning framework in Burswood Lakes. The proponent met with staff at the Town and the Department of Planning, Lands and Heritage (DPLH) at the end of 2021. It is anticipated that the amendment request will be formally</li> </ul>



			<p>submitted to the Town by the proponent's planning consultant in early 2022.</p> <ul style="list-style-type: none"> <li>The Scheme Amendment process typically takes 18 months in total, involving various legislated tasks including community consultation, Council decisions to initiate and endorse, review from DPLH officers and is ultimately determined by the Minister for Planning.</li> </ul>
<p>EN1.1.9 - Prepare Station Precinct Plans for Carlisle &amp; Oats Street in partnership with METRONET</p>	<p>Place Planning</p>	<p>June 2024</p>	<ul style="list-style-type: none"> <li>The Local Planning Strategy and Scheme Review has revealed that a Station Precinct Plan at Carlisle Station may be unnecessary. The Oats St Station Precinct Plan will be funded from METRONET. The timing of this funding won't commence until 22/23 and is likely to take up to 18 months. This deliverable will also be reworded to 'Prepare a Station Precinct Plan for Oats St Station'.</li> </ul>
<p>CL8.1.6 - Review the <i>Meeting Procedures Local Law 2019</i></p>	<p>Governance and Strategy</p>	<p>June 2023</p>	<ul style="list-style-type: none"> <li>On 10 November 2021, the DLGSC released proposed Local Government Act and Regulations reforms for public consultation. The proposed changes to the Local Government Act and Regulations will provide a stronger, more consistent framework for local government across Western Australia. One of the proposed reforms is that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. Therefore, possibly in 2023/24 the Town will have to adopt a model local law or review the current local law to ensure it is written according to</li> </ul>

			<p>the model. For this reason, the Town will not carry out a major review now but will do a minor review of the current local law which will be presented to council in April. The amendment process will take approximately six months.</p>
<p>CL8.5.17 - Conduct a review of Parking's operations</p>	<p>Parking Services</p>	<p>June 2024</p>	<ul style="list-style-type: none"> <li>• The Parking area's operations were considered and included in the review of Ranger Services conducted through 2019-2021.</li> </ul> <p>The operational changes resulting from the review were significant and included changes to:</p> <ul style="list-style-type: none"> <li>• staffing structure and working locations</li> <li>• FTE allocation</li> <li>• work practices</li> <li>• key performance indicators</li> <li>• team culture initiatives.</li> </ul> <ul style="list-style-type: none"> <li>• These changes were identified and implemented between 2019-2021, however, are still works in progress with embedding estimated to require an additional 24 months.</li> <li>• Reviewing the area before previous changes were fully implemented would risk wasting resources, introducing fatigue into the impacted team(s) and would result in minimal or premature further recommendations for change.</li> </ul>
<p>CL10.1.4 - Review the Local Law – Activities on Thoroughfares</p>	<p>Place Planning</p>	<p>June 2023</p>	<ul style="list-style-type: none"> <li>• The resource assigned to the project had to be relocated to the Project Management Office to lead a large project at risk of not being completed. This project is delayed as a consequence.</li> </ul>

## Removed deliverables

10. The following deliverables will not be completed in the 2021/2022 financial year. The reasons they won't be completed have been provided. These will be monitored and if the situation changes, they may be recommended for inclusion in a future Corporate Business Plan.

<b>Deliverable</b>	<b>Responsible service area</b>	<b>Reason deliverable won't be completed</b>
S2.1.2 - Review the Digital Hub's Strategic Marketing Plan	Community Development	Due to functional area changes, the Digital Hub is no longer used for digital literacy training (since being permanently relocated to the Town's library), nor is it currently provided for community use due to technology and access issues. Future use of the facility is yet to be fully confirmed, however, it will be used for staff overflow and a project development space in the interim. As a result of the above, a strategic marketing plan is no longer required.

## New deliverables

11. The following deliverables are substantial strategic risk treatment actions already adopted by Council in December 2021. All items are to be completed by June 2022.

<b>Deliverable</b>	<b>Responsible service area</b>	<b>Strategic outcome</b>	<b>Strategic initiative</b>
Review Safer Neighbourhoods Plan	Community Development	EC2 – A clean, safe and accessible place to visit	EC2.1 - Promote community safety and crime prevention
Link adopted strategies to strategic asset planning	Asset Planning	EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed	EN5.1 - Ensure the long-term asset and service provision sustainability of significant community buildings and other assets
Create program of penetration testing	Technology and Digital Strategy	CL4 - Appropriate information management that is easily accessible, accurate and reliable	CL4.1 - Improve the security, reliability and continuity of systems and hardware

Complete audit of cloud services in use to ensure all are in Australian hosted locations	Technology and Digital Strategy	CL4 - Appropriate information management that is easily accessible, accurate and reliable	CL4.1 - Improve the security, reliability and continuity of systems and hardware
Develop diversity action plan	People and Culture	CL5 - Innovative, empowered and responsible organisational culture with the right people in the right jobs	CL5.1 - Develop and sustain a highly skilled and effective workforce
Complete memorandum of understanding for South-East Corridor Alliance	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	CL8.1 - Provide for sound corporate governance
Complete sponsorship internal audit	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	CL8.2 - Promote principles of good governance
Complete employment process internal audit	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	CL8.2 - Promote principles of good governance
Complete misuse of assets and resources internal audit	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	CL8.2 - Promote principles of good governance
Improve Long-Term Financial Plan and review in line with adopted strategies	Financial Services	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making	CL8.4 - Demonstrate strong future planning through the Integrated Planning and Reporting Framework, performance monitoring and evaluation

Develop scenario planning for emergencies and recovery	People and Culture	CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably	CL10.1 - Comply with legislation and standards to ensure consistent, transparent and ethical governance
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### Deliverables to be added to new Corporate Business Plan

12. The following deliverables were identified in the strategic risk review as risk treatment actions. The actions are underway but are unable to be completed in the 2022-2023 financial year. These will be added to the first year of the new Corporate Business Plan 2022-2027, currently being developed.

Deliverable	Responsible service area	Strategic outcome	Strategic initiative
Investigate opportunities for revenue diversification to reduce reliance on rates	Financial Services	CL6 - Finances are managed appropriately, sustainably and transparently for the benefit of the community	CL6.2 - Promote sound and accountable fiscal management
Complete expenditure review process to maximise use of existing funds while maintaining level of service delivery	Financial Services	CL6 - Finances are managed appropriately, sustainably and transparently for the benefit of the community	CL6.2 - Promote sound and accountable fiscal management
Implement actions from integrity, fraud and corruption internal audit	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	CL8.2 - Promote principles of good governance

### Next steps

13. The Corporate Business Plan will be updated to reflect any changes made by Council because of this report.
14. The updated version will be made available on the Town’s website and as a paper version at the Town’s administration building and library. Any future reporting on Corporate Business Plan deliverables will take any changes into account.
15. A major review and reset of the Corporate Business Plan will be presented to Council in June 2022. Any actions presented that fall within these years will be included.

## Relevant documents

[Corporate Business Plan 2017-2022](#)

[DLGSC IPR Framework and Guidelines](#)

## 11.3 Council Resolutions Status Report

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Governance and Strategy
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Outstanding Council Resolutions Report - February 2022 [<b>11.3.1</b> - 24 pages]</li> <li>2. Completed Council Resolutions Report - February 2022 [<b>11.3.2</b> - 15 pages]</li> </ol>

### Recommendation

That Council:

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

### Purpose

To present Council with the Council resolutions status reports.

### In brief

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

### Background

1. On 17 August 2021, Council resolved as follows:

*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.

### Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

## Engagement

### Internal engagement

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

## Legal compliance

Not applicable.

## Risk management consideration

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

## Financial implications

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

## Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.



3. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 27 January 2022 to 23 February 2022. A status update has been included by the relevant officer/s.

## **Relevant documents**

Not applicable.

## 12 Chief Community Planner reports

### 12.1 Burswood South Streetscape Improvement Concept Plan - Final Plan

<b>Location</b>	Burswood
<b>Reporting officer</b>	Place Leader – Strategic Planning
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>Attachment 1 - Burswood South Streetscape Improvement Plan (March 2022) [12.1.1 - 73 pages]</li><li>Attachment 2 - Submissions Summary [12.1.2 - 21 pages]</li></ol>

#### Recommendation

That Council adopts the Burswood South Streetscape Improvement Plan (Attachment 1) as a document that informs the revitalisation of streetscapes in the Burswood South mixed use precinct subject to future detailed design and funding.

#### Purpose

This report presents the results of public advertising and the final draft Burswood South Streetscape Improvement (Concept) Plan for Council approval.

#### In brief

- The Burswood South precinct forms the Town's second largest major activity centre after Albany Highway, but development has lagged behind expectations, and the poor quality of streets and the public realm is a contributing factor.
- A Streetscape Improvement Plan (concept designs) has been prepared to upgrade the public realm for the Burswood South mixed use precinct which includes trees and landscaped verges, safer pedestrian crossings and traffic calming. This project forms a part of the Streetscape Improvement Sub-Program within the larger Transport Program (from the draft Transport Strategy) of the Town and is consequently captured in the Burswood South Place Plan.
- Preliminary costs estimate the upgrades for Burswood-Teddington Roads range between \$5.1 million and \$8.7 million (not including underground power) and a long-term funding strategy is required to realise the project vision. Future funding (including potential underground power) will be considered during the review of the Town's Long-Term Financial Plan.

#### Background

- This project originates from the Burswood South Place Plan (adopted by Council in 2020) Action 3.3 "Prepare and implement a Streetscape Improvement Plan for Burswood and Teddington Roads". The project area was expanded to include all streets zoned "Office/Residential" in Town Planning Scheme No.1 (TPS1). The project does not include rights-of-way, except for two links between Burswood Road and GO Edwards Park.

2. The Burswood South mixed-use precinct is the Town's second largest commercial activity centre. It covers 41 hectares and currently contains approx. 270 dwellings and 88,000 sqm of mixed business floorspace (professional and business support services, social and community services, retailing and service industries).
  3. Streetscape improvements (including undergrounding power) were originally proposed in the Town's Causeway Precinct Plan (2009). They aimed to attract redevelopment and complement the increased development potential approved under TPS1. The Causeway Plan estimated the potential for 1,150 dwellings (2,300 residents) and 87,000 sqm of commercial (office) floorspace (3,000 jobs). The Plan estimated that 90% of redevelopment would occur by 2031. To-date development has lagged way behind expectations and the quality of streets is considered a contributing factor.
  4. The Burswood South Streetscape Improvement Plan project commenced in February 2021 with the formation of a multi-disciplinary project team of urban and landscape designers, urban and transport planners, traffic and civil engineers. The project aims are to:
    - a. To rejuvenate and rebrand the image and character of the area as a highly desirable inner-city precinct for living and doing business.
    - b. To provide for an attractive, safe, and comfortable public realm, re-balancing priorities towards pedestrian accessibility and experience over through and circulating vehicles.
    - c. To ensure streets contribute to a more sustainable and resilient urban environment.
    - d. To ensure public investment is proportional to the economic and social value of the area, within the Town's capacity to fund and an incentive to private investment in the area.
  5. The project methodology included:
    - a. February 2021 – site visit and context analysis by Project Team.
    - b. 3 to 19 March 2021 - issues and opportunities survey - received 58 responses with 100% support for a change in streetscape quality. Top 5 priority issues - safer footpaths and road crossings, more trees, better lighting and night safety, slower traffic speeds and safer driving, better street maintenance and cleanliness.
    - c. April – June 2021 – Project Team workshops and preparation / refinement of concept plans, preparation of cost estimates.
    - d. 27 July 2021 - Elected Members Concept Forum – presentation of concept plans and preliminary cost estimates (Opinion of Probable Costs).
    - e. 27 July to 19 August – draft plans available for Elected Member input.
    - f. 12 October 2021 – report to Council meeting, approval for public advertising.
    - g. 18 October to 8 November 2021 – public advertising, 33 community submissions and 2 agency submissions received.
  6. The Final Streetscape Improvement Plan consists of:
    - a. Key Moves (or principles) that underpin the concepts and guide future detailed designs. These are (1) slow traffic, (2) safer footpaths and crossings, (3) green and shade streets, (4) create distinct people places, (5) enhance identity and vibrancy, (6) strengthen walking and cycle connections.
-

- b. A range of proposed upgrades including – extensive street tree planting and landscaped verges, rain gardens, public seating and alfresco areas, widened footpaths and dedicated pedestrian crossing points, narrower vehicle lanes and traffic calming devices, additional on-street parking and removal of obsolete driveways, public art, underground power and new public realm lighting.
- c. An implementation table outlining future actions to progress to the next stage of Design Development / Detailed Design. This also includes progressing discussions with Western Power regarding the costs and subsidies available for underground power, carrying out small-scale place activations in the shorter-term and preparing a 'shovel ready' design for one Micro-Plazza should Federal or State government funding become available.

## Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The upgrade and revitalisation of streetscapes ensures the public realm quality and functionality reflects the economic vision for the precinct. It will improve competitiveness, encourage business growth, employment growth and visitation.
EC02 - A clean, safe and accessible place to visit.	The upgrade and revitalisation of streetscapes will improve the amenity and quality of the precinct for visitors, workers, business owners and residents (now and future). The design concepts address existing pedestrian and vehicle safety issues. The plan will result in higher levels of streetscape maintenance.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	The upgrade and revitalisation of streetscapes will improve the safety and amenity of the pedestrian experience, re-balancing priorities towards pedestrian access and enjoyment of the place (residents, business customers and employees).
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The upgrade and revitalisation will introduce basic green infrastructure to the precinct such as canopy cover and rain gardens to address climate change, urban heat island effects, improve stormwater run-off and improve the amenity of built-up areas for residents, customers / visitors and workers.
EN07 - Increased vegetation and tree canopy.	The upgrade and revitalisation will significantly increase vegetation and tree canopy in the public realm. The extent and quality of the public realm greening elements might encourage equally high-quality greening in the private developments.

## Engagement

### Internal engagement

Street Design, Infrastructure Operations, Place Planning	These service areas formed part of the project team and have contributed to the proposed concept designs.
Parking	Parking supports the plans and have requested that the location of Loading Zones be considered in the next stages of the project. More detailed plans will be referred to Parking as the project progresses.

### External engagement

Stakeholders	Residents, business owners, landowners and employees.
Period of engagement	Public comments were open from 19 October to 8 November 2021.
Level of engagement	2. Consult
Methods of engagement	<p>An information session was held on 27 October 2021 in a local venue from 4pm – 6pm and was attended by approx. 30 people.</p> <p>Project information and draft concept plans were posted on the Town’s community engagement website and officers were available for phone or email discussion.</p>
Advertising	The plans were advertised through the Town community engagement website, social media, flyer drop to commercial and residential (up to Harper St), direct letters to non-occupying landowners (approx. 450 letters).
Submission summary	A total of 33 community submissions were received. Several late submissions were accepted by the Town.
Key findings	<p>Attachment 1 Submissions Summary and Responses provides a summary of submission comments by theme, officer responses and proposed modifications to the plans and implementation actions. An assessment was made of the level of support for the concept plans which found:</p> <ul style="list-style-type: none"> <li>• Support – 15 submissions</li> <li>• Conditional Support – 8 submissions</li> <li>• Do Not Support – 1 submission</li> <li>• Unsure – 5 submissions</li> <li>• Not Indicated – 4 submissions</li> </ul>

The top concerns raised in the community submissions were:

- The high volumes of traffic on Burswood-Teddington Roads, the need to reduce volumes / divert traffic, vehicle speeds and the need to slow traffic.
- The potential for the upgrades to divert more traffic to residential side streets and potentially worsening existing traffic issues.

## Other engagement

Main Roads WA	Main Roads WA lodged a submission on the draft concept plans and the Town had a follow up meeting to discuss their comments. A full summary of their submission and the Town's response is included in Attachment 1.
Public Transport Authority	The Public Transport Authority lodged a submission on the draft concept plans and the Town had a follow up meeting to discuss their comments. A full summary of their submission and the Town's response is included in Attachment 1.
Western Power	The Town is progressing an investigation with Western Power to identify the costs of undergrounding power and eligibility for any subsidies.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The cost of implementation is a burden to the Council.	Major	Possible	High	Low	Treat / manage the risk by refining costs at detailed design stage, preparing a Funding Strategy and assigning funds through the Long-Term Financial Plan.
Environmental	The plan does not adequately address the Town's environmental priorities – improve	Major	Possible	High	Medium	Avoid the risk by funding implementation of the plan over the next 10 years and

	quality of run-off to River, stormwater aquifer re-charge, increase urban canopy, minimise urban head, minimise vehicle pollution / greenhouse gases.					further investigate the opportunities for stormwater treatment during the next stage of Design Development.
Health and safety	The plan does not adequately address pedestrian and vehicle safety issues.	Major	Possible	High	Low	Treat the risk by engaging specialist road safety advice during Design Development.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	The Town does not fully implement the plan over a reasonable timeframe, leading to limited impact, community dissatisfaction and persistence or worsening of issues (poor amenity, slow redevelopment / business growth). The Town does not address the concerns of residents and businesses about traffic volumes and potential impact on side roads.	Moderate	Possible	Medium	Low	Treat the risk by carrying out cost-benefit analysis with the preparation of the Funding Strategy.
		Moderate	Possible	Medium	Low	Treat the risk by carrying out additional traffic assessment during detailed design, continue communicating with residents/businesses.
Service delivery	Insufficient staff resources available to implement the plan leading to	Moderate	Possible	Medium	Medium	Treat the risk by adopting the plan for prioritisation through the

delays to commence and/or failure to fully implement.

Town's annual business planning and budgeting process.

## Financial implications

### Current budget impact

The funds allocated in the 2020-2021 budget for the project have been expended. Adoption of the final Streetscape Improvement Plan does not have any current budget impacts.

### Future budget impact

Should the Council adopt the final Streetscape Improvement Plan, then future budgets will be required over the next 10 years (or thereabouts) for detailed design and construction, and underground power.

The next stage of the project will include the preparation of a Funding Strategy for the Council's consideration. The Funding Strategy will provide an assessment of various long-term funding scenarios and contribution sources. The next stage will also include the preparation of a staging plan. These documents will inform the Town's Long-Term Financial Plan.

This stage of the project included an Opinion of Probable Costs for Burswood-Teddington Roads (including traffic management) (refer to the attachment in the Final Streetscape Improvement Plan) which estimated:

- \$5.1 million (lower specification of materials, less upgrade features)
- \$8.7 million (higher specification of materials and more upgrades/features).

Preliminary costs for other streets in the precinct have not yet been estimated but will be significantly less as they require fewer upgrades.

Some elements of the plans will also be funded from existing programs eg. Urban Forest Leafy Streets sub-program, footpath renewal program, etc.

The Town will endeavour to secure any Federal or State grants that also become available.

## Analysis

7. There was substantial support for the concept plans during the advertising period. However, several concerns were raised by the community, and these are summarised and addressed in Attachment 2 Summary of Submissions.
8. The major issues raised by the community were:
  - ☐ The high volumes of traffic on Burswood-Teddington Roads, the need to reduce volumes / divert traffic, vehicle speeds and the need to slow traffic.
  - ☐ The potential for the upgrades to divert more traffic to residential side streets and potentially worsening existing traffic issues.
9. Main Roads WA also raised concerns that the upgrades may divert traffic, reducing the effectiveness of Burswood-Teddington to fulfil its role as a District Distributor according to the State Road Hierarchy.



10. The next stage of Design Development would normally involve further traffic analysis to refine the concept plans. However, given the concerns raised by the community and Main Roads, the next stage can include an expanded traffic investigation to include traffic volumes and capacity, volumes on side streets and gaps analysis (for turning onto Burswood Rd), any effects of re-distributing traffic and whether it is desirable to further investigate any other network improvements such as re-opening Craig St to Great Eastern Highway, expanded right turning lanes on Shepperton Road or expanding the left-turning lane from Great Eastern Highway to Shepperton Road.
11. Should the Council support the final Streetscape Improvement Plan, and subject to future project funding, the next steps are carrying out further traffic assessment, refining concepts to detailed designs, progressing underground power investigations, and preparing a funding strategy for the Council's consideration.

## **Relevant documents**

Not applicable.

## 12.2 84-88 Goodwood Parade, Burswood - Amendment to Development Approval (Extension of Time)

<b>Location</b>	No. 84-88 (Lots 99, 100 & 101) Goodwood Parade, Burswood
<b>Reporting officer</b>	Senior Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 – Site Aerial</li> <li>2. Attachment 2 – Development Plans</li> <li>3. Attachment 3 – Applicants submission letter</li> <li>4. Attachment 4 - Submissions Received</li> <li>5. Attachment 5 – Applicants submission response</li> </ol>

<b>Landowner</b>	Burswood Corporation Pty Ltd
<b>Applicant</b>	Dynamic Planning
<b>Application date</b>	26 August 2021
<b>DA/BA or WAPC reference</b>	5.2021.420.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Office/Residential
<b>R-Code density</b>	N/A
<b>TPS precinct</b>	Precinct P2 - Burswood
<b>Use class</b>	Tavern & Brewery
<b>Use permissibility</b>	'X' (prohibited) use; 'AA' (discretionary) use
<b>Lot area</b>	1802m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Lane 38 (Lot 401)
<b>Heritage</b>	N/A
<b>Residential character study area/weatherboard precinct</b>	Nil
<b>Surrounding development</b>	Light industrial warehouses and associated offices

## Recommendation

That Council:

1. Approve the application (DA Ref: 5.2017.515.1) submitted by Dynamic Planning for Amendment to Development Approval (Extension of Time) at No. 84-88 (Lots 99, 100 & 101) Goodwood Parade, Burswood as indicated on the plans dated received 26 August 2021 in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme subject to the following conditions:
  - (a) This approval is valid until 1 July 2033 after which time the operation of the approved 'Tavern and Brewery' shall cease.
  - (b) Remainder of development complying with development application DA 5.2017.515.1 approved on 10 October 2017, except as varied by condition (1) above.
2. Request the CEO advise submitters of the outcome of the application.

## Purpose

For Council to consider an application for a time extension to an existing development approval for Tavern and Brewery at No. 84-88 (Lots 99, 100 & 101) Goodwood Parade, Burswood.

## In brief

- An application has been lodged seeking an amendment to an existing development approval for Tavern and Brewery at No. 84-88 (Lots 99, 100 & 101) Goodwood Parade which has a temporary approval until 10 October 2027.
- The application seeks approval for a further 10 year period until 10 October 2037.
- Community consultation was undertaken, and 4 submissions were received.
- The proposed amended planning framework for the area known as Burswood Station East is awaiting final approval from the Western Australian Planning Commission (WAPC) and during this interim period Council must consider each and every development application in the area on its merit in accordance with Local Planning Policy 35 - Policy Relating to Development in Burswood Station East (LPP 35).
- It is recommended that a time extension be approved until 1 July 2033.

## Background

1. The Council at its meeting on 10 October 2017 resolved to adopt Council Policy PLNG10 'Transitional Use Policy'. The purpose of the Policy was to allow transitional uses to be approved for a period of up to 10 years in areas likely to undergo redevelopment, where the use would bring activation and other benefits to the community, notwithstanding variations to development standards applying under the Scheme.
2. The rationale for PLNG10 specifying a 10 year maximum period was that it was anticipated that at the expiration of this period, a reasonable extent of redevelopment of the precinct may have commenced and the transitional land use may no longer be appropriate or necessary to maintain activation of the Precinct. The 10 year timeframe also provided time for the Town to determine the strategic intent for

the area through changes to the planning framework for Burswood Station East and the Local Planning Strategy.

3. The Council at its meeting on 10 October 2017 also resolved to approve a development application for a change of use of the property at No. 84-88 Goodwood Parade to Tavern and Light Industry (Microbrewery). At the time it was established that the property benefitted from non-conforming use rights, which provided power for the Council to approve the proposed new uses of Tavern and Light Industry despite these uses being prohibited under the Scheme.
4. With respect to the development application approved for No. 84-88 Goodwood Parade, it should be noted that:
  - It was considered that the development would result in positive social, streetscape and activation benefits for the area.
  - The development was considered to meet the relevant criteria outlined in Policy PLNG10 so as to gain support as a transitional use for a period of 10 years.
  - The application was approved with 20 on-site car bays in lieu of 71 parking bays being required. Support for the parking shortfall was based upon initiatives proposed by the applicant to encourage alternative means of transport, the proximity to a train station, and the use being for a 10 year period as per Policy PLNG10.
5. Accordingly, Council approved the development application inclusive of the following conditions:
  - 1.1 *This approval is valid for a maximum period of 10 years from the date of this approval, after which time the operation of the approved 'Tavern and Light Industry (Micro-Brewery)' shall cease.*
  - 1.2 *In order to deliver additional community benefits, the development is to include provision for sit down and/or takeaway coffee facilities and the like at times to the Town's satisfaction. Details are to be agreed between the applicant and the Town prior to occupancy of the development.*
  - 1.3 *The applicant is to implement the vehicle reduction measures for staff and customers as outlined in the Development Application report, at all times to the satisfaction of the Town.*
6. It should be noted that Council Policy PLNG10 was adopted as Council Policy 451 on 15 December 2020.

## **Application summary**

7. The application seeks to amend condition 1 of the existing development approval for the site, by seeking to extend the approval period by a further 10 years from 10 October 2027 to 10 October 2037.
8. The applicant provided a report accompanying their application which includes the following comments:

*"This proposal intends to amend Condition 1 of the existing approval (DA Ref: 5.2017.515.1), by virtue of seeking a continuation of the approved use beyond the initial 10 year period, set to expire on 10 October 2027. This proposal seeks to continue the approved use for a further 10 year period (i.e. to expire on 10 October 2037) in order to continue what is a successful land use operation and secure a new tenant at the premises due to Blasta Brewing Company's relocation.*

*The commercial realities of securing a long term tenant means that the further 10 year approval period is required to make the initial capital investment by a tenant commercially viable. There are no proposed changes to the approved use or development works at the subject site. The registered proprietor intends to lease the premises to a similar 'brewpub' tenant to operate within the existing building parameters. Any 'works' proposed by the new tenant will be the subject of a subsequent development application to the City."*

## Relevant planning framework

<b>Legislation</b>	Town of Victoria Park Town Planning Scheme No. 1 Planning and Development (Local Planning Schemes) Regulations 2015
<b>State Government policies, bulletins or guidelines</b>	Nil
<b>Local planning policies</b>	Local Planning Policy 23 – Parking Policy Local Planning Policy 35 – Development in Burswood Station East Draft Local Planning Policy 40 - Burswood Station East Precinct Design Guidelines & Public Realm Improvements Local Planning Policy 37 – Community Consultation on Planning Proposals
<b>Other</b>	Council Policy 451 'Transitional Uses'

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> <li>This area should be redeveloped from industrial use to an area of mixed office and residential activities together with other uses which serve the immediate needs of the work force and residents. Residential and office uses may be developed independently.</li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 35 'Policy Relating to Development in Burswood Station East' are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>Each and every application is required to be considered on its individual merit, however this Policy outlines that Council will not approve or support an application which is likely to prejudice the future planning and long-term objectives for the Precinct.</li> </ul> <p>The following objectives of Local Planning Policy 40 'Burswood Station East Precinct Design Guidelines &amp; Public Realm Improvements' are relevant in determining the application.</p>

- The Burswood Station East Precinct should be redeveloped primarily as an area of high-quality medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents.

**Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015**

The following are relevant matters to be considered in determining the application.

- a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- g) Any local planning policy for the Scheme area;
- m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) The amenity of the locality including the following -
  - i. The character of the locality;
  - ii. Social impacts of the development.
- s) The adequacy of -
  - i. The proposed means of access to and egress from the site; and
  - ii. Arrangements for the loading, unloading, maneuvering and parking of vehicles;
- t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) The availability and adequacy for the development of the following - Access by older people and people with disability;
- x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- zb) Any other planning considerations the local government considers appropriate.

**Council Policy 451  
'Transitional Use'**

1. In areas of the Town undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or Scheme provisions, (eg Burswood Peninsula and the Causeway Precinct) uses will be considered for approval for a temporary period of up to 10 years, as deemed appropriate, based on the following criteria:
  - a. The use provides an interim service or facility that benefits the community;
  - b. The use provides activation and passive surveillance;
  - c. The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
  - d. The use promotes social interaction and community development;
  - e. The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
  - f. The use promotes the principles of transit oriented development and/or modal shift; and
  - g. The use does not replicate a similar use permanently approved in proximity to the proposed use.
  
2. Where a development meets the criteria in (1) above, Council may vary relevant development standards and provisions at the Scheme or Local Planning Policies in order to facilitate development including exercising discretion under Clause 29 'Determination of Non-Complying Applications' of Town Planning Scheme No.1.

**Compliance assessment**

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

Amendment to an existing development approval (Time Extension)		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Existing Land use	(No change proposed) Tavern 'X' use Light Industry 'X' use	No change
Existing Car parking	86 bays required 21 bays existing	This application for an extension of time does not change the car parking requirement.

		While not relevant to the assessment of this application, a separate application for retrospective approval of an increased outdoor dining area results in an increase in the parking requirement from 71 bays to 86 bays. This will be considered as part of the determination of this separate application.
<b>Signage</b>	Nil	Nil
<b>Other (state relevant LPP provisions)</b>	Nil	Nil

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Community Consultation was undertaken in accordance with Council's policy to provide the community with an opportunity to make comments regarding the proposal.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The current land use encourages activation of the precinct and economic diversity and investment as a facility for current and future residents.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Ensure the suitability of the interim land use proposed and that it does not prejudice the future development of the Burswood Precinct.

## Engagement

<b>Internal engagement</b>	
Stakeholder	Comments
Place Planning	The proposal for an extension of time will not prejudice the future development of the precinct and is likely to catalyse development.



Parking

There are issues with deliveries to the site – vehicles parking in and obstructing the laneway and the concerns raised by a nearby businesses about this.

<b>External engagement</b>	
<b>Stakeholders</b>	Owners and Occupiers of Adjoining properties within a 100 metre radius and member of the public (signage)
<b>Period of engagement</b>	14 days: 11 October 2021 – 25 October 2021
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Letters Two on-site signs
<b>Advertising</b>	Town Website
<b>Submission summary</b>	4 submissions
<b>Key findings</b>	<p>2 submissions of support.  1 submission raising concerns regarding parking and access to adjoining businesses in the vicinity.  1 submission citing concerns with respect to the request for time extension, in particular:</p> <ul style="list-style-type: none"> <li>• The extension to the approval timeframe would be contrary to the Town’s intended development form for the locality as detailed within the approved Burswood Peninsula District Structure Plan and the Town’s adopted Draft LPP 40 – Burswood Station East Precinct Guidelines.</li> <li>• The extension would potentially enable the uses to operate for up to 20 years, being a considerably greater time period than that specified within the Policy and also envisaged by Council in 2017 and that it would no longer be considered a ‘temporary’ use in accordance with the policy.</li> <li>• The application provides no indication of the ultimate development intentions for the site and the potential for this use to be suitably integrated within a future development form consistent with the District Structure Plan and adopted Draft LPP 40.</li> <li>• The request indicates that a suitable tenant is yet to be secured, meaning that the intended operator is not known at this stage. As the ultimate operations for the site are unclear, it is not possible to effectively assess the activity against the criteria within Policy PLNG10.</li> <li>• The timing of the request is premature, given that the Town has already granted approval to the uses for a 10 year period, being the maximum timeframe specified within its Policy, of which six (6) years is still remaining.</li> </ul>

9. In accordance with the Local Planning Policy 37 – Community Consultation on Planning Proposals the applicant was provided with an opportunity to respond to the public submissions received and they have subsequently responded as such prepared a response (see Attachment 5 to this report). The applicant communicates in their response that they feel that much of the objections raised are commercial discussions between the landowners and current tenants which are irrelevant to the assessment of the proposal. As such, the objecting submission at Attachment 4 has been redacted to remove ‘Commercial in Confidence’ details.

10. The applicant makes the following additional points in their response to submissions:

- That in preliminary discussion with the Town whilst the current land use on the site could not be permanently approved under the existing planning framework that the development had represented a successful transitional use which had been a positive influence on the social activation and amenity of the locality.
- Given that residential development is not expected to evolve at a significant pace, that the continued operation of the subject site will not prejudice the desired objectives for the precinct.
- That it is not the intent of the applicant to surrender non-conforming use rights via a large-scale redevelopment, but rather continue the existing land use and allow the positive amenity and social activation impact to continue.
- That it is not a requirement of the Town to be advised of the operator intention on the subject site to assess the appropriateness of the request for an extension of time against the provisions of the planning framework in place.
- That the submitter can't justify the position that it is premature to seek an extension to the approval period and that it is appropriate for the applicant to gain the necessary approvals now to secure a new tenant and maintain the current land use.

### Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A	N/A	N/A	N/A	N/A	N/A
Environmental	N/A	N/A	N/A	N/A	N/A	N/A
Health and safety	N/A	N/A	N/A	N/A	N/A	N/A
Infrastructure/ ICT systems/ utilities	N/A	N/A	N/A	N/A	N/A	N/A
Legislative compliance	The applicant has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council	Minor	Unlikely	Low	Low	Accept and provide Council with relevant information to make an informed decision.

Reputation	Negative public perception towards the Town may result regardless of the outcome	Minor	Unlikely	Loe	Low	Accept and provide Council with relevant information to make an informed decision.
Service delivery	N/A	N/A	N/A	N/A	N/A	

## Financial implications

<b>Current budget impact</b>	Not applicable.
<b>Future budget impact</b>	There may be a budget impact if the applicant were to seek a review of the Council's decision by the State Administrative Tribunal, and if professional representation is required.

## Analysis

### Site

- The subject site comprises three lots and has frontages to Goodwood Parade, Griffiths Street, Claude Street, and a rear laneway to the east. Primary access is provided via a crossover on Griffiths Street and from the rear laneway. The subject site is located within the Burswood Precinct or the area also known as Burswood Station East, bounded by the Graham Farmer Freeway, Great Eastern Highway, and the Armadale passenger railway line.
- The Burswood Precinct is included in the State Government's Burswood Peninsula District Structure Plan (BPDSP), with the most recent revision having been endorsed in March 2015. The BPDSP identifies the Burswood Precinct as being suitable for redevelopment into a high density mixed-use and residential neighbourhood.

### Proposed Scheme Amendment 82

- Consistent with the BPDSP, the Town has been progressing proposed changes to the local planning framework, namely Scheme Amendment 82 and draft Local Planning Policy 40. The vision for the Burswood Station East area is to facilitate redevelopment of aging industrial and commercial building stock to a vibrant urban neighbourhood.
- At the December 2020 Ordinary Council meeting, Council resolved to support Scheme Amendment No. 82 for final approval which seeks to affect a number of changes to Town Planning Scheme No. 1. Amongst other things, this includes amending the applicable development standards to permit more intensive development to occur, albeit with restrictions to limit the total number of vehicles accessing the precinct.

15. Scheme Amendment 82 proposes the following new Statement of Intent for the Burswood Station East Sub Precinct:

*"The land incorporated in Sheet A of Precinct Plan P2 Burswood Precinct comprises the Burswood Station East Sub-Precinct. Burswood Station East should be redeveloped primarily as an area of high quality and medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents. In particular:*

- a) Public places such as parks, reserves, streets and lanes should be used, maintained and enhanced so that they create a high level of public amenity.*
- b) Uses and public facilities that promote pedestrian interest, activity, safety and connectivity at street level are encouraged throughout Burswood Station East.*
- c) Ground floor design will provide vibrant, human-scale, fine grain streetscapes that contribute to the overall character of the precinct.*
- d) Multi-storey development should be designed and proportioned to break up the visual presence of the development and provide a 'human scale' of development at street level.*
- e) Development should be designed to allow spaces to be adapted over time, particularly at the ground-floor level. Adaptive re-use is encouraged where this contributes to interest, vibrancy and improved building façade and public realm outcomes.*
- f) Buildings should be designed to maximise solar access and minimise the impact of wind on the public realm.*
- g) Development design will contribute to creation of a highly functional transit-oriented development, including through housing and land use mix, building façade design and car parking provision.*
- h) All buildings should strive to be innovative and reflect and accommodate modern business premises and offer a wide range of housing types and price points.*
- i) All new development should be designed in accordance with 'Crime Prevention Through Environmental Design' principles.*
- j) Buildings should be designed to achieve best practice for environmental sustainability through innovative design, construction and management.*
- k) Office and Commercial land uses should be the predominant land use in development fronting Great Eastern Highway.*
- l) Public spaces, local roads, pathways and development should include opportunities for urban greening."*

16. With respect to the uses operating from the site (Tavern and Brewery), Scheme Amendment 82 does not propose to change the land use permissibilities for the 'Office/Residential' zone. However, it should be noted that since the original 2017 approval, the use class of 'Brewery' has been introduced into the land use and zoning table of the Scheme which captures the 'brewing of beer' component rather than it being required to be considered as a 'Light Industry' use. A Brewery is an 'AA' (discretionary) use in the zone.

17. It is understood that Scheme Amendment 82 was presented to a recent meeting of the WAPC's Statutory Planning Committee for consideration for final approval. At the time of writing this report, Town Officers have not been advised of the outcome of the meeting.

18. The use of the site as a Tavern satisfies a number of the above objectives for the Precinct as proposed by Scheme Amendment 82 including those related to pedestrian safety, activity, vibrancy and the adaptive re-use of existing buildings.

## Local Planning Policy 40 - Burswood Station East Precinct Design Guidelines & Public Realm Improvements (LPP40)

19. The statement of intent for the Precinct as outlined in LPP40 is as follows:

*"The Burswood Station East Precinct should be redeveloped primarily as an area of high-quality medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents."*

20. This policy is designed to provide guidance for applicants and decision makers with respect to that envisaged transition via the provision of built form design standards, and guidance as to how discretion to vary those standards may be exercised in certain circumstances.

21. In the case of the subject site, LPP40 would enable the site to be developed in the following form:

- Multiple Dwelling development and Mixed Use development
- A base maximum building height of 6 storeys, which subject to satisfaction of relevant criteria, could potentially be increased to a maximum of 22 storeys.
- A base maximum plot ratio of 2.0, which subject to satisfaction of relevant criteria, could potentially be increased to a maximum plot ratio of 6.0.

### Carparking

22. As outlined above, there is an existing approved on-site shortfall of car parking for the approved use which was considered and approved as part of the previously approved change of use application (minimum 71 bays required; 20 bays proposed).

23. In considering this application for a time extension of the land use, it is appropriate for Council to consider the acceptability of the car parking shortfall and its impact upon parking in the precinct beyond the current approval expiry period ie. 10 October 2027.

24. Feedback from the Town's Parking team is that parking of delivery vehicles is a current issue in the locality. However, this matter can be managed through ongoing consultation with the landowner regarding traffic and vehicle management and the Town's Parking team.

25. It should be noted that driven by road intersection capacities and proximity to the Burswood train station, Scheme Amendment 82 proposes a change in methodology for car parking, with there being a maximum number of car bays per site, rather than a minimum number of car bays. Scheme Amendment 82 proposes that the carparking requirement for the precinct would be a maximum of 0.06 bays per m<sup>2</sup> of parent lot area. In the case of the subject lot this would equate to a maximum of 106 bays. While the development provides 20 on-site car bays in lieu of a minimum of 71 bays under today's parking policy requirements, the parking provision for the site satisfies the proposed future parking requirement for the Precinct.

### Transitional Use and Extended Timeframe

26. A significant basis for the development approval of 2017 was Council Policy PLNG10 'Transitional Use' now adopted as Council Policy 451 'Transitional Use'. The following criteria of the Policy apply to consideration of transitional uses:

- a. The use provides an interim service or facility that benefits the community;
- b. The use provides activation and passive surveillance;
- c. The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
- d. The use promotes social interaction and community development;
- e. The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
- f. The use promotes the principles of transit oriented development and/or modal shift; and
- g. The use does not replicate a similar use permanently approved in proximity to the proposed use.

27. Local Planning Policy 35 – Policy Relating to Development in Burswood Station East states the following:

*“Each and every application is required to be considered on its individual merit, however this Policy outlines that Council will not approve or support an application which is likely to prejudice the future planning and long-term objectives for the Precinct.*

Policy

*Until such time as a Local Structure Plan is approved for the area known as Burswood Station East, Council will not approve or support applications for planning approval unless satisfied that approval of the development will not prejudice future planning for the Precinct.”*

28. The following concluding comments were made in the Officer’s report recommending approval of the 2017 development application:

*“The proposed change of use is anticipated to result in significant streetscape and activation benefits to the Precinct. The area still remains predominantly a light industrial area, however given the impending release of the Burswood Station East Local Structure Plan and assuming favourable market conditions within the next few years, it is anticipated that the regeneration of the area into a high quality residential and commercial environment will occur. In this respect, the proposed use, while not necessarily consistent with preferred long-term uses for the area, will be an excellent interim use while the redevelopment of surrounding land occurs in the manner envisaged under the Local Structure Plan.”*

29. In this respect, neither the anticipated amendments to the planning framework or favourable market conditions have yet transpired, however the use of the site has resulted in streetscape and activation benefits to the precinct. Officers remain of the view that the use is an excellent interim use until the redevelopment of land in the area with intensive residential and mixed use projects takes off.

30. While Officers can only speculate as to when a reasonable proportion of land redevelopment will occur in the Precinct, the amended planning framework is on the verge of being approved by the WAPC, and it would be reasonable to expect that approval will generate developer interest in the land in the short-medium term.

31. The above quoted statement from the 2017 development application report, commented that the proposed land uses are not the preferred long-term uses for the area. This was premised on the potential future land use and amenity conflicts that could arise between these uses and the high density residential and commercial development planned for the Precinct (ie. noise impacts). The statement was also made based upon the available information at the time.





32. Since this time, planning work has been undertaken by the Town, most notably the preparation of Scheme Amendment 82 and LPP40, and the Town's Local Planning Strategy. The use of the site as a Tavern satisfies relevant objectives relating to creating a mixed use urban neighbourhood, activation and vibrancy. However, the strategic intent is broad and is not sufficiently clear as to the types of land uses considered appropriate for the area in the long-term.
33. This is a level of further work that needs to be undertaken by the Town in preparing a new Local Planning Scheme (LPS 2) for the Town and determining the permitted land uses for each zone.
34. On balance, it is considered that a time limited approval is appropriate so as to allow the Town to undertake further work in developing LPS 2 and determining the appropriateness of the use into the future. This further work is likely to result in one of two outcomes, either:
- (a) it is determined that Taverns are an incompatible use with the high density residential and commercial developments planned for the area, in which case the approved Tavern will need to cease operating at the expiry of its approval period; or
  - (b) it is determined that Taverns are a compatible use with the existing and future surrounding development, potentially then allowing the applicant to seek an ongoing indefinite approval rather than a time limited approval.
35. The applicant seeks approval for an extension of the time period by a further 10 years ie. from 10 October 2027 to 10 October 2037. This would represent a continuation of the use for around a further 15 and a half years from now.
36. It is understood that the lease for the current tenant expires on 30 June 2023.
37. In support of the request for an extension of the time period by a further 10 years, the applicant says that *"The commercial realities of securing a long term tenant means that the further 10 year approval period is required to make the initial capital investment by a tenant commercially viable."*
38. On other occasions where the Town has dealt with time limited approvals, applicants and landowners have often argued that a 10 year period is necessary to amortize their initial capital costs. In this regard it is noted that the current tenant was accepting of the 10 year time limitation on their approval, notwithstanding the significant costs that they would have incurred in converting the premises from a previous Warehouse/Factory to a Tavern and Light Industry. This would suggest that a 10 year time period is sufficient to attract a tenant. In this instance, the owner's requested 10 year extension of time (until October 2037) would provide an approximate 15 year operating period, from now, for a new tenant,. It is considered that an effective 15 year operating period, from now, for a new tenant is excessive and beyond that required to secure a new tenant. A 10 year period from the expiry of the current lease is considered more reasonable, that being until 1 July 2033. This represents an extension of time of almost 6 years from the current approval.
39. Furthermore, in this instance, it appears that the major capital costs in setting up the premises for use as a Tavern have already occurred, and the further work that would need to occur by a new tenant would largely be fit-out works.

40. It is considered that the options available to Council are to either:
- (a) Not support any further time extension beyond 10 October 2027 – this option is not favoured. To date, redevelopment of land in the Precinct has not occurred to the extent that was anticipated when imposing a 10 year time limitation. In addition, the use has resulted in positive social and activation outcomes for the precinct, and will continue to do as a new community develops and appropriate facilities are provided to serve the community.
  - (b) Support the requested 10 year further extension ie. approval to continue to operate until 10 October 2037 – this option is not favoured for the reasons mentioned above.
  - (c) Support a time extension for an alternative period – this is the recommended option.
  - (d) Remove a time limitation on the approval and allow the use to continue in perpetuity – this option is not favoured for the reasons outlined above.
41. Option (c) is considered to strike a reasonable balance between allowing the use to continue to operate and benefit the area and recognising that the redevelopment of land in the precinct has been slow to date, against the longer term need to consider through the preparation of a new Local Planning Scheme, the long-term appropriateness of the Tavern land use in the context of the intended high density residential and commercial development planned for the Precinct.
42. In recommending support for an extended time period, but less than the 10 years requested by the applicant, an important consideration has been that no residential development has yet occurred in the close to immediate proximity of the subject site, nor is there any evidence of developer interest in this. Accordingly, there is no existing nearby residential development that would be impacted by an extension of time, and any new residential development that may be contemplated would be undertaken in the knowledge of the existence of the Tavern.
43. Taking into consideration all of the above, it is recommended that a time extension be granted until 1 July 2033. Having regard to LPP35 and relevant matters under deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, including the need to consider orderly and proper planning, this time extension is not considered to prejudice the future planning for the precinct.
44. It is acknowledged that with respect to a previous development application in Burswood Road which had a time limitation on the use of part of the property as an Office, Council subsequently removed the time limitation. In this instance the removal of the time limitation was largely based upon an Office being a permitted use of land in the relevant zone, and the purpose of the initial time limitation being to encourage redevelopment of the land. The circumstances of that application are therefore quite different to the current application.

## **Relevant documents**

[Minutes of the Ordinary Council Meeting 2017](#)

## 12.3 METRONET - Management and maintenance of public spaces draft position statement

<b>Location</b>	Carlisle East Victoria Park Lathlain Welshpool
<b>Reporting officer</b>	Place Leader Strategic Planning
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. METRONET draft position statement - Management and maintenance of public spaces within rail corridor

<b>Recommendation</b>	
<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Supports in principle the future management and maintenance of new public open space areas created from the METRONET's Victoria Park-Canning Level Crossing Removal Project.</li> <li>2. Authorises the Chief Executive Officer to negotiate future management and maintenance agreements subject to the conditions outlined in Attachment 1.</li> </ol>	

### Purpose

To give Council the opportunity to provide direction on the principles that will guide the Town's ongoing negotiations with METRONET regarding the future management and maintenance of new public spaces within the rail corridor following the completion and establishment of the Victoria Park-Canning Level Crossing Removal Project.

### In brief

- METRONET are seeking to establish the arrangements for the Town to manage and maintain new public spaces within the rail corridor following the completion and establishment of the Victoria Park – Canning Level Crossing Removal Project.
- The concept designs developed by METRONET in collaboration with the Town currently reflect best-practice design and if delivered consistent with those designs will provide valuable public open space for the Town's rapidly growing inner urban community.
- The Town recognises the public transport and community benefits of the project; however, the ongoing management and maintenance of this land will have significant ongoing cost and resourcing implications for the Town.
- The Council's formal consideration and endorsement of the Town's recommendations on this matter will ensure that ongoing negotiations with METRONET can be undertaken in good faith and achieve an optimal outcome for the Town and wider community.

## Background

1. The Town of Victoria Park has been working closely with the State government on the Victoria Park-Canning Level Crossing Removal project since 2018.
2. Since the announcement in June 2020 that elevated rail was the projects' preferred design solution, METRONET has worked closely with the Town on the Archer/Mint Street and Oats Street level crossing removal projects.
3. The Carlisle and Oats Street stations will be rebuilt as new elevated stations and the rail corridor between the stations will be converted into approximately 3.8ha of public open space, with new pedestrian and cycling connections.
4. METRONET has involved the Town's officers in the design process, held workshops with a community reference group and provided information for the ongoing briefing of elected members.
5. The Victoria Park-Canning Level Crossing Removal project is a METRONET project, being delivered by the Office of Major Transport Infrastructure Delivery (OMTID).
6. The Town continues to maintain a close and productive relationship with the METRONET planning and design teams as the project has very recently moved into its delivery phase.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The Council's endorsement will provide clarity for the Town in its ongoing negotiations with METRONET and the PTA regarding our agreed desired outcomes.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The desired outcomes outlined in the draft position statement directly impact these issues while also improving accessibility.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town's character.	The desired outcomes outlined in the draft position statement will directly and significantly impact the future of housing and urban design in the Town.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	METRONET is the largest transport infrastructure investment in the Town for decades and the desired outcomes in the draft position statement will directly impact the future design and use of the transport network.

## Engagement

### Internal engagement

Place Planning	Coordinating early and on-going engagement as part of the overall Level Crossing Removal project including significant input into the preliminary concept designs for the public spaces.
Infrastructure Operations	Input on the preliminary concept designs for the public spaces.
Street Operations	Input on the preliminary concept designs for the public spaces.
Property Development & Leasing	Preliminary advice on the potential benefits to the Town through obtaining leasing opportunities for the public spaces.
Elected Members	The Town invited feedback on the METRONET management and maintenance proposal, as well as the draft Town response, via the Elected Members Portal between the 16 November and 1 December 2021. Feedback was received from four elected members, which has helped inform the Town's position statement.

### Other engagement

METRONET	METRONET have been engaging the Town regularly on the Level Crossing Removal project including the future management and maintenance.
South East Corridor Councils Alliance (SECCA)	The Town of Victoria Park has discussed maintenance and management approaches with SECCA members. While each METRONET project is different across the region there is a united view to provide in principle support to assuming management responsibility subject to conditions. It is the nature of the conditions that is being discussed with other SECCA members considering the Town's position.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Opportunities for future leasable	Moderate	Possible	Medium	Low	Negotiate with METRONET and

	spaces to provide income to the Town not supported by METRONET or PTA					PTA to obtain support.
Financial	The Town does not effectively plan for the anticipated maintenance costs for new public spaces in its Long Term Financial Plan	Moderate	Possible	Medium	Low	Continue to work with METRONET to negotiate a staggered transition to maintenance handover as well detailed anticipated costs and required management regimes.
Reputation	Town reputation may be impacted if public spaces do not meet community expectations.	Minor	Possible	Medium	Low	Comprehensive engagement from and with METRONET during planning and delivery.
Service delivery	Road or bicycle network interruption due to works delays	Moderate	Likely	High	Low	Comprehensive engagement from and with METRONET during planning and delivery.

## Financial implications

<b>Current budget impact</b>	Preparing the principles for negotiation for the future management and maintenance of public spaces has no impact on the budget.
<b>Future budget impact</b>	<p>The future management and maintenance of public open space areas created through the Victoria Park-Canning Level Crossing Removal Project will have a long-term budgetary impact on the Town. The extent of the long-term costs to the Town are still to be confirmed with OMTID and will become known as the Town furthers negotiations (should Council proceed with the Officer Recommendation).</p> <p>In addition to anticipated long-term costs associated with maintenance and management the Victoria Park-Canning Level Crossing Removal Project is expected to impact the Town's future fiscal position through:</p> <ul style="list-style-type: none"> <li>• Potential additional funds from METRONET for funding infrastructure and service integration (subject to negotiation).</li> </ul>

- Provision of leasable spaces for an income stream that can offset future management and maintenance costs of the public spaces (subject to negotiation).
- Increased levels of development resulting in dwelling/population growth around the stations and new public open spaces. While development can be facilitated in the current planning framework, it will also be supported in the new Local Planning Scheme No.2 (currently being drafted) and the creation of an Oats St Station Precinct Structure Plan (proposed to commence in 2022/2023 - but subject to budget approval).

## Analysis

7. The Victoria Park to Canning LXR project is a METRONET project being delivered by OMTID.
8. The preferred proponent was announced in December 2021 followed by a contract award in early 2022.
  - a. Following the contract award, the next stage of design will commence consultation with the Town.
  - b. Major construction works are expected to commence in late 2022.
9. As part of the preliminary design investigations, METRONET has been collaborating with the Town and local community on a concept design for the creation of a linear parkland between Mint Street and Oat Street incorporating;
  - a. extensive tree plantings and landscaping
  - b. pedestrian and cycle pathways
  - c. active and passive recreation areas
  - d. children's playgrounds, and
  - e. spaces for community gatherings and small outdoor events.
10. The State Government will be responsible for the capital cost of creating the public spaces and have a preferred position to maintain the public spaces for a 24-month establishment period after practical completion.
11. Following the establishment period some of the public spaces will remain under the Public Transport Authority management (those directly adjacent to the Station infrastructure), however it is the States intention that care, and control of most public spaces will be transferred to the Town.
12. Recognising the significant public transport and community benefits of the project, the Town agrees in principle to assuming responsibility for the maintenance and management of the public spaces subject to several conditions to be negotiated for inclusion in the final agreement.
13. The recommended conditions will allow the Town to manage and maintain the public land in a sustainable and responsible manner to help minimise the financial impact on the Town into the future and primarily relate to:
  - c. Funding for Station Precinct Structure Planning - requesting that the State Government contributes \$200k in the the 2023/24 financial year to fund precinct planning for the Carlisle and Oats Street Station Precincts. The increase in rates revenue generated from this process will provide the Town

with an essential ongoing income source to fund the maintenance and management of the public land in the longer term.

- d. Infrastructure and Service Integration - requesting that the State Government provide further upfront funding for capital costs to integrate existing interfacing services and infrastructure with surrounding services and local infrastructure prior to project completion.
- e. Future Opportunities for Leasable Space - requesting that METRONET future proof the design of public spaces to cater for the development of leasable spaces in key areas along the corridor to help activate each station precinct. Such spaces would provide the Town with a sustainable income stream to offset management and maintenance costs with additional benefits to the local economy, meeting social infrastructure gaps and contributing to community safety.
- f. The areas the Town will be responsible for maintaining and details of the design that allow the Town to understand the specification, cost and skill required to undertake that maintenance. These should be provided to the Town as soon as possible to allow more detailed consideration and review before an agreement is finalised.
- g. A clear identification of the limitations of Local Government authority within these specific areas including but not limited to matters such as:
  - Approvals for development (i.e. future public toilets, or playground that the Town identifies as being necessary);
  - Approvals/permits for activities such as events and gatherings; and
  - Any approvals required for renewal works.
- h. A graduated establishment period so the future maintenance costs can be slowly increased rather than handed over completely after a 24 month period as per METRONET's preference.

14. The Council's in principle and conditional support for the future management and maintenance of new public open space areas created from the METRONET's Victoria Park-Canning Level Crossing Removal Project will ensure that the Town's ongoing negotiations with METRONET can proceed.

## Relevant documents

Not applicable.

## Further consideration

15. The following information was requested at the Agenda Briefing Forum held 1 March 2022.

16. *Provide information on why funding is still required if the Local Planning Strategy states that Carlisle Station is unnecessary.*

The Local Planning Strategy identifies the need to prepare a Precinct Structure Plan or other suitable planning instrument to guide growth and development in the Carlisle Station Precinct. Administration is considering the best planning instrument to guide the growth and development of Carlisle Station.



## 12.4 Draft Local Planning Strategy - Consultation Outcomes and Recommendation Modifications

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Place Leader - Strategic Planning
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Appendix 1 - Summary of Draft Strategy Changes April 2020 to March 2021 [<b>12.4.1</b> - 2 pages]</li> <li>2. Appendix 2 - Submissions Summary, Analysis and Modifications Report [<b>12.4.2</b> - 53 pages]</li> <li>3. Appendix 3 - Local Planning Strategy Community Submissions Summary - Individual [<b>12.4.3</b> - 28 pages]</li> <li>4. Appendix 4 - Other Strategy Modifications [<b>12.4.4</b> - 7 pages]</li> <li>5. Appendix 5 - Final Draft Local Planning Strategy Part One (Nov 2021) [<b>12.4.5</b> - 52 pages]</li> <li>6. Appendix 6 - Final Draft Local Planning Strategy Part Two (Nov 2021) [<b>12.4.6</b> - 143 pages]</li> </ol> <p>Appendix 1 - Summary of Draft Strategy Changes April 2020 to March 2021  Appendix 2 - Local Planning Strategy Submissions Summary, Analysis and Modifications Report  Appendix 3 - Local Planning Strategy Community Submissions Summary – Individual  Appendix 4 – Local Planning Strategy Other Strategy Modifications  Appendix 5 – Part One – Local Planning Strategy (November 2021)  Appendix 6 - Part Two – Background Information and Analysis (November 2021)</p>

### Recommendation

That Council:

1. Notes the submissions received and supports the advertised draft Local Planning Strategy with proposed modifications as contained in the Appendix 2 - Local Planning Strategy Submissions Summary, Analysis and Modifications Report and Appendix 4 - Other Strategy Modifications pursuant to Regulation 14(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Requests the Chief Executive Officer to forward the Local Planning Strategy documentation to the Western Australian Planning Commission for consideration pursuant to Regulations 14(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Resolves to prepare a new Local Planning Scheme No.2 pursuant to Regulation 19(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Section 72(1) of the Planning and Development Act 2005.

### Purpose

For Council to consider submissions received during advertising of the draft Local Planning Strategy (March 2021) (the "draft Strategy") and proposed modifications to the Strategy, before requesting the Western Australian Planning Commission (WAPC) to consider final endorsement of the Strategy. For the Council to

formally resolve to initiate the preparation of a new Local Planning Scheme No.2 (LPS2) as required by the Planning and Development (Local Planning Schemes) Regulations 2015

## In brief

- In 2017, the Council resolved to prepare a new Local Planning Scheme No.2. This requires the preparation of a guiding Local Planning Strategy that sets out the long-term planning direction and rationale for local planning framework (Scheme, Local Planning Policies, Precinct Structure Plan etc).
- The draft Local Planning Strategy was supported by the Council for advertising in April 2020 and Certified by the WAPC in September 2020. The draft Strategy was advertised in April-May 2021 and received 103 valid submissions.
- Submissions resulted in widespread support for the draft Strategy proposals. A number of minor modifications are recommended with the most notable modifications relating to the removal of the Victoria Park Future Investigation Area and minor modifications to the Lathlain and St James Future Investigation Areas.
- A further review of the draft Strategy has also resulted in minor modifications to the proposed Precinct Structure Planning timeframes to better align with available resources and other projects such as METRONET.

## Background

0. The Town of Victoria Park Town Planning Scheme No.1 (TPS1) was gazetted on 30 September 1998. The Planning and Development (Local Planning Schemes) Regulations 2015 (the "Planning Regulations") require Planning Schemes to be reviewed every five years. As such, on the 20 September 2017, the Council considered a report that reviewed TPS1. The Council resolved to prepare a new LPS2 to replace TPS1. The review concluded a new Scheme was required to reflect contemporary strategic and legislative planning requirements.
  1. Planning Regulations 11(1) requires a Local Planning Strategy to support a Local Planning Scheme. Planning Regulation 11(2) requires Local Planning Strategy's to:
    - a. Be prepared in the manner and form approved by the WAPC.
    - b. Set out the long-term planning direction for the local government.
    - c. Apply any relevant State or regional planning policies.
    - d. Provide the rationale for zoning and classification of land under the Scheme.
  2. In addition, the Local Planning Strategy also provides the conduit for implementing the Council's other major plans and strategies through the planning system where relevant.
  3. On 21 April 2020, the Council endorsed a draft Strategy (dated April 2020) for public advertising subject to Certification of the draft Strategy (ie. permission for public advertising) by the WAPC pursuant to Planning Regulation 12.
  4. The draft Strategy was lodged with the Department of Planning Lands and Heritage (DPLH) in May 2020 and received Certification from the WAPC on 15 September 2020, subject to modifications. The DPLH provided final support for advertising in late December 2020 subject to further modifications.
  5. The draft Strategy had been significantly modified between Council adoption of a draft for advertising in April 2020 and advertising in May 2021. Appendix 1 - Summary of Draft Strategy Changes April 2020 to March 2021 provides a summary of the modifications requested by the DPLH and the WAPC prior to advertising.
  6. Planning Regulation 13 (Advertising and notifying local planning strategy) requires the Town to advertise the draft Strategy for a minimum of 21 days.
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7. Planning Regulation 14 (Consideration of submissions) requires the Town to review the draft Strategy after advertising having regard to any submissions, to support the Strategy without modifications or with modifications that address issues raised in submissions, and lodge a schedule of submissions and particulars of any proposed modifications to the WAPC.
8. Planning Regulation 15 (Endorsement by Commission) states the WAPC will decide to either - endorse, endorse with modifications or refuse the Strategy - within 60 days, or an extended timeframe approved by the Minister. An extended timeframe is the usual case and final approval could take 12 months or longer.
9. The decision to prepare a new Local Planning Scheme (draft Strategy Action 1.2) requires a resolution of the Council under Planning Regulation 19(1) (Resolution to prepare or adopt a Scheme). The resolution enables the Town to formally commence preparation of the new Scheme which includes advertising the resolution, notifying adjoining local governments and relevant public agencies pursuant to Regulation 20.
10. On the 16 November 2021 Council resolved: *"Pursuant to clause 89(1) of the Meeting Procedures Local law 2019 that Council refer item 12.4 Draft Local Planning Strategy - Consultation Outcomes and Recommendation Modifications back to a Concept Forum at February 2022 for further consideration."*
11. The following reasons were provided for the deferral: *"That given this is significant modification to an existing planning scheme it would be prudent for all elected members especially those who are new to be fully briefed and were not briefed at previous concept forums. This item should be referred to a concept forum so further considerations can be looked at in terms of the draft planning scheme."*
12. The matter was considered by Council at the Concept Forum on 22 February 2022.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Finalisation of the draft Strategy ensures compliance with the Regulations and enables the Town to commence preparation of a new Scheme.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The draft Strategy sets out priorities for preparing detailed plans for the Town's key retail and commercial areas to ensure up-to-date planning requirements supporting business growth, along with plans for public realm infrastructure upgrades to attract more customers.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town's character.	The draft Strategy promotes integrated planning of the private realm (ie. updated planning requirements to encourage appropriate development for current and future populations)

	and the public realm (ie. quality of streetscapes). The draft Strategy provides for a diversity of housing and identifies affordable housing as a key issue for future investigation.
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## Engagement

### Internal engagement

Elected Members	<p>Concept Forum March 2020 on draft Strategy outline and relationship to proposed LPS2.</p> <p>Elected Member updates in January 2020, February 2020, April 2020, July 2020, March 2021.</p> <p>Concept Forum February 2022 on draft Strategy as per November 2021 resolution.</p>
C-Suite / CEO	<p>Updates in September 2019, December 2019, July 2020, September 2020, October 2021.</p>
Urban Planning	<p>Review of submissions and responses. Review of proposed draft Strategy modifications.</p>
Place Planning	<p>Liaison to ensure alignment with other key strategies and plans eg. Draft Transport Strategy, draft Social Infrastructure Strategy, Economic Development Strategy, Public Open Space Strategy, Urban Forest Strategy.</p>
Environment	<p>Liaison to ensure alignment with the Town's suite of environmental plans.</p>

### External engagement

Stakeholders	<p>Residents, landowners, businesses, adjoining local governments, State government agencies.</p>
Period of engagement	<p>Public advertising was from 6 April to 31 May 2021 (56 calendar days).</p>
Level of engagement	<p>2. Consult</p>
Methods of engagement	<p>Pop-up information stalls at community locations:</p> <ul style="list-style-type: none"> <li>• 9 April (Friday) - Vic Park Central Shopping Centre</li> <li>• 10 April (Saturday) - Harold Hawthorne Hall</li> <li>• 16 April (Friday) - Park Centre Shopping Centre</li> <li>• 17 April (Saturday) - Vic Park Community Centre</li> <li>• 9 May (Sunday) - Dogs Breakfast Event Carlisle.</li> </ul> <p>Future Investigation Area information sessions held at the Town's Administration Centre or on-line:</p> <ul style="list-style-type: none"> <li>• 29 April, 5 May – Lathlain FIA</li> <li>• 3 May, 6 May - St James FIA</li> </ul>

	<ul style="list-style-type: none"> <li>• 10 May – Vic Park FIA</li> </ul> <p>Phone calls and counter enquiries.</p> <p>Your Thoughts engagement platform.</p> <p>For further details, refer to Appendix 2 - Local Planning Strategy Submissions Summary, Analysis and Modifications Report.</p>
Advertising	<ul style="list-style-type: none"> <li>• Southern Gazette - Two newspaper adverts (8 April and 6 May) and one news article (9 April).</li> <li>• Town media - One news article on the Town’s website, business e-news, multiple social media posts.</li> <li>• 14,800 postcards distributed to letterboxes (6 and 10 April).</li> <li>• 764 letters mailed directly to residents and landowners (Future Investigation Areas).</li> <li>• 191 letters mailed directly to residents and landowners (selected Precinct Planning Areas).</li> <li>• 32 notices to State government agencies and local governments.</li> <li>• Summary documents and flyers available at the Town’s Administration, recreation centres and library.</li> </ul>
Submission summary	<p>103 valid written submissions were received comprising:</p> <ul style="list-style-type: none"> <li>• 89 community submissions</li> <li>• 11 State government submissions</li> <li>• 3 local government submissions.</li> </ul> <p>The Town’s community engagement webpage Your Thoughts included two optional surveys:</p> <ul style="list-style-type: none"> <li>• a survey seeking an indication of support / non-support for key town-wide strategy directions received between 58 and 63 responses for each question.</li> <li>• quick-poll surveys (4 questions) received between 30 and 41 responses for each question.</li> </ul>
Key findings	<p>The Your Thoughts optional survey received the following % of “support” or “strong support” for each key town-wide strategy direction:</p> <ul style="list-style-type: none"> <li>• Neighbourhoods and housing - 66%</li> <li>• Activity centres and employment areas – 64%</li> <li>• Public open space / community facilities – 80%</li> <li>• Natural Environment – 75%</li> <li>• Movement – 75%</li> <li>• Infrastructure funding – 70%</li> </ul> <p>Appendix 2 - Local Planning Strategy Submissions Summary, Analysis and Modifications Report provides a detailed summary of points raised in community and government submissions.</p>

## Legal compliance

Planning and Development (Local Planning Scheme) Regulations 2015.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Legislative compliance	The WAPC either refuses the Strategy or requires further major changes to the Strategy.	Moderate	Possible	Low	Low	Accept the risk and act on any further instructions from the WAPC.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	None.

## Analysis

13. A full analysis of community and government submissions is contained in Appendix 2 - Local Planning Strategy Submissions Summary, Analysis and Modifications Report and Appendix 3 - Local Planning Strategy Community Submissions Summary – Individual.
14. The key modifications recommended to the draft Strategy as a result of community submissions include:
  - a. Victoria Park Future Investigation Area (FIA) – remove the proposal to consider lifting the multiple dwelling restriction in the Residential R40 zone, as a greater number of submissions opposed the proposal than supported the proposal. Retain the proposal to consider a review of the planning framework for the VisAbility site at 61 Kitchener Avenue.
  - b. Lathlain Future Investigation Area (FIA) – extend the FIA boundary to cover the entire Milliax landholdings over the Empire Bar site (7 lots between Maple and Cornwall Streets currently zoned Commercial and Residential R20). This change responds in part to the landowner's submission and provides an opportunity to review the planning framework for the entire site.
  - c. St James Future Investigation Area (FIA) - modify the FIA boundary to include lots along Upton Street between Bush Street and Boundary Road at the request of several landowners. This portion of Upton Street includes 7 properties owned by the Department of Community (Housing) and the FIA provides an opportunity to engage the Department in a discussion about redevelopment of the properties. The majority of submissions from St James residents supported the FIA, however there was also some opposition to the FIA with most concerns relating to potential social issues associated with future development, loss of suburban character and minimal gain in additional dwellings. It should be noted that a Future Investigation Area will investigate potential options for change, including further engagement with the community but it does not necessarily mean a change in LPS2 will occur. FIA investigations will occur at some point over the next 4-5 years.

15. Submissions from government agencies resulted in minor modifications to the draft Strategy (refer to Appendix 2, section 8 Government Submissions). The most notable submissions were:
  - a. The Main Roads submission requested the Town undertake a Traffic Impact Assessment to assess the ability of key intersections to accommodate traffic generated from future developments. The WAPC Guidelines do not require Local Planning Strategies to undertake this level of assessment. Main Road lodged a subsequent submission concurring that traffic is addressed through the Town's draft Transport Strategy.
  - b. The Department of Education provided a preliminary assessment of future government primary school needs, indicating the potential for a further 3 government primary school sites (Burswood Peninsula, Carlisle Town Centre and Bentley-Curtin University). The Town will support the Department where possible to identify sites to accommodate future demand for primary school places through precinct structure planning. However, the Town also strongly encourages the Department to work with the Department for Planning to secure sites and/or develop strategies for future provision of primary school places/sites through future reviews of the Burswood District Structure Plan and the Bentley-Curtin Specialised Activity Centre Plan (both under the remit of the WAPC).
16. A further review of the draft Strategy has also resulted in several modifications which are contained in Appendix 4 - Other Strategy Modifications. The most notable modifications include:
  - a. Adjustment to the Town's Precinct Structure Planning priorities to better align with available resources and other projects (such as METRONET).
  - b. Removal of the Precinct Structure Plan designation over the Burswood Station West (sub-precinct of the Burswood District Structure Plan) as instructed by the Department for Planning Lands and Heritage in July 2020 prior to advertising.
  - c. Extension of the Lathlain FIA to include several additional properties along Rutland Avenue (42, 44, 46-48 Rutland and 29 Egham Road) which support existing apartments and should have been included in the original FIA to enable a review of the planning framework.
  - d. Adjustment to the timeframe for the Lathlain FIA and St James FIA action from Short-Term (1-2 years) to Short to Long-Term (1-5 years) to provide flexibility for when the Town carries out further these further investigation and engagement with community as separate strategic planning projects after the preparation LPS2.
17. Should the Council support the proposed modification to the Strategy (as outlined in Appendix 2 and Appendix 4), the next step is to lodge the schedule of submissions and proposed modifications with the Commission for consideration in accordance with the Planning Regulations. A full copy of the proposed modified Part One - Local Planning Strategy (November 2021) and Part Two – Background Information and Analysis (November 2021) are contained in Appendix 5 and 6.

## Relevant documents

Not applicable.

## Further consideration

18. The following question was asked at the 2 November ABF and was taken on notice:  
*Why is the Town using 2016 census data for the amount of dwellings?*

The Draft Local Planning Strategy uses the 2016 census data as the base year for counting the number of additional dwellings the Town must plan for up to 2050 because the State government's infill dwelling targets (as outlined in the Central Sub-Regional Planning Framework) are calibrated to Census years.

19. Further information is provided following the Agenda Briefing Forum held 1 March 2022 below:

20. The Town is recommending to not lift the multiple dwelling restriction.

21. The area is subject to the Residential Character Area and has limited land available for redevelopment as there has been extensive infill under the existing medium density R40 zone with grouped dwellings. The Strategy recommends dwelling growth be focused on Burswood Peninsula, Albany Highway (entire length), Carlisle and Oats Street Stations and Technology Park. These areas have capacity for 17,932 dwellings (99% of the Town's dwelling target to 2050) The Strategy can revisit the restriction in future reviews when grouped dwelling properties reach the age they are suitable for redevelopment again. The Strategy recommends investigating increasing density in the Lathlain FIA east of the Vic Park Station.

22. Detailed analysis of the capacity of the area for infill development was carried out during preparation of the Strategy. The analysis found that only 14 properties had potential for infill development (either cleared, a non-original dwelling or less than 15-20 years old), although some only have 10 metre frontages which further constrains redevelopment. The built form of apartments is considered unsympathetic to the streetscape character and potentially neighbor amenity (would require substantial site coverage, small setbacks and large building bulk and scale).

23. Not maintaining removing the multiple dwelling restriction would not undermine future options for the Town or the intent of the draft Transport Strategy. Vic Park Station is enshrined in the Perth and Peel @3.5 million Central Sub-Regional Planning Framework (WAPC) as a Station Precinct which means it would always need to be considered in future Strategy reviews.

24. A Precinct Structure Plan is recommended for the Carlisle Town Centre Structure Plan or other suitable planning instrument to guide the update to the planning framework (zones, densities, Scheme development controls) for the Carlisle Town Centre (station and surrounds and Archer Street local centre) to guide future redevelopment. The Town will investigate the most efficient and effective approach to updating the planning framework over the next year.



## 12.5 Higgins Park Tennis Club CLNP Application

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Coordinator Events, Arts and Funding
<b>Responsible officer</b>	Manager Community
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council approves submission of a \$14,115 (ex Gst) grant application by Higgins Park Tennis Club (HPTC) to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Club Night Light Program (CNLP) Small Grant Fund to replace the existing metal halide on courts 13-16 with new energy efficient LED's.

### Purpose

To seek Council approval for the Higgins Park Tennis Club (HPTC) to submit a Club Night Light Program (CNLP) grant application for \$14,115 (ex Gst) to Department of Local Government, Sport and Cultural Industries (DLGSC). The DLGSC application will be submitted by HPTC by the closing date of 31 March 2022 on the condition that the project is supported by the Town of Victoria Park at the March 2022 Ordinary Council Meeting (OCM). If the HPTC CNLP application is successful, HPTC will receive the funds and not the Town of Victoria Park.

### In brief

- The CNLP, which is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), provides financial assistance to community groups and Local Government Authorities (LGA) to develop sports floodlighting infrastructure, capped at one-third of the total infrastructure cost (excluding GST).
- LGAs are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC, upon approval by Council. The Town has received a CNLP Grant application from HPTC.
- HPTC has resolved to provide its own cash and other funding sources to meet its grant obligation, supplemented by the federal government (\$12,000) and the requested CNLP Funds (\$14,115).
- The CNLP application is to upgrade existing lighting to new LED lights, to be consistent with the lighting installed over additional courts in September 2021.
- There are no upfront or ongoing financial implications associated with Council supporting HPTC's application.

### Background

1. The CNLP program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.
2. CNLP Funding is for projects up to \$300,000.

3. It is anticipated that the upgrade of the club's court lighting at Higgins Park will help ensure the club is able to cater for the diverse nature of its membership base and continue to provide a strong community contribution and presence. The lighting upgrade will assist in attracting and retaining players, allowing for an increase in the number of people who can undertake physical activity at the location.
4. Total project cost \$42,350 (ex Gst).

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Renewed facilities which meet current standards and maximised facility usage, through a well planning project management framework.

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

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facilities.  Promote participation in community sport through the provision of high-quality playing facilities.

## Engagement

Internal engagement	
Stakeholder	Comments
Events, Arts and Funding (Bookings / Club Development)	Support submission of the HPTC application.
Infrastructure Operations / Parks and Gardens	Support submission of the HPTC application.
Assets	Support submission of the HPTC application.
Property Development and	Support submission of the HPTC application.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
<b>Financial</b>	Not applicable.				Low	
<b>Environmental</b>	Not applicable.				Medium	
<b>Health and Safety</b>	Not applicable.				Low	
<b>Infrastructure / ICT Systems / Utilities</b>	Not applicable.				Medium	
<b>Legislative Compliance</b>	Not applicable.				Low	
<b>Reputational</b>	Not approving the application will impact the Town and Elected Members reputation and relationship with HPTC	Moderate	Almost certain	High	Low	Treat: Council approves the application for submission to DLGSC
<b>Service Delivery</b>	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Nil. The project will be fully funded by HPTC and grant funding.
<b>Future budget impact</b>	Nil. The project will be fully funded by HPTC and grant funding.

## Analysis

- The DLGSC will assess the total eligible cost of each project (excluding GST) from the information provided as part of the application process.

6. The CNLP aims to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.
7. The current lights are at the end of their life-cycle and are constantly breaking down. This is costing the club not only in repair and replacement costs but also loss of revenue, reputational damage, and loss of physical activity opportunities for the community.
8. It has been assessed that without replacing the existing metal halide (courts 13-16) the club will not be able to continue to grow nor will it be able to provide the appropriate level of inclusive facilities that are needed.
9. Higgins Park Tennis Club holds a license with the Town. The term of the license is 3 years from 9 August 2021 to 8 August 2024 with an option for a further 3-year term from 9 August 2024 to 8 August 2027.
10. Under the License Agreement the Town is required to maintain the building; however, the Club is responsible for repairs, maintenance and replacement of 'Sporting Facilities.'
11. The installation of LED lights on the original four hardcourts would ensure that the courts are always available for hire by the community and members. Currently due to the age of the lights they are constantly breaking down and blowing globes forcing the cancellation of social tennis, competition tennis and limiting the number of courts available for hire.
12. Town Officers have been liaising with the Higgins Park Tennis Club with regard to the potential works that will be undertaken ensuring compliance and approval of the works at the facility.
13. Should the application be successful Town officers will work with the HPTC to ensure successful delivery of the infrastructure.
14. Should the CNLP grant be unsuccessful, the works will not proceed.
15. Should the application be successful, HPTC will receive these funds. The Town will not be contributing any funds to this project.
16. Works will not commence until July 2022 and this project will be managed by HPTC.

## **Relevant documents**

Not applicable.

## **Further consideration**

17. The following information was requested at the Agenda Briefing Forum held 1 March 2022.
18. Provide information in the report on the positive synergy with the Town's Climate Emergency Plan and Environment Plan that energy efficient LED's creates.

Priority Area 2 of the Climate Emergency Plan focuses on reducing the emissions of all Town facilities and assets through better energy management and energy efficiency measures. Together the facilities and assets (including fleet and lighting) account for 15% of the Town's overall emissions.

It is estimated that improvements in efficiencies can create a 10% reduction in facility and asset emissions. The implementation of energy efficiency measures can also result in a cost saving for facilities and assets with previous examples indicating a 25-50% saving in costs by switching to LED street, park and carpark lighting.

The lighting upgrade of Higgins Parks helps the Town to achieve our goal to reduce the emissions of Town of Victoria Park facilities and assets by 10% by 2030 through improved energy management and energy efficiency measures.

## 12.6 Victoria Park Xavier Hockey Club turf facility- Request to proceed to Business Case

<b>Location</b>	Burswood South
<b>Reporting officer</b>	Manager Place Planning
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Endorses the following locations to be considered in further detail via a Business Case process in relation to future facilities for the Victoria Park Xavier Hockey Club:
  - a. Option 1: Charles Paterson Reserve including consideration of:
    - i. Synthetic turf, club and change rooms, provision for spectators and necessary storage space.
    - ii. Supporting grass fields at GO Edwards Park.
    - iii. The potential for co-locating other sporting clubs, community uses and meeting spaces as per the guidance in the draft Social Infrastructure Strategy.
  - b. Option 2: McCallum and Taylor Reserve including consideration of:
    - i. Synthetic turf, supporting grass fields, club and change rooms, provision for spectators and necessary storage space.
    - ii. The potential for co-locating other sporting clubs, community uses and meeting spaces.
    - iii. The impact on and necessary amendment process to the currently approved Taylor Park and McCallum Park Concept Plan.
  - c. Option 3: Perth Hockey Stadium at Curtin University including consideration and a request for involvement in the ongoing Perth Hockey Stadium masterplan process.
2. With respect to Options 1 and 2 above to also include the following considerations within the Business Case scope:
  - a. The views of the immediate local community
  - b. Detailed spatial investigations including field alignments, number of fields (with consideration of VPXHC requirements and preferences outlined above), spatial implications for co-location, clubrooms and other ancillary facilities.
  - c. Club management scenarios and potential design implications.
  - d. Impact on the surrounding area.
  - e. Environment considerations such as tree impact/opportunities; acid sulphate soils, impact of lighting, noise, etc.
  - f. Geotechnical considerations
  - g. Transport and access considerations.
  - h. Services investigations.
  - i. Cost analysis (immediate and running costs).
  - j. Land tenure constraints/considerations.
  - k. Town planning constraints/considerations
  - l. Any other relevant considerations that emerge.

## Purpose

For Council to consider the proposed Business Case options for the location of facilities regarding the Victoria Park Xavier Hockey Club (the Hockey Club), to approve the commencement of a Business Case and allocating funds to enable its preparation.

## In brief

- At the 16 December 2020 OCM Council resolved to:
  - “6. Request the Chief Executive Officer to continue working with the Victoria Park Xavier Hockey Club to identify further partnership or location opportunities available, including through the implementation of the Public Open Space Strategy, and to:*
    1. *Organise a meeting by the end of February 2021 between the Victoria Park Xavier Hockey Club, representatives of Council, the Town and Hockey WA to discuss the future sporting requirements of the Hockey Club;*
    2. *Establish a working group by March 2021 comprising members of the Victoria Park Xavier Hockey Club, councillors, Hockey WA and community representatives to advise Council on the future sporting requirements of the Hockey Club; 34 of 35*
    3. *Report to Council at its ordinary meeting in March 2021 as to the outcome of the meeting and the establishment of a working group.”*
- The Hockey Work Group (HWG) met three (3) times in 2021 and shortlisted three (3) options for consideration in a proposed Business Case.
- After working through a range of options and considering the HWG’s shortlisted options, it is recommended to proceed to the Business Case phase with the following options:
  - Charles Paterson Park (including consideration of an addition grass field(s) at GO Edward Park, club rooms, opportunities for co-location with other clubs, meeting rooms and other potentially suitable community uses as well as other elements listed in this report).
  - Taylor Park and McCullum Reserve (including consideration of club rooms, opportunities for co-location with other clubs, meeting rooms and other potentially suitable community uses as well as other elements listed in this report).
  - Perth Hockey Stadium at Curtin University (including requesting a more proactive involvement in the Perth Hockey Stadium masterplanning process and advocating on behalf of VPXHC).

## Background

1. In 2019 the Town undertook a master planning process for Higgins Park and Playfield Reserve.
2. This masterplan was prepared based on the guidance outlined in a previously prepared Business Case, a Recreational Needs Assessment and broad strategic guidance from the Town’s Public Open Space Strategy.
3. The master planning process for Higgins Park and Playfield Reserve included an investigation into the feasibility of a hockey synthetic turf in response to the information included in the Recreational Needs Assessment.

4. The master planning process resulted in three (3) options for Higgins Park and Playfield Reserve that included a range of configurations and sports. The options that included a synthetic turf were not supported by the Council. Instead, Council endorsed the option including an expanded junior football (AFL) facility and identified improvements.
  5. Notwithstanding the above, Council, at the 16 December 2020 OCM resolved to:
    - “6. Request the Chief Executive Officer to continue working with the Victoria Park Xavier Hockey Club to identify further partnership or location opportunities available, including through the implementation of the Public Open Space Strategy, and to:*
      1. *Organise a meeting by the end of February 2021 between the Victoria Park Xavier Hockey Club, representatives of Council, the Town and Hockey WA to discuss the future sporting requirements of the Hockey Club;*
      2. *Establish a working group by March 2021 comprising members of the Victoria Park Xavier Hockey Club, councillors, Hockey WA and community representatives to advise Council on the future sporting requirements of the Hockey Club; 34 of 35*
      3. *Report to Council at its ordinary meeting in March 2021 as to the outcome of the meeting and the establishment of a working group.”*
  6. Subsequently the Town established a Hockey Working Group (HWG), with the necessary approvals provided on the below dates:
    - a. 16 February 2021 OCM: Approval to establish the HWG
    - b. 20 April 2021 OCM: Recommend appointments to HWG approved by Council
    - c. 20 July 2021 OCM: Approval of HWG Terms of Reference
  7. The HWG was formed with the purpose to advise Council on the future sporting requirements of the Victoria Park Xavier Hockey Club, including but not limited to:
    - a. Locations within the Town that accommodate grass and/or synthetic hockey fields consistent with the Town's Public Open Space Strategy.
    - b. Club house requirements including storage.
    - c. Partnership opportunities with private and public institutions.
    - d. Funding opportunities.
  8. The HWG met on the following dates:
    - a. 14 June 2021: Strategic overview, presentation to re-establish Victoria Park Xavier Hockey Club (VPXHC) requirements; and workshop to establish potential location options.
    - b. 25 August 2021: Progress update on analysis of options
    - c. 15 December 2021: Progress update on analysis options and confirmed shortlisted options to present to Council for endorsement to proceed to a business case.
  9. The analysis section below provides an outline of these options, including a justification for the shortlisted options proposed to be investigated as part of a business case.
-



## Engagement

### Internal engagement

Stakeholder	Comments
Strategic Projects	Strategic Projects have been continuously informed of the progress of the HWG, especially in the context of the MacMillan Precinct and club requirements which may emerge from options outlined in that master planning process.
Parks	The Manager of Parks has been briefed on the options explored and shortlisted options being recommended.
Community Development	The Manager Community is a member of the HWG and therefore understand the options that have been investigated and the shortlisted options being recommended.

### External engagement

Stakeholders	HWG
Period of engagement	3 x HWG meeting in 2021.
Level of engagement	Collaborate
Methods of engagement	Working Group
Key findings	See analysis section below.

### Other engagement

Stakeholder	Comments
Hockey Working Group	The Hockey Working Group will continue to contribute to the proposed Business Case as it is developed.
Community in proximity to proposed options	Further community engagement will be required as part of the scope for the Business Case, and a specific engagement methodology will need to be proposed by prospective consultants.

## Legal compliance

Nil.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The cost for this project is unknown (until a business case process is complete) but is likely to be significant.	Severe	Possible	High	Low	TREAT risk by undertaking a detailed business case that identifies the costs associated with each option. Use this as a basis for decision to proceed with an option, consider a funding strategy that suits the Town's finances and then schedule in the Town's Long Term Financial Plan.
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	The Town does not proceed with a Business Case following the preliminary work of the HWG and is subject to reputation damage from the members of the VPXHC.	Moderate	Likely	High	Low	ACCEPT that this risk would be an unavoidable consequence of not proceeding with a business case. TREAT risk by continuing to work toward location option(s) via the HWG.
Service delivery	The Town does not currently have enough capacity to manage a facility	Major	Likely	High	Medium	TREAT risk by prioritising further stages of the project into the

planning process (for Option 1 and Option 2) and an expansion of resources or a re-prioritisation of projects would be required to proceed to the project phases past the Business Case phase.

Long-Term Financial Plan cognisant of Administrations capacity to deliver and also identify any necessary resource changes in the Workforce Plan.

## Financial implications

### Current budget impact

It is recommended to undertake a Business Case that explores three (3) options for the location of facilities relating to the VPXHC. It is requested that \$40,000 for professional services support be included in the 2021/22 mid-year budget review to complete this work. The project budget of \$40,000 is included in the mid-year budget review.

### Future budget impact

The future budget implication for options 1, 2 or 3 (as identified in the analysis section) for the VPXHC are reasonably unknown, although the Town does have an indication on benchmark costs for similar Hockey facilities. The long-term budget impact on the Town will become clearer through the proposed Business Case analysis and assist Administration and Council decide how to proceed and when.

## Analysis

10. The HWG, at their meeting of 14 June 2021 confirmed:

(a) The facility requirements of the VPXHC, which are:

(i) Playing infrastructure should be (at a minimum):

- (1) One (1) x full sized synthetic turf field.
- (2) Two (2) x grass fields.
- (3) Floodlighting of 500-700 lux on the turf, 150 lux for training on grass.

(ii) Clubroom Infrastructure:

- (1) 150-250m<sup>2</sup> of social area and external viewing with shelter.
- (2) Bar, cool room, kitchen, servery and associated storage.
- (3) Four (4) unisex changerooms (two (2) home and away change rooms, including showers and toilets).
- (4) Public toilets and disabled toilets.
- (5) 30-40m<sup>2</sup> storage shed and area for grass field goals during off-season

(b)The priorities of the VPHXC, which are:

- (i) Close to our members
- (ii) A connected club between turf and grass teams
- (iii) Sustainability
- (iv) Security of tenure

(c)Their primary location criteria priority:

Within our home community Town of Victoria Park with preference outlined in the following order:

- (i) Turf, two (2) grass fields and a club facility
- (ii) Turf, one (1) grass, a club facility and one grass field at Fletcher Park
- (iii) Turf, a club facility and retain two (2) grass fields at Fletcher Park

(d)Priority 2 – location criteria:

Within Town of Victoria Park and based at Curtin/Perth Hockey Stadium

- (i) Turf, a club facility and retain two (2) grass fields at Fletcher Park

(e)Priority 3 – location criteria: Outside of Town of Victoria Park

- (i) City of Canning
- (ii) City of Belmont
- (iii) City of South Perth

11. The HWG identified the following options for further analysis:

- (a) Somerset Park (East Victoria Park)
- (b) Charles Paterson Park (Burswood South)
- (c) G.O. Edward Park (Burswood South)
- (d) McCallum Reserve and Taylor Park (Victoria Park)
- (e) Burswood Park – Southern Nine Area (Burswood Peninsula)
- (f) Curtin University – Perth Hockey Stadium (Curtin/Bentley)
- (g) Purchasing Land
- (h) Consideration of options in City of Canning
- (i) Consideration of options in City of Belmont
- (j) Consideration of options in City of South Perth

12. The Town consider these options against the following criteria:

- (a) Timeframe considerations: Are there any restrictions on this location that could impact timing or timeframe guidance proposed in informing strategies?
- (b) Risks & Other Considerations: Are there any major risks or further considerations that could impact the viability of this location?
- (c) Potential financial impact: What is the high-level financial implications that might be attributed to the particulars of this location?
- (d) Strategic alignment: Is this location consistent with the strategic direction set in the draft Social Infrastructure Strategy, Public Open Space Strategy and draft Local Planning Strategy.
- (e) Spatial considerations: What is likely to fit on this location?

- (f) Hockey club requirements: How well would this location meet the facility and location requirements of VPXHC?
- (g) Overall suitability rating: Based on all the above criteria what is the suitability rating for the location – Strong/Fair/Poor?
13. Based on these criteria the HWG arrived at the following suitability ratings:
- (a) Somerset Park (East Victoria Park) - Poor
  - (b) Charles Paterson Park (Burswood South) - Strong
  - (c) G.O. Edwards Park (Burswood South) – Poor/Fair
  - (d) McCallum Reserve and Taylor Park (Victoria Park) - Fair
  - (e) Burswood Park – Southern Nine (Burswood Peninsula) Met with CEO (other plans)
  - (f) Curtin University – Hockey WA (Curtin/Bentley) – Strong
  - (g) Purchasing Land – Poor – LAOS look at Town reserves - Poor
  - (h) Unidentified location in the City of Belmont – Poor/Fair (Sporting needs) distance
  - (i) Unidentified location in the City of Canning Investigate – Poor/Fair distance
  - (j) Unidentified location in the City of South Perth – Poor/Fair
14. Based on this feedback from the HWG, it is recommended that Council proceed with the following options to be explored in a Business Case:
- (a) Option 1: Charles Paterson Park (Burswood South) - Strong
  - (b) Option 2: McCallum Reserve and Taylor Park (Victoria Park) - Fair
  - (c) Option 3: Curtin University – Hockey WA (Curtin/Bentley) – Strong
15. In exploring these options the following scope will be specifically investigated during the Business Case process (especially Options 1 and 2). Option 3 is acknowledged as being quite different to Options 1 and 2 and many of the below considerations may not apply to that option:
- (a) Hockey facility requirements including synthetic turf, club and change rooms, provision for spectators and necessary storage space.
  - (b) Supporting grass fields (and any necessary supporting infrastructure) at GO Edwards Park with respect to the Option 1.
  - (c) The potential for co-locating other sporting clubs, community uses and meeting spaces as per the guidance in the draft Social Infrastructure Strategy.
  - (d) The impact on and necessary amendment process to the currently approved Taylor Park and McCallum Park Concept Plan with respect to Option 2.
  - (e) The views of the local community in proximity to the locations, especially Options 1 and 2.
  - (f) Detail spatial investigations including field alignments, number of fields (with consideration of VPXHC requirements and preferences outlined above), spatial implications for co-location, clubrooms and other ancillary facilities.
  - (g) Club management scenarios and potential design implications.
  - (h) Impact on the surrounding area.
  - (i) Environment considerations such as tree impact/opportunities; acid sulphate soils, impact of lighting, noise, etc.
  - (j) Geotechnical considerations
  - (k) Transport and access considerations.
  - (l) Services.
  - (m) Cost analysis (upfront and long term).
  - (n) Land tenure constraints/considerations.
  - (o) Town planning constraints/considerations
  - (p) Any other relevant considerations that emerge.

16. It is recommended that \$40,000 is included in the 2021/2022 mid-year budget review for a consultant to undertake the business case on behalf of the Town.
17. Should Council approve the shortlisted options and proposed budget to enable the Business Case phase to commence, then the Town would aim to complete this work by the end of the financial year and the present a preferred option back to Council for consideration.
18. A preferred option, if selected following the Business Case phase, would require a standalone process including (but not limited to) site investigation, community and club engagement, design and detailed management and operating analysis.

## **Relevant documents**

Draft Social Infrastructure Strategy

Public Open Space Strategy

Local Planning Strategy

## 12.7 West Australian Recreational Water Sports Association CSRFF Application

<b>Location</b>	Burswood
<b>Reporting officer</b>	Coordinator Events, Arts and Funding
<b>Responsible officer</b>	Manager Community
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council approves submission of a \$71,660 grant application by WA Recreational Water Sports Association to the Department of Local Government, Sport and Cultural Industries through the Community Sport and Recreation Facilities Fund for the development of new changeroom facilities at the Burswood Water Sports Centre, Burswood.

### Purpose

To seek Council approval for the WA Recreational Water Sports Association (WARWSA) to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application for \$71,660 to the Department of Local Government, Sport and Cultural Industries (DLGSC). The DLGSC application will be submitted by WARWSA by the closing date of 31 March 2022 on the condition that the project is supported by the Town of Victoria Park at the March 2022 Ordinary Council Meeting (OCM). If WARWSA's CSRFF application is successful, WARWSA will receive the funds and not the Town of Victoria Park.

### In brief

- The CSRFF, which is administered by the DLGSC, provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- Local governments are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC, upon approval by Council.
- The Town has received a CSRFF Grant application from WARWSA. The total cost of the project is \$215,000. WARWSA is seeking one third of the cost from DLGSC, with WARWSA contributing the remaining two thirds.
- There are no upfront or ongoing financial implications associated with Council supporting WARWSA's application.

### Background

1. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.
2. CSRFF Small Grant Funding is for projects up to \$300,000.
3. Other examples of Small Grant Funding projects include new sports courts, cricket nets, small floodlighting projects, sports storage and change room refurbishments.

4. It is anticipated that the development of the association's current Burswood Water Sports Centre will help ensure it is able to cater for the diverse nature of its membership base and continue to provide a strong community contribution and presence. It will assist in attracting and retaining members, provide much needed privacy and security to group members (particularly female members), and allow for an increase in the number of people who can undertake physical activity at the location.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Renewed facilities which meet current standards and maximised facility usage, through a well planned project management framework.

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

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facilities.  Promote participation in community sport through the provision of high-quality playing facilities.

## Engagement

Internal engagement	
Stakeholder	Comments
Town of Victoria Park	Town officers have discussed the application and support the submission of the application by WARWSA.

### External engagement completed by WA Recreational Watersports Association

Stakeholders	Comments
WA Water Ski Association	Project discussed with the WA Water Ski Association who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
WA Speed Boat Club	Project discussed with the WA Speed Boat Club who have equal share of



	ownership and equal share of use of the building; are supportive of the project going ahead.
WA Marathon Club	Project discussed with the WA Marathon Club who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
Power Dinghy Racing Club	Project discussed with the Power Dinghy Racing Club who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
Boating Industry of WA	Project discussed with the Boating Industry of WA who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
WARWSA Members	Consultation has been conducted by WARWSA with all its members' bodies at their monthly meetings.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
<b>Financial</b>	Not applicable.				Low	
<b>Environmental</b>	Not applicable.				Medium	
<b>Health and Safety</b>	Not applicable.				Low	
<b>Infrastructure / ICT Systems / Utilities</b>	Not applicable.				Medium	
<b>Legislative Compliance</b>	Not applicable.				Low	
<b>Reputational</b>	Not approving the application will impact the Town and elected members' reputation and relationship with WARWSA.	Moderate	Almost certain	High	Low	Treat risk by Council approving the application for submission to DLGSC.

## Financial implications

### Current budget impact

Nil. The project will be fully funded by WARWSA and grant funding.

### Future budget impact

Nil. The project will be fully funded by WARWSA and grant funding.

## Analysis

5. The DLGSC will assess the total eligible cost of each project (excluding GST) from the information provided as part of the application process.
6. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, by providing financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation.
7. The need for the project has been identified through consultation by WARWSA with the five member bodies. It has been recognised, over several years, the need for adequate changeroom facilities to be available for their members, especially to encourage increased use by their female members.
8. An assessment of the project has been conducted based on feedback from WARWSA members and users of the facility. The clubs have reported an increase in membership over the past year, largely due to our women in sport programs across all sporting groups, with the WA Marathon Club alone experiencing a 42% increase in their membership overall. With the increase in membership and activity, WARWSA believe it will be essential to their ongoing operation to provide a secure and safe environment for their members.
9. WARWSA have reviewed the feasibility of the project and have access to the required funds with the addition of the CSRFF funding grant to complete this project. The upgrade can be done with minimal impact to the operation of the existing facility.
10. There is no requirement for an application to be submitted to the Metropolitan Regional Scheme for this project. As the works will be constructed under the existing building footprint and is not an extension of the building.
11. The Town is required to rank applications for each round. As one application has been received for this round, this application is ranked 1/1.
12. The total cost of the project is \$215,000. WARWSA is seeking one third of the cost from DLGSC, with WARWSA contributing the remaining two thirds.
13. Should the CSRFF grant be unsuccessful, the works will not proceed.
14. Should the application be successful, WARWSA will receive these funds. The Town will not be contributing any funds to this project.
15. Should the application be successful, the works are planned to take place between July - September 2022 and will be managed by WARWSA.

## Relevant documents

Not applicable.

## 13 Chief Operations Officer reports

### 13.1 Lathlain LATM Evaluation

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Design engineer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Lathlain Traffic Management Plan – Location Plan LTMP – Research and development of concept designs

#### Recommendation

That Council:

1. Notes the findings of this report and the significant amount of works already undertaken in Lathlain.
2. Rescinds the remaining projects in the Lathlain Local Area Traffic Management Plan (LATM) indefinitely.

#### Purpose

This report forms part of a response to Council's request to evaluate traffic calming projects which have been constructed as part of the Lathlain LATM. This evaluation will help Council decide whether the remaining lower priority LATM projects should continue or be suspended indefinitely.

#### In brief

The evaluation of the constructed traffic calming projects in Lathlain showed both a reduction in average traffic speed and the number of crashes. However, the following factors present a strong case to suspend the project indefinitely.

- The MRWA announcement of the Orrong Road Planning Study (duck and dive expressway) which could redirect traffic flows in Lathlain if constructed;
- The loss of project momentum due to project suspension. The current timelapse would require significant consultation and complete redesign;
- The release of the Town's Transport Strategy, which is now focusing on treating individual streets using treatments such as the skinny street concept instead of area-wide studies and more traditional traffic calming treatments;
- MRWA's announcement of the Low-Cost Crash Treatments program would allow the Town greater flexibility regarding possible blackspot funded treatments;
- Major objection received from local residents when the LATM phase 2 projects were proposed to be built;
- The Town are still investigating the possibility of a Lathlain 40km/h speed zone.

#### Background

1. Past Council decision processes associated with the LTMP projects are summarised below.

2. 8 March 2016
  - a) Officers recommended that Council endorses the Lathlain Traffic Management Plan pilot study;
  - b) Council endorsed the report and requested revision of the ten-year implementation program.
3. 13 December 2016
  - a) Council endorsed consolidation of the TMP into a two-year program;
  - b) Council endorsed allocation of funding to design and implement all the projects identified in the LTMP. 11 September 2018
  - a) Council received a petition to suspend remaining LATM projects and undertake a review of the traffic calming devices already constructed.
5. 9 October 2018
  - a) Council considered the impacts of not progressing with the implementation of the remaining traffic calming treatments proposed for the Lathlain precinct area as planned and budgeted;
  - b) Council supported an alternative motion that suspended the delivery of the remaining LATM projects and requested further evaluations to be undertaken.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The critical road sections which require higher priority traffic calming have been improved as part of the LATM stage 1 works.

## Engagement

Internal engagement	
Stakeholder	Comments.
Street Improvement	Provided technical support.
Place Planning	Provided transport strategy guidance.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	NA				Low	
Environmental	NA				Medium	
Health and	NA				Low	

safety						
Infrastructure/ ICT systems/ utilities	NA				Medium	
Legislative compliance	NA				Low	
Reputation	Negative due to the Town not completing the projects.	Moderate	Medium	Low	Low	Accept - Progress alternative traffic calming strategy such as "Skinny Streets' program
Service delivery	The possibility of other projects being taken off the current 5-year capital works plan if the remaining LATM projects resumed.	Moderate	Medium	Low	Medium	Accept - The current 5-year capital works plan is deemed higher priority and does not include any LATM projects.

## Financial implications

<b>Current budget impact</b>	The suspended part of this LATM project has not been included in the five-year capital works plan.
<b>Future budget impact</b>	If the passing of the recommendation is not approved by Council, this will result in funds being required in future budget. The last estimate for the remaining projects was \$256,000. This estimate prepared in 2016 is approximate and is subject to change with further consultation/ design and current market price increases.

## Analysis

### 6. Project Evaluation

In July 2019, an assessment of crashes was carried out in comparison to the 2014 LATM Pilot Study report by Opus (consultant), which showed crashes in the Lathlain area between January 2009 and December 2013. The crashes used for this comparison were obtained from the Main Roads WA Crash Analysis Reporting System (CARS). This comparison identified almost an 8% reduction in crashes for the latest crash records from 145 crashes between 2009 to 2013, down to 134 crashes between 2014 and 2018. The recorded number in the category of Killed and Seriously Injured (KSI) also declined from 26 to 23 for the same periods. This is despite the fact that traffic volumes from 2014 to 2019 have increased by over 700 vehicles (annual weekly Traffic, Monday to Friday) within the Lathlain area.

These details identify a significant positive impact of crashes being reduced whilst vehicle movements increased in Lathlain. As well as traffic volume increases, the area has seen some major developments in the last three years, including the Mineral Resources Park upgrade, which generates extra visitors to the area on event days and the multi-unit apartment development on Rutland Avenue. The research also identified a reduction of 85th percentile traffic speeds on average within Lathlain. Prior to the commencement of the LATM installations, this average speed was 53 km/ hour. This is now reduced to 49 km/ hour. However, the following factors present a strong case to suspend the LATM project indefinitely.

7. MRWA Orrong Road Upgrade

The Orrong Road Planning Study was announced by Main Roads WA (MRWA) in May 2019. This study confirmed that Orrong Road currently operates at capacity. It is important to note that MRWA states this is a long-term planning study, and there are currently no funds for construction. However, it is likely that some form of an upgrade will take place. This would result in a redistribution of traffic flows in Lathlain. Hence it is likely that traffic calming priorities will change. It is therefore considered prudent to wait for further information before undertaking any additional work.

8. Project Suspension

The project suspension in October 2018 has resulted in a loss of project momentum and design collaboration. It is likely that untreated streets would have several new property owners or occupiers. It is also likely that the same objectors to the project may still be unsupportive of the project. Thus, the project would now essentially need to start from the beginning in terms of consultation and redesign.

9. TOVP Draft Transport Strategy

The Town's new Transport Strategy is moving away from area-wide studies and traditional traffic calming treatments. The new traffic calming strategy is based on the "Skinny Streets" program, which is still being developed. It should be noted that for the treatment of individual streets, more localised and detailed community involvement is likely to occur compared to area-wide treatments.

10. MRWA Low-Cost Urban Road Safety Program

MRWA recently announced the Low-Cost Urban Road Safety Program. This includes a series of innovative, low-cost safety treatments that can be installed on local roads. This could result in a significant reduction in treatment costs at problematic locations. This new initiative could allow the Town to treat intersections that would normally be funded through the State Blackspot Program. This would result in a reduction of Town projects which require staging over multiple years.

11. The City of Vincent commenced a 40km/h speed zone trial in 2019 for Vincent's southern suburban areas. The two-year trial aims to study the impact of slower speed limits in residential areas, with independent research supported by the Road Safety Commission. The Town will undertake an assessment of this evaluation once available. It is possible that this type of speed zoning would also be applicable for Lathlain.

12. Since the implementation of Lathlain Traffic Management Projects in 2015 and Council's decision to suspend further construction works, more than \$688,000 has been spent on traffic calming in Lathlain which is a significant investment of funds and resources. Refer to attachment 13.1.3

## Relevant documents

Not applicable.



## 13.2 Higgins Park Detailed Design Lead Consultant Tender Award

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operating Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Higgins- Park-and- Playfield- Reserve Final- Masterplan [<b>13.2.1</b> - 29 pages]</li><li>2. CONFIDENTIAL REDACTED - TV P-21-09 - Evaluation Scorecard Consolidated [<b>13.2.2</b> - 5 pages]</li></ol>

### Recommendation

That Council:

Awards the contract associated with the public tender TVP/21/09 - Higgins Park Detail Design, issued through Tenderlink, to WhiteHaus Architects Pty Ltd (ABN: 66 159 398 428), with the terms and conditions as outlined in the contract, for the lump sum price of \$617,115.00 ex GST.

### Purpose

For Council to accept the tender submitted by WhiteHaus Architects Pty Ltd for the delivery of detailed design documentation and other relevant investigations required to progress the Higgins Park masterplan.

Under Council Delegation 1.1.16 – Limits on Delegations to CEO requires all tenders exceeding \$250,000 to be by Council determination.

### In brief

- The Town is currently undertaking two separate processes relating to the Higgins Park masterplan, one for the collocated facility feasibility options and management model study (Stage 1), and one for the building (Stage 2) and park detail design (Stage 3). This report relates to the latter two Stages.
- The public tender TVP/21/09 - Detail Design for Higgins Park was released through a public tender process through Tenderlink on 17 November 2021 and closed on 15 December 2021.
- Suppliers were requested to provide a lump sum price for the spatial options for the collocated facility and the detailed design of the Higgins Park masterplan in preparation for future tender of construction and delivery so that the Town can subsequently progress the Higgins Park masterplan project.
- The Town received six (6) submissions, and all were deemed compliant. The tenderers are:
  1. Bollig Design Group
  2. Gresley Abas Pty Ltd
  3. Hames Sharley
  4. Peter Hunt Architects
  5. Tim Davies Landscaping Pty Ltd
  6. WhiteHaus Architects Pty Ltd



- The average price across all submissions was around \$940,000.00 incl. GST and WhiteHaus Architects Pty Ltd submitted the lowest priced offer of \$678,826.5 incl. GST (\$617,115.00 ex GST). The submission from WhiteHaus Architects Pty Ltd has been assessed also against qualitative criteria and is deemed to represent value for money.
- The approved municipal funding allocation for this item is \$600,000, which consists of \$300,000 FY21/22 and \$500,000 FY22/23, which is sufficient for acceptance of the tender.
- A thorough evaluation of the tender submissions against the prescribed criteria has been completed, and it is recommended that Council accepts the submission made by WhiteHaus Architects Pty Ltd and enters into a contract with them to deliver the full scope of works outlined within the Tender documentation to ensure the project is delivered in full to meet the community's vision for the space.

## Background

0. A Draft Masterplan Report (the Masterplan) has been prepared for Higgins Park and Playfield Reserve by the consultant team, Place Laboratory and A Balanced View, together with the Town and the Design Reference Group (DRG), made up of community and stakeholder representatives. The Draft Masterplan Report is contained in Attachment 1.
1. In December of 2020, Council endorsed the design development of the Higgins Park and Playfield Reserve masterplan based on the sporting configuration in option 3 to proceed to the design development stage.
2. The Town has undertaken the required tender process to procure the services to deliver the detailed design phase for the Higgins Park masterplan. The resultant detailed design will be presented back to Council for endorsement.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Council's long-term commitment to delivering these projects is demonstrated.
CL03 - Well thought out and managed projects that are delivered successfully.	The project will be delivered using the Town's Project Management Framework to ensure accountable and transparent project delivery for the community.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development will replace a dilapidated and high maintenance structure, providing a fit for purpose facility that will support community groups and broader activation of the locality.
EC02 - A clean, safe and accessible place to visit.	The existing facilities are in poor condition and in certain areas not DAIP compliant. A refurbishment will address universal access and ensure equitable access to the facilities.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The project will deliver a sustainable built form outcome ensuring a sustainable business model for the stakeholders, the Town, for the benefit of the community.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Detail design of the Higgins Park masterplan will provide a design based around sustainable green spaces and enhancing the character of the space.
EN07 - Increased vegetation and tree canopy.	The project will include an increase in tree canopy cover and vegetation.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community	The project solidifies the commitment to sporting activity at multiple levels within the Town.
S03 - An empowered community with A sense of pride, safety and belonging	Once completed, the facility will provide a safer and inviting space conceptualised by the community, and ensuring equitable access to public open spaces around Town.

## Compliance criteria

3. The request for tender document included several compliance criteria which Tenderers were required to address to be considered for evaluation. All Tenderers were deemed compliant.

## Evaluation process

4. Evaluation of the submissions was undertaken by a three (3) staff member Evaluation Panel composed by:
- Strategic Projects Manager
  - Place Leader – Strategic Planning
  - Place Leader (Urban Design)
5. The evaluation was completed in accordance with the following quantitative and qualitative criteria:

<p><b>Relevant Experience</b></p> <p>Describe your experience in completing /supplying similar Requirements. Tenderer's must, as a minimum, address the following information in an attachment and label it "Relevant Experience":</p> <ol style="list-style-type: none"> <li>a) Provide details of similar work.</li> <li>b) Provide scope of the tenderer's involvement, including details of outcomes.</li> <li>c) Demonstrate competency and proven track record of achieving</li> </ol>	<p>Weighting</p> <p>15%</p>
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outcomes.	
<p><b>Key Personnel Skills and Experience</b></p> <p>Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ol style="list-style-type: none"> <li>a) Their role in the performance of the contract.</li> <li>b) Curriculum vitae to be provided.</li> <li>c) Membership to any professional or business associations.</li> <li>d) Qualifications, with particular emphasis on the experience of personnel in projects of a similar requirement.</li> <li>e) Any additional information.</li> </ol>	<p>Weighting 15%</p>
<p><b>Demonstrated Understanding and Methodology</b></p> <p>Tenderers should detail the process they intend to use to achieve the Requirements of the Specification and the required outcomes of the project.</p> <p>Areas that you may wish to cover include:</p> <ol style="list-style-type: none"> <li>1. A Project schedule/timeline in the form of a detailed Gantt chart which will show the proposed timeframe of the works from contract execution to completion.</li> <li>2. The detailed process for the delivery of the services.</li> <li>3. Proposed quality of service, consultant activities and deliverables.</li> <li>4. Demonstrated understanding of the scope of work.</li> <li>5. High level understanding of the project intent, challenges and desired place enhancing outcomes.</li> </ol>	<p>Weighting 25%</p>
<p><b>Social Sustainability</b></p> <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.</p> <ol style="list-style-type: none"> <li>a) Does your organisation follow any sustainable strategies? YES / NO, if yes, please provide details.</li> <li>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.</li> </ol>	<p>Weighting 5%</p>
<p><b>Price</b></p> <p>Tenderers to complete the Price Schedule in 4.4 of this request as follows:</p> <ol style="list-style-type: none"> <li>a) Tenderer to provide fixed lump sum price for services requested based on anticipated hours required to complete the services, supported by schedule of hourly rates and estimated times for nominated personnel by completing the Price schedule in Table 4.4.</li> <li>b) A cost breakdown of the lump sum amount to achieve the methodology</li> </ol>	<p>Weighting 40%</p>

is to be provided.

- c) Pricing to include all costs for supply of goods and services and appropriate level of Goods and Services Tax (GST).
- d) Include hourly rates for any additional work that may be required.

- 6. A strong field of six (6) tenderers submitted tenders for the lead consultant for the project. The attached evaluation report is a summary of the process and outcome. WhiteHaus Architects Pty Ltd is the recommended tenderer by the Evaluation Panel.
- 7. Upon successful award of the contract, the recommended tenderer's program indicates that concept designs will be ready to present to the Stakeholders in May 2022 with a report to Council to follow.

## Engagement

### Internal engagement

Stakeholders	Comments
Contracts and Procurement Officer	Provided advice and acted as a probity advisor throughout the process. Comments: The tendering process used was compliant with Local Government (Functions and General) Regulations 1996, Pt 4 Div 2, s.3.57 and the Town's Procurement Guidelines. Preferred Tenderer Status has been awarded to WhiteHaus Architects Pty Ltd awaiting Council approval at which time a formal letter of award and formal instrument of agreement will be executed.
Financial Services	Provided advice throughout the process and for direction and management of development funding.
Place Planning	Active involvement in the procurement process.
Assets Team	As the responsible manager of the existing buildings and the future completed development.
Property Team	For the leasing and licensing of spaces within the development, and the ongoing management of those leases.
Stakeholder Relations Team	Advice on advocacy, communications, and engagement.

### External engagement

Stakeholder	Stakeholder mapping is currently being completed. Initial key stakeholders include; Victoria Park RSL, Victoria Park Raiders Football Club, South Perth Junior Cricket Club, Higgins Park Tennis Club, Victoria Park Croquet Club, Millen Primary School, and South Perth Junior Cricket Club.
Period of engagement	To be nominated by the Strategic Comms and Engagement plan, nominally from the concept design phase through to completion of the new

	facility's construction.
Level of engagement	To be determined by the completed Strategic Comms and Engagement plan.
Methods of engagement	To be determined by the completed Strategic Comms and Engagement plan.
Advertising	To be determined by the completed Strategic Comms and Engagement plan.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Insufficient budget to deliver the scope of works required as per the tender submissions	Minor	Unlikely	Low	Low	Ensure acceptance of budget forecast for financial year 22/23.
Environmental	N/A	-	-	-	-	-
Health and safety	N/A	-	-	-	-	-
Infrastructure/ ICT systems/ utilities	Lack of provision of Parks and Reserves infrastructure to a community expected service level	Moderate	Unlikely	Low	Medium	Treat risk by ensuring project scope is delivered in full to meet community needs.
Legislative compliance	N/A	-	-	-	-	-
Reputation	Elected Members and Community disagree with staging plan	Unlikely	Minor	Low	Low	Ensure a well managed engagement, project delivery, and communication process.
Service delivery	Provision of future community sport and recreational	Low	Unlikely	Low	Low	Ensure project is delivered to scope and engagement

## Financial implications

<b>Current budget impact</b>	<p>The current allocated budget funding for FY21/22 is \$300,000 and for FY22/23 is another projected \$500,000.</p> <p>It is estimated that \$150,000 will be spent this financial year servicing this contract with the balance to be carried over to 2022/23.</p>
<b>Future budget impact</b>	<p>The remainder of the contract is proposed to be funded in the FY22/23 financial year and has been listed for consideration in the budget for FY22/23.</p>

## Analysis

8. The assessment of the submissions was formally undertaken by a panel that included:
  - Strategic Projects Manager
  - Place Leader (Urban Design)
  - Place Leader (Strategic Planning)
9. The Town received six (6) submissions. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings shown below with 1 as the highest score (included herein are the top 3 rankings only) which nominates WhiteHaus Architects Pty Ltd as the preferred tenderer

Company	Ranking
WhiteHaus Architects Pty Ltd	1
Bollig Design Group	2
Gresley Abas Pty Ltd	3

10. Reference check and financial check were conducted both with positive outcomes.
11. Please find attached as confidential item the Evaluation scorecard with more details about evaluation.
12. The recommendation is to formally endorse the tender award to WhiteHaus Architects Pty Ltd to proceed to enter a contract for the lump sum price of \$678,826.5 incl. GST (\$617,115.00 ex GST) in accordance with the tender documentation and final delivery clarifications.

### 13.3 Delegation for CEO for three bin (Garden Organic) system procurement award

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Project Officer – Strategic Operations
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

<b>Recommendation</b>	
That Council: <ol style="list-style-type: none"><li>1. Notes that the Town will be requesting tenders in March 2022 for the supply and delivery of the third bins and red lids.</li><li>2. Delegates authority to the Chief Executive Officer to formally accept a tender, up to the amount of \$417,000, and award a contract for the procurement of the third bin supply and lid changeover required for the Garden Organic (GO) three bin system; providing the award represents the best value for money as assessed, and the award value is within the mid-year budget review approval for the project budget.</li></ol>	

#### **Purpose**

To seek Council's endorsement for the CEO to exercise authority to engage a contractor to supply and deliver bins and lids required for the three bin Garden Organic (GO) system, due to be delivered around August 2022.

#### **In brief**

- In the December 2020 round of Council meetings, the Council approved the introduction of the three bin GO system for the first quarter of the 2022/23 financial year. Since that time, the Town has negotiated suitable rates for the GO material collection activities with the current contractor, as endorsed through a June 2021 Council item.
- After further review of the changeover numbers and indicative unit pricing, the Town has nominated the project budget for the procurement supply to be approved through the mid-year budget review, scheduled to be approved through the March 2022 round of Council meetings.
- Currently, lead times for the supply and delivery of new bins and lids are unpredictable, with some estimates being four months. To meet the Town's planned roll-out of new bin infrastructure, officers recommend placing an order as soon as possible.
- Final details for the procurement project are being undertaken. The Town expects to complete the tendering and evaluations for procurement award by 22 April 2022. Contract award would then occur in May 2022
- If normal processes are followed, approval for the procurement contract award will not be possible until at least the May 2022 round of Council meetings (after the required tender and evaluation process time frames). This places the program's roll-out as planned at risk, considering the current unpredictable supply market.

- To expedite the approval of an award of a contract by around one month, the Town now seeks Council endorsement for the CEO for authority to accept the tender and award a contract, subject to the usual budgetary and value for money constraints.

## Background

- In the December 2020 round of Council meetings, the Council approved introducing the three bin GO system for the first quarter of the 2022/23 financial year.
- To ensure that suitable long term collection rates were obtained and put in place in a timely manner, Council approved the CEO to negotiate and formally enter into a contract variation under contract CTVP/16/11 (with Cleanaway) in June 2021. Following negotiations with the contractor, a contract variation was finalized in January 2022.
- Various local governments have been consulted to discuss their experience with purchasing and rolling out their third bins. Using this information, and as part of the procurement process for the new bins and lids required, the Town has made decisions on the volume capacity (240 litre lime green bins and 240 litre red lid changeover (as opposed to 140 litre red lid bins)), and scope of supply (> 400 square metre lot area properties, with opt-in and opt-out arrangements).
- Indicative rates on the new bins and red lids/ changeover costs were sought through suppliers, and together with estimated numbers of eligible properties (with options and spares allowances), the budget for the GO changeover has been calculated. This is to be presented for approval through the 2021/22 mid-year budget review in the March 2022 round of Council meetings.
- Final details for the procurement project are being undertaken. The Town expects to complete the tendering and evaluations for procurement award by 22 April 2022. Contract award would then occur in May 2022.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To put in place value for money contracts based on suitable methods while meeting statutory obligations.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	To pursue a waste management system in line with community expectations while applying financial controls on securing rates for that system.

## Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Review and provide input for procurement processes. Considered the operating budget saving made this financial year since the exit from the Resource Recovery



	Facility Agreement
Procurement	Review and provide advice on available options
Finance	Review and provide advice on the mid year review budget reallocation

### Other engagement

Stakeholder	Comments
Mindarie Regional Council Members	Varied delivery timeframes experienced by different member councils depending on which supplier they were purchasing the bins from
Eastern Metropolitan Regional Council Members	Varied delivery timeframes experienced by different member councils depending on which supplier they were purchasing the bins from
Suppliers	Unpredictable lead time.
Contractors	Some contractors can supply and install the red lids on site. Some would only deliver and install the lids.

### Legal compliance

[Section 3.57, 5.42 and 5.43 of the Local Government Act 1995](#)

[Regulation 18 of the Local Government \(Functions and General\) 1996](#)

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The new contract award does not represent value for money.	Moderate	Possible	Moderate	Low	Treat. Limit authority to award based on budgetary and value money constraints as per Town procedures.
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	

Legislative compliance	Inappropriate tender procurement practices as a result of this delegation or lack of oversight from Council.	Moderate	Rare	Low	Low	Treat. Ensure that probity clearance certificate is obtained for the procurement process prior to awarding of contract by CEO
Reputation	If Council does not approve this delegation, the Town may not meet its commitment to deliver the three bin GO system around August 2022.	Moderate	Likely	High	Low	Treat. Provide formal authority for CEO in advance of normal processes, with usual budgetary and value for money constraints.
Service delivery	Not applicable				Medium	

## Financial implications

<b>Current budget impact</b>	The project budget of \$417,000 is listed for consideration in the mid-year budget review. The delegation of authority will be limited to the project budget, providing it is approved in the mid-year budget review. If approved sufficient funds would be available to address this recommendation.
<b>Future budget impact</b>	As part of the change over to the three bin GO system, future budget recommendations will reflect changes brought about by the new system.

## Analysis

6. The Town has committed to the roll-out of the three bin GO system around August 2022, and the Town's messaging on the new system has reflected this approximate time frame.
7. Due to the relatively long lead time for bins and lids (for large quantity or bulk orders), corresponding external supply issues, and the extra requirement for lid changeover, it is preferable that contractors be given the most time possible to meet the Town's time frame for project delivery.
8. Without the approval of delegation to the CEO, the earliest time for awarding a contract for supply, delivery and changeover will be through the May 2022 Council meeting. The contract's subsequent awarding would be likely to occur after May 2022 and the delivery of the materials may occur after August 2022.
9. If the Town cannot issue a purchase order for the required materials by May 2022, there is a risk that the required bins and lids will not arrive until after August 2022 due to the increasingly unpredictable lead time affecting the material supply and transportation industries. Though the Town is not likely to incur any additional financial burden as a result of this delay (as there are no indications that the landfill levy will increase significantly), there is a potential for some frustrations to be felt in the community due to the delayed opportunity to divert organics from landfill.

10. To bring the possible award of the contract forward by one month, the Town is therefore seeking to have Council's endorsement for the CEO to exercise authority to award the contract at the earliest opportunity, subject to meeting the standard budgetary, value for money and probity requirements for the formal tendering process.

## Relevant documents

Not applicable.

## Further Consideration

11. The following information was requested at the Agenda Briefing Forum held 1 March 2022.
12. Provide information on what other Council's experiences are with the smaller red bins and what would be the factors to weigh up for the Town to consider this.

Some local governments have reported that they have received numerous complaints from residents about the perceived reduction in waste volume capacity caused by the change to the smaller 140L general waste bin. In cases this is an ongoing issue as residents still feel the effective capacity is reduced and continue to request larger sized bins for general waste. This has in turn resulted in considerable staffing resources being devoted to addressing this issue.

It should also be noted that local governments such as the City of Vincent, Town of Bassendean and City of Cockburn have much larger Food Organic Garden Organic or GO teams to deal with unhappy customers. The City of Melville has also elected to provide extra 140L bins for larger households to deal with this issue of perceived lack of waste capacity; however, the adoption of this solution would also attract higher ongoing operational costs (as well as capital costs) as the revised contract arrangement with Cleanaway is based on a charge rate per bin lift.

Another factor to consider is in relation to the net cost of the new 140L red lid bins. The replacement red lids to be used are significantly cheaper than the cost of delivering the new 140L red lid bins (even after allowing for any subsidy on new bin costs).

A further consideration is in relation to the disposal of bin materials. It is preferable from an environmental point of view to dispose of (recycle) only the 240L dark green lids rather than the whole bins where a new bin is purchased.

The Town notes that a reduced capacity general bin may provide some incentive to reduce overall waste but hopes to achieve similar levels of waste reduction through its educational messaging to the community.

## 13.4 Koolbardi Park Gates

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Coordinator Project Support
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Notes the investigations undertaken.
2. Does not approve of the installation of self-locking, time-controlled gates at Koolbardi Park at this time.

### Purpose

To provide the Council with information on alternative options for locking gates to the basketball courts at Koolbardi Park.

### In brief

- At the Ordinary Council Meeting on 16 November 2021, the Council resolved:  
That Council:
  1. Receives the results of investigations into the provision of self-locking, time-controlled gates for Koolbardi Park.
  2. Requests the Chief Executive Officer to present a report to Council by March 2022 inclusive of further investigation outcomes.

### Background

1. The Council requested staff undertake investigations into self-locking, time-controlled gates for the courts. Officers have been able to obtain only one quotation from a supplier. The supplier has liaised with several other suppliers and has provided the Town with a quotation. It has been difficult to obtain quotations as not one supplier can do all the required work to install the self-locking, time-controlled gates.
2. The issue of noise from the courts has been ongoing since they opened in December 2020. Our security firm has locked the gates to minimise disruption to neighbouring properties.
3. As a trial, the gates were left unlocked between 18 January and 30 January 2022 and monitored through CCTV (Closed Circuit TV). During this two-week period there was no anti-social behaviour. The courts were only used by tennis players and, at times, small children on bicycles. The Town received no complaints of noise or anti-social behaviour during this time. It was decided that the gates would remain open pending the outcome of the future of the basketball facilities.
4. Officers are currently seeking quotations from consultants regarding installing acoustic noise barriers and/or modifications to the court surface and further noise testing.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Ensure that any modifications to the gates at Koolbardi Park are well thought out and will resolve the current issues
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To make available timely and relevant information to all Council to make informed decisions for the future

## Engagement

Internal engagement	
Blueforce	Seeking quotation on self-locking system

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A					
Environmental	N/A					
Health and safety	Residents' quality of life will be impacted by ongoing issues	Insignificant	Possible	Low	Low	TREAT the risk by implementing appropriate noise attenuating options
Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	N/A					
Reputation	Negative media	Moderate	Possible	Medium	Low	TREAT the risk by investigating options and informing residents of outcomes of

		investigations following Council consideration
Service delivery	N/A	

## Financial implications

<b>Current budget impact</b>	There are no funds available within the 2021/2022 budget to install the self-locking, time-controlled gates.
<b>Future budget impact</b>	Not applicable

## Analysis

5. Blueforce has submitted a quotation for the installation of the self-locking, time-controlled gates to the amount of \$31,421.50 (inc gst). This includes:
  - a. installing new gates with auto closers and electric locking configured to automatically secure at the programmed time each day
  - b. utilisation of horizontal boring services (i.e. to go under the court surface to minimise damage) and installation of a security controller in the toilet block to obtain 240VAC power
  - c. a 4G monitoring link, including the first 12 months of monitoring, so that we will be alerted if a gate is wedged open at the prescribed time – in which case, our security contractor will be alerted to attend site to secure the gates.
6. As the gates will have closers fitted, they should remain closed and lock when programmed. Note, if the court users wedge the gate open, they will not lock on time.
7. If the gates lock as expected, but there are court users still inside, an exit button and emergency release are included to ensure they are not trapped inside.
8. The quotation also outlines some assumptions made which cannot be fully realised until works begin on site. These include:
  - (i) Assumed secure location available for control cabinet;
  - (ii) Assumed 240 VAC power readily available;
  - (iii) Assumed horizontal boring access will be available
9. Blueforce have verbally advised that if only one gate were to be installed, this would reduce the price. The second gate would be redundant, and access would only be via the new self-locking, time-controlled gate.
10. As Council was informed on 22 December 2021, the four basketball hoops and backboards were all removed. This was due to contravention with the Environmental Protection (Noise) Regulations 1997. Users of the facility have still utilised the tennis courts with no issues reported apart from the occasional delay in unlocking the gates.

11. Since the removal of the basketball backboards on 22 December 2021, the Town has received no further complaints from the neighbouring residents. However, the Town has received numerous telephone calls and emails from residents requesting the backboards be reinstated.

## **Relevant documents**

Not applicable.

## **Further consideration**

12. The following information was requested at the Agenda Briefing Forum held 1 March 2022.
13. Provide further information on how many other basketball courts are in the vicinity of Koolbardi Park compared to other parts of the Town.

John Bissett Park is on the corner of Miller Street and Beatty Avenue – 490m. Lathlain Precinct is the public open space opposite the West Coast Eagles oval on McCartney Crescent – 630m. Rayment Park is on the corner of Howick Street and Rayment Street near Lathlain Place – 720m. All three sites have half courts.

## 13.5 Response to Petition: Traffic Calming and Zebra Crossing

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Design Engineer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Petition dated 23 December 2021

### Recommendation

That Council:

1. Receives this report in response to the petition from residents requesting traffic calming and a new zebra crossing along Albany Hwy between Balmoral St and Hill View Tce. The petition was received by Council on the 14 December 2021.
2. Not recommend this section of Albany Hwy to be prioritised for further traffic calming treatments or additional crossing points.

### Purpose

The purpose of this report is to present the Town's response to the petition received by Council on 14 December 2021 which requests the following traffic management measures:

- 1). *Install traffic calming measures (i.e speed humps) on Albany Highway between Balmoral Street and Hill View Terrace intersections of East Victoria Park.*
- 2). *Install a pedestrian zebra crossing in front of 966 Albany Highway, East Victoria Park.*

### In brief

- At the Ordinary Council Meeting held on the 14 December 2021, Council resolved (Resolution 273/2021) to receive the petition from Michael Gould requesting Council install traffic calming measures on Albany Highway between Balmoral St and Hill view Tce.
- The Town undertook upgrade works along this section of Albany Hwy in 2017. These works essentially traffic calmed this section of road and provided two additional pedestrian crossing points in addition to the 40km/hr speed limit introduced about a decade ago.

### Background

1. This section of Albany Hwy is classified as a District Distributor B road and carries approximately 13,536 vehicles per day. The carriageway is 13m wide and is divided by a painted median. This section of Albany Hwy contains three existing pedestrian refuge islands. There are on-street parking bays on both sides and traffic lanes which are typically 3.3m wide.
2. In the year 2017, this section of Albany Hwy was upgraded, which included the following:
  - Red asphalt was installed along Albany Hwy from Hampshire St to Shepperton Rd;
  - Pedestrian refuge island installed at the intersection of Albany Hwy and Balmoral St;
  - Pedestrian refuge island installed at the intersection of Albany Hwy and Langler St;
  - Painted median installed, which narrowed traffic lanes from approximately 4m to 3.3m;
  - Painted "40" text on the pavement to remind drivers of the 40km. per hour speed limit.



Additionally, in the year 2019, pedestrian crossings facilities were upgraded at the intersection of Hillview Tce and Albany Hwy.

3. A summary of recent speed data is provided below. The posted speed limit for this section of Albany Hwy is 40km/h.

Albany Hwy	85 <sup>th</sup> Percentile 2010	85 <sup>th</sup> Percentile 2013	85 <sup>th</sup> Percentile 2014	85 <sup>th</sup> Percentile 2015	85 <sup>th</sup> Percentile 2016	85 <sup>th</sup> Percentile 2021	85 <sup>th</sup> Percentile 2022
Hill View Tce – Ballie Ave	54.0		53.3	NC	53.3	47.88	46.80
Ballie Ave – Somerset St	NC		NC	NC	NC	NC	45.72
Patricia St – Langler St		46.1			NC		43.74
Langler St – Camberwell St				45.7			45.54

4. A recent pedestrian crash history study has been conducted in the vicinity for the five-year period to the end of December 2020, between Balmoral St and Hillview Tce. This 5-year period would include data from both before and after the installation of road upgrades in 2017. The data showed that there were three reported crashes involving pedestrians within the extracted data, which is summarised below:
  - a. Two crashes involving pedestrians crossing Albany Hwy at the Langler St intersection. One involved a pedestrian exiting their vehicle and walking diagonally across Albany Hwy. The other involved a pedestrian emerging from behind a parked vehicle.
  - b. One crash involved a van reversing into a pedestrian on Albany Highway mid-block between Langler St and Patricia Ave.
5. The petition has 30 verified signatures.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Maintain safe pedestrian crossing locations.

## Engagement

Internal engagement	
Street Improvement	Comments.
Place Planning	Though no traffic calming works is being considered here currently, Albany Highway (including this particular area) will be the subject of future improvements as outlined below:

As part of the Urban Forest Program, the Albany Highway Greening sub-program involves ongoing efforts to plant trees in the Albany Highway streetscape. This can potentially be in the form of median planting and creating garden beds on the roadway to compress the sense of openness that increases speeds. These initiatives can be combined with Water Sensitive Urban Design (WSUD) principles to slow traffic speed, reduce urban heat, increase pedestrian comfort, and improve storm water quality. This area can be targeted for future Albany Highway Greening Program initiatives in an upcoming planting season.

As part of the Towns Transport Program we are also undertaking incremental improvements along Albany Highway to improve the pedestrian experience and create a slower traffic environment along the strip. These projects prioritise pedestrian access and movement through interventions such as parklets and alfresclets in-lieu of on-road parking bays and can also incorporate tree planting and WSUD treatments that will help to promote slower traffic speeds. Often the Transport Program and Urban Forest program work hand in hand.

From a longer term perspective the Albany Highway Precinct Structure Plan (a part of the Town's 'Vic Park Planning Reform Program') will investigate opportunities for public realm and streetscape improvements along the entire length of Albany Highway and will identify opportunities and recommend strategic outcomes in line with the Town's Strategic Planning Framework (e.g Transport Strategy identifies the need to assess improvements for cyclists along Albany Highway). This larger piece of work is likely to help focus and prioritise the work in the two previously listed programs.

It is recommended this petition be included in the consultation outcomes report for the Albany Highway Precinct Structure Plan for further investigation.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	NA				Low	
Environmental	NA				Medium	
Health and safety	NA				Low	
Infrastructure/ ICT systems/ Utilities	NA				Medium	

Legislative compliance	NA				Low	
Reputation	Negative reputation due to the Town not undertaking further works at this location.	Moderate	Rare	Low	Low	Accept - Refer to priority projects as listed in the latest Draft Transport Strategy, none of which are from LTMP. Due to the limited resource available, the negative reputation due to the lack of action on higher priority projects is worse.
Service delivery	NA				Medium	

## Financial implications

<b>Current budget impact</b>	As no physical road treatments are proposed, there is no impact on the current budget
<b>Future budget impact</b>	Not applicable.

## Analysis

- The petition requests for traffic calming measures to be installed on Albany Hwy between Balmoral Street and Hill View Terrace. The Town undertook upgrade works along this section in the year 2017. These works helped create consistency of traffic treatments along the entire length of Albany Hwy. This was achieved by continuing road layout themes which were existing north of Hampshire St and south of Hillview Tce. The red asphalt installed, together with median island pinch points and narrowing of traffic lanes, is considered an effective traffic calming treatment. The surveyed 85th percentile speeds along this section are similar to the mid-block speed along the length of Albany Hwy. Many other higher priority road safety improvement projects are in the queue waiting for construction funding. It is therefore proposed not to undertake further traffic calming works along this section of Albany Hwy at this stage. However, it is proposed to install "40" pavement text outside 998 Albany Hwy. Some of these pavement markings were inadvertently left out during the 2017 reseal. This should help reinforce the 40km/h speed limit message for vehicles turning from Hillview Terrace which is a 50/ 60km/h posted road.
- The petition requests for a zebra crossing to be installed outside 966 Albany Highway. At this location, there is an existing bus stop which is 28m long. There are also pedestrian refuge islands located 75m to the south and 53m to the north. The pedestrian refuge island situated to the north was constructed in 2017 as part of the road upgrade of this section. The installation of a zebra crossing would require the

relocation of the bus stop and the net loss of approximately 4 parking bays. The proposed location would also unlikely meet a Main Roads WA warrant, which requires on average 60 pedestrians crossing over two separate hours (generally within 30m). At this stage, it is proposed to monitor the impact as further developments occur in the area and pedestrian numbers increase before installing an additional crossing point. As previously discussed with Main Roads WA, the older zebra crossings along Albany Hwy will require upgrades, such as the addition of raised plateaus (wombat type crossing similar to the crossing near the Rushton St intersection). These are high traffic crossing points and are treated as high priority pedestrian safety projects which officers are working on.

8. Typically traffic calming measures are more suited to local roads where volumes are low and impacts to regional traffic are minimised. As Albany Highway provides a District Distributor B function and is a key movement corridor in the Town, it's important to understand some of the negative impacts, which include;
  - a. Potential redistribution of traffic on side roads that may become rat-runs
  - b. Albany Highway could become a less attractive route for motorists adding more pressure on parallel routes, thus increasing congestion on key primary roads such as Shepperton Road
  - c. Traffic calming devices need to be designed for heavier vehicle movements, such as buses that frequently use Albany Highway. As a result, treatments can become less effective at slowing motorists.
  - d. Albany Highway is already a 40kph speed zone – Adding extra calming devices will frustrate drivers and impact on efficiency depending on placement, frequency and type of road treatment
  - e. Anecdotally Main Roads Western Australia has not supported major traffic calming projects on District Distributor type road classification given their functionality.

## **Relevant documents**

Not applicable.

## 14 Chief Financial Officer reports

### 14.1 Financial Statements - January 2022

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Finance Manager
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements - January 2022 [ <b>14.1.1</b> - 42 pages]

#### Recommendation

That Council accepts the Financial Activity Statement Report – January 2022, as attached.

#### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended January 2022.

#### In brief

- The financial activity statement report is presented for the month ending 31 January 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended [date].

#### Background

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

##### Revenue

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

##### Expense

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

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

**Period variation**

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

**Primary reason(s)**

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

**End-of-year budget impact**

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

**Strategic alignment**

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

**Engagement**

<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.

**Legal compliance**

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

**Risk management consideration**

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily

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

## Financial implications

<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.

## **Analysis**

4. The Financial Statements – January 2022 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 – January 2022 be accepted.

## **Relevant documents**

Not applicable.



## 14.2 Schedule of Accounts - January 2022

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Finance Manager
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary - January 2022 [ <b>14.2.1</b> - 6 pages]

### Recommendation

That Council:

1. Confirms the accounts for January 2022, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

### Purpose

To present the payments made from the municipal fund for the month ended 31 January 2022.

### In brief

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

### Background

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

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Creditors – EFT Payments		\$4,954,814.84
Payroll		\$1,750,744.33
Bank Fees		\$10,753.97
Corporate MasterCard		\$2,865.40
<b>Total</b>		<b>\$6,719,178.54</b>

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <i>Local Government (Financial Management) Regulation 1996</i> .

## Legal compliance

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

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

## Risk management consideration

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

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

## Financial implications

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

## **Analysis**

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**

[Procurement Policy](#)

## 14.3 Annual Budget Review 2022

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Finance Manager
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Annual Budget Review 2021-2022 [14.3.1 - 75 pages]</li><li>2. Annual Budget Review 2021-2022 Report-Variance report [14.3.2 - 3 pages]</li><li>1. Annual Budget Review 2021-2022 - Variances Summary [<b>14.3.1</b> - 3 pages]</li><li>2. Annual Budget Review 2021-2022_ [<b>14.3.2</b> - 72 pages]</li></ol>

### Recommendation

That Council:

1. Adopts the audited actual opening surplus position for 2021-2022 financial year as \$784,498 (being \$380,563 worse than the budget estimated opening surplus position of \$1,165,061) noting that the determination of the allocation of those funds is contained within the 2021-2022 Annual Budget Review, pursuant to Regulation 31 of the *Local Government (Financial Management) Regulations 1996*.
2. Adopts the 2021-2022 Annual Budget Review as contained within the attachments, pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*
3. Approves the amendments to the 2021-2022 Annual Budget, detailed in the 2021-2022 Annual Budget Review as contained within attachments, pursuant to section 6.8 of the *Local Government Act 1995*.

### Purpose

The Town has a legislative requirement to report to Council material variances which impact upon the budget and to provide recommendations on how to accommodate variations.

### In brief

- The Annual Budget Review is an assessment by Council of how it is financially performing to date and is used to identify variations from the budget by the year end. It may include new works and/or services not identified in the adoption of the budget.
- The review also examines the opening position for the financial year, which is likely to vary between that which is used for the Annual Budget and that which occurs following the Annual Financial Audit.
- Variations to the Annual Budget are addressed in this report, including the funding identified to accommodate these variations.

### Background

1. The Local Government (Financial Management) Regulations 1996 require that between 1 January and 31 March in each year, a local government is to carry out a review of its annual budget for that year.

2. The review of the forecast based on the financial statements to 28 February this year has identified areas where revenue and expense budgets will not be met by 30 June this year. Suitable expense savings and/or additional revenue sources have been identified to balance out variations. Funding sources are identified from savings or revenue (in excess of budget) projected to 30 June this year.
3. Additional works and/or services have also been identified and included within the review.
4. Material variances are identified and outlined where, for the period and management area being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000.
5. Presented is the Annual Budget Review for the current financial year (as contained within the attachments).

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The public have an opportunity to review the impact of Council's financial activity over the first six months of the financial year and any forecast change to the budget

## Engagement

Internal engagement	
Service Area Leader	Comments All Service Area Leaders have reviewed the monthly management reports and provided commentary on any identified material variance relevant to their service area.
All Managers	Managers were responsible for reviewing areas within their portfolio.

## Legal compliance

[Regulation 31 of the Local Government \(Financial Management\) Regulations 1996](#)  
[Regulation 33A of the Local Government \(Financial Management\) Regulations 1996](#)  
[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)  
[Section 6.8 \(1\) of the Local Government Act 1995](#)

## Risk management consideration

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

Financial	Fraud and illegal acts	<i>Catastrophic</i>	<i>Rare</i>	<i>Moderate</i>	<i>Low</i>	<i>Treat risk by Stringent internal controls. Internal audits. Segregation of duties.</i>
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	Misstatement or significant error in financial statements				Low	<i>Treat risk by Internal review of monthly financial activity statement. External audits of monthly financial statements.</i>
Reputation	Town reputation may be impacted if the Mid Year Budget Review is not adopted.				Low	TREAT risk by Council considering and adopting the Mid Year Budget Review
Service delivery	N/A				Medium	

## Financial implications

<b>Current budget impact</b>	<p>A report on significant variances expected to 30 June this financial year, including explanation of the variances, is contained within the attachment. All revenue and expense variances have been balanced with a net variance of \$nil.</p> <p>Variations to the Annual Budget, as outlined in the Review, have been made with regard to asset management requirements and principles. The proposed review will form the new budget once adopted.</p>
<b>Future budget impact</b>	Not applicable.

## Analysis

6. The initial review of the annual budget by officers identified a forecasted surplus. Officers then recommended project initiatives the surplus can be allocated against focusing on minimising the asset renewal gap. Funds that were unable to be spent within the allocated resources and timeframes are recommended to be transferred to reserves.
7. The review seeks to identify and quantify: (a) the forecast year-end major variances from the Town's adopted budget (b) the actual opening position versus the budgeted opening position. The report then makes recommendations as to what action should be taken (if any) to address that change in the forecast year end position (c) the forecast year-end surplus/deficit position, having regard for the above points. The report then makes recommendation as to what action should be taken (if any) to address that change in the forecast year end position
8. The review process has been undertaken having regard for:
  - (a) actual revenues and expenses for the first eight months of this financial year together with committed expenses
  - (b) forecast revenue and expense levels for the remaining four months of the financial year
  - (c) the completion of the annual financial year audit from the previous financial year
  - (d) the more significant (in \$ terms) variances to budget rather than the many minor 'under and overs' that, history has shown, will largely balance out
9. The review:
  - (a) reports a forecast \$nil year-end surplus variance to the budget (a combination of revenue and expense items)
  - (b) provides explanatory commentary on the major forecast variances to budget
  - (c) is inclusive of the previous year-end closing position variance to budget, for Council's consideration and determination.
10. The Annual Budget Review has had input from all management levels at the Town, with Senior Management supporting the values as included in the review.
11. Accordingly, it is therefore recommended that the review be accepted and the associated budgetary changes be approved.

## Relevant documents

Not applicable.



## 15 Committee Reports

### 15.1 Review of Policy 251 - Rainforest timbers – use in Town construction

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Strategic Assets
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

#### Recommendation from the Policy Committee:

That Council refer item 7.1 - Review of Policy 251 - Rainforest timbers – use in Town construction to a future Policy Committee meeting.

#### Purpose

To review the content of Policy 251 – Rainforest timbers – use in Town construction (Policy 251).

#### In brief

- At its meeting of 21 April 2020, Council adopted a work plan to review several policies. Policy 251 was identified as one of the policies to be reviewed.
- Officers have reviewed Policy 251 and do not see any merit in making changes. It is therefore presented to the committee for the recommendation to retain the policy in its current form.
- Policy 251 relates to restricting the use of rainforest timbers to be used in any construction or building projects undertaken wholly or jointly by the Town.

#### Background

1. Council adopted Policy 251 (previously BLDG2) in 1994.
2. Council last reviewed Policy 251 on 20 August 2019, Council resolution 148/2019.
3. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 251 was identified to be completed in 2021/2022. A review of the policy has been completed and no amendments are proposed.
4. The policy's objective is to forbid the use of rainforest timber in Town construction.

#### Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Reduce the Town's carbon footprint and protection of our native forests by forbidding the use of rainforest and or native forest timbers in Town construction.

## Engagement

### Internal engagement

Stakeholder	Comments
Manager Operations	No reason for change. Very difficult to source rainforest timbers in Australia.

### Legal compliance

Not applicable.

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	The use of rainforest and native forest timbers contributes to the destruction of these forests and the habitat they provide.	Medium	Unlikely	Low	Medium	TREAT Climate Action Plan and adoption of Policy 251
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Use of rainforest or native forest timbers in construction – Not consistent with environmental plan and Policy 251.	Medium	Unlikely	Low	Low	TREAT risk by restricting use of rainforest timbers in tender/ contract documents and retaining Policy 251.
Service delivery	Not applicable.				Medium	

## 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.

## Analysis

5. The scope of Policy 251 is still relevant. Therefore, no further changes are required to the content contained in the policy.
6. The Town rarely uses timber in construction, however when used it is plantation pine. Timber used for playgrounds is treated pine, jarrah or existing dead native trees for logs or steppers.
7. The use of plantation grown, or recycled/sustainable timbers is a requirement in the Town's request for quotation and tender/contract documents.

## Relevant documents

Not applicable.

## Further consideration

8. The following information is provided in response to discussion at the Policy Committee meeting held on 28 February 2022.

Policy 251 serves to declare the Town's position on the use of timber products sourced from rainforests. The intent is to ensure that the Town will not purchase or use such products in all projects to be undertaken by the Town.

Though the use of rainforest timber is not generally aligned with the intended outcomes of the Town's procurement practices, Environmental Plan and Climate Emergency Plan, there is no specific mention of rainforest timber in any of these documents.

Officers support the inclusion of native forest in the policy.

The definition of native forest is provided as follows *A forest consisting entirely of indigenous trees and plants.*

The WA Government are developing a Forest Management Plan that from 2024, will ban the removal of timber from native forests except for "limited forest management activities that improve forest health and clearing for approved mining operations".

This policy would support the protection of WA native forests and encourage the use of sustainable timber products in construction.

## 15.2 Review of Policy 252 - Nuclear free zone

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Environment Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### Recommendation from the Policy Committee:

That Council refer item 7.2 - Review of Policy 252 - Nuclear free zone to a future Policy Committee meeting.

### Purpose

To review Policy 252 - Nuclear free zone (Policy 252).

### In brief

- At its meeting of 21 April 2020, Council adopted a work plan to review several policies. Policy 252 was identified as one of the policies to be reviewed.
- Officers have reviewed Policy 252 and do not see any merit in making any changes. It is therefore presented to the committee with the recommendation to retain it in its current form.

### Background

1. Council last amended Policy 252 on 20 August 2019, Council resolution 148/2019 refers. The amendment included the addition of policy objective and scope to align with the new policy template.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 252 was identified to be completed by February 2022. Officers have completed its review and no amendments are proposed.
3. The policy's objective is to establish the Town's stance to be a nuclear free zone.

### Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	<p>The Town of Victoria Park is a nuclear free zone.</p> <p>Given that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment, the policy provides:</p> <ol style="list-style-type: none"> <li>a. That approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town;</li> </ol>

	<p>b. That approval will not be given for the storage of uranium and/or nuclear waste within the Town's boundaries;</p> <p>c. That approval will not be given to transport uranium or nuclear waste through the Town's boundaries;</p> <p>d. That the responsible use of low levels of radioactive material is acceptable in health facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risks to the community at large.</p>
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## Engagement

### Internal engagement

Operations Service Area Leaders	Supportive of the Town's current stance to protect the health and wellbeing of its community and ratepayers; especially when the hazards are man-made and of a nature not visible to human eyes, but are well proven by reputable and experienced scientists and health specialists as having the potential to negatively impact on human health.
Environmental Health	Clear risks to human health should there be any leakage of radioactive radiation on the human population.
Place Planning	No issues.
Planning	No issues.
Community Development	No problems with renewing the policy as it stands.
Safety	Nil.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	

Health and safety	Not applicable.	Low
Infrastructure/ ICT systems/ utilities	Not applicable.	Medium
Legislative compliance	Not applicable.	Low
Reputation	Not applicable if current Policy remains.	Low
Service delivery	Not applicable.	Medium

## 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.

## Analysis

4. The scope of Policy 252 and the conditions prescribed are deemed adequate. Therefore, no further changes are required to the content contained in Policy 252.
5. No historical issues have been brought to the attention of the Town that would change the policy's intent.

## Relevant documents

Not applicable.

## Further consideration

6. The following information is provided in response to discussion at the Policy Committee meeting held on 28 February 2022.
7. *Isn't the WA Government and Radiological Council of WA responsible for approving and licensing:*
  - a. *the construction of any nuclear power facilities within the Town;*
  - b. *the storage of any nuclear material within the Town; and*
  - c. *the transportation of nuclear material through the Town?*

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* prohibits certain nuclear actions specified in s.22A unless a federal approval is obtained. It specifically prohibits nuclear

power generation in s.140A. The Act states that the Minister must not approve an action consisting of or involving the construction or operation of a nuclear fuel fabrication plant, or a nuclear power station, or an enrichment plant, or a reprocessing facility.

Before any radioactive material can be transported, it has to meet the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) Code for the Safe Transport of Radioactive Material. ARPANSA regulates Commonwealth entities that use or produce radiation with the objective of protecting people and the environment from the harmful effects of radiation.

8. *If yes, what purpose would a Town policy serve in the process of approval/licensing?*

It would not serve a purpose from a regulatory or approval standpoint. The policy is simply a statement of intent.

9. *Has the Town ever been consulted by the WA Government about the storage or transportation of nuclear material within the Town?*

No, not that the Administration is aware of.

10. *Is the Town required to be notified if nuclear material is being stored or transported in the Town?*

It is the Administration's understanding that this would be required, though below certain radioactivity thresholds it is not.

11. *What evidence do we have that the Town is a potential site for a nuclear power plant or for storage of nuclear material?*

There is no evidence for this. The policy is a statement of intent, requested by Council at the time.

12. *What about radioactive material used in medical diagnostics/research? Does that qualify as nuclear material?*

No. It is assumed that when Council originally requested Policy 252 that this would not include medical practices.

13. *Does Curtin University store radioactive material? If so, how does this fit within the policy?*

The Administration assumes that such materials would be for medical practice and research, and therefore would not come under policy 252.

14. *Is this policy necessary?*

As the policy is simply a statement of intent of Council, the Administration recognises that it has limited powers and can be overridden by State and Federal legislation. In light of this, perhaps the policy provisions can be adjusted to something similar to those of the City of Kwinana:

1. While Council recognises that Federal and State legislation may negate any power of Council to make decisions in respect to the processing, storage or transport of radioactive materials, this policy provides a statement of intent that Council does not support;

- the construction of any nuclear power station or radioactive and nuclear material processing facility or associated storage facility within the City; or
  - uranium, nuclear waste nor other radioactive materials connected with any nuclear power industry, radioactive and nuclear material processing facility or associated storage facility being processed or stored within or transported within or through the City.
2. Council is not opposed to the responsible use of radioisotopes in medical, dental and veterinary practices and for mining and industrial purposes as Council is of the opinion that the benefits to the users and the community generally outweighs the risks to the community at large.



## 15.3 Review of Policy 302 - Investment

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Finance Manager
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Policy 302 {attachment-list-do-not-remove}

### Recommendation from the Policy Committee:

That Council retains Policy 302 – Investment as attached.

### Purpose

To review the content of Policy 302 – Investment (Policy 302).

### In brief

- At its meeting of 21 April 2020, Council adopted a work plan to review several policies. Policy 302 was identified as one of the policies to be reviewed.
- Officers have reviewed Policy 302 and do not see any merit in making changes. It is therefore presented to the committee for the recommendation to retain the policy in its current form.
- Policy 302 relates to the Investment of Town funds.

### Background

1. Council first adopted Policy 302 in March 1999.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 302 was identified to be completed in 2021/2022. Council last reviewed Policy 302 on 20 April 2021, item 15.4, Council resolution 78/2021.
3. As part of that review, the management practice was amended to include investments as recommended by the Town's Independent Investment Advisor.
4. A scope for the calling of expressions of interest for the appointment of an Investment Advisor was prepared in consultation with advice from the WA Treasury Corporation but not progressed in the current COVID climate.

### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Risks associated with investing surplus funds are minimised.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Sound decisions are made on investing surplus funds.

## Engagement

### Internal engagement

Stakeholder	Comments
Finance Manager	No reason for change.

### Legal compliance

[Local Government Act 1995 - Section 6.14;](#)

[Local Government \(Financial Management\) Regulations 1996;](#)

[The Trustees Act 1962 – Part III;](#) and

[Australian Accounting Standards.](#)

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Financial loss as a result of investment decisions.	High	Unlikely	High	Low	TREAT risk by ensuring that all investments are limited to those investments listed in the Investment Practice.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Any financial loss reported in the local media may cause the Town reputational damage.	High	Unlikely	High	Low	TREAT risk by ensuring that all investments are limited to those investments listed in the Investment Practice.
Service delivery	Not applicable.				Medium	

## 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.

## Analysis

5. The policy's objective is to provide guidelines for the investment of surplus funds.
6. A review of Policy 302 has been completed and the scope of Policy 302 is still relevant therefore, no amendments to the policy are proposed.

## Relevant documents

Not applicable.

## 15.4 Waste Local Law 2022

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Project Officer - Waste
<b>Responsible officer</b>	Manager Technical Services
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### Recommendation from the Policy Committee:

That Council:

1. Determines that as a result of the review of the *Town of Victoria Park Health Local Law 2003*, as amended, that clauses 39 through to 48 (inclusive) of that local law be repealed and replaced, in accordance with section 3.16 of the *Local Government Act 1995*.
2. Gives notice that it intends to make the *Town of Victoria Park Waste Local Law 2022*, as at attachment 1, which will repeal clauses 39 through to 48 (inclusive) of the *Town of Victoria Park Health Local Law 2003* (as amended) in accordance with section 3.12 and 3.13 of the *Local Government Act 1995*; subject to the word "third" be replaced with "fourth" in clause 25(2).
3. Seeks the consent of the Chief Executive Officer of the Department of Water and Environmental Regulation to the proposed *Town of Victoria Park Waste Local Law 2022*.

#### *Purpose and effect of the local law*

The purpose of this local law is to provide for the protection of the natural and urban environment and the mitigation of environmental hazards through ensuring the appropriate disposal of local government waste.

The effect of this local law is to:

- (a) Provide for regulation, control and management of waste services; and
- (b) Establish the requirements with which any owner or occupier of premises using the Town of Victoria Park waste services must comply.

## Purpose

To recommence the process for making the Waste Local Law 2022 in line with section 3.13 of the *Local Government Act 1995*.

## In brief

- The Town reviewed the *Town of Victoria Park Health Local Law 2003*, and part of this review relates to waste activities. Council resolved to give notice of its intention to make a Waste Local Law in April 2021 and proceeded with the statutory advertising and notification requirements prior to resolving to make the local law. However, after consultation with DWER and upon further advice from the Department of Local Government, Sport and Cultural Industries (DLGSC) it is prudent for the Town to recommence the procedure under section 3.13 of the *Local Government Act 1995*.
- As part of the State government's approach to waste management; and recognising that its strategy involves not only recycling but also the separation of organics at source collection and extraction of containers through the Container Deposit Scheme (CDS – also known as Containers for Change); a model local law on waste has been developed to provide legislative backing for better control of such

waste collection activities. The West Australian Local Government Association (WALGA) and the Joint Standing Committee on Delegated Legislation of the WA Parliament (JSC) have adopted an agreed model local law for waste to cover current and anticipated future extra waste management related activities. These activities are not covered in any comprehensive manner under the existing health local law.

- The necessity to consider and introduce a local law specifically covering waste has also been identified as an action item in the Waste Plan approved by Council in September 2020. The Waste Plan was subsequently endorsed by the Department of Water and Environmental Regulation (DWER) in November 2020.
- While the WALGA model local law on waste provides extensive and perhaps far-reaching legislative power on specific waste matters, it is recommended to be adopted as any concerns on potential infringements for minor infractions using the local law can be tempered by the Town using a commonsense approach (combined with an emphasis on waste management education).

## Background

1. Following the resolution of Council at its meeting on 15 September 2020, the Town conducted the review of the *Health Local Law 2003*. This local law is extensive and covers varied topics and has not completed a full review since 2003.
2. In the period since the *Health Local Law 2003* was adopted, the following significant State legislative changes have occurred:
  - a. *Waste Avoidance and Resource Recovery Act 2007*  
This Act addresses several State measures to control and manage waste, including 'local government waste'. It is under this Act that future local laws managing waste must be made.
  - b. *Food Act 2008*  
This Act transferred the laws managing food establishments, from local laws to a single law for the whole State. By order of the Governor, the Town's local law was amended and the Town's *Eating Houses Local Law 2003* was repealed.
  - c. *Cat Act 2011*  
This Act provided for greater regulation of Cats, including mandatory registration and sterilisation and enabled local governments to make local laws to regulate cats even further.
  - d. *Public Health Act 2016*  
This Act, updated after 105 years, was the State's primary public health law. As part of its roll-out, the Department of Health has been reviewing regulations, guidelines and local laws that were made under the previous Act. The Act came in force in 2016 and implemented in a five staged process, due to be fully implemented by 2022. Implementation is currently at Stage 4.
3. In reviewing the current law, the review was conducted based on four topics:
  - a. Animals
  - b. Waste
  - c. The natural and urban environment; and
  - d. Public health.
4. This report details the result of the review of laws in respect of waste.
5. As part of the impetus to develop a model local law on waste, WALGA and the JSC have considered two significant waste collection activities outside of separate recycling: the introduction of the CDS, and the future direction for the collection of separate organics material from households.
6. The Town has also considered the introduction of the CDS and its requirements in terms of participation, planning and administration regarding the current recyclable waste (yellow top bin) collection. It was recognised in the September 2019 Council item that a possible problem existed with the recyclable collection due to the potential for scavenging of CDS items from recycling bins (leading

to littering, early morning noise, privacy concerns, injury concerns or other socially undesirable activities). At the time, it was noted that the local law on health provided some statutory backing to make scavenging illegal under Division 2 of that local law (with penalties under Part 10). However, this had not been legally tested, and it remained open to Council to introduce a separate local law to address this issue specifically. It is noted that the orderly picking up of usable "junks" or bulk waste materials from the verge area is generally accepted by the community as long as people don't make a mess of the verge or footpath.

7. At the same time as the introduction of the CDS, the issue of the separation of organic material at the point of waste collection became more important due to the issues affecting the ability of the Mindarie Regional Council to process general waste at the Resource Recovery Facility (RRF). It is noted that from August 2021 the operations at the RRF have ceased.
8. With the likelihood of the introduction of an organics separation process at the point of waste collection increasing, the Town also recognised that the current local law on health did not cover (nor had been expected to cover) the issues that may arise in relation to such a system. As the Council has now endorsed the introduction of a separate organics system in the 2022/23 financial year, it is important also to consider what local law clauses should cover this aspect of waste collection activity.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	For Council to be seen to be responsibly addressing the legal uncertainty for verge waste collection.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	To allow for management of enforcement actions and penalties for inappropriate verge waste treatment.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	To provide a mechanism to discourage littering and any consequent reduction of amenity in the public arena.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	To provide a mechanism to reduce the level of contaminants placed in waste collections.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	To provide a mechanism to discourage littering of verge bins.

## Engagement

### Internal engagement

Stakeholder	Comments
Technical Services	Advice and background details on the necessity for a waste local law.
Environmental Health	Environmental Health are generally supportive of the greater separation of this local law away from the other health related local laws.

### Other engagement

Stakeholder	Comments
WALGA	Provision of standard local law format and advice.
DWER and DLGSC	Consent to the <i>Waste Local Law 2022</i> is required to be given by the Chief Executive Officer of DWER. Comments received and changes required from the DWER review mean that some of the changes could be interpreted as resulting in the Town making a local law that is significantly different from what it first proposed (in terms of section 3.13 of the <i>Local Government Act 1995</i> ). It is therefore prudent for the Town to recommence the procedure.

## Legal compliance

Section [3.12](#) and [3.13](#) of the *Local Government Act 1995*

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not adopting an enforceable local law may result in higher contamination levels and increased waste charges.	Minor	Possible	Moderate	Low	Treat risk by adopting an appropriate local law to better control contamination rates.
Environmental	Higher contamination rates are counterproductive for waste management	Minor	Possible	Moderate	Medium	Treat risk by adopting an appropriate local law to better control contamination

	treatment.					rates.
Health and safety	Potential for health risks in having an unenforceable local law.	Minor	Possible	Moderate	Low	Treat risk by adopting local law which contains infringements making it easier to enforce the local law.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	The local law may be seen as excessively onerous and provide legislative power to penalise even minor infractions.	Moderate	Likely	High	Low	Treat risk by emphasis on education activity for waste management and use of local law infringements for only more serious breaches.
Service delivery	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The introduction of the local law may have some potential for additional compliance costs and offsetting infringement income, however, at this stage it is not considered to be material enough to consider for future budget impact.

## Analysis

- The Town gave notice of the review of the *Health Local Law 2003* on 1 October 2020 and a submission period was open until 23 November 2020. No submissions were received in respect of local laws pertaining to waste.
- Policy settings relating to waste in WA have evolved significantly since 2003 with the introduction of the *Waste Avoidance and Resource Recovery Act 2007*. This Act clarified the powers of local governments to make local laws for managing waste. The Town has not taken the opportunity to make local laws in respect of waste since this bill passed. These local laws require the consent of the Chief Executive Officer of the DWER.



11. As part of the consultation undertaken following the notice of intention to make the local law was resolved in April 2021, DWER consent to the local law was requested. DWER responded in November 2021 and has required the Town to make changes to the proposed local law which do not appear to substantially alter the scope and intent of the local law.
12. However, further advice was sought from DLGSC on assessing any impact on the final making of the local law in terms of section 3.13 of the *Local Government Act 1995*. The advice received was that any changes made to the original advertised local law which *legally* impact on the rights or obligations of those affected by the local law may be considered to represent a significant change to that local law when reviewed by the JSC. While the changes may not be considered to significantly alter the intent of the local law, on a strict legal interpretation some of the changes being requested can be seen to fall within the category of being significant changes in terms of section 3.13.
13. Consequently, as a matter of prudence, the Town should recommence the procedure for making the local law. Prior to doing this, the Town has sought confirmation from DWER that it is satisfied with the changes made by the Town in the revised local law (included in the attachments). DWER has acknowledged that the Town will recommence the process and that many of the recommendations made by DWER will be taken up in the final local law; but will only make a final review of the proposed local law once the Minister for Environment has been advised of the Town's intention to make the local law.
14. It is also noted that the Town needs to slightly alter the original resolution of April 2021 in relation to the amendment of the *Town of Victoria Park Health Local Law 2003*. The original wording included the replacement of clause 38 through to 48 of that local law. This retained clause 49 of the local law, relating to the burning of "rubbish or refuse". However, on further review it was noted that clause 38 contained the definition of "rubbish or refuse" within the local law, which is not defined elsewhere within the local law.
15. The retention of the definition of "rubbish or refuse" is required to provide a relevant meaning to clause 49 in relation to the burning of rubbish or refuse. Consequently, clause 38 needs to be retained, and so this clause is now omitted from the clauses to be replaced in the recommendation. As the enactment of the *Town of Victoria Park Waste Local Law 2022* has been forestalled by the need to recommence the procedure, the original resolution has not been capable of being implemented. Therefore, a rescission of the original resolution is not required, and the replacement recommendation has been included in this item.
16. The revised draft local law is included as Attachment 1 to this item, and a version including those changes resulting from the DWER review (tracked and highlighted) has been included in Attachment 2 to this item.
17. Aspects of the potential impacts of the proposed local law have been previously examined in the Council item which was approved in April 2021. While no concern was raised through the consultation process (outside of the DWER review) it is worthwhile reiterating these potential issues in the following paragraphs.
18. The WALGA model local law on waste considers not only the aspect of scavenging for CDS items, but also encompasses other potential infringements for inappropriate use of the bins for type of refuse disposed within the bins.
19. The proposed local law (based on the WALGA model) gives a much wider coverage of activities and what may constitute unacceptable practice for which infringements may be levied. For example recycling being deposited into general bins is prohibited under the WALGA draft local law, clause 11(2), with a modified penalty under schedule B, item 6; general waste (or organic waste, where relevant) being deposited into recycling bins is prohibited under the WALGA draft local law, clause 12(a), with a modified penalty under schedule B, item 7; and similarly for anything other than specified organic waste being deposited into an organic waste receptacle under clause 13(a), with a modified penalty under schedule B, item 9.

20. While the local law provides more comprehensive coverage of acceptable waste practices, the extent of the local law may be seen to be excessive in the context of waste management. There may be some concern that even minor infractions can be targeted.
21. However, the local law needs to be viewed in the overall context of waste management practices being fostered by the Town. With the introduction of an organics separation system, the Town intends to promote the system through the education of residents to abide by the type of waste that may be placed in each type of bin. The Town would not intend to deliberately seek to infringe residents due to occasional lapses in waste placement; but it needs to recognise at the same time that it is still necessary to have an infringement system in place to discourage those residents that may deliberately flout regulations on a regular basis. Similarly, the potential for enforceable penalties relevant to persistent scavenging activities (e.g. scavenging of CDS items from recycling bins) needs to be in place.
22. It is therefore recommended that the Town adopt the WALGA model local law going forward with the CDS and future organics separation system (at the waste collection point). This is consistent with the orderly administration of local laws. By not pursuing infringement action for only minor infractions, it would still meet the requirement for good government from its execution of general and executive powers under the *Local Government Act 1995*. Local law adoption is also in line with the requirement of the implementation plan section of the Council approved (and DWER endorsed) Waste Plan for the Town.
23. Further, local laws made under the *Local Government Act 1995* such as this one can utilise the penalties under the *Local Government Act 1995*. This means any replacement laws could have a maximum penalty of \$5,000. It would also be possible to issue infringements in the place of having to prosecute every offence.
24. The proposed Waste Local Law 2022 is set out as detailed below.

#### Part 1 - Preliminary

25. This section sets out administrative matters enabling the local law and repeals the current local laws in respect of local government waste (but not liquid waste and the like).

#### Part 2 – Local Government Waste

26. These clauses establish:
  - a. The Town will supply to residential premises wheelie bins (called receptacles in the local law) for disposing of waste;
  - b. People will deposit the waste in the wheelie bins and not deposit 'non-collectable waste' or too much waste (by weight) in the wheelie bin;
  - c. People will only deposit recyclables in a recycling bin;
  - d. People will only deposit organic materials in an organics bin;
  - e. The Town can direct a person to place a wheelie bin out for collection and/or remove it after rubbish collection;
  - f. Owners and occupiers must keep their bins stored on their property, place them in the appropriate location, make sure they have appropriate bins and if the bins are stolen or damaged to notify the Town;
  - g. The Town can grant exemptions to the duties of owners and occupiers where it is appropriate to do so;
  - h. A person cannot damage or remove a bin; and
  - i. The laws in respect of verge collections.

#### Part 3 – General duties

27. These clauses provide that a person must:
  - a. Ensure they have sufficient bins for all of their waste;
  - b. Keep their bins in good condition;
  - c. Take reasonable steps to keep them clean, odour free and not breeding insects;
  - d. Where directed by the Town, clean their bins;
  - e. Not remove things from other peoples' bins; and

f. Not deposit their household waste in or remove waste from public bins.

#### Part 4 – Enforcement

28. These clauses provide for the enforcement of the local law and review of the decisions of the Town under it.

#### Schedule A – Meaning of 'non collectable waste'

29. This schedule provides the definition of what waste the Town will not collect.

#### Schedule B - Prescribed offences

30. This schedule provides for infringements for breaches of the local law ranging from \$50 to \$400.

### **Relevant documents**

Not applicable.

## 15.5 Agenda Briefing Forum public participation - results of trial

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Governance and Strategy
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### Recommendation from the Policy Committee:

That Council:

1. Notes the results of the trial period for the removal of the second public participation time at Agenda Briefing Forums.
2. Approves the permanent removal of the second public participation time at Agenda Briefing Forums.

### Purpose

To present the results of the trial removal of the second public participation time at Agenda Briefing Forums.

### In brief

- In July 2021, Council resolved to undertake a trial removal of the second public participation time at Agenda Briefing Forums.
- During the trial period, the Town's administration did not receive any formal complaints in regards to the removal of the second public participation time from Agenda Briefing Forums.
- Sufficient time was allowed for public participation at all Agenda Briefing Forums during the trial period, including extensions to allow more time when required.

### Background

1. As part of the review of the *Town of Victoria Park Meeting Procedures Local Law 2019*, it was suggested to remove the second opportunity for public participation at Council meetings.
2. The majority of local governments in Western Australia do not allow for a second opportunity for public participation at the end of the meeting.
3. Prior to the Town undertaking the process to amend the local law, it was recommended to trial the removal of the second opportunity for public participation from Agenda Briefing Forums only, for a six-month period.
4. At its meeting held 20 July 2021, Council resolved as follows:

*That Council:*

1. *Adopts the amended Policy 051 – Agenda Briefing Forum, Concept Forum and Workshops as attached.*
2. *Endorses the removal of the second public participation time at Agenda Briefing Forums, for a sixmonth trial.*
3. *Requests the Chief Executive Officer to present a report to the February 2022 Policy Committee meeting, to report the results of the six-month trial.*

5. Policy 051 – Agenda Briefing Forum, Concept Forum and workshops (Policy 051) was amended to enact the trial removal of the public participation opportunity at the end of Agenda Briefing Forums.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Policy 051 informs and provides guidance to the public on the purpose, structure and proceedings of the Town's informal (non-statutory) meetings.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Elected members were consulted prior to implementing the trial removal of the second public participation time at Agenda Briefing Forums for the six-month trial, via the Councillor Portal.  Comments received supported the trial.

## Legal compliance

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Possible damage to the Town's reputation by limiting public				Low	ACCEPT the risk. No formal complaints were received by the

	participation to once during Agenda Briefing Forums.	Town during the trial period.
Service delivery	Not applicable.	Medium

## 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.

## Analysis

- During the six-month trial period, the Town has not received any formal complaints relating to the removal of the second public participation time at Agenda Briefing Forums.
- During the six-month trial, the following data from public participation time at Agenda Briefing Forums was collected.

Meeting date	Time allowed <sup>1</sup>	Time used	Questions asked	Statements made
3 August 2021	30 minutes	10 minutes	5	4
7 September 2021	30 minutes	35 minutes	14	9
5 October 2021	30 minutes	43 minutes	17	4
2 November 2021	30 minutes	55 minutes	20	2
30 November 2021	30 minutes	34 minutes	11	4
1 February 2022 <sup>2</sup>	30 minutes	27 minutes	9	4

<sup>1</sup> In accordance with regulation 6(1) of the *Local Government (Administration) Regulations 1996*, the minimum time allowed for public question time is 15 minutes. The Town's standard practice is to allow 30 minutes for public participation.

<sup>2</sup> Meeting was held online. Questions and statements submitted prior to the meeting were read aloud by the Presiding Member.

- Based on the data there was sufficient time allowed for questions and statements including extensions to allow more time when required.
- As Policy 051 has already been amended to allow for the trial to be enacted, there is no requirement for Council to make any further amendments to the policy to enact the permanent removal of the second public participation time at Agenda Briefing Forums.

## Relevant documents

[Policy 051 – Agenda Briefing Forum, Concept Forum and workshops](#)

- 16 Applications for leave of absence**
- 17 Motion of which previous notice has been given**
- 18 Questions from members without notice**
- 19 New business of an urgent nature introduced by decision of the meeting**
- 20 Public question time**
- 21 Public statement time**
- 22 Meeting closed to the public**
  - 22.1 Matters for which the meeting may be closed**
    - 22.1.1 CEO Mid year performance review report 2021-2022**
  - 22.2 Public reading of resolutions which may be made public**
- 23 Closure**