



TOWN OF  
VICTORIA PARK



# Ordinary Council Meeting Agenda – 15 October 2019

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

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm** on **Tuesday 15 October 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Anthony Vuleta – Chief Executive Officer**

10 October 2019

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# 1 Declaration of opening

## Acknowledgement of Country (by Mayor)

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

*Ngany yoowart Noongar maam, ngany wadjella maam. Ngany djerapiny Wadjak – Noongar boodja-ka yaakiny, nidja bilya bardook.*

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

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

## 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 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 guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other

means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

### **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 Rates Prize Draw winners**

### **3 Attendance**

**Mayor**

Mr Trevor Vaughan

**Banksia Ward**

Cr Claire Anderson  
Cr Julian Jacobs  
Cr Ronhhda Potter  
Cr Karen Vernon

**Jarrah Ward**

Cr Jennifer Ammons Noble  
Cr Bronwyn Ife  
Cr Brian Oliver  
Cr Vicki Potter

**Chief Executive Officer**

Mr Anthony Vuleta

**A/Chief Operations Officer**

Mr Gregor Wilson

**Chief Financial Officer**

Mr Michael Cole

**Chief Community Planner**

Ms Natalie Martin Goode

**A/Manager Development Services**

Ms Laura Sabitzer

**Manager Governance and Strategy**

Ms Danielle Uniza

**Secretary**

Ms Amy Noon

#### **3.1 Apologies**

**Chief Operations Officer**

Mr Ben Killigrew

**Manager Development Services**

Mr Robert Cruickshank

#### **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 public questions taken on notice at the Ordinary Council Meeting held on 17 September 2019**

#### **Mike Lanternier**

1. *Why haven't I received a response about the flag concerns after they were taken down by a Town officer?*

It seems that there was a misunderstanding with regard to your recent visit to Administration and questions regarding the West Coast Eagles Flag.

The staff member felt that he had answered your questions and the following was resolved:

- 1- Your concerns would be passed on to the Town's management level; which was done via an email.
- 2- That you would be taking the matter further via the rates payers association that you belong to.

I have been informed that the staff member concerned has since been in contact with you and apologised for the misunderstanding.

With regard to your question as to why the West Coast Eagles flag was flying on the flagpole at Administration. It was part of a finals promotional campaign with the intent is that the flow on benefit from this town promotion is experienced by local business and the community.

### **5.2 Response to public questions taken on notice at the Agenda Briefing Forum held on 1 October 2019**

#### **Sam Zammit**

1. *How did the Town come to own the land at 355-357 Shepperton Road?*

The subject properties were historically known as car park number 37 and previously owned by the City of Perth. After the Town of Victoria Park was created, the land was transferred from the City of Perth to the Town of Victoria Park.

2. *Were there houses at 355-357 Shepperton Road originally?*

In reviewing the available aerial photography which dates back to November 1953, Lots 131 and 132 show no houses and have been a car park since at least March 1965. Lot 30 has been a car park since at least September 1974 with a house being shown on the March 1965 aerial. Lot 488 shows a house on the March 1965 aerial with a sump then shown on the September 1974 aerial.

This information is freely available on the Town's online intramaps.



## **Luana Lisandro**

### *1. What is the total number of land assets that the town holds in quantity and value?*

The total number of land assets the town holds is 476. It must be noted however that this encompasses a variety of different types and tenure of property from freehold to leasehold to crown land under management order. The total underlying value of this land is reported as approximately \$40 million although this may change based on valuations conducted annually and uses different valuation techniques dependent on the type of land being assessed.

### *2. What value has the land sold for in the past?*

The Town has sold approximately \$7 million worth of land over the last 19 years.

## **5.3 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 17 September 2019.
2. Receives the notes of the Agenda Briefing Forum held on 1 October 2019.

## **8 Presentations**

### **8.1 Petitions**

### **8.2 Presentations**

A presentation will be made to Council by the President of the Southern Districts Bands Inc, Jessie Smoor, in honour of the Town's 25<sup>th</sup> anniversary.

### **8.3 Deputations**

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

### **Recommendation**

That items 11.4, 13.1 and 13.2 be adopted by exception resolution, and the remaining items be dealt with separately.

## 10 Chief Executive Officer reports

## 10.1 Quarterly reporting - October 2019

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Anthony Vuleta
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Corporate Business Plan Report [<b>10.1.1</b> - 8 pages]</li><li>2. Strategic Projects Summary - October 2019 [<b>10.1.2</b> - 1 page]</li><li>3. Recreation capital works program progress report - October 2019 [<b>10.1.3</b> - 5 pages]</li><li>4. Property capital works program progress report - October 2019 [<b>10.1.4</b> - 5 pages]</li><li>5. Transport capital works program progress report - October 2019 [<b>10.1.5</b> - 10 pages]</li><li>6. Fleet capital works program progress report - October 2019 [<b>10.1.6</b> - 6 pages]</li><li>7. Economic Development Strategy Quarterly Reporting Table [<b>10.1.7</b> - 12 pages]</li></ol>

### Recommendation

That Council receives the quarterly written progress reports, for October 2019, relating to the:

- (a) Corporate Business Plan
- (b) 2019/2020 Annual Strategic Project Plan
- (c) Five-year capital works program
- (d) Economic Development Strategy 2018-2023
- (e) Urban Forest Strategy
- (f) Reconciliation Action Plan
- (g) Disability Access and Inclusion Plan

### Purpose

To present quarterly progress updates to Council on the actions, projects and outcomes listed within the plans and strategies included in the recommendation.

### In brief

- At the Ordinary Council Meeting on 16 July 2019, Council resolved that quarterly written progress reports be presented to Council on the Corporate Business Plan, 2019/2020 Annual Strategic Project Summary, five-year capital works program and a selection of strategies and plans.
- The progress reports were requested to enable Council to confidently oversee the Town's performance, allocation of finances and allocation of resources, as well as improve transparency and accountability to the Council and community.
- The progress reports requested have been attached to this report or included in the analysis section to be received by Council.

## Background

1. At the Ordinary Council Meeting on 16 July 2019, Council resolved:

*That Council requests that the Chief Executive Officer:*

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
  2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
  3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town's following plans and strategies:*
    - a. *Corporate Business Plan*
    - b. *2019/2020 Annual Strategic Project Summary*
    - c. *5 Year Capital Works Program*
    - d. *Economic Development Strategy 2018 – 2023*
    - e. *Urban Forest Strategy*
    - f. *Reconciliation Action Plan*
    - g. *Disability Access and Inclusion Plan*
2. The quarterly written progress reports were requested to enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions, and be able to take action to address any issues that arise. They were also requested to give Council and the community a higher level of transparency and accountability relating to strategic actions, plans and projects.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Council are provided with the information that they have requested in the way they determined is best for them.
CL02 - A community that is authentically engaged and informed in a timely manner.	The community are regularly informed of progress on projects, plans and strategies undertaken by the Town.

## Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2019/2020 Annual Strategic Project Summary and Five-Year Capital Works Program.
Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Place Planning	Operations has coordinated the first Urban Forest Strategy performance report with this to switch to Place Planning for all further performance reporting. Place Planning reports on the progress of implementing the Economic Development Strategy 2018 – 2023.
Community Development	Community Development coordinate the progress reports for the Reconciliation Action Plan (RAP) and Disability Access and Inclusion Plan (DAIP)

## Legal compliance

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town if progress expectations are not being met	Minor	Possible	Moderate	<p>Commentary around reasons for progress expectations not being met are included in progress reports.</p> <p>Frequency of reporting allows for Council and community to be informed in a timely manner.</p>

## 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

3. Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.
4. These reports on the actions, projects and outcomes, for the plans and strategies listed in the Council resolution, have been attached to or included in this report. Further commentary for each report has also been included below.

### Corporate Business Plan

The Corporate Business Plan (CBP) is currently undergoing a review that will be presented to Council in November. As part of this review, the status of actions on the current CBP have been documented and are attached to this report. These updates are from the period of adoption of the CBP from July 2017 to September 2019. Future quarterly updates on the CBP will be made to the reviewed version of the CBP. The status of actions from the CBP are as follows.

Strategic outcome	Total actions	No. of actions completed	No. of actions in progress or ongoing	No of actions not started
Social	15	5	9	1
Environment	24	9	14	1
Economic	10	5	2	3
Civic Leadership	36	15	16	5

### 2019/2020 Annual Strategic Project Summary

The 2019/2020 Annual Project Summary has been updated and attached for information.

### Five-Year Capital Works Program

The draft Five-Year Capital Works Programs for Fleet, Parks, Transport and Property have been attached. This relates to proposed new, renewal and upgrade capital works for the next five financial years across all the Town's asset classes.

The draft data does require some refinement and fine-tuning, with the majority of projects costed as estimates only at this time. Year one will be further developed and presented to Elected Members during the 2020-2021 budget process. Years two to five are indicative only of projects required and will be adjusted in accordance with outcomes of asset management principles and practices.

### Economic Development Strategy 2018 – 2023

The Economic Development Strategy: Pathways to Growth 2018- 2023 (EDS) provides a five-year vision and blueprint for sustainable economic growth in the Town. The following table provides a quick snapshot of the progress of implementation.

**Strategic outcome**

*Total actions*

*No. of actions in*

		<i>progress</i>
<b>Pathway 1: Leadership</b>	4	4
<b>Pathway 2: Identity</b>	2	2
<b>Pathway 3: Local to Global Connections</b>	5	5
<b>Pathway 4: Smart Town- Digital Innovation</b>	7	3
<b>Pathway 5: Creating an Enabling Business Environment</b>	8	7
<b>Pathway 6: High Value Precincts</b>	6	6
<b>Pathway 7: High Value Sectors</b>	18	10
<b>TOTAL</b>	<b>50</b>	<b>37</b>

More information on the actions progressed under each pathway is contained in the EDS Quarterly Reporting Table in Attachment 10.1.7.

### Urban Forest Strategy

At the Ordinary Council Meeting held on September 17 Council endorsed the UFS Implementation Action Plan (UFS) allowing for transition from project to operational phase. The UFS Implementation Action Plan was developed according to the UFS which was endorsed by Council on 11 September 2018. This process included the establishment of a Transition to Implementation Working Group (TIWG) involving the community members who were co-authors of the UFS. The UFS Implementation Action Plan outlines actions that the Town and community should undertake to achieve the Strategic Outcomes within UFS.

The recently created additional position of a Senior Place Leader (Urban Forest) will facilitate the delivery of the endorsed UFS Implementation Action Plan. The creation of this role was foreshadowed within the endorsed UFS.

The month of October will see the Senior Place Leader (Urban Forest) work closely with the Transition to Implementation Working Group (TIWG) to start establishing the ongoing UFS working group and then subsequently for the Transition to Implementation Working Group (TIWG) to be dissolved. Consideration will be given as to the best approach to honouring and recognising the efforts and contribution that the Transition to Implementation Working Group (TIWG) has made to the UFS Implementation Action Plan and to the Town.

### Reconciliation Action Plan

The Reconciliation Action Plan (RAP) is a document that outlines actions to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians. The Aboriginal Engagement Advisory Group continues its work to inform and advise the Town on ways in which we can work together through the framework of the Reconciliation Action Plan and its continuing actions and outcomes.



## RAP progress update for July-September 2019

Category	RAP Action	Deliverable (outputs)	Outcomes
<b>Relationships</b>	Participate in National Reconciliation Week (NRW)	Promoted NRW throughout the Town via media articles and website to increase its significance and profile	<p><b>SCP: S2 &amp; S4 achieved</b></p> <p>The Aboriginal Engagement Advisory Group confirmed three versions of Acknowledgement of Country for the Town of Victoria Park, for the following uses:</p> <ul style="list-style-type: none"> <li>• Email signatures</li> <li>• Council meetings</li> <li>• Large events and functions delivered by the Town</li> <li>• Large meetings</li> </ul> <p>These were developed to keep a consistent and culturally accurate Acknowledgement of Country throughout the Town with a view to it being learned in Noongar language as the next step.</p>
<b>Respect</b>	Participate in and celebrate NAIDOC Week.	Raised awareness and shared information amongst staff and community regarding language, through banners and TV sliders in Whadjuk Noongar language.	<p><b>SCP: S2, S3 &amp; S4 achieved</b></p> <p>Local primary school were inspired to request to their teacher to create their own version of the language banners, and to research Noongar words and their translation. They also draw/painted their own interpretation of the words.</p> <p>Students were empowered with their enhanced awareness, to request that the projects be presented to Town staff.</p>
<b>Respect</b>	Raise awareness of Aboriginal and Torres Strait Islander people within our Town	Acknowledge Aboriginal and Torres Strait Islander Soldier in Remembrance Day and ANZAC Day ceremonies	<p><b>SCP: S2 &amp; S4 progressing</b></p> <p>The AEAG were presented with details of three Aboriginal service men from WW1 for recognition and for consideration for park/ street names. AEAG is currently reviewing.</p>
<b>Respect</b>	Aboriginal	Investigated	<b>SCP: S2 &amp; S4 progressing</b>

	and Torres Strait Islander signage and display	Aboriginal and Torres Strait Islander naming of parks and reserves in the Town.	<p>The AEAG presented six names to be considered for the naming Zone 2X, with the Noongar name of Waalitj for Wedged Tail Eagle being significant due to the close proximity to the West Coast Eagles building. Wadjuk names are below with their English translations in parentheses.</p> <ul style="list-style-type: none"> <li>• Karak (Red tail black cockatoo)</li> <li>• Karakin (Place of the above)</li> <li>• Waalitj (Wedged tail eagle. This is the popular vote from the AEAG as it represents "connection and pathways")</li> <li>• Koolbardi (Magpie)</li> <li>• Benang (Tomorrow )</li> <li>• Ngoorlak- (White tail black cockatoo/Carnaby. This is the 2<sup>nd</sup> most popular vote by the AEAG)</li> </ul> <p>The AEAG requests that the above names be researched by the Town for their contextual and cultural connection to the land on which they will be considered. (ie are those animals found at that place).</p>
<b>Respect</b>	Aboriginal and Torres Strait Islander signage and display	<p>Presented the Kensington bushland interpretive signage to the AEAG – review of names for animals, flowers, reptiles etc Commissioned Aboriginal Artist: Darryl Belotti</p> <p>Early Settler verses Town Faithful</p>	<p><b>SCP: S2 &amp; S4</b> People will gain an understanding of aboriginal culture, names etc.</p> <p><b>Feedback from AEAG:</b> The Kensington Bushland is an integral ecological and educational site which provides opportunities for the community and children to learn and connect to Noongar history and must be preserved.</p> <p><b>SCP: S2, S3 &amp; S4</b> Raised the naming of the Town event Town Faithful, formally known as Early Settler.</p> <p><b>Feedback from AEAG:</b> The name 'Early Settler' neglects to take into consideration the impact of</p>

			colonisation, inclusive of the displacement and intergenerational trauma it has caused. Out of respect for the Aboriginal Culture, which evidence indicates has been in existence for over 60,000 years, the name of 'Town Faithful' is much more appropriate and should remain in place.
<b>Relationships</b>	Establish a RAP working group	Planning with AEAG on the creation of an internal operational RAP working group within TVP	<b>SCP: S2 &amp; S4 progressing</b> Establishing cross-functional RAP working group



Banners in language



Artwork created by primary school students in response to the banners

### Disability Access and Inclusion Plan

It is a legislative requirement that Western Australian local government authorities have a Disability Access and Inclusion Plan (DAIP) and provide an annual progress report to the Department of Community Services. The current Town of Victoria Park DAIP 2017 – 2022 contains a total of 31 strategies under seven DAIP outcomes.

DAIP Progress Report for July- September 2019. Please refer to [DAIP](#) for strategies under each outcome area.

DAIP Outcome area	Deliverables (outputs)	Outcomes
<p><b>Outcome 1 – People with a disability have the same opportunities as other people to access the services of, and any events organised by the Town of Victoria Park</b></p>	<p>Aqualife achieved National Disability Insurance Scheme (NDIS) Accreditation for Autism Swim School</p> <p>Socially Inclusive Communities WA – Victoria Park Soccer Club and United Reds Football</p>	<p><b>DAIP: S4</b> <b>SCP: S1 &amp; S2 progressing</b> Increase participation in swimming for people with disability and water safety. Inclusive swimming program attracts a wider range of participation and membership to Aqualife. Swimming instructors are trained in inclusive swim teaching practices.</p> <p><b>DAIP: S4 &amp; S6</b> <b>SCP: S1 &amp; S3 progressing</b> The Town has six community groups involved in the Socially Inclusive Communities WA mentoring program. The program is a partnership with Inclusion Solutions. The program has provided the Victoria Park Soccer Club the confidence to submit an expression</p>

	League	of interest to be part of the United Reds Football League. The League is an opportunity for children with or without disability to develop fundamental football skills in a fun, inclusive and less-competitive team environment.
<b>Outcome 2 – People with disability have the same opportunities as other people to access the buildings and other facilities of the Town of Victoria Park</b>	<p>A&amp;IAG reviewed Edward Millen Heritage Precinct Redevelopment</p> <p>ACROD Parking Bays to be installed</p>	<p><b>DAIP: S7</b> <b>SCP: S3 &amp; CI2 progressing</b> Advisory group member provided unsolicited feedback that it is wonderful that the Town shares information and provides opportunity to comment. Town officers receive constructive feedback from people who are impacted by access and inclusion matters on concept designs presented.</p> <p><b>DAIP: S8</b> <b>SCP: En1 &amp; Ec2 progressing</b> McCartney Crescent Park - This project forms part of Zone 7 (Lathlain Redevelopment). When civil works are completed the Town will have five (5) new ACROD bays with shared zones adjacent. Construction commenced on the 2 September 2019.</p> <p>Mackie Street ACROD Bay – Currently progressing the design and anticipate construction to be completed within the current financial year. Location is likely to be within 100m of Albany Highway. The Town is looking to retrofit the ACROD bay into the existing standard on-street 90 degree car bays.</p>
<b>Outcome 3 – People with disability receive information from the Town of Victoria Park in a format that will enable them to access the information as readily as other people are able to access it</b>	Communication and Engagement Policy and Management Practice Reviewed	<p><b>DAIP: 11 - 16</b> <b>SCP: S2, CI1, CI2, &amp; CI7 progressing</b> The draft Communication and Engagement Policy and Management Practice incorporates components that include the rights of individuals to:</p> <ul style="list-style-type: none"> <li>• Participate in decision making processes that impact them</li> <li>• Choose how they receive information</li> </ul>

		<ul style="list-style-type: none"> <li>• Receive information they need to participate in meaningful ways</li> </ul>
<p><b>Outcome 4 – People with disability receive the same level and quality of service from the staff of the Town of Victoria Park as other people receive from the Town of Victoria Park</b></p>	<p>Communication and Engagement Policy and Management Practice Reviewed</p>	<p><b>DAIP: 19 &amp; 20</b>  <b>SCP: S2, CI1, CI2, CI7 &amp; CI9</b>  <b>progressing</b></p> <p>The draft Communication and Engagement Policy and Management Practice incorporates components that include the rights of individuals to:</p> <ul style="list-style-type: none"> <li>• Have TVP listen and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision</li> <li>• Work together with TVP to formulate solutions and incorporate advice and recommendations into the decisions to the maximum extent possible</li> </ul> <p>The draft Communication and Engagement Policy (103) outlines the provision of quality service to all people, entailing:</p> <ul style="list-style-type: none"> <li>• Open, timely and transparent communication using plain English</li> <li>• Communicating and engaging in a thoroughly planned and tailored manner</li> <li>• Letting participants choose how they receive information or participate</li> <li>• Providing participants with the information they need to participate in a meaningful way</li> </ul>
<p><b>Outcome 5 – People with disability have the same opportunities as other people to make complaints</b></p>	<p>Complaints Policy and Management Practice Review</p>	<p><b>DAIP: 22, 23</b>  <b>SCP: CI1 &amp; CI4 progressing</b></p> <p>People with disability are more confident to provide feedback to the Town. The Town receives information from a broader range of people.</p>

<p><b>Outcome 6 – People with disability have the same opportunities as other people to participate in any public consultation by the Town of Victoria Park</b></p>	<p>Communication and Engagement Policy and Management Practice Review</p> <p>Live streaming and voting technology at Council Meetings</p>	<p><b>DAIP: 24</b>  <b>SCP: S2, CI1, &amp; CI2 progressing</b>  The draft Communication and Engagement Policy and Management Practice incorporates components that include the rights of individuals to:</p> <ul style="list-style-type: none"> <li>• Participate in decision making processes that impact them</li> <li>• Choose how they receive information</li> <li>• Receive information they need to participate in meaningful ways</li> </ul> <p><b>DAIP: 24 achieved</b>  <b>SCP: CI1 &amp; CI2</b>  People who are not able to attend Council Meetings can participate via live streaming. This along with the new voting technology improves accessibility and transparency of the local government process allowing community to engage.</p>
<p><b>Outcome 7 – People with disability have the same employment opportunities as other people to obtain and maintain employment with the Town of Victoria Park</b></p>	<p>Consulted with A&amp;IAG on a Notice of Motion to increase the percentage of employees with disability to 2.3% by December 2021.</p>	<p><b>DAIP: 27 &amp; 29</b>  <b>SCP: S3, CI5 progressing</b>  Feedback from discussion with the Group identified potential actions and partnership opportunities to commence with a project outline for the development of a strategy to achieve the 2.3% by 2021.</p>

5. As per the Council resolution, progress reports will be presented to Council on a quarterly basis, in October, February, April and July. A report will be presented in February as Council do not meet in January.

## Relevant documents

[Corporate Business Plan](#)

[2019/2020 Annual Strategic Project Summary Report](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

## **Further consideration**

At the Agenda Briefing Forum on 1 October 2019 further elaboration was sought regarding the ACROD parking bays on Albany Highway and what the standards were for parallel ACROD parking bays. The following information was provided.

The DAIP report refers to the 90-degree parking bays on Mackie Street within 100m of Albany Highway. While there are standards for both parallel and 90-degree ACROD bays, the majority of ACROD bays are 90 degree rather than parallel.



## 10.2 Communications and Engagement Policy Adoption

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Hayley Boyd
<b>Responsible officer</b>	Carrie Parsons
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Communication and Engagement Policy and Management Practice Submission report [<b>10.2.1</b> - 9 pages]</li> <li>2. DRAFT proposed Practice 103.1 Communication and Engagement [<b>10.2.2</b> - 14 pages]</li> <li>3. Policy 102 - Community Consultation (GEN3) [<b>10.2.3</b> - 9 pages]</li> <li>4. Policy 103 - Public Participation (GEN6) [<b>10.2.4</b> - 10 pages]</li> <li>5. DRAFT PROPOSED Policy 103 Communication and Engagement [<b>10.2.5</b> - 4 pages]</li> <li>6. Love where you live - engagement summary [<b>10.2.6</b> - 11 pages]</li> </ol>

### Recommendation

That Council:

1. Repeal Policy 102 - Community Consultation Policy and repeal Policy 103 - Public Participation Policy.
2. Adopt Policy 102 Communication and Engagement Policy.

### Purpose

The new policy incorporates Policy 102 - Community Consultation and Policy 103 – Public Participation and introduces communication principles to the policy.

### In brief

- The Communication and Engagement service area conducted a comprehensive review of Policy 103 – Public Participation and Policy 102 – Community Consultation as a result of standard review periods for each being overdue.
- In 2018 Council adopted the 2018-19 CEO key performance indicators (KPIs) to review current practices via case studies and increase the effectiveness of the Town’s engagement activity.
- The new policy incorporates existing policies 102 and 103 and introduces communication as the first level of engagement listed on the International Association of Public Participation (IAP2) spectrum.
- This policy addresses the key elements of both communication and engagement, and outlines the Town’s objectives to deliver timely, meaningful and appropriate communication and engagement opportunities, to keep people informed and show when and how stakeholders have contributed to decisions and outcomes.
- This policy applies to elected members, staff, contractors, consultants, working groups and committees of Council who are working on any project or program that requires the Town to engage (inform, consult, involve and/or partner) with the community.
- It is recommended the draft Communication and Engagement Policy be adopted by the Council, which combines new public notice legislative requirement actions and best practice communication and engagement design and delivery principles.

## Background

1. Council adopted Policy GEN3 – Community Consultation in 1999 (Policy 102).
2. Council adopted Policy GEN6 – Community Engagement in 2012 (Policy 103).
3. Following the closure of the Town Centre Project in 2013, community requested a review of the Town’s engagement policy and practice in line with IAP2’s guiding principles. Council adopted the revised the policy which included a name change from Policy GEN6 Community Engagement to GEN 6 Public Participation and a reference to IAP2 principles and the spectrum of public participation was included.
4. Officers reviewed Policies GEN3 (102) and GEN6 (103) in 2013 with cosmetic changes only.
5. In 2016, the Town commenced a nine-month community engagement project called Evolve. It was identified by the community the need to improve existing practices in how the Town works with its community and other stakeholders. Feedback received through this project assisted in the development of the Town’s Strategic Community Plan.
6. As a result of the Strategic Community Plan and community feedback with Evolve, in July 2017, the Town trialed a six-month Engagement Advisory position.
7. In December 2017, the Town formalised the Engagement Advisor position and was tasked the review of all public participation and engagement policies and management practices.
8. CEO KPI 2018-19 adopted by Council to review how the Town planned and measured engagement, to increase engagement opportunities and deliver more meaningful engagement.
9. Officer review of the policy included subject matter expert evaluation and desktop review of other Local Government Authority engagement policies and management practices, and development of case study examples from 12 months of various Town engagement plans delivered.
10. 1 May -7 June 2019 community consultation on the ‘Love Where You Live’ project included survey questions on how community most preferred to receive information and the kind of projects they always expected to be engaged on compared to those they wanted Council to singularly decide on. Community feedback assisted in the review of Policies GEN3 (102) and GEN6 (103) and the direction to propose a new policy introducing communication elements. A summary of the feedback on these aspects of the survey can be found as an attachment.
11. At the August Concept Forum a presentation was given to Elected Member on the proposed draft. Feedback was sought and an outcome to move forward with the development of a communication and engagement policy and management practice in replacement of the two existing policies.
12. A draft policy and management practice was developed incorporating both policies and incorporating communication, in line with the IAP2 spectrum (inform). Public notice and advertising requirements has also been included, in line with the recent review by the Local Government Act. The Town’s ethos is to always do more than minimum requirements.
13. From 16 August to 8 September, consultation took place on the draft proposed policy and management practice. The newly established Community Sounding Board, Elected Members and staff were invited to review the draft documents and provide feedback. This was the first use of the Town’s new Community Sounding Board.
14. The final drafts were developed incorporating feedback received. A submission report inclusive of officer comments and content changes is attached.

## Strategic alignment

**Civic Leadership**

Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	<ul style="list-style-type: none"> <li>• Increase the timeliness and effectiveness of communication and engagement internally and externally.</li> <li>• Communication about how and when we will engage, offering multiple opportunities for people to have a say on projects, issues and services before council makes decision. Good communication is vital to good levels of awareness and participation.</li> </ul>
CL02 - A community that is authentically engaged and informed in a timely manner.	<ul style="list-style-type: none"> <li>• Community should feel that engagement activity is authentic and meaningful, and that their ideas, suggestions and feelings about potential impacts are heard and will influence the outcome/decision. Timeliness of information dissemination and consultations is key to project planning and delivery success.</li> </ul>

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	<ul style="list-style-type: none"> <li>• Increase community confidence in The Town's management of information sharing and decision making.</li> <li>• Community receive insight into process of council decision making, when they can engage and how to have a say</li> </ul>

## Engagement

Internal engagement	
Stakeholder	Comments
Elected members	<ul style="list-style-type: none"> <li>• July Concept Forum presentation on the 'strengthening our engagement'. Presentation Included the Towns journey of engagement, case studies, Love Where You Live engagement results and a proposal for next steps.</li> </ul>
Senior Staff	<ul style="list-style-type: none"> <li>• Presentation to Senior Management Team on the outcomes of the Elected Members July Concept Forum and the process moving forward. Feedback sought with 100% support of the proposal.</li> </ul>
Key findings	<ul style="list-style-type: none"> <li>• Feedback was positive</li> </ul>

	<ul style="list-style-type: none"> <li>• Content changes incorporated into the final draft</li> <li>• Concerns on how LPP37 Consultation on Planning Approvals would come into effect with the proposed policy and management practice. Concerns addressed in submission report.</li> </ul>
Elected members	<ul style="list-style-type: none"> <li>• Invitation sent to Elected Members to review and provide comment on the draft policy and management practice</li> <li>• Your Thoughts project page with online submission form, FAQ's, Document library and key dates.</li> <li>• Elected Member response 1</li> <li>• Content changes incorporated into the final draft (refer to submission report)</li> <li>• No negative feedback</li> </ul>
All staff	<ul style="list-style-type: none"> <li>• All staff were invited to review and provide comment on the draft policy and management practice.</li> <li>• Staff public comment period ran from 16 August 2019 – 1 September 2019 with an extension to 8 September</li> <li>• Your Thoughts internal staff project page created with online submission form, FAQ's, document library and key dates.</li> <li>• Invitation and reminder sent to all staff and advertised on the Town's internal intranet</li> <li>• Your Thoughts page visited 18</li> <li>• Informed visits 45</li> <li>• Staff response 2</li> <li>• Feedback was positive</li> <li>• Content changes incorporated into the final draft (refer to submission report)</li> <li>• Concerns on how LPP37 Consultation on Planning Approvals would come into effect with the proposed policy and management practice. Concerns addressed in submission report.</li> </ul>

<b>External engagement</b>	
Stakeholders	<ul style="list-style-type: none"> <li>• Community Sounding Board</li> </ul>
Period of engagement	16 August 2019 – 1 September 2019 with an extension to 8 September
Level of engagement	2. Consult
Methods of engagement	<p>Your Thoughts project page with online submission form, FAQ's, Document library and key dates.</p> <ul style="list-style-type: none"> <li>• Invitation sent to 107 Community Sounding Board participants</li> <li>• Your Thoughts page visited 101</li> <li>• Informed visits 45</li> <li>• Engaged 9</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• Email welcoming the newly established Community Sounding Board comprising of 107 community members inviting them to join their first assignment as the CSB to review the draft policy and management practice and to provide comment. Email recipient list of 107.</li> </ul>
Submission summary	<ul style="list-style-type: none"> <li>• 9 Submissions received with suggested feedback to alter/change the proposed</li> </ul>

	<p>policy and management practice</p> <ul style="list-style-type: none"> <li>• No objections to the policy and management practice</li> <li>• 71 comments in total inclusive of staff feedback</li> <li>• 14 comments incorporated into the final draft policy and management practice (refer to submission report)</li> </ul>
Key findings	<ul style="list-style-type: none"> <li>• General feedback was positive</li> <li>• Community Sounding Board happy to be involved</li> <li>• Minor content changes to the policy and management practice</li> <li>• Community want the Town to improve reporting on engagement outcomes and closing the loop.</li> </ul>

## Legal compliance

Not applicable.

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p><b>Compliance</b></p> <p>Two Policies that contain duplicated provisions with an unclear guide of which to follow that is capable of being consolidated to form shorter, more user-friendly documents in order to more effectively achieve their intent and objectives.</p>	Moderate	Likely	Low	Repeal and replace the existing policy with the revised proposed policy.

## Financial implications

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

## Analysis

15. The development of a new policy incorporating Policies 102 and 103 should further improve effectiveness and ease of use and understanding by council staff. The policy will be supported by the draft Communication and Engagement Management Procedure and Quick Guide.
16. The addition to include communication elements into the policy is to show consistency with the Town's approach to engagement with 'inform' being the first level of the IAP2 spectrum. Good engagement is completely dependent on good communication of awareness of opportunities open for participation and education around project objectives.

17. It is recommended Council repeal Policies 102 and 103 and adopt the new draft Communication and Engagement Policy and Management practice, as contained within the Appendices to this report.
18. The proposed revised policy will provide greater clarity and transparency to community. The policy will be supported in time with a forward-facing community charter or 'promise' document encompassing what community can expect when working with the Town in all aspects of its work and interactions with the public.

## **Relevant documents**

Not applicable.

## **Further consideration**

19. Further information has been requested in relation to if consideration has been given to shorten the policy statement. Consideration was given by project officer. Feedback was sought from Town Officers, Elected Members and the Community Sounding Board with no comments to reduce the statement. Statement points demonstrate the aim of which we deliver on the objectives. No reduction in the statement has occurred.
20. Feedback summary has been amended to include all feedback from the 'Love where you live' project and to clarify specific feedback on attachment 10.2.6 page 2 with percentages.
21. Amendment to the draft Policy statement 1.C to all news, in replacement of good and bad news

## 10.3 Community Charter

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Hayley Boyd
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Community Charter [ <b>10.3.1</b> - 1 page] 2. Love where you live - engagement results [ <b>10.3.2</b> - 11 pages]

### Recommendation

That Council adopt the Community Charter.

## Purpose

The draft Community Charter outlines our commitment to working with the community.

## In brief

- In 2018 Council adopted the 2018-19 CEO key performance indicators (KPIs) with an output to develop an ABCD Charter and a Community Engagement Charter.
- Officers conducted a comprehensive review of the development of two charters, this resulted in the development of a new charter incorporating community development approaches, communications, engagement and governance.
- The charter is a one-page document that sets out a clear statement of intent ensuring our community understands what to expect from the Town and outlines our commitment to the community across all spaces in an open and transparent way.
- The draft charter will apply to elected members, staff, contractors, consultants, working groups and committees of Council

## Background

1. In November 2018, CEO KPI 2018-19 was adopted by Council to review how the Town planned and measured engagement, to increase engagement opportunities and deliver more meaningful engagement. An output of this was to develop a Community Engagement Charter and an Asset Based Community Development (ABCD) Charter. ABCD is a contemporary community development approach which is strength based and uses the capacities, skills and assets of community members and groups to work collectively with local government towards shared goals or outcomes. The previous, more traditional method that the Town was using was needs-based approach.
2. At the March Ordinary Council Meeting, Council resolved to request that the Chief Executive Officer conduct a review of EM3 – Project Teams and Working Groups – Appointment of Policy.
3. In April 2019, Community Engagement Officer commenced investigation in the development of a Community Engagement Charter. A subject matter expert evaluation was complete inclusive of desktop review of other Local Government Authority engagement frameworks and case study examples from 12 months of various Town engagement plans delivered.

4. In April 2019, Community Development Service area subsequent to the KPI being set to develop the ABCD Charter, broadened the focus on ABCD principles to include other contemporary community development approaches i.e. Co-design model. Co-design model is the process of designing with the people that will use the product and/or service. The project scope to deliver an ABCD Charter expanded and became a Commitment to the Community document.
5. 1 May -7 June 2019, the Town undertook a consultation project called Love Where You Live. The aim of the project was to collect feedback from the community to inform the Commitment to the Community document (and to meet the outcomes of the KPI). An important part of the consultation (and challenge) was to inform and educate the community on the traditional community development approach as well as other contemporary approaches and to seek feedback on the future direction of the Town's approach to working with the community. In an effort to be efficient and effective, the consultation incorporated aspects of governance, communications and engagement. A summary of the engagement is attached.
6. 30 June 2019, the Community Development Service Area developed the 'Commitment to the Community' document.
7. At the August Concept Forum in 2019, a presentation was given to Elected Member on the results of the Love Where You Live project, an update of the review of engagement policies and procedures and the proposed combination of the two draft charters set out in the CEO KPI's. Feedback was sought and an outcome to move forward with the investigation of the development of a combined charter approach.
8. In September 2019, a draft Community Charter was developed incorporating both CEO KPI's to develop two charters. The combined approach to develop one charter with one promise to the community on 'how we will work with our community' is a fairly new approach and one of the first of its kind in Western Australia. This was developed by the internal working group consisting of Governance, Community Development, Place Planning and Communications and Engagement Service Areas.
9. At the September Concept Forum in 2019, a presentation was given to Elected Member on the proposed draft Community Charter. Feedback was sought and an outcome to move forward and include as an agenda item at the October 2019 Ordinary Council Meeting, with a recommendation for endorsement.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Draft Community Charter will outline our commitment to working with the community across all spaces in an open and transparent way via a published charter with clear statement of intent – the community will know what to expect, while staff and councilors will know what to work toward when collaborating with community.
CL02 - A community that is authentically engaged and informed in a timely manner.	Public comment on the Charter will be opened to community feedback, influence and acceptance.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	A Community Governance policy explores how we govern and work with appointed community project teams and working groups – the



	Community Charter intends to lend itself to framing how we do this into the future.
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Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The community will know the commitment Council has around working with them in achieving our goals.
S03 - An empowered community with a sense of pride, safety and belonging.	A Community Charter will help our community understand their civic role and empower them to get involved and play a role in creating a community to proud of.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	July Concept Forum presentation on the 'strengthening our engagement'. Presentation Included the Towns journey of engagement, case studies, Love Where You Live engagement results and a proposal for next steps.
Senior Staff	Presentation to Senior Management Team on the outcomes of the Elected Members July Concept Forum and the process moving forward. Feedback sought with 100% support of the proposal.
Working group	A working group commenced inclusive of Community Development, Place Planning, Governance and Communication and Engagement. Outcome to develop a combined charter.
Elected Members	September Concept Forum presentation on the draft Community Charter. Minor content change incorporated into the final draft, based on Elected Members feedback. Outcome to proceed to October Ordinary Council Meeting as an agenda item and with a recommendation for endorsement.

External engagement	
Stakeholders	Town-wide community
Period of engagement	01 May – 7 June 2019
Level of engagement	2. Consult
Methods of engagement	Love Where You Live project Phone interviews and conversations with community group and Not For Profits 10 informal (pop-up) sessions at Library, Park Centre and Farmers Market

	<ul style="list-style-type: none"> <li>• Voting activity attended by 222</li> </ul> <p>Dedicated Your Thoughts project page with online survey, FAQ's, Document library and key dates.</p> <ul style="list-style-type: none"> <li>• Your Thoughts page visited 868</li> <li>• Informed visits 135</li> <li>• Engaged 55</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• TV sliders at Administration buildings</li> <li>• A3 posters at Administration buildings</li> <li>• A1 poster @ Administration Building</li> <li>• e-VIBE newsletter</li> <li>• YT e-newsletter</li> <li>• Southern Gazette ad</li> <li>• Google ads – targeted</li> <li>• Google ads – retargeting</li> <li>• Facebook ads</li> </ul>
Submission summary	<ul style="list-style-type: none"> <li>• 810 visits to the dedicated Your Thoughts page</li> <li>• 121 informed visits (documents downloaded)</li> <li>• 55 engaged online</li> <li>• 665 votes at the ten pop up events (approximately 133 people engaged based on 5 votes per person)</li> </ul>
Key findings	<ul style="list-style-type: none"> <li>• The priority principles top five statements (i.e. apart from focus on community needs and filling gaps) fall under the community-led model but are in the ideas and decision-making areas, not in the delivery or 'doing' areas of the model. This demonstrates that at this stage the community are leaning towards a <i>Co-design model</i> of community development where they have a say in planning and designing programs that will be used by them.</li> <li>• The Co-design model preferred by the community does not match the Asset Based Community Development (ABCD) model which the Town initially identified in the KPI.</li> <li>• Community is unclear and confused by the terminologies used</li> <li>• Summary of information resulting from engagement is attached</li> </ul>

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Terminology used for principles and approaches in engagement,	Moderate	Likely	High	Adopt a single charter that removes internal terminology and speaks to one commitment of how Council will work with community. Make it simple.

communications, governance and community development is unclear and confusing.				
<b>Reputational</b> Multiple charters are published with no clear direction of what our commitment to the community is.	Moderate	Likely	High	Adopt a single charter to replace the two charters as set in the CEO KPIs.

## 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

10. The results of the community consultation for the Love Where You Live project demonstrated a lack of understanding and clarity from the community perspective in relation to the internal and external terminologies and approaches used (i.e. Asset Based Community Development, Community-Led, Placed Based approach, engagement, communications and devolution). The general outcome was that the community just wanted to know how we would work with them in simple terms.
11. During research conducted into a single charter, similar examples were found from other jurisdictions (i.e. Victoria) and levels of government; however, no such charters were found from other local governments in Western Australia.
12. The development of a new charter in replacement of two separate charters demonstrates Council's commitment to transparency and accountability in all aspects of Council and community interaction.
13. The charter is divided into three key pillars: be open, connect and engage, and take action. Each pillar has a number of contributing elements with an explanation of how they will be put into practice.
14. The development of a single charter as opposed to individual charters sets out a clear statement of intent to our community with one commitment, one charter and one community.
15. The charter will be supported by the draft Communication and Engagement Management Procedure and Quick Guide, Customer Service Charter and Commitment to Community document.

## Relevant documents

None.

## 11 Chief Community Planner reports

### 11.1 51 Streatley Road, Lathlain - Perth Royals Football Club (Inc), Application For An Extended Trading Permit- January to March

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Steve Kipkurgat
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Perth Royals ETP - submissions (002) [ <b>11.1.1</b> - 7 pages]

#### Recommendation

That Council advises the Department of Racing Gaming and Liquor that it supports Perth Royals Football Club's application for an Extended Trading Permit (ETP) in accordance with Section 60 of the *Liquor Control Act 1988* subject to the following conditions:

1. The Extended Trading Permit applies from 1 January 2020 to 31 March 2023 only, with trading on Sundays to cease by 8pm.
2. The Club to ensure that they supply all residents adjacent to JA Lee Reserve, with a contact phone number for the person to be contacted during operating hours and any other time in case of any noise or anti-social behaviour occurring. The phone number will have to be a mobile number that can be answered and not an answering machine.
3. The Club to continue putting up signs, tape or paint that clearly indicate the boundaries of the designated licensed area.
4. The Club submit a copy of their Code of Conduct to the satisfaction of the Department of Racing Gaming and Liquor. The Code of Conduct is to continue being displayed in a prominent position in the clubrooms.
5. The Club to inform the Town of any complaints received in relation to their ETP within 24 hours, and to work with the Town to resolve any complaints that may arise.

#### Purpose

To consider an application from Perth Royals Football Club, for an Extended Trading Permit. According to Council Policy HLTH3 'Extended Trading Permit Application- Licensed Premises', any application that requires consultation with the community will be reported to Council.

#### In brief

- Perth Royals Football Club currently has a Club Restricted Licence.
- They now seek Council's support for an application for an Extended Trading Permit (ETP) to be lodged at the Department of Racing Gaming and Liquor (RGL), to extend the trading times in the January to March period on an ongoing basis.

- Public Consultation was undertaken in accordance with Council Policy HLTH3 'Extended Trading Permit Applications – Licensed Premises'. Three submissions were received in support of the proposal and three submissions objecting to the proposal, the latter including an attachment signed by 16 persons.

## Background

- Perth Royals Football Club (Inc.) currently operates from JA Lee Reserve located at 51 Streatley Road, Lathlain. The club was established in 1976 when the Postal Institute (Royal Mail) and Belgrade Soccer Club merged. The club has a current licence authorising the sale of liquor at the following times:

January to March each year:

- Tuesday, from 6.30pm to 8pm
- Thursday, from 6.30pm to 8pm
- Sunday, from 11.30am to 5pm

April to September each year:

- Tuesday, from 6.30pm to 10pm
- Thursday from 6.30pm to 10pm
- Sunday from 11.30am to 10pm

No trading is permitted on Good Friday or before noon on Anzac Day.

- In 2018, the club made request for an approval for an Extended Trading Permit (ETP), seeking approval to extend their trade as follows:

January to March each year

- Tuesday, from 6.30pm to 10pm
- Thursday, from 6.30pm to 10pm
- Sunday, from 11.30am to 10pm

- Council at its meeting on 13 November 2018 supported this request for a one-year approval and subsequently, an ETP was issued by the Department of Gaming, Racing and Liquor (RGL) for the 2018/19 season. Section 60 of the *Liquor Control Act 1988* allows extended trading permits to be issued to licensees to authorise the sale and supply of liquor at times outside of normal trading hours.

- The club now seeks approval for an ongoing ETP during the January to March period to the following:

- Tuesday from 6.30pm to 10pm (currently 6.30pm to 8.00pm);
- Thursday from 6.30pm to 10pm (currently 6.30pm to 8.00pm); and
- Sunday from 11.30am to 10pm (currently 11.30am to 5.00pm).

## Strategic alignment

Economic	
Strategic outcome	To promote sustainable, diverse, resilient and prosperous place for everyone
EC02 - A clean, safe and accessible place to visit.	Establishing and formalising appropriate policies and procedures to ensure compliance and public confidence in the regulation, safety and operations of a Club House in the Town.

<b>Social</b>	
Strategic outcome	To promote sustainable, connected, safe and diverse place for everyone
S03 - An empowered community with a sense of pride, safety and belonging.	Reducing social isolation by creating a facility for people to meet and connect with others through social inclusion and sport while ensuring that the locals are involved in the process.

## Engagement

5. In accordance with Council's Health Policy HLTH3, community consultation for the Extended Trading Permit was undertaken for a period of 21 days from 12 August 2019 to 2 September 2019, with letters being sent out to owners and occupiers of the surrounding properties. Due to the nature of the application and potential noise issues, a radius greater than 60 metres (as per Council Policy HLTH 3) was utilised to ensure a greater number of community members were consulted regarding the proposal. As such, a total of 87 letters were sent out as part of the consultation process to all properties around JA Lee Reserve.
6. During the public consultation period, a total of six submissions were received. Three of them supported the Extended Trading Permit. Three submissions objected to the ETP, with one of those submissions including a notice signed by 16 persons outlining their opposition to the proposal. Upon closer scrutiny, it was discovered that this is the same signed copy that was submitted during the last ETP application in 2018. A copy of the public submissions received, and officer comments appear in full in [Appendix 1](#)
7. The summary of the comments raised by the objecting submissions can be summarised as follows and are contained in full at Attachment 1:

### In support

- a. They are a wonderful community asset, well behaved, clean after themselves. Run a healthy sport and should be supported as much as possible.
- b. Great club and a great bunch of guys who care very much about JA Lee Reserve and the residents of both Midgley and Streatley.
- c. I support the proposal.

### Objection

- a. The Club would have full use of 40 out of 52 Sundays of the year;
- b. It is primarily a public reserve and the building was not designed as licensed venue;
- c. Not keeping with the domestic, non- commercial nature and community of the area and the greater and broader public use and purpose of the reserve;
- d. Sunday is a traditionally and culturally a day of rest and peace within the Australian culture, and for some it is a day of faith;
- e. Excessive noise;
- f. Anti-social behaviour;
- g. Nothing has changed from the last application;
- h. Ongoing impacts upon residential neighbours;

- i. Illegal parking;
  - j. Littering;
  - k. Inadequate management of club members;
  - l. Failure to comply with the previous conditions of approval being;
    - a. To supply all residents adjacent to the reserve a contact phone number despite of it being a condition of support at the last OCM;
    - b. No external signage on licensed area boundaries;
    - c. Failure to prepare and implement a Code of Conduct that all attendees agree to;
    - d. Existing adverse impact upon the amenity of surrounding residential properties, which will be exacerbated by the proposed extended hours;
  - m. Granting an ongoing extension to the Clubs hours by removing the annual incentive for the club having to apply for a renewal is a risk.
8. The club was given an opportunity to respond to the issues that were raised, and these can be summarised as follows:
- a. During the 2019 trial, the applicant did not receive any complaint from residents or the Town regarding any issues with the ETP;
  - b. The residents who made a submission to Council did not contact the Club despite the Club's contact number for the club on a sign outside the building;
  - c. They mark their licensed area 5 metres in front of the building and put out a sign on Sundays to indicate licensed area;
  - d. There is a code of conduct and management plan which was accepted by liquor licensing when the license was granted;
  - e. They are prepared to amend the application to liquor licensing for the Sundays to finish at 8pm instead of 10pm.

<b>Internal engagement</b>	
Ranger Service Area	No issues
Parking Service Area	Football club members park on resident's verge without permission
Parks Service Area	No issues
Waste and Engineering	No issues
Environmental Health Area	No issues

External engagement	
Key stakeholders	Adjoining residents and the club operator (applicant) were consulted.
Period of engagement	12 August to 2 September 2019
Level of engagement	Consult
Methods of engagement	Written submissions were requested through Your Thoughts consultation hub.
Advertising	Letters
Submission summary	Six submissions; Three supporting and three objecting, with the latter including an attachment with 16 signed names (coming from 14 properties adjoining or close to the clubrooms)
Key findings	See above

Other engagement	
Stakeholder	Comments
Dept of Racing, Gaming and Liquor	A letter was sent to the Department and there was no response.

## Legal compliance

*Liquor Control Act 1988* ("the Act")

Section 61 of the *Liquor Control Act 1988* provides a direct power for local governments to influence any application for the grant of an extended trading permit to allow the sale of liquor in an extended area outside of the premises.

Local governments can recommend conditions of approval to comply with specified trading restrictions. Usually, any trading restrictions specified by a local government would be imposed by a licensing authority as conditions on any permit issued.

If an applicant cannot establish that the local government has been consulted, or the local government does not give approval, the licensing authority would not allow the application to proceed any further.

Section 64(3)(ba) of the *Liquor Control Act 1988* provides power for the licensing authority to impose conditions on an existing license, which it considers to be in the public interest, or desirable to ensure that the local laws of a local government under the *Local Government Act 1995* are complied with.



## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> The amenity, quiet or good order of the neighbourhood of the licensed premises may be disturbed by activities occurring on the licensed premises. The noise coming from the licensed premises may be unduly offensive, annoying, disturbing or inconvenient to neighbours	Moderate	possible	Moderate	Ensure that Council is provided with information to make a sound decision based on relevant information from the Town's internal departments and the Department of Racing Gaming and Liquor and the Town's Health Policy 3 (HLTH3).  Ensure that any breaches of Regulations and/or approvals are actioned.

## Financial implications

<b>Current budget impact</b>	There are no budget implications that arise from approving this request for an Extended Trading Permit.
<b>Future budget impact</b>	Nil

## Analysis

9. The proposed request for an Extended Trading Permit (ETP) by Perth Royals Football Club gives Council an opportunity to influence liquor licensing decisions through the various provisions of the *Liquor Control Act 1988*, which provides power to local governments to recommend approval or refusal of liquor licensing applications.
10. Perth Royals' main reason for their application is that they initially applied for an ongoing license, but they were granted an approval for one year as Council wanted to see if there were any issues. The applicant intimated that during the one-year period that they were granted the ETP, there was no complaint from Council or residents. According to the operator, the current licensed hours for the period January to March do not work as training is from 6.30 – 8pm, and any preseason matches on a Sunday are likely to finish around 4.45pm.
11. They also submit that during that time of the year, they bring in new members to the club, and so it is important for them to be able to socialise and do the required administration after training and also

on Sundays. They say that the new hours will bring them into line with the new trading hours they already have from April- September.

12. The Club say that they will do all they can to limit noise as they do not want to ruin the amenity of that area for the residents. The applicant is willing to amend their application to liquor licensing for Sundays to finish at 8pm instead of 10pm. They would like to extend the license to 10pm on Tuesdays and Thursdays as training on these nights finishes around 8pm. The January to March period is their preseason and they use this time to introduce new members to the club and do their registration for the coming season.
13. In this respect, the concerns expressed by several residents are acknowledged. It is claimed that the current operations of the club have negatively impacted upon nearby residential properties. However, this is not supported by records of complaints to the Town.
14. The Club's comments that they wish to maintain good relationships with their neighbours is noted. This has been reflected through the implementation of appropriate measures by the club including:
  - Signage to identify the boundaries of the licensed area.
  - Preparation and implementation of a Code of Conduct that all members should agree to at the time of their registration with the club.
  - Providing all surrounding residents with a contact phone number in the event of any noise or anti-social behaviour occurring.
  - An agreement to inform the Town of any complaints received within 24 hours, and to work with the Town to resolve any complaints that may arise.
15. Rather than supporting an ongoing ETP, it is considered reasonable that the Extended Trading Permit be issued for January 2020 to March 2023 only. This will provide opportunity for the Club and the Town to evaluate the effectiveness of these measures in 2023 and inform a future decision as to whether the Town would support an Extended Trading Permit for the January to March period in future years.
16. This three-year extension will give the Club some certainty and give the Town the leverage to use in case of any non- compliances.
17. The Club has operated in a responsible manner and the Town has not received any major complaint that warrants the Town to refuse to support this request. Parking Service Area indicated that there was a parking complaint from a resident that was concerned with club members parking on the residents' verge. This issue will be brought to the attention of the applicant so that they can sensitise their club members about this and also put in place measures to conduct regular patrols when club events are occurring.

## **Relevant documents**

[Council Policies and Procedures- HLTH3 Extended Trading Permit Application – Licensed Premises](#)

## **Further consideration**

18. In response to a question raised at the Agenda Briefing Forum on 1 October 2019 about actions to discourage club members from parking illegally on residential verges, the following information is provided:
  - a. The parking issue has been brought to the club's attention and the applicant has advised that they will take action by advising club members to park away from residents' houses.

- b. Furthermore, recommended conditions (2) & (5) can address the matter and allow for alternate parking management measures to be explored, should the parking issue continue.

## 11.2 No. 15 (Lot 25) Brodie-Hall Drive, Bentley - Additions and Alterations to Existing Research and Development Facility

<b>Location</b>	Bentley
<b>Reporting officer</b>	Doreen Rowley
<b>Responsible officer</b>	Laura Sabitzer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 – Applicants submission letter date received 24 July 2019</li> <li>2. Attachment 2 - Development plans date received 24 July 2019</li> <li>3. Attachment 3 - Traffic Impact Statement &amp; Parking Management Plan date received 24 July 2019</li> <li>4. Attachment 4 – Aerial View</li> </ol>
<b>Landowner</b>	Pfizer (Perth) Pty Ltd
<b>Applicant</b>	Rowe Group
<b>Application date</b>	24 July 2019
<b>DA/BA or WAPC reference</b>	5.2019.379.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Special Use – Technology Park
<b>R-Code density</b>	Not Applicable
<b>TPS precinct</b>	Precinct P13 'Curtin'
<b>Use class</b>	Research and Development
<b>Use permissibility</b>	'P' Use
<b>Lot area</b>	3.49ha
<b>Right-of-way (ROW)</b>	Not applicable
<b>Municipal heritage inventory</b>	Yes, Municipal Heritage Inventory Listing Place No. B2 Name of Place: Technology Park, Management Category C
<b>Residential character study area/weatherboard precinct</b>	Not applicable
<b>Surrounding development</b>	The site is surrounded by existing commercial, research and development and educational facilities

### Recommendation

That Council approves, by absolute majority, the application submitted by Rowe Group (DA Ref: 5.2019.379.1) for Additions and Alterations to the Existing Research and Development facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley, 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:

- This development, once commenced, is to be carried out in accordance with the approved plans, date stamped 15 October 2019 at all times, unless otherwise authorised by the Town.
- Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
- All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

Advice notes:

AN1 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.

AN2 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN3 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN4 The building is to be used for the purpose of Research and Development and incidental uses as defined under the Town of Victoria Park Town Planning Scheme No 1;

*"Means scientific and industrial research and the development, production and assembly of products associated with that research."*

AN5 All stormwater drainage for commercial/industrial developments shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.

AN6 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

## **Purpose**

The Town has received an application for Additions and Alterations to an existing pharmaceutical research and development facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley.

The application proposes variations to the Town Planning Scheme No.1, Precinct Plan P13 development standards relating to building height and setbacks. The matter is referred to Council for determination by an absolute majority, pursuant to clause 29 of Town Planning Scheme No.1.

## **In brief**

- This application seeks approval for minor additions and alterations to the existing pharmaceutical research and development facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley. Specifically, the proposal is for two weather protection canopies, a small office for the management of goods, changes to the existing loading dock facades and the removal of 16 existing car bays on-site.
- The applicant has advised that the purpose of the development is to ensure that the facility is operating in accordance with pharmaceutical manufacturing requirements.
- The application proposes variations to the building height and setback development standards outlined in the Town Planning Scheme No.1, Precinct Plan P13.
- Community consultation concluded on 11 September 2019, with no submissions being received by the Town.
- The proposal is recommended for approval, subject to conditions and advice notes.

## **Background**

1. The subject site has been operating as a Pharmaceutical Research and Development Facility for Pfizer (Perth) Pty Ltd since 1986.
2. The site is located within the Technology Park area, which is designated as a specialised area for technological research and development activities.
3. The Technology Park area is listed in the Town's Municipal Heritage Inventory under Management Category C – retain and conserve, if possible. The precinct is listed due to its aesthetic, historic and social heritage significance.
4. In 2015, Council granted development approval for water cooling towers and associated framing on the subject site, which had a maximum building height of 9 meters, measured from natural ground level (NGL).
5. In 2018, development approval was granted by the Joint Development Assessment Panel (JDAP) who approved further building expansions of the site, which also had a maximum building height of 9 meters, measured from natural ground level (NGL).
6. While a total of 241 parking bays were shown on the 2018 approval plans on the subject site, Condition No. 5 of the development approval stated a minimum of 209 on-site car bays are to be provided on the site, based on the various uses in the facility. Hence, there is currently a surplus parking of 32 car bays approved on site.

## Application summary

7. A development application for additions and alterations to an existing pharmaceutical research and development facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley was received by the Town on 24 July 2019.
8. No. 15 (Lot 25) Brodie-Hall Drive, Bentley has an area of approximately 3.49h and is bounded by Brodie Hall Drive, Jarrah Road and Hayman Road (refer to Attachment 4 – Aerial View).
9. The proposed minor additions and alterations are for two weather protection canopies, a small office for the management of goods, changes to the existing loading dock facades and the removal of 16 car bays on-site.
10. The two weather protection canopies are to be constructed from Colorbond Surfsmist roofing and brown powder coated steel columns to be in keeping with the existing development on-site. The dimensions and location are as follows:
  - a. Canopy (1) for goods despatch is approximately 6m wide and 18m length with a maximum height of 8.7m; and
  - b. Canopy (2) for goods receipt is approximately 19m wide x 22m length with a maximum height of 10.4m, designed with a corner truncation on the south eastern corner to accommodate an existing Western Power easement on site.

A glazed wall is proposed to the canopies for weather protection, as well as balustrading and access ladders affixed to the roof for maintenance.

11. Changes to the existing loading dock facades include the removal of a bi-fold door and replacement with one central roller door, adjacent windows and a personnel door.
12. An internal area of the building is to be converted into an 'Office' space of 12.2 square metres for the management of goods.
13. The removal of 16 existing car parking bays is proposed on the site to make way for the proposed development. However, it is acknowledged that a surplus of 32 car parking bays currently exists on the site, as noted in the most recent 2018 approval for the site.
14. Refer to the applicant's submission letter and development plans at Attachments 1 & 2 for further information.

## Applicants submission

15. The applicant's submission (See Attachment 1) describes the proposal as:

*"The subject application seeks planning approval for two (2) canopies attached to the inwards goods and dispatch loading docks in order to provide weather protection. It also seeks approval for modifications to the loading dock facades in the form of new layout roller doors, personnel doors and windows and for the removal of 16 car parking bays to facilitate the use of this area as storage and laydown.*

*The purpose of this proposal is to ensure the facility is operating in accordance with national and international pharmaceutical manufacturing requirements."*

- 10 In relation to the proposed building height variation the applicant contends that:
- The proposed canopies adjoin existing buildings of a similar or greater height;*
  - The proposed canopies are constructed from materials similar to the existing development at the subject site;*
  - The adjacent land on the adjoining property is occupied by car parking and therefore will not be significantly impacted by the proposed canopies; and
  - The proposed canopies will not be adversely visible from the street.
- 11 In support of the proposed setback variation the applicant advises:
- The proposed setbacks are required in order to provide adequate weather protection for the full width of the inwards good setdown area, in accordance with national and international pharmaceutical manufacturing requirements;*
  - The proposed canopies are open structures and therefore will not have a significant visual impact in the same respect as an open structure;*
  - The land adjacent to the boundary, on the adjoining property, is occupied by car parking and therefore will not be significantly impacted by the proposed canopies; and*
  - The proposed canopies will not be adversely visible from the street.*

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li><i>Planning and Development Act 2005</i></li> <li><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>Town of Victoria Park Town Planning Scheme No.1 (TPS1)</li> <li>TPS1 Precinct Plan P13 – Curtin Precinct (Precinct Plan P13)</li> </ul>
<b>State Government policies, bulletins or guidelines</b>	Not Applicable
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>Local Planning Policy 23 - Parking Policy (LPP23)</li> <li>Local Planning Policy 37 – Community Consultation on Planning Proposals (LPP37)</li> </ul>
<b>Other</b>	Not Applicable

## 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> <p><i>"This area shall be further promoted and consolidated as a specialised location for technological research and development activities..."</i></p> <p><i>"Development in this area will consist of high-quality buildings set in spacious park-like settings, so as to provide an environment that is conducive to research and the development of new technology products."</i></p>
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	<i>"Buildings must be of a medium scale, restricted in height, and be setback from all boundaries amongst high quality well maintained landscaping."</i>
<b>Local planning policy aims</b>	<p>The following aim of Local Planning Policy 23 – Parking Policy is relevant to the application:</p> <ul style="list-style-type: none"> <li>• <i>To facilitate the development of adequate parking facilities and safe, convenient and efficient vehicle and bicycle access for pedestrians, cyclists and motorists.</i></li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application:</p> <p><i>"(a) the aims and provisions of this Scheme and any other local planning scheme within the Scheme area;</i></p> <p><i>(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;</i></p> <p><i>(g) Any local planning policy for the Scheme area;</i></p> <p><i>(m) The compatibility of the development within its setting including the relationship of the development to development on adjoining land...;</i></p> <p><i>(n) The amenity of the locality including the following -</i></p> <ul style="list-style-type: none"> <li><i>(i) The environmental impacts of the development;</i></li> <li><i>(ii) The character of the locality;</i></li> <li><i>(iii) Social impacts of the development;"</i></li> </ul>
<b>Urban forest strategy</b>	this application has no impact in regard to the Town's Urban forest Strategy.

## Compliance assessment

The tables below summarise the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, Precinct Plan P13 Curtin Precinct development standards and Local Planning Policy 23 – Parking Policy, as applicable. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the detailed assessment section following from this table.

### Town Planning Scheme No.1 (TPS1) Precinct Plan P13 – Curtin Precinct

Item	Requirement	Proposal	Compliance
Land use	Research and Development	Additions and Alterations to the existing Pharmaceutical Research and Development Facility.	Compliant
Plot ratio	Max. 0.5	No change to plot ratio proposed on site, as the open canopies are excluded in site cover in accordance with TPS1 definition.	Compliant.
Setbacks	<p>i. Min 7.5m to Brodie-Hall Drive. Min 20m to Jarrah Road and</p> <p>ii. Min. 4.5m from any boundary other than a street boundary.</p>	<p>Exceeds 7.5m setback from Brodie Hall Drive and exceeds 20m setback to Jarrah Road.</p> <p>3.6m building setback to the south eastern boundary in common with No. 24 Hayman Road, Bentley.</p>	<p>Compliant.</p> <p>Non-compliant. (Refer to Officer Comments below)</p>
Building height	Max. 7.5m above natural ground level (NGL) or 2 storeys, whichever is the lower	Up to 10.4m above NGL	Non-compliant. (Refer to Officer Comments below)
Car Parking	Minimum of 209 bays	225 bays on-site	Compliant.
Landscaping	<p>iii. Land within the landscape margin of Technology Park (i.e. all land within 20m of Jarrah Road) to be landscaped.</p> <p>and</p> <p>iv. At least 25% of the area of the land the subject of an application for planning approval (which is not within the landscape margin) shall be landscaped</p>	No changes to the existing landscaping on site.	Compliant.

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

Element	Requirement	Proposed	Variation
<b>Building Height</b>	Max. 7.5m or 2 storeys, whichever is the lower	Up to 10.4m maximum height from NGL	Up to 2.9m
			Supported

16. A building height of 9m above natural ground level has previously been granted development approval at the subject site by both Council in 2015 and the JDAP in 2018.
17. The proposed weather canopies are at the rear of the lot, to the south-east and would largely be screened by the existing buildings on-site and would not determinately impact the streetscape. In terms of the proposed building height it is of a scale which is in keeping with the surrounding buildings on-site.
18. Furthermore, the canopies are open structures and will be constructed in similar materials and colour to the existing premises, which will alleviate the visual impact of building bulk.

Element	Requirement	Proposed	Variation
<b>Setback</b>	Min. 4.5m setback from any boundary other than street	3.6m setback from the south eastern boundary in common with No. 24 Hayman Road	0.9m
			Supported

19. The 3.6m boundary setback variation is to a portion the proposed inwards goods canopy structure as detailed on the submitted development plans (Attachment 2) to the south eastern boundary in common with 24 Hayman Road, Bentley.
20. The adjoining property contains a vehicle car parking area for the Department of Education (Southern Metropolitan TAFE) adjacent to the development site. As such, the setback variation would not be detrimental to the adjoining site.
21. The subject site has other development located and previously approved within the 4.5m side setback area. Refer to the site plan at Attachment 2.

Item	Requirement	Proposal	Compliance
Car parking	Minimum 209 bays	225 bays	Compliant, with a 16 bay surplus.

Whilst the car parking requirements on the subject site is compliant based on the land uses activities as tabled above, the applicant has submitted a Traffic Impact Statement and Parking Management Plan (Attachment 3). The documents confirm that the proposal would not impact the existing operations of the facility on the subject site and during the construction phase, which operates 24 hours a day with approximately 275 staff on day shift and 60 staff on night shift and the surrounding properties.

### 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.	The purpose of the proposal is to ensure the existing facility on site is well managed and operating in accordance with the pharmaceutical manufacturing requirements and improve efficiency and functionality of the existing loading dock areas on site
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### Engagement

Internal engagement	
Stakeholder	Comments
Parks service area	No existing street trees on the verge are expected to be affected by the development.
Engineering service area	Standard advice notes recommended in relation to stormwater drainage
Building service area	Standard advice notes recommended in relation to the requirement for a building permit application is to be submitted and approved by the Town prior to construction commencing.

<b>External engagement</b>	
<b>Stakeholders</b>	Owners and occupiers within an approximately 100 metre radius.
<b>Period of engagement</b>	27 August 2019 to 10 September 2019 (14 days)
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Written submissions and Your Thoughts (the Town's online engagement tool)
<b>Advertising</b>	Letters sent to surrounding owners and occupiers, and information regarding the application available to the general public on Your Thoughts.
<b>Submission summary</b>	No submissions received
<b>Key findings</b>	Not applicable

## Risk management considerations

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
Reputation The applicant / owner 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.	Moderate	Unlikely	Moderate	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

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

## Analysis

22. The proposed Additions and Alterations to the existing Research and Development Facility at No. 15 (Lot 25) Brodie-Hall Drive, Bentley have been assessed in accordance with the Town's TPS1 Precinct Plan P13 – Curtin Precinct (Precinct Plan P13 and Local Planning Policy 23 – Parking Policy requirements).
23. The application seeks Council's discretion in determining the proposed building height and lot boundary setback.
24. As the application proposes variations to the TPS1 Precinct Plan P13 development standards, Council is required to determine, by an absolute majority and pursuant to TPS1 Clause 29, that the development would be consistent with:
  - *The orderly and proper planning of the locality;*
  - *The conservation of the amenities of the locality; and*
  - *The statement of intent set out in the relevant Precinct Plan; and*

*Non-compliance would not have any undue adverse effect on -*

  - *The occupiers or users of the development;*
  - *The property in, or the inhabitants of the locality; or*
  - *The likely future development of the locality.*
25. The applicant has outlined the purpose for the proposed development is to ensure that the existing facility on the site is operating in accordance with national and internal pharmaceutical manufacturing requirements. As the proposal is to improve the functionality of the site, it is considered to not have any undue impact of the users of the development.
26. Furthermore, the development is largely internalised within the site, with the setback variation is adjacent to an existing car parking area at No. 24 Hayman Road. As such, it is not considered to adversely impact the adjoining development or the streetscape.
27. The proposed weather canopies are at the rear of the lot, to the south-east and would largely be screened by the existing buildings on-site and would not determinately impact the streetscape. In terms of the proposed building height it is of a scale which is in keeping with the surrounding buildings on-site.
28. Additionally, no objections to the proposal were received during the community consultation.
29. Having regard to the above, it is recommended that the application is approved, subject to conditions and advice notes.

## Relevant documents

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

Precinct Plan P13 'Curtin Precinct' - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-4>

Local Planning Policy 37 – Community Consultation on Planning Proposals -

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

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

## **Further consideration**

30. At the Agenda Briefing Forum on 1 October 2019 a question was asked by an Elected Member in relation to the reference of tree protection zones in the Traffic Impact Statement at **Attachment 4**.

31. In response, it is advised that the comment in the Traffic Impact Statement relates to a condition imposed on a 2018 JDAP development approval for the address. The JDAP approval included the temporary approval of a construction accessway and laydown area, and the condition required tree protection zones around the trees being retained, prior to construction works commencing. The current development application may be constructed in conjunction with the JDAP approved development and hence, the 'Tree Protection zone' in the Traffic Impact Statement was referenced as part of this application.

## 11.3 Lot 170 State Street, Victoria Park - Intention to Dedicate as Private Road

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Laura Sabitzer
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Site aerial [<b>11.3.1 - 1 page</b>]</li><li>2. Deposited plan [<b>11.3.2 - 1 page</b>]</li><li>3. Proposed development plans [<b>11.3.3 - 6 pages</b>]</li><li>4. Request for road dedication [<b>11.3.4 - 1 page</b>]</li></ol>

### Recommendation

That Council:

1. Resolves to commence the process to request the Minister for Lands (WA) to dedicate Lot 170 State Street, Victoria Park as a road, pursuant to section 56(1)(b) of the *Lands Administration Act 1997*, subject to the following:
  - a. The owners of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park entering into a legal agreement with the Town of Victoria Park, to indemnify the Town against all costs incurred by the Town as part of the dedication request or arising out of the dedication of the private road.
2. Advertises the proposal to dedicate Lot 170 State Street, Victoria Park for public comments, for a period of 21 days.

### Purpose

For Council to consider whether to commence the process to dedicate Lot 170 State Street which is owned by a deceased person with no known descendants, as a road, and proceed to seeking public comments on the request.

### In brief

- The owner of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park has approached the Town to secure rights over Lot 170 for vehicle access.
- Presently, Lot 170 State Street is privately owned by a deceased person with no known descendants.
- The Town has obtained legal advice regarding the developer's request. The legal advice indicates that it is possible for an owner of land abutting the site to make application to the local government seeking dedication of land as a private road, pursuant to section 56 of the *Land Administration Act 1997*.
- Should Council resolve to commence the process to request to dedicate Lot 170 as a private road, it is recommended that the proposal is advertised for public comment for a period of 21 days.



- It is recommended that Council resolves to commence the process to request the Minister of Lands (WA) to dedicate Lot 170 State Street, Victoria Park as a road and proceed to seeking public comments on this request.

## Background

1. Lot 170 State Street (the subject site) is an existing private lot which provides vehicle access by way of a rights of carriageway easement to No. 579A (Lot 992) Albany Highway, Victoria Park (see Attachments 1 & 2).
2. The owner of the subject site, Wealands Bell Robinson, is deceased and no known descendants have been located by the applicant's lawyer. The Certificate of Title was registered in 1922.
3. Over the last two years, the owner of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park has been pursuing avenues to also have the legal right to use Lot 170 State Street for vehicle access purposes.
4. The owner of Lot 171 lodged an application to Landgate seeking to be registered as the owner of Lot 170 by virtue of adverse possession. The application for adverse possession has not been successful to date and is unlikely to proceed.
5. In May 2018, the Town received a Development Assessment Panel (DAP) application for a four storey mixed use development at No. 593 – 595 (Lot 171) Albany Highway, Victoria Park which proposes an internal car parking area accessed solely from Lot 170 State Street (see Attachment 3). As Lot 171 does not presently have the legal right to use Lot 170 for access purposes, the application has been deferred.
6. The owner of Lot 171 has approached the Town for assistance in securing rights over Lot 170 for vehicle access. Refer to the written request from the owner of Lot 171 at Attachment 4.
7. The owner of Lot 171 has been paying rates on both Lot 170 and 171 since when the property was group rated in May 2004.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The purpose of this road dedication request is to enable vehicle access which makes an efficient use of land.

## Engagement

8. In relation to external engagement, Council Policy GEN3 'Community Consultation' states that there is no minimum requirement for community consultation, however under the policy it recommends consultation with the owner of the private road, adjoining property owners and public utility providers. In this case, the Town will not be able to consult with the owner of the private road as the owner is deceased with no known descendants.
9. The *Land Administration Regulations 1998* and the corresponding Crown Land Manual states that the Local Government is to undertake community consultation in relation to the dedication request prior to making a resolution to dedicate a road.

10. Should Council resolve to commence the process to request to dedicate Lot 170 as a private road, it is recommended that the Town carries out community consultation for 21 days, via the following consultation methods:
- Letters sent to owners of properties adjoining the subject land
  - Letters sent to relevant public utility providers
  - Notice in the local newspaper
  - Notification sign on-site
  - Information available on your Thoughts, the Town's online consultation hub
11. Following the conclusion of the public comment period, submissions will be collated and reviewed, and a further report will be presented to Council with a recommendation of whether to submit a formal request to the Minister for Lands to dedicate Lot 170 State Street, Victoria Park as a road.

### Internal engagement

Stakeholder	Comments
Street operations service area	Provided advice in relation to the maintenance of the subject site and following discussions have no objections to the road dedication request. In relation to maintenance it was advised that the Town currently sweeps / maintains Lot 170 and would respond to a repair request, if received.
Finance service area	Confirmed that the owner of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park has been paying rates on both Lot 170 and 171 since 2004.

### Legal compliance

[Section 56 of the Land Administration Act 1997](#)

[Regulation 8 of the Land Administration Regulations 1998](#)

12. The Town has received legal advice in relation to options and the associated processes to obtain a legal right of access for No. 593 – 595 (Lot 171) Albany Highway, Victoria Park, for vehicle access. This has been provided to Elected Members under a separate cover.

### Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Legal compliance</b> The Minister for Lands is ultimately responsible for determining requests	Moderate	Unlikely	Moderate	Provide the required information as per Regulation 8 of the <i>Land Administration Regulations 1998</i> (WA) and sufficient justification for the road dedication request.

for the dedication of land as a road.

It is possible that the Minister may decide to refuse or modify the road dedication request notwithstanding Council's resolution.

## Financial implications

### Current budget impact

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

It is recommended that the owners of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park enter into a legal agreement with the Town, to indemnify the Town against all costs incurred by the Town as part of the dedication request or arising out of the dedication of the private road. The applicant has been advised of this proposed recommendation.

### Future budget impact

If Lot 170 is dedicated to the Town, the Town would be formally responsible for the maintenance and repair of the land. The Town's Street Operations service area has advised that this is the 'status quo', and therefore this would not impact the existing Street Operations budget.

## Analysis

13. Pursuant to section 5(1)(b)(ii) of the *Land Administration Act 1997*, an owner of land abutting a private road can make application to the local government seeking dedication of the private road by the Minister for Lands.
14. The Town has received a formal request from the landowner of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park for the Town of Victoria Park to seek dedication of Lot 170 State Street by the Minister of Lands. Refer to Attachment 4.
15. As outlined above, the owner of No. 593 – 595 (Lot 171) Albany Highway, Victoria Park has been pursuing options to have the legal right to use Lot 170 State Street for vehicle access purposes, including the submission of an adverse possession claim to Landgate.
16. Enabling vehicle access to Lot 171 via Lot 170 is anticipated to have positive benefits including:
  - the building's street frontages to both Albany Highway and State Street being uninterrupted creating an attractive and pedestrian-friendly environment;
  - Minimising crossovers and vehicle access points to the lot;
  - the efficient use of land, utilising an existing laneway which is used for vehicle access to No. 579A (Lot 992) Albany Highway, Victoria Park;
  - allows for safe vehicle access and egress, minimising conflict with pedestrians and cyclists.

17. Vehicle access from a laneway is also referenced as a recommended design outcome in the Residential Design Codes, Volumes 1 & 2.
18. For the above reasons, it is recommended that Council resolves to commence the process to dedicate Lot 170 State Street as a road and proceed to seeking public comments on this request.
19. Any public submissions received on the proposal will need to be considered by Council, and the Minister for Lands (if the Council resolves to formally request the dedication following the consideration of public submissions). It is understood that should objections be received from members of the public, that this is not determinative, and the Minister for Lands would still be able to approve a dedication request.

## **Relevant documents**

Not applicable

## **Further consideration**

20. At the Agenda Briefing Forum on 1 October 2019, an Elected Member requested for an elevation plan of the proposed development (facing the laneway) to be included with the proposed development plans. This elevation plan has been included at Attachment 3.

## 11.4 547-553 (Lot 929) Albany Highway, Victoria Park – Retrospective Approval for Alterations to Building Façade

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Alex Thamm
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Appendix 2. Development Plans - 547-553 Albany Highway - D A 520194071 [<b>11.4.1</b> - 3 pages]</li> <li>Appendix 3. Cover letter - 547-553 Albany Highway - D A 520194071 [<b>11.4.2</b> - 10 pages]</li> <li>Appendix 5. Heritage Impact Assessment Review - 547-553 Albany Highway - D A 520194071 [<b>11.4.3</b> - 11 pages]</li> <li>Appendix 4. Applicant Heritage Impact Statement - 547-553 Albany Highway - D A 520194071 [<b>11.4.4</b> - 19 pages]</li> <li>Appendix 1. Previous Council Determinations and Approved Plans - 547-553 Albany Highway - D A 52019 [<b>11.4.5</b> - 19 pages]</li> </ol>

<b>Landowner</b>	Sugarloaf Landholdings Pty Ltd
<b>Applicant</b>	Urbis Pty Ltd
<b>Application date</b>	05/08/2019
<b>DA/BA or WAPC reference</b>	DA5.2019.407.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Commercial
<b>R-Code density</b>	N/A
<b>TPS precinct</b>	Precinct P11 - 'Albany Highway Precinct'
<b>Use class</b>	'Showroom and Warehouse'
<b>Use permissibility</b>	'P' (permitted) land uses
<b>Lot area</b>	1002m <sup>2</sup>
<b>Right-of-way (ROW)</b>	N/A
<b>Municipal heritage inventory</b>	The subject site comprises of a single storey heritage listed commercial building constructed circa 1940 and is listed on the Town of Victoria Park Municipal Heritage Inventory (MHI). The MHI states the following in relation to the building:

	<ol style="list-style-type: none"> <li>1. The site is known as the 'United Friendly Societies Building';</li> <li>2. The building has aesthetic, historical and social heritage significance;</li> <li>3. It is an example of an Art-Deco design that maximises a corner location;</li> <li>4. Its historic significance lies in its association with the Victoria Park and Districts' United Friendly Society;</li> <li>5. It was purpose built as a dispensary for the group in 1940. The Friendly Society provided members with a range of benefits; and</li> <li>6. The building has become an important part of the commercial streetscape of Albany Highway</li> </ol>
<b>Residential character study area/weatherboard precinct</b>	Not applicable.
<b>Surrounding development</b>	<p>The site is bounded by motor vehicle sales businesses directly to the north west and south east. A vacant lot adjacent to the subject site is located to the south across Rathay Street. Residential single storey single houses and grouped dwellings are located to the east and west in close proximity to the site.</p> <p>Further to the north west and south east along Albany Highway are other commercial properties such as restaurants and shops. The subject site falls within the 'Commercial' zone between the Victoria Park and East Victoria Park 'District Centre' zones.</p>

## Recommendation

That Council:

1. Refuses the application submitted by Urbis Pty Ltd on behalf of Sugarloaf Landholdings Pty Ltd (DA Ref: 5.2019.407.1) for Retrospective Approval of Alterations to the Building Facade at No. 547-553 (Lot 929) Albany Highway, Victoria Park as indicated on the plans dated received 5 August 2019, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for the following reasons:
  - a. The development does not comply with Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway', specifically Clauses 6.3, 6.6 and 6.11.
  - b. The development is considered to be inconsistent with the statement of intent within the Town's Precinct Plan P11 - 'Albany Highway'
  - c. The development is considered to be inconsistent with matters g), m), n) and x) of deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.

### Advice to Applicant

AN1 - Should the applicant be aggrieved by this decision a right of appeal may exist under the

provisions of the Town Planning Scheme or Metropolitan Region Scheme and the applicant may apply for review of the determination of Council by the State Administrative Tribunal within 28 days of this decision.

2. Direct the landowner to rectify the unauthorised works within 90 days of this decision by reinstating the windows facing Albany Highway consistent with the Council's development approval dated 12 September 2017.

## Purpose

The application seeks retrospective approval for unauthorised modifications made to the shopfront of a Category B heritage building, currently approved as a 'Showroom and Warehouse'.

As Council previously considered applications relating to modifications to the shopfront windows in 2017 and 2018, it is considered appropriate that Council be the determining authority for the current application.

## In brief

- In 2017, an application for a change of use and modifications to the building was received inclusive of removing a number of windows, entrances and repainting the façade of the existing building. The matter was referred to the September 2017 Ordinary Council Meeting (OCM).
- Council resolved to approve the application, with condition 1 of the approval requiring the retention of the existing windows facing Albany Highway
- It was brought to Council's attention in 2018 that windows facing Albany Highway had been removed or modified contrary to Council's approval of September 2017, in addition to signs being erected without approval.
- In November 2018, as part of an application for retrospective approval, the Council resolved to support modified signs but not support the modifications to the shopfront, and reaffirmed the requirement for the windows to be reinstated as per the September 2017 approval.
- The Town has been liaising with the landowner and their planning consultant to seek to have the matter resolved. However in view of no action being undertaken, the Town again wrote to the landowner directing them to rectify the non-compliance with the September 2017 approval.
- Subsequently an application for retrospective approval has been lodged which seeks for Council to approve the windows in their current 'as-constructed' form.

## Background

1. See Appendix 1 for relevant documents relating to the Council's previous approvals. The history of the applications has been summarised below.
2. An application for development approval was submitted to the Town in May 2017 seeking approval for Additions and Alterations to the existing heritage building façade in addition to a Change of Use to 'Showroom' and Warehouse'.
3. The nature of the proposed works and land use was described in the report to the Ordinary Council Meeting on 12 September 2017 as follows:
  - *"The proposal is to convert the existing building into a 'Showroom' and 'Warehouse' for the purpose of a single tenant displaying and selling beds, mattresses and associated furniture;*

- A reconfiguration of the internal layout, the front portion is to be used as a showroom and the rear portion is to be used as a warehouse/storage;
- A truck is required to access the site for delivery purposes;
- 11 existing car bays on site, including 1 disabled bay;
- A maximum 3 employees will be on-site at any one time; and
- The applicant seeks to operate from 9am to 5pm Monday to Friday, 9am to 4pm Saturday and 10am to 4pm Sunday.
- The Development Application proposes the following Façade Changes:-
- Permanently remove 4 windows facing Albany Highway;
- Permanently remove 4 windows facing Rathay Street;
- Permanently remove 1 window facing the existing rear carpark;
- Modification to the entrance on Rathay Street;
- A roller door is proposed to the existing rear car park;
- The building is proposed to be repainted green; and
- No signage is proposed as a part of the application."

4. In this same report, it was commented as follows:

*"It is considered that the proposal in its current form is not designed to be in sympathy with the style of the traditional character of the building. The positive streetscape contribution that the building makes will be weakened by removing a substantial amount of windows that are fundamental to the aesthetic significance of the building.*

*As such the removal of windows along Albany Highway is not supported and the windows should be reinstated to their original form. In addition the façade facing Rathay Street can be improved by providing additional windows to provide further activation and surveillance."*

5. The application was approved at the Ordinary Council Meeting on 12 September 2017 subject to conditions, including the following condition (condition 1) :

*" In relation to the existing windows facing Albany Highway:*

- i) All windows are to be retained in their current size and height with no windows to be removed or boarded up as proposed.*
- ii) All windows are to have clear glazing, with any existing painting or obscuring of windows to be removed, and the windows not being subsequently obscured by signage or internal shelves.*
- iii) Those windows described on the approved plans to be boarded up or removed shall be retained as per item (i) but may be internally screened through curtains or blinds.*
- iv) The internal screening permitted in (iii) above only relates to this planning application.*

6. It came to the Town's attention in early 2018 that unauthorised building works had been undertaken including the removal of windows facing Albany Highway contrary to the Council's 2017 development approval and building permit, and the erection of signs without approval.

7. Compliance letters were sent to the landowner in February and March 2018 by the Town. A formal application was submitted seeking retrospective approval for the alterations to the building's shopfront and prospective approval of signage to replace the existing unauthorised signage. A Heritage Impact Statement (HIS) was included as part of the application (See Appendix 4).



8. The Town engaged a Heritage Consultant (see Appendix 5) to review the proposal and associated Heritage Impact Statement. The objective of the review was to ensure the Town received an informed professional opinion for the proposed alterations to the Heritage Listed Building at the subject site. The Town's Heritage Consultant commented that :

*"The three key elements of the façade of this building are:*

- *The Art Deco parapet;*
- *The Art Deco signage; and*
- *The Windows.*

*The original design intent was an art deco building with a decorative parapet, deco signage and various uses.*

*The original building contained 3 shops, a lodge room, dispensary, office, kitchen, conveniences and living quarters. The building design utilised the parapet and horizontal lining to tie the different elements of the building together, whilst the windows were utilised in the design to indicate the different uses of each section of the building. Large shop front windows for the 3 shop areas, a smaller set of windows for the dispensary that allowed for more privacy but still ample light and then smaller domestic scale windows for the residential unit and office. Smaller and high level windows were then used for the conveniences.*

*It is acknowledged that some of the windows (in particular the shop fronts) have been altered over time. However, the fundamental design principle of the different windows identifying the different original uses in the building has not been lost."*

9. Council resolved in November 2018 to grant prospective approval for new signs, however the retrospective modifications to the windows facing Albany Highway were not approved.

## **Application summary**


10. The application seeks retrospective approval for modifications to the windows facing Albany Highway, or in summary to retain the building façade in its 'as constructed' form.
11. See Page 8 and 9 of Appendix 5 for relevant images detailing the historical appearance of the building and the current façade of the building.
12. The development plans (see Appendix 2) indicate the following:
- a. Three windows on the right side of the façade facing Albany Highway which formed part of the heritage building have been filled in and wholly obscured.
13. The application includes an external assessment against relevant local planning policies along with further justification and a petition.
14. The petition (change.org) contains 64 digital signatories and 43 in-store signatories to "*show support for the improvement to the Victoria Park streetscape along Albany Highway*". It is noted that a majority of the signatories fall outside of the Town's area of jurisdiction.

## **Applicants submission**

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15. Additional information in the form of a covering letter containing justification was included as part of the application (see Appendix 3). Key statements within the covering letter include:
- *"Makin Mattresses are keenly interested in the highest level of security for our staff and customers, and do not believe that a window adjacent to the cash registers would guarantee this level of safety.*
  - *As part of the ongoing discussions with the Town, Makin Mattresses has sought to review the internal building layout to determine if a revised floor plan could be accommodated which would result in the relocation of the register / counter. However, it was found that the existing location is seen as the optimal positioning which allows for both secure surveillance of the store, as well as providing additional privacy for customers.*
  - *It is imperative that no one, who is not a member of staff, be able to see the workings behind the desk/register where money is kept, security systems are monitored, and where staff regularly occupy.*
  - *Through allowing the site to remain in its current form, the level of security at the site will not be compromised in any way, with passive surveillance still available to Albany Highway and Rathay Street through the existing windows at the store.*
  - *The proposal as outlined above will result in acceptable outcomes for the site and will not detract from the heritage value of the site. The option is also considered to be substantially superior in comparison to what was previously provided at the site as shown in Figure 2 which were fully screened windows, and windows with large amounts of advertising and/or otherwise fully painted and screened.*
  - *Testimony to the improved streetscape (please see attached petition document), for 10 positive comments and 64 change.org signatures representing the positive community impacts the renovations have delivered, in addition there are 43 signed in-store petitions representing the same notion.*
  - *As previously mentioned, the \$1.1 million dollars which has been invested into the restoration and refurbishment of the site has sought to not only improve the usability of the store but has also enabled a greater street and business interface. The inclusion of additional windows along the Albany Highway façade would not be considered to provide a greater amenity impact for the site or streetscape, as these windows had not been visible for some time prior to the restoration of the site.*
  - *It is noted that the previous windows were not original nor forming part of the heritage values associated with the site.*
16. Additional information in the form of an assessment against relevant local planning policy provisions were included as part of the application (see Appendix 3). The applicant's included assessment states the following:

## Section 6.6 Review

Provision	Applicants comment
<p><b>Clause 6.6 b)(i)</b> at least 60% of the total length of the facade along the footpath should be transparent. The continuity of glazing should be broken to provide interest by solid (opaque) vertical panels, framework and/or strong visual displays.</p>	<p>Figure 3 – Existing Streetscape</p>  <p><i>As show in Figure 3 above, the shop current provides a large expanse of windows along the Albany Highway façade, with additional windows also extending around the curvature of the building towards Rathay Street. It is considered that the current building form provides sufficient windows along the building façade to promote interest and activation to the street.</i></p>
<p><b>Clause 6.6 b)(ii)</b> a high level of detailing or decoration in design, structure, colour and materials, should be provided to enhance the interest from the street.</p>	<p><i>The existing windows have been restored to be complementary to the heritage value of the site. Where the window which has been covered (subject of this application), a high quality rendered finish has been applied consistent with the high-quality finish to the remainder of the site.</i></p>
<p><b>Clause 6.6 b) (iii)</b> windows, including shop windows, should be designed in the style of the building and detailed to provide interest for the pedestrian. Interesting stall risers, facia and shopfront frame work should be provided.</p>	<p><i>See comments above</i></p>
<p><b>Clause 6.6 b) (iv)</b> roller doors of solid material, including see through acrylic are not acceptable.</p>	<p><i>No roller doors or acrylic are displayed over the windows at the site.</i></p>
<p><b>Clause 6.6 b) (v)</b> reflective or heavily tinted glazing is not encouraged on any building.</p>	<p><i>See comments above</i></p>

## Relevant planning framework

<b>Legislation</b>	Town Planning Scheme No. 1 Precinct P11 - 'Albany Highway Precinct' Planning and Development (Local Planning Schemes) Regulations 2015
<b>State Government policies, bulletins or guidelines</b>	NA
<b>Local planning policies</b>	Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway' (LPP 17)
<b>Other</b>	N/A

## 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><i>"The Albany Highway Precinct will be revitalised and consolidated as a major urban/shopping commercial axis incorporating the "strip" imagery of its past development along the length of Albany Highway"</i></li> <li><i>"Medium scale general commercial uses. Ultimately, the area shall develop as a high quality commercial area predominantly occupied by office uses, serving as the 'gateway' (together with the Causeway Precinct), to the Precinct and to the city centre from the south."</i></li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 17 'Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway' are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>To recognise the needs of business operators to function effectively and to balance these needs with those of the community and users of the public domain.</li> <li>To create a comfortable pedestrian environment within visually attractive, interesting and welcoming streetscapes that are representative of the locality and community, as befits these important suburban centres.</li> <li>To ensure that all buildings will contribute in a positive manner to the area as a safe, secure and pleasant place to be at all times. To conserve the variety of styles, ages and types of buildings, including shopfronts, that contribute to cultural interest, historical depth and value to the area and the streetscape.</li> </ul>

<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<ul style="list-style-type: none"> <li>• To foster window shopping as a major activity, at least until midnight.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> <li>• (g) any local planning policy for the Scheme area.</li> <li>• (k) the built heritage conservation of any place that is of cultural significance</li> <li>• (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; <ul style="list-style-type: none"> <li>(n) The amenity of the locality including the following: <ul style="list-style-type: none"> <li>(ii)The character of the locality.</li> </ul> </li> <li>(x) the history of the site where development is to be located.</li> </ul> </li> </ul>

## Compliance assessment

17. The table below summarises the planning assessment of the proposal against the relevant provisions of the Town of Victoria Park's Local Planning Policy 17, as applicable. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the detailed assessment section following from this table.

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
<b>Other – 6.3 Activities Adjacent to the Frontages</b>	All street level frontages should provide displays or visible activity and a high degree of architectural design detail at a pedestrian scale.	Yes
<b>Other – 6.6 Windows/Glazing</b>	At least 60% of the total length of the facade along the footpath should be transparent. The continuity of glazing should be broken to provide interest by solid (opaque) vertical panels, framework and/or strong visual displays.	Yes
<b>Other – 6.11 Heritage Buildings</b>	All recognised heritage buildings should retain any original	Yes

	<p>shopfronts, entries or foyers. Front entries and stairs to floors above or to basements below a shopfront should be retained to encourage an appropriate mixing of activities, particularly residential on the upper floors.</p> <p>Notable building facades should be treated with the same respect accorded a heritage building, including treatment of shopfronts</p>	
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18. Based upon the above table, the following development standards require the discretion of Council.

Element	Requirement	Proposed	Variation
<b>LPP 17 – Clause 6.3 Activities Adjacent to the Frontages</b>	All street level frontages should provide displays or visible activity and a high degree of architectural design detail at a pedestrian scale.	Removal of windows and replacement with blank wall reduces the extent of shopfront on display	The removal of the windows reduces the extent of shopfront on display and the level of established architectural design detail to the building façade facing Albany Highway.
			Not supported

19. Despite the proposal retaining some windows along Albany Highway and the truncation, removing or wholly obscuring any windows will permanently reduce the level of activation for current and future uses.

Element	Requirement	Proposed	Variation
<b>LPP 17 - 6.6 Windows/Glazing</b>	At least 60% of the total length of the facade along the footpath should be transparent.	A maximum of 26.65% of the current building façade facing Albany Highway is transparent.	33.45%
			Not supported

20. The retrospective works to the building façade reduces the shopfront transparency to 26.65% of the total length of the façade facing Albany Highway. The façade was measured as 3.4 metres in height (up to the awning) and 15.8 metres in length.

It is acknowledged that previous landowners covered the windows with paint which reduced the transparency. However, this was contrary to the objectives of the policy, and could have been readily resolved to meet the 60% transparency requirement of Clause 6.6 of LPP 17.

Element	Requirement	Proposed	Variation
<b>LPP 17 - 6.11 Heritage Buildings</b>	All recognised heritage buildings should retain any original shopfronts, entries or foyers.  Front entries and stairs to floors above or to basements below a shopfront should be retained to encourage an appropriate mixing of activities, particularly residential on the upper floors.  Notable building facades should be treated with the same respect accorded to a heritage building, including treatment of shopfronts	The works carried out along the façade of the building facing Albany Highway has changed the original shopfront.	The subject building's shopfront, recognised as having a high degree of heritage significance, has been substantially altered.
			Not supported

21. While it is acknowledged some degree of window transparency exists, the level of transparency proposed is considered to not meet the objectives of LPP 17. With less than half of the Albany Highway façade being transparent, this limits the opportunity to foster window shopping, the blank

walls reduce the streetscape quality and does not conserve the historic shopfront which existed before the unauthorised works were carried out.

22. The reduction of transparency along Albany Highway by removing engaging shopfronts is considered to decrease the streetscape quality.
23. The removal of windows is considered to reduce the "strip" imagery of this historical building and is not considered to improve this commercial axis, being inconsistent with the statement of intent of Precinct Plan P11 - 'Albany Highway Precinct'.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	<p>Shopfronts should be engaging for pedestrians which makes an area more dynamic and active. The reduction of transparency along commercial shopfronts is not consistent with good urban design principles.</p> <p>Active shopfronts create visual interest and the boarding up of the buildings windows directly contradicts fundamental urban design principles.</p>

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall analysis	risk	Mitigation and actions
The applicant / owner 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.	Moderate	Likely	High		Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

<b>Current budget impact</b>	Not applicable
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## Analysis

24. The subject property is identified as a Category B building under the Town's Municipal Heritage Inventory. Category B means:

*"Worthy of high level of protection: to be retained and conserved where possible; provide maximum encouragement to the owner under the Town of Victoria Park Planning Scheme to conserve the significance of the place . A more detailed Heritage Assessment/impact Statement\* to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered."*

25. It is acknowledged that the business operators wish to achieve a degree of privacy and security for staff. The placement of the register and counter is stated by the applicant to be in an optimal location as it allows for surveillance of the store and provides privacy to customers.

26. The HIS submitted by the previous applicant and referenced as part of the current applicants submission disputes the heritage significance of the shopfront component of the building, referring to modifications made circa 1970's to the original façade.

27. The applicant's submission states: *"It is noted that the previous windows were not original nor forming part of the heritage values associated with the site."*

28. However, the review of the proposal and HIS conducted by an external heritage consultant contradicts the above findings of the HIS. While altered, the intent and fundamental design principles of the windows of this shopfront facing Albany Highway assisted in identifying the different original uses in the building.

29. The above findings of the HIS review identify the windows as the main contributing factor in engaging pedestrians with the building and businesses located within. This finding aligns with the intent of clause 6.6 of LPP17 and the statement of intent of the Commercial Zone within the Albany Highway Precinct.

30. It is considered that the retrospective alterations by way of removing established shopfront windows facing Albany Highway which formed part of the heritage building's façade is inconsistent with the statement of intent for the Commercial Zone within the Albany Highway Precinct and is inconsistent with relevant provisions within the Town's LPP 17.

31. This is considered to substantially depart from the intent of the above policy provision is to maintain active shop frontages which is dependent on window transparency.

32. The removal of windows does not achieve the desired intent for retail businesses fronting Albany Highway and is contrary to Crime Prevention Through Environmental Design (CPTED) and urban design principles.

33. Furthermore, in this instance, the removal of windows from a heritage listed building detracts from the historical aesthetics of the building, leaving portions of blank wall facing the strip which reduces the streetscape quality.
34. The purpose of the shopfront windows was for the identification of three original shops as identified in the Town's Heritage Impact Statement Review. While it is acknowledged the internal configuration has changed over time, the heritage values of the site remain through the retention of the Art Deco parapet, the Art Deco signage and the windows that face Albany Highway. The windows play an important role in establishing the historical and social significance of the building.
35. The application in its current form is considered regressive and will not maintain a high degree of display and visible activity between shops and the street and vice versa, which contradicts the statement of intent for the Commercial Zone within the Albany Highway Precinct.

## **Relevant documents**

[Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway](#)

## 11.5 No. 156 (Lot: 1) Orrong Road, Lathlain for proposed Telecommunications Tower

<b>Location</b>	Lathlain
<b>Reporting officer</b>	J. Algeri (Planning Consultant - Altus Planning)
<b>Responsible officer</b>	Laura Sabitzer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Telstra Supporting Information [<b>11.5.1</b> - 35 pages]</li> <li>2. Attachment 2 - Development Plans [<b>11.5.2</b> - 4 pages]</li> <li>3. Attachment 3 - Aerial Photo of Site [<b>11.5.3</b> - 1 page]</li> <li>4. Attachment 4 - SAT Decision Table, Telecommunication Towers [<b>11.5.4</b> - 4 pages]</li> </ol>

<b>Landowner</b>	Broadlea Pty Ltd and Margaret Ann Langson
<b>Applicant</b>	Aurecon Australasia
<b>Application date</b>	20 February 2019
<b>DA/BA or WAPC reference</b>	Not applicable.
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Local Centre
<b>R-Code density</b>	Not applicable.
<b>TPS precinct</b>	Precinct P7 'Lathlain'
<b>Use class</b>	Telecommunications Infrastructure
<b>Use permissibility</b>	'AA' (Discretionary) Use
<b>Lot area</b>	620 square metres
<b>Right-of-way (ROW)</b>	ROW 154 – Width = 10.9 metres, Paved and currently in use.
<b>Municipal heritage inventory</b>	Not applicable.
<b>Residential character study area/weatherboard precinct</b>	Not applicable.
<b>Surrounding development</b>	Single storey commercial development to the north, east and south. Single houses and grouped dwellings to the west.

### Recommendation

That Council:

1. Approves the application submitted by Aurecon Australasia (DA Ref: 5.2019.86.1) for Proposed Telecommunications Infrastructure at 156 Orrong Road, Lathlain as indicated on the documents dated 20 February 2019 (and the additional material provided on 13 September 2019), 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. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped 20 February 2019 at all times, unless otherwise authorised by the Town.
  - b. The monopole and shroud must be painted in an appropriate colour scheme to reduce reflectivity and blend in with the surrounds. Details of the colour scheme must be submitted to, and approved by the Town, before the development is commenced.
  - c. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implemented to the satisfaction of the Town, a construction management plan addressing the following matters:
    - (i) How materials and equipment will be delivered and removed from the site;

- (ii) How materials and equipment will be stored on the site;
- (iii) Parking arrangements for contractors;
- (iv) Construction waste disposal strategy and location of waste disposal bins;
- (v) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
- (vi) Other matters likely to impact on the surrounding properties.

d. Within sixty (60) days the applicant must make a payment of \$4,935.94 (including GST) (\$2,467.97 - including GST - per tree) to the Town for the purchase of 2 *Agonis flexouosa* trees for planting on the Streatley Road verge.

Advice notes:

AN1 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN2 In relation to condition d., this price includes tree purchase, contractor charges for planting, fertilising, wetting agent, mulching and watering for three years following planting.

AN3 The applicant is to liaise with the Town's Engineering Department to ensure that any proposed cabling or other infrastructure is not located within the right-of-way.

2. Advise the State Administrative Tribunal and those persons who lodged a submission on the application, of this decision.

## Purpose

To reconsider a development application for proposed Telecommunications Infrastructure at 156 Orrong Road, Lathlain ('subject land') following mediation at the State Administrative Tribunal ('SAT' or 'Tribunal').

## In brief

- The application seeks to construct a 15 metre high monopole structure (10 metre steel monopole with a 5 metre turret extension and internal feeders) within the rear car parking area of the existing commercial tenancies at 156 Orrong Road, Lathlain ('proposed development').
- The telecommunications infrastructure will service the Telstra network. The applicant has advised that "this site will enhance Telstra's 4G wireless network depth of coverage and provide a platform to provide future 5G services".
- Community consultation commenced on 26 March 2019 for a period of 21 days concluding on 16 April 2019. In total, 14 submissions were received, of which 13 submissions objected to the proposal and one submission supported the proposal.
- The proposal was recommended for approval subject to conditions and advice notes but was refused at the Council's Meeting held on 16 July 2019 (see Item 11.3) on the following grounds. The Applicant subsequently lodged an application for review at the SAT against Council's decision and mediation was held on 3 September 2019.
- Following mediation, the Applicant has provided additional justification in support of the proposal. The Tribunal has invited the Council to reconsider its decision and it is recommended that the application be approved subject to conditions.

## Background

1. An application was submitted to the Town on 12 November 2009 seeking approval for the installation of a telecommunications facility for Optus at 156 Orrong Road, Lathlain. The application included:
    - a. a 15 metre high monopole
    - b. three panel antennas strap mounted to the pole
    - c. one ground level equipment shelter.
  2. The purpose of the facility was to upgrade the digital mobile network coverage within the vicinity of the site provided by the Optus 3G network.
  3. The Council at the 9 February 2009 Ordinary Council Meeting resolved to refuse the application for the following reasons:
    - (1) In accordance with Clause 16 of Town Planning Scheme No. 1 the proposed Telecommunications Facility is an Unlisted use that is not consistent with objectives and purposes of the "Local Centre" zone and is an unacceptable use of the land; and*
    - (2) The proposal is inconsistent with the matters listed in Clause 36(5) of Town Planning Scheme No.1, with particular reference to the following subclauses:*
      - (a) the provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;*
      - (b) any relevant precinct plan;*
      - (c) any statement of Planning Policy of the Western Australian Planning Commission;*
      - (d) the orderly and proper planning of the locality;*
      - (e) the conservation of the amenities of the locality; and*
      - (f) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure".*
    - (3) The proposed facility results in the removal of two (2) approved on-site car bays and will exacerbate the existing parking shortfall for the site."*
  4. The 2009 application was ultimately relocated and approved at 113 Orrong Road, which is less than 100metres from the subject site.
  5. With the current application, three (3) existing sites at 113 Orrong Road, Lathlain Park Oval and 43 Great Eastern Highway were also investigated but for various reasons, including the unwillingness of landowners to agree, these options were not considered viable.
  6. Amendment 80 to Town Planning Scheme No. 1 (TPS 1) was gazetted on 18 April 2019. The Amendment incorporates new land use classes including the addition of telecommunications infrastructure in the land use table. Telecommunications infrastructure is an 'AA' (Discretionary) use in all zones.
  7. The Western Australian Planning Commission published State Planning Policy 5.2 - Telecommunications Infrastructure in September 2015. The policy provides guidance pertaining to the siting, location and design of telecommunications infrastructure.
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8. The current development application was lodged in February 2019 and similarly proposes the construction of telecommunications infrastructure at the rear of the existing commercial tenancies fronting Orrong Road and Francisco Place. The nature of the works includes a 10 metre steel monopole with a 5 metre turret extension and internal feeders (ie. total height of 15m above ground level).
9. The facility is to be located within a car parking area at the rear of the existing retail premises.
10. During the community consultation period for the current application, the 13 submissions of objection broadly related to:
  - The proximity of the proposal to existing residential development;
  - The fact that a previous 2010 application was refused by Council;
  - The incompatible scale and visual amenity of the development;
  - Concerns with possible health impacts;
  - Whether there is a justifiable need for the proposal; and,
  - The impact on property values.
11. Having reviewed these submissions and then assessing the application against the applicable planning framework, the Town's officers recommend conditional approval. However, at the meeting held on 16 July 2019, Council refused the application for the following reasons:
  1. The proposal is considered to have significant Adverse Visual amenity impacts on the surrounding locality.
  2. There is insufficient information regarding potential health impacts of the proposed tower.
  3. The proposal is considered to be inconsistent with clause 67 of the Planning and Development Regulations 2015, specifically points (n) the amenity of the locality, (r) the suitability of the land for the development taking into account the possible risk to human health or safety; and (y) submissions received regarding the application."
12. The Applicants subsequently lodged an application for review at the SAT and following mediation held on 3 September 2019, the Tribunal invited Council to reconsider its decision pursuant to Section 31(1) of the SAT Act. The information provided following that mediation is discussed below.

## **Application summary**

13. In the original application the Applicant advised:

*"This site will enhance Telstra's 4G wireless network depth of coverage and provide a platform to provide future 5G services.*

*The proposed telecommunications facility will comprise the following:*

- Ten (10) metre custom steel monopole with a five (5) metre turret extension and internal feeders.
- Three (3) RV4PX310R-V2 panel antennas at the 13.7 metre level on a five (5) metre turret.

- A ICS MK4.0 low-impact equipment shelter.
- Ancillary equipment necessary for the operation and proper functioning of the facility (three [3] TMA2094F01V2-1 tower mounted amplifiers, six [6] Radio 4415 remote radio units).
- Ancillary equipment installed to ensure the protection or safety of the facility and maintenance personnel.
- The entire area required to be leased within the existing fenced hard-standing area is approximately 50m2."

14. In email correspondence dated 7 June 2019 the applicant commented as follows:

*"(a) This application is being submitted in response to demand for service and will be 5G ready.*

*(b) This site will provide enhanced mobile network coverage and improve current poor in-building service to the area. There are numerous high density/commercial buildings and Orrong Road in the coverage area that currently experience difficulty in accessing our network.*

*(c) Network demand during peak demand periods reduces network capacity and service capability is diminished.*

*(d) Unfortunately and as articulated in the DA submission, we are unable to collocate with Optus/Vodafone on the nearby building due to technical reasons and therefore need to establish a separate site.*

*(e) The presence of the other carriers nearby corroborates the network need for our site in this high demand area.*

*(f) We have done everything we can to minimise the visual impact of our facility within technical constraints."*

15. The applicant advised that 12 sites were initially short-listed for the proposed telecommunication infrastructure. Seven of the sites were eliminated for not meeting minimum threshold scores across the four technical disciplines assessed (including landowner interest and EME compliance issues). As mentioned, three sites have existing facilities including Nos. 113 Orrong Road, Rivervale (80 metres to the north east), Lathlain Park Oval, Lathlain (929 metres to the south west) and 43 Great Eastern Highway, Rivervale (977 metres to the north) and all are unsuitable for co-location opportunities.

16. The following photo-montage images were contained within the applicant's original application:



17. In support of the proposal, the applicant contends that the visual impact of the proposal has been minimised as follows:

*"Telstra has taken significant steps to mitigate visual impact through the design, finishes and, materials of the infrastructure. The choice of a custom 10m steel monopole with shrouded turret and extension is in response to the need to minimise the visual impact and bulk, provide sufficient elevation satisfy the coverage objective, and retain some structural capacity for future upgrades including the introduction of 5G technologies. The overall elevation is the absolute minimum required to achieve sufficient antenna elevations, and the equipment itself is locate within a colour-matched shroud".*

### **Applicant's submission**

18. Following mediation, the applicant provided additional information in support of the proposal (see Attachment 1) and the information can be summarised in the following paragraphs.



19. How does 5G differ from 4G in terms of any impacts?

(a) In basic terms, 5G technology simply uses higher frequencies compared to earlier and current networks. Higher frequencies does not mean higher or more intense exposure. Higher frequency radio waves are already used in security screening units at airports, police radar guns to check speed, remote sensors and in medicine and these uses have been thoroughly tested and found to have no negative impacts on human health.

(b) All scientific literature and studies suggest that frequencies and power levels for 5G are similar to 3G, 4G and WiFi. As a result, electromagnetic emissions levels (EMEs) are similar and will be well below established national and international safety standards.

20. What are the impacts relative to the height and proximity to a tower?

(a) 5G networks can use smart antenna technologies (such as multiple input multiple output – MIMO) that deliver radio signals where they are needed. Conventional antennas provide coverage similar to how a floodlight illuminates a wide area. The new antennas are like a flashlight providing coverage where it is needed and reducing unwanted signals. Smart (beam forming) antennas increase capacity and improve efficiency.

(b) Beam forming antennas deliver improved network efficiencies and Telstra is deploying beam forming antennas as part of the new 5G service. Beam forming antennas for 5G enable the mobile signal to be sent directly to devices in a narrow beam rather than to the broader area where the device is located. The existing 3G and 4G technologies also use beam forming antennas however the beam is quite broad and typically 120 degrees wide.

(c) Accordingly, there is not necessarily any greater exposure to more intense electromagnetic energy in very close proximity to the antenna using this latest technology.

21. Are there any cumulative impacts from the location of other similar infrastructure in proximity of the proposed site?

(a) No, particularly given that multiple infrastructure is encouraged to be co-located on existing sites pursuant to State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2). Evidence and data indicate that exposure remains well below acceptable limits when multiple telecommunications infrastructure is co-located or are otherwise in close proximity.

22. Further explanation of demand and need, particularly in relation to traffic volumes on Orrong Road.

(a) There are now around 4,500 vehicles passing every hour during peak periods, and around 65,000 vehicles per day on the abutting section of Orrong Road. This is forecast to increase to around 100,000 vehicles per day by 2030.

(b) In almost every one of those vehicles, there will be at least one device trying to talk to the network, sometimes several devices. In addition to people making phone calls, many new cars have their own SIM card. Many individual cars have two phones or a phone and a tablet, each with their own SIM card. Every one of those devices is talking to the network regardless of whether a call is being

made or not. They are downloading emails, streaming music, operating GPS navigation with maps and live traffic, updating apps, etc., all the time. Passengers in cars and busses are watching videos, reading the news or playing online games. Every device is sending and receiving data. When that peak load hits, the people who are most affected are residents of the 800 or so local houses whose devices can no longer talk to the network from indoors because they have very poor signal quality and the lowest signal strength. Their usual service is simply swamped by the passing road traffic.

23. A commitment to the revegetation of Streatley Road.

- (a) Telstra agrees with the proposition that some street-verge vegetation will potentially provide some relief to residents on Streatley Road who are directly adjacent the subject site.
- (b) Telstra agrees for a condition to be added that it will provide \$4,935.94 (including GST) (\$2,467.97 (including GST) per tree) for the purchase of 2 Agonis Flexuous trees for planting on the Streatley Road verge. This price includes tree purchase, contractor charges for planting, fertilising, wetting agent, mulching and watering for three years following planting.

24. Infrastructure in the ROW

- (a) Telstra are aware of the Engineering department’s concerns in respect to cabling or any other infrastructure being located in the abutting right of way (ROW). At the time of writing this report this issue has not been conclusively resolved.

## Relevant planning framework

25. Town Planning Scheme No. 1 (TPS1) define telecommunications infrastructure as follows:

*“means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment apparatus, tower, antenna, tunnel, duct, hole, put or other structure related to the network”.*

<b>Legislation</b>	Planning and Development (Local Planning Schemes) Regulations 2015
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 5.2 - Telecommunications Infrastructure</li> <li>• Guidelines for the Location, Siting and Design of Telecommunications Infrastructure</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Uses</li> <li>• Local Planning Policy 18 – Telecommunications Facilities</li> <li>• Local Planning Policy 37 – Community Consultation on Planning Proposals</li> </ul>
<b>Other</b>	Not applicable.

## 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> <p><i>Any new development should be of a height and scale similar to existing buildings in the shopping area and the nearby locality.</i></p>
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	<i>Careful control will be exercised over the nature of any proposed new uses and their design and layout to ensure minimal impact on adjacent residential areas.</i>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 3 are also relevant to the application:</p> <ul style="list-style-type: none"> <li>• To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties;</li> <li>• To provide for non-residential uses which serve the needs of the community;</li> <li>• To minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses.</li> </ul> <p>The following objectives of Local Planning Policy 18 are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• Determination of the circumstances under which the Council may permit telecommunication facilities to be located within the municipality.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <p><i>(g) Any local planning policy for the Scheme area</i>  <i>(m) The compatibility of the development within its setting</i>  <i>(n) The amenity of the locality</i>  <i>(y) Any submissions received on the application</i></p>

## Compliance assessment

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

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		X

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

Element	Permissibility	Recommendation
Land use	'AA' (Discretionary) Use	Supported

27. State Planning Policy 5.2 - Telecommunication Infrastructure (SPP5.2) states "the location of new mobile telephone base stations needs to be carefully considered in relation to existing base stations, to ensure that the network functions effectively. Mobile telephone antennas generally need to be mounted clear of surrounding obstructions like trees and buildings to avoid loss of reception and to allow each mobile telephone base station to cover its intended cell with minimum transmitter power".

28. SPP5.2 Clause 5. Policy Measures sets out the following criteria to assist in considering the visual impact of a proposal for telecommunications infrastructure on the basis that the benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area:

*i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;*

*ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*

*a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*

*b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*

*c) not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised; and*

*d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

*iv) Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*

*v) Telecommunications infrastructure should be co-located and whenever possible:*

*a) Cables and lines should be located within an existing underground conduit or duct; and*

*b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.”*

29. The proposed telecommunications infrastructure is located at the rear of the existing single storey commercial building on the corner of Orrong Road and Francisco Place. There are no existing significant viewing locations in close proximity to the site.

30. The existing buildings on the site have no environmental, cultural heritage, social or visual landscape values.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The proposed telecommunications infrastructure will enhance the service provider's network coverage in the area.

## Engagement

Internal Engagement	
Stakeholder	Comments
Building Department	A Building Permit is required for the proposed facility.
Health Department	Sound levels created are not to exceed the provisions of the Environmental Protection (Noise) Regulations 1997.
Engineering Department	The Town does not permit cabling etc. to be run through the ROW privately owned by the Town adjacent to the applicant's property. Applicant to investigate alternatives for cabling and servicing proposed tower.

31. The external engagement described below relates to advertising of the original application. Further consultation has not been undertaken in relation to the additional information submitted by the applicant as this is not ordinarily contemplated by the Tribunal with the invitation for reconsideration unless amended plans are submitted that are significantly different to the previous proposal.

External Engagement	
Stakeholders	Owners and occupiers within a 100 metre radius.
Period of engagement	26 March 2019 to 16 April 2019, 21 day advertising period as per Local Planning Policy 37 'Community Consultation on Planning Proposals'
Level of engagement	2. Consult
Methods of engagement	Written Submissions; Your Thoughts
Advertising	Sign on site; Notice in Local Newspaper; Letters
Submission summary	14 submissions were received, of which 13 objected to the proposal and one submission supported the proposal.
Key findings	Refer to Attachment 4 from Item 11.3 of the July 2019 Minutes

## Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
<b>Reputational</b> Negative public perception towards the Town either from persons who oppose or support the development	Moderate	Likely	Moderate	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

<b>Current budget impact</b>	Costs for engagement of planning consultant. There are sufficient funds in the budget to cover the matter.
<b>Future budget impact</b>	Not applicable.

## Analysis

32. Since the decision of Council in July 2019, the emphasis of discussions with the applicant has been focused on better understanding 5G technology and other aspects of concerns raised by the submitters through the previous advertising of the proposal, namely in respect to concerns with health impacts, visual amenity impacts and the overarching 'need' for the proposed development.
33. The assessment of the proposed Telecommunications Infrastructure in accordance with the Town's Local Planning Policy 18 'Telecommunications Facilities' and State Planning Policy 5.2 'Telecommunication Infrastructure' otherwise remains as per the previous report.
34. Notably, SPP5.2 provides policy measures for Local Governments to use when assessing telecommunication infrastructure. The policy advises that the benefit of improved telecommunication services should be balanced with the visual impact on the surrounding area.

### *Visual impact*

35. The proposed infrastructure is located on the corner of Orrong Road and Francisco Place and will therefore have no impact on significant views. The existing site does not have an environmental, cultural heritage, social or visual landscape value.
36. Notwithstanding the above, the existing commercial where the proposed development is proposed to be located is typical of the post-war era development – low-rise and rather non-descript. A more modern, multi-storey development would mean that the same antennae with similar infrastructure would be less noticeable. Be that as it may, discussions have been held as to whether any changes could be made to ameliorate the visual impact of the proposal.
37. It was agreed that changes to the colour of the proposed tower would be negligible. However, it was noted that the starkest vista to the proposal and the existing commercial development (see Loc. 4 from the photo montage above) would be from the residents on the southern side of Streatley Road. Vegetation within the road reserve (which is currently barren) would at least offer some relief to what is currently a somewhat bland built form. Therefore, a condition of approval for the purchase of 2 *Agonis Flexuous* trees for planting on the Streatley Road verge together with maintenance for 3 years is supported. Such an endeavour will not block views to the antenna, but it will offer some improvement to the streetscape.
38. Discussions were also held as to whether some art or a mural could be painted on the parapet wall to the existing commercial building on the Streatley Road elevation, but that particular commercial unit belongs to another landowner who was unwilling to agree to such a concept when enquiries were made.
39. While the monopole will otherwise remain visible from the surrounding area, when balancing the needs of the community for an improved phone network versus the visual impact of the structure, the proposal is considered acceptable.

40. Having regard to LPP3 'Non-Residential Uses in or Adjacent to Residential Areas', the objectives of the Policy are relevant however the policy provisions are primarily applicable to developments involving buildings. While the proposal would not satisfy Policy objective (a) being "*to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties*", when also considering the policy measures in the higher order State Planning Policy (SPP5.2), the proposal is considered to be acceptable.

#### *Health impacts*

41. The advent of 5G technology that the proposed development will accommodate will have no bearing on EMEs. In addition, the location of the antenna in the proximity of others that currently exist in the locality will not have any cumulative impact that would give rise to legitimate health concerns.
42. As has previously been advised in relation to concern raised by adjoining landowners about EMEs, SPP5.2 states "the use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio Communications Licence Conditions (Apparatus Licence) Determination 2003. The licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions".
43. Unless credible and recognised expert evidence could be adduced for a final hearing at the Tribunal that reflects some of the community's concern in this regard, then popular opinion or sentiment alone will be insufficient to make issue of health impacts with this proposal.
44. As further stated in SPP5.2 "it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research."
45. It should be noted that the current application is for 4G technology only, although it is acknowledged that at some future time the facility is likely to be upgraded to 5G.

#### *Need for the proposed facility*

46. Whilst not specifically raised as a reason for refusal by Council, the applicant has further outlined the need for the proposed facility to improve network coverage in the area as well as why other alternative locations are not feasible.
47. The applicant has previously provided a map showing the existing 4GX indoor coverage during high traffic demands and the proposed 4GX indoor coverage. This has now been reinforced with information in respect to current and predicted traffic volumes on Orrong Road which essentially

create the demand for an improved network. It should be noted that during the periods of peak demand, the sustained consequences of an inadequate network will be on residents in the locality, not on the motorists who are only passing through.

48. It should also be considered undisputable that increased popularity and use of 'Smart' technology in vehicles, various devices and even home appliances, not just mobile phones, has led to an increased demand more broadly in society. It is recommended that this aspect not be challenged.

#### *Infrastructure in the Right of Way*

49. The ROW adjoining the subject land is privately owned by the Town and the Town's Engineering department have advised that any cabling or other infrastructure that is required to service the proposed tower should be relocated. This is not a planning consideration per se but nevertheless a matter that should be addressed.
50. At the time of writing this report, this matter has not yet been resolved but the Applicant has advised that it is committed to resolving the situation prior to Council's reconsideration.
51. Having regard to all the above, it is recommended that the application be conditionally approved.

#### **Relevant documents**

Not applicable.

#### **Further consideration**

In response to matters raised at the Agenda Briefing Forum on 1 October 2019, the following information is provided:

52. The quoted trees, referred to in recommended Condition 1d, will be planted at a container size of between 300 – 500L and will be approximately 4 – 5 metres in height.
53. Information on State Administrative Tribunal (SAT) decisions on telecommunication tower applications from 2012 – present is provided as an Attachment. Of the 8 decisions considered by SAT which were refused by the local authority, all decisions were overturned and granted approval through the SAT process.



## 11.6 Large Format Digital Sign – Freeway Overpass – Recommendation to Western Australian Planning Commission

<b>Location</b>	Burswood
<b>Reporting officer</b>	Laura Sabitzer
<b>Responsible officer</b>	Laura Sabitzer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Extract of Ordinary Council Meeting minutes 17 September 2019 [11.6.1 – 15 pages]</li> <li>2. Development plans [11.6.3 - 4 pages]</li> <li>3. Aerial map [11.6.4 - 1 page]</li> </ol>

<b>Landowner</b>	Main Roads Western Australia
<b>Applicant</b>	Urbis Pty Ltd
<b>Application date</b>	08/05/2019
<b>DA/BA or WAPC reference</b>	5.2019.229.1
<b>MRS zoning</b>	Primary Regional Road Reserve
<b>TPS zoning</b>	N/A
<b>R-Code density</b>	N/A
<b>TPS precinct</b>	Precinct P1 'Burswood Peninsula Precinct'
<b>Use class</b>	N/A
<b>Use permissibility</b>	N/A
<b>Lot area</b>	N/A
<b>Right-of-way (ROW)</b>	N/A
<b>Municipal heritage inventory</b>	N/A
<b>Residential character study area/weatherboard precinct</b>	N/A
<b>Surrounding development</b>	Graham Farmer Freeway; Railway reserves; Belmont Park racecourse to the north; Perth Stadium and Stadium Station to the south. Refer to the aerial map at <b>Attachment 3</b> .

### Recommendation

That Council recommends to the Western Australian Planning Commission (WAPC) that the application submitted by Urbis (DA Ref: 5.2019.229.1) for a Large Format Digital Sign at Lot 1004 Victoria Park Drive, Burswood is refused, for the following reason:

1. The application does not positively contribute to the amenity of the locality as outlined in Development Control Policies 1.2 & 5.4 and reflected through discussion of Town Planning Scheme and precinct intent.

Advice to WAPC:

1. Large format advertising is not a distinguishing feature of the Town of Victoria Park.
2. The Town of Victoria Park's local planning framework is generally not supportive of this type of

sign – the visual clutter impinges upon the amenity of the area.

3. The addition of a sign, as proposed, is an unnecessary distraction for the road, nearby built form and landscape.
4. The large format digital sign, as proposed, is not sympathetic to the visual or physical qualities of the overpass or the emerging (tourist and entertainment) precinct in which it is situated.

## **Purpose**

The application is referred to Council for a recommendation on the proposal to the Western Australian Planning Commission (the determining authority).

It is noted that Council considered this application for development approval at the September 2019 Ordinary Council Meeting and resolved to refuse the proposal, however it has since been found that this decision was beyond power or 'ultra vires'.

This item is referred as a late item to the October 2019 Ordinary Council meeting agenda as the delegation to local government for this type of application under the Metropolitan Region Scheme requires immediate referral to the Western Australian Planning Commission for determination, once the local government has made their recommendation.

## **In brief**

- Council resolved to refuse an application for a large format digital sign at its Ordinary Council Meeting on 17 September 2019.
- The applicant has since been in contact with Town's officers advising that this decision was beyond the powers of the delegation to local government for decisions on application for development approval under the Metropolitan Region Scheme.
- The Town's Officers have reviewed the delegation to local government for such applications under the Metropolitan Region Scheme and advises that the application is required to be determined by the Western Australian Planning Commission. This is because the referral agency, Main Roads WA's, recommendation in support of the application was not accepted by Council.
- It is recommended that Council resolves to provide a recommendation on the application for development approval to the Western Australian Planning Commission for their determination.
- Alternatively, should Council resolve to recommend approval of the application, Council will be reinstated as the decision maker.

## **Background**

1. The Victoria Park Drive overpass was constructed in the late 1990s. The land title for the subject site lists the Commissioner of Main Roads as the primary interest holder and the status order/interest as being "Reserve under Management Order".
2. Council at its Ordinary Council Meeting on 17 September 2019 resolved to refuse the application for a large format digital sign, for the following reason:

*That Council refuse the application on grounds that the application does not positively contribute to the amenity of the locality as outlined in West Australian Planning Commission control policies 1.2 and 5.4 and reflected through discussions of Town Planning Scheme and precinct intent.*

3. The Town has since received a letter, on behalf of the applicant's lawyer, advising that the Council's decision was beyond power or 'ultra vires' and has no effect as a decision, as it is inconsistent with the instrument of delegation to local government to determine applications for development approval under the Metropolitan Region Scheme. This information has been provided to Elected Members under a separate cover..

## Application summary

The proposal comprises the following:

4. One (1) static, large format digital sign measuring 12.66m in length (excluding an additional 1m either side of the signage screen), 3.35m in height, totaling a signage area of 42.41sqm.
5. The overall signage structure is 49.11sqm in size.
6. The sign is proposed to be located on the northwest sign of the bridge, being viewable by traffic outbound from the city heading towards Great Eastern Highway and Orrong Road.
7. The sign will be located an appropriate height above the Graham Farmer Freeway road reserve allowing for a clearance of approximately 5.5m.
8. The signage will be backlit and will utilise LED (light emitting diode) technology. The sign will include light sensors on the panel to measure ambient light levels and adjust screen brightness to suit.
9. The sign will display a variety of commercial advertisements, with a minimum dwell time of 30 seconds.
10. The sign will be affixed to a mesh sub-structure which is to be powder coated and coloured Colourbond 'Monument' (a dark grey tone).
11. The photo-montage below depicts the proposed sign:



12. The development plans can be viewed at **Attachment 2**.

## Applicants submission

13. The Town has since received a letter, on behalf of the applicant, advising that Council’s decision at the September Ordinary Council meeting was ‘ultra vires’. In particular, the following points are raised:

*“...the power to make a determination is limited to the circumstances where the local government accepts the recommendation made by the relevant public authority to whom referral is required. In this case, Main Roads WA recommended approval of the development application”*

and

*“Given Main Roads WA’s recommendation in support of the application, it was not open to the Town’s Council to refuse the application. In circumstances where the Town had determined it was not going to approve the application, the appropriate resolution should have been to refer the application to the WAPC for its determination.”*

14. A full copy of the letter from the applicant’s lawyer regarding the Council decision is provided to Elected Members under a separate cover.

## Relevant planning framework

<b>Legislation</b>	<p><i>Planning and Development Act 2009</i>  <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>            Metropolitan Region Scheme (MRS)            Town Planning Scheme No.1 (TPS1)            TPS1 Precinct Plan P1 - ‘Burswood Peninsula Precinct’</p>
<b>State Government policies, bulletins or guidelines</b>	<p>Development Control Policy 1.2 - Development control (General Principles)            Development Control Policy 5.4 - Advertising for reserved land</p>
<b>Local planning policies</b>	<p>Local Planning Policy 38 - Signs</p>
<b>Other</b>	<p>WAPC’s Instrument of Delegation – DEL 2017/02 ‘Powers of Local Government and Department of Transport, Metropolitan Region Scheme’ (as amended)</p>

15. The proposed signage is located wholly on land that is reserved as Primary Regional Road under the Metropolitan Region Scheme (MRS). In accordance with deemed clause 61(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval under a local planning scheme is not required for works that are wholly located on a regional reserve. Development approval from the Town under TPS1 is therefore not required, in which case only a determination under the MRS is required.

16. In accordance with the WAPC’s Instrument of Delegation DEL 2017/02 (Instrument of Delegation), as amended on 18 December 2018, the power to determine an application for development on land that is reserved under the MRS is delegated from the WAPC to local governments, including large format digital signage.

17. Clause 4 of Section B of the WAPC’s Instrument of Delegation states:

*“(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with recommendations provided by all public authorities consulted and the reasons why the*

*recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination."*

18. Clause 30(1) of the MRS outlines that, in respect of any application for approval to commence development, the responsible authority is to have *"regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality"*.
19. WAPC Development Control Policy 1.2 – Development Control (General Principles) provides a list of matters to be considered in determining an application. Amongst other matters (amenity, integration to site and surrounds etc.), this list of matters gives effect to the Town’s Local Planning Policies.

## General matters to be considered

Refer to the previous Council report on the item for details (see **Attachment 1**).

## Compliance assessment

Refer to the previous Council report on the item for details (see **Attachment 1**).

## Strategic alignment

### Civic

Strategic Outcome	Intended public value outcome or impact
CL8 Visionary civic leadership with sound and accountable governance that reflects objective decision-making	<p>Ensuring that decisions made are valid and in accordance with legislation.</p> <p>In this case, the report provides information regarding the WAPC’s Instrument of Delegation to local government for certain types of MRS applications.</p>

## Engagement

20. The Town undertook community consultation on the proposal to the owners and occupiers of surrounding properties with a 200m radius of the development site. The public comment period was 14 days from 20 June 2019 to 3 July 2019. No submissions were received.
21. In line with referral requirements under WAPC’s Instrument of Delegation, the application was referred to Main Roads WA for comments. On 14 August 2019, Main Roads WA advised that the application is recommended for approval, subject to an application being submitted to and approved by Main Roads WA to conduct works on a road.

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Council’s recommendation not upheld	Moderate	Likely	High	Provide robust reasons why Main Roads WA’s

<p>The WAPC is the determining authority for this application for a large format digital sign. The WAPC may make a decision contrary to Council's resolution.</p>				<p>recommendation of approval for the proposal is not acceptable to Council.</p>
<p>Reputational</p> <p>Recommending approval of this sign may be viewed as a softening stance or a precedent of allowing Third-Party signs elsewhere in the Town.</p>	<p>Moderate</p>	<p>Possible</p>	<p>Moderate</p>	<p>Clearly document and articulate the importance of location and context in the assessment of this recommendation.</p> <p>This may serve as a distinguishing feature when compared against future proposals.</p>

## Financial implications

<p><b>Current budget impact</b></p>	<p>Not applicable</p>
<p><b>Future budget impact</b></p>	<p>Not applicable</p>

## Analysis

22. The development site for the proposed large format digital sign is located on land reserved as 'Primary Regional Road Reserve' under the Metropolitan Region Scheme (MRS). The land is not zoned under Town Planning Scheme No.1. This means that development approval is only required to be granted under the MRS.
23. The Western Australian Planning Commission (WAPC) gives power to local government to determine certain types of application for development approval, pursuant to the MRS. This delegation is outlined in WAPC's Instrument of Delegation (refer to the relevant documents below for further information).
24. In relation to this application, the Town of Victoria Park can determine this application provided that it accepts the recommendations provided by all public authorities. This is outlined at Clause 4 of Section B of WAPC's Instrument of Delegation.

25. On 14 August 2019, Main Roads WA (being a required referral agency) advised that the application is recommended for approval, subject to an application being submitted to and approved by Main Roads WA to conduct works on a road.
26. In September 2019, a report was considered by Council that recommended that the application be approved, subject to conditions. However, at the September Ordinary Council meeting Council resolved to refuse the application. This was inconsistent with Main Roads WA's recommendation on the proposal.
27. In this circumstance, WAPC's Instrument of Delegation requires that the application be referred immediately to the WAPC for determination.
28. It is recommended that Council provides a recommendation to the WAPC on the application, including reasons why Main Roads WA recommendation of approval is not acceptable to Council.
29. Alternatively, should Council resolve to recommend approval of the application, Council will be reinstated as the decision maker.

## **Relevant documents**

- [WAPC's Instrument of Delegation – DEL 2017/02 'Powers of Local Government and Department of Transport, Metropolitan Region Scheme'](#)
- [WAPC's Instrument of Delegation - DEL 2017/02, amendment 18 December 2018](#)

## 12 Chief Operations Officer reports



## 13 Chief Financial Officer reports

### 13.1 Schedule of Accounts for August 2019

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Ann Thampoe
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary Listing - August 2019 [ <b>13.1.1</b> - 8 pages]

#### Recommendation

That Council:

1. Confirms the accounts for 31 August 2019 as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Confirms the direct lodgment of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

#### Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 31 August 2019.

#### 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) Regulation 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.

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608614– 608626	30,348
Creditors – EFT Payments		4,055,884
Payroll		1,112,913
Bank Fees		3812
Corporate MasterCard		5401
		<b>5,208,358</b>
<b>Trust Account</b>		
Automatic Cheques Drawn	3693-3694	700.00
		<b>700.00</b>

## 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.	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 payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

## Legal compliance

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

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
<b>Financial impact</b> Misstatement or significant error in Schedule of Accounts	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

## 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

1. 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](#)

## 13.2 Financial statements for the month ending 31 August 2019

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Ann Thampoe
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Financial Statements for the month ending August 2019 [13.2.1 - 39 pages]

### Recommendation

That Council:

- a. Accepts the Financial Activity Statement Report – 31 August 2019, as attached
- b. Reallocates budget funds to facilitate purchase of required IT hardware for Waste operations of \$4,700.00
- c. Amends the individual meeting attendance fees for Councillors to \$23,000.

### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 August 2019.

### In brief

- The financial activity statement report is presented for the month ending 31 August 2019
- The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

### Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 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:
  - (a) 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.
  - (b) Expense  
Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.
3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:

- (a) Period variation  
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
- (b) Primary reason(s)  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
- (c) End-of-year budget impact  
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

4. At the Special Council Meeting held on 25 June 2019, Council approved an amendment to the draft Budget that there would be no increase in meeting attendance fees for the Mayor and Councillors. In moving this amendment to the Budget, the meeting fee for Councillors was inadvertently listed as \$23,069, when it should have been moved as \$23,000. It is proposed to correct this error in this report, noting that Administration has been paying Councillors at the correct rate of \$23,000 per annum.

## Strategic alignment

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

## Engagement

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

## Legal compliance

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
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<b>Financial impact</b> Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
<b>Compliance</b> Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Internal review of monthly financial activity statement. External audits of monthly financial statements.
<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

## Financial implications

<b>Current budget impact</b>	<p>Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p> <p>The following budget amendment has been included in the recommendation for approval by absolute majority with additional commentary provided within the attachment of this report:</p> <p style="padding-left: 40px;">a) Reallocate budget funds to facilitate purchase of required IT hardware for Waste operations of \$4,700.00.</p>
<b>Future budget impact</b>	<p>Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p>

## Analysis

1. The Financial Activity Statement Report – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Activity Statement Report – 31 August be accepted.

## 14 Committee Reports

## 15 Applications for leave of absence

## 16 Motion of which previous notice has been given

### 16.1 Cr Brian Oliver - Perth Football Club - new facility

In accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011, Cr Brian Oliver has submitted the following notice of motion.

#### Motion

That Council requests the CEO to provide a report to Council at its November 2019 meeting outlining:

1. Meetings held between Town staff and/or Elected Members and Perth Football Club staff and/or Board members between the period of 1 March 2019 and 15 October 2019.
2. Matters or actions discussed and/or agreed to at the meetings identified in point 1.
3. New information and/or plans relating to the proposed new facility for the Perth Football Club.

#### Reason

Since the election of the Perth Football Club's new president, Bob Shields, in early 2019, Elected Members have been advised of meetings held between the Town and Perth Football Club over the past eight months. Information provided to Elected Members about these meetings, and any actions or outcomes of these meetings, has been limited.

After attending the Perth Football Club members' forum on Monday, 7 October, a Perth Football Club spokesperson advised members that architectural plans had recently been provided to the Town's administration about a proposed new design for a new community facility for the Perth Football Club. This Notice of Motion is to ensure Elected Members and the community are informed about discussions and/or decisions that have been made relating to a new community facility for the Perth Football Club.

#### 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.	Ensure the community is informed about discussions and/or decisions that have been made relating to a new community facility for the Perth Football Club.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensure Elected Members are informed about discussions and/or decisions that have been made relating to a new community facility for the Perth Football Club.

<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.	In 2015 a Business Case was jointly developed by the Town in conjunction with the Department of Sport and Recreation, West Australian Football Commission and Perth Football Club to support the redevelopment of the Perth Football Club's facilities as part of the Lathlain Precinct Redevelopment Precinct. It is important for the community and Elected Members to be informed of progress and/or decisions being made in regards to this Town-owned facility.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Ensure Elected Members and the community are informed about discussions and/or decisions that have been made relating to a new community facility for the Perth Football Club.



## Officer response to notice of motion

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Gregor Wilson
<b>Responsible officer</b>	Gregor Wilson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. The Town acknowledges receiving the notice of motion.
2. The information requested will be provided to the November 2019 OCM.

## Legal compliance

Not applicable.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
<b>Reputational</b> Negative public perception towards the Town if negotiations and meetings do not appear to be transparent	Moderate	Likely	High	Provide report to Council on meeting so far. Provide ongoing progress reports for the project

## 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.

## Relevant documents

Not applicable.

- 17 Questions from members without notice**
- 18 New business of an urgent nature introduced by decision of the meeting**
- 19 Public question time**
- 20 Public statement time**
- 21 Meeting closed to the public**
  - 21.1 Matters for which the meeting may be closed**
  - 21.2 Public reading of resolutions which may be made public**
- 22 Closure**