



TOWN OF
VICTORIA PARK

Ordinary Council Meeting Agenda – 15 September 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm** on **Tuesday 15 September 2020** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

11 September 2020

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1 Declaration of opening

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

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*.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Cr Ronhhda Potter
Cr Wilfred Hendriks
Cr Luana Lisandro

Jarrah Ward

Deputy Mayor Bronwyn Ife
Cr Vicki Potter
Cr Brian Oliver
Cr Jesvin Karimi

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Mr Ben Killigrew

Chief Financial Officer

Mr Michael Cole

A/Chief Community Planner

Mr David Doy

Manager Development Services

Mr Robert Cruickshank

Manager Governance and Strategy

Ms Bana Brajanovic

Secretary

Ms Amy Noon

Public liaison

Ms Alison Podmore

3.1 Apologies

Chief Community Planner

Ms Natalie Martin Goode

3.2 Approved leave of absence

Banksia Ward

Cr Claire Anderson

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 Responses to public questions taken on notice at the Ordinary Council Meeting held on 18 August 2020

Vince Maxwell

1. *In regards to item 13.1, what is the public benefit?*

The relocation creates a number of public benefits. The existing right-of-way crossover to Shepperton Road is non-compliant entering onto a 30,000 car a day primary distributor road with the crossover only 50km away from a four-lane traffic light intersection. Main Roads have confirmed the realignment of the access point onto Shepperton Road and resulting slip lane achieved will satisfy Development Control Policy 5.1 and bring the existing non-compliant right-of-way crossover up to a current safer design standard.

The Town also currently experiences a high level of anti-social behaviour and crime-related activity, with the area being a known crime hot spot with a large volume of car break ins. This is due in part to the current layout of the dedicated road being back of shop and the derelict nature of the surrounding businesses. The overall redevelopment of the surrounding properties anticipated will noticeably reduce anti-social behaviour and crime-related activity. The original council report for the contract with Fabcot also highlighted other community benefits resulting in hundreds of new jobs and ongoing local employment opportunities, economic stimulus, retaining of public access for an increased number of car bays, upgrading of the streetscape and a noticeable increase in rates received by the Town.

2. *How many of the 31 staff that have subsidised cars are now paying \$75 a week?*

There are no staff paying the increased contribution. As noted in the report to Council, changes to staff contribution rates may impact on existing contracts and will be subject to negotiation with the staff concerned. Any new staff appointments, that have a vehicle included as part of their contract of employment, will pay the \$150.

3. *How much was allocated in the budget for fringe benefits tax for staff cars?*

The total budget for fringe benefits tax is \$315,300. The general breakdown is:

Motor vehicle	(45%)	\$142,622
Entertainment	(3%)	\$10,676
Car parking	(51%)	\$162,001

Mike Lanternier

1. *What was cost of new artworks at Lathlain Place and who were they purchased from?*

There are two artworks. One was purchased from Tony Jones for \$30,000 and the other from Jon Tarry for \$50,000.

5.2 Responses to public questions taken on notice at the Special Council Meeting held on 1 September 2020

Vince Maxwell

1. *The letter from Glen McLeod on 17 August states that no such advice was provided to the Town from DPLH and requested that an email be attached to the agenda. Did the Town receive the email and why was it not included in the agenda appendices? What is the Town hiding?*

The email from DPLH referred to in Glen McLeod Legal's letter of 17 August was not an email sent to the Town. It was an email between Glen McLeod Legal and DPLH. Therefore, the Town would not attach emails between two separate parties.

2. *Are you saying elected members have no protection that is similar to parliamentary privilege?*

Councillors do not have parliamentary privilege as such. However, under Section 9.56 of the *Local Government Act 1995* members of Council are protected provided that in the performance of their functions they have acted in good faith. This section does not however relieve the Town any liability.

5.3 Responses to public questions taken on notice at the Agenda Briefing Forum held on 1 September 2020

Vince Maxwell

1. *Given that you are considering that advice, and it has been a fairly high profile case, are you going to be in a position to advise Councillors on whether they should or should not participate by next Ordinary Council Meeting in 2 weeks' time?*

The Town has taken further advice in relation to this matter and this advice provides that given the exemptions provided under the *Local Government Act 1995* for Councillors to be able to vote on Town planning scheme amendments that this would override any common law interest arising such as 'apprehended bias'.

2. *How many of the 31 employment contracts that have subsidised commuter vehicles linked to them where signed by the CEO after 13 October 2015?*

There are only 29 commuter vehicles now. Only eight employees commenced after 13 October 2015 and none of the contracts were signed by the CEO.

Sam Zammit

1. *In the solar panels that we intend to spend around \$110,000, do we intend to get to sell our power back to the grid?*

The Town does intend to offset/sell the power to reduce costs to other high use facilities and is investigating options to do so.

5.4 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 18 August 2020.
2. Confirms the minutes of the Special Council Meeting held on 1 September 2020.
3. Receives the notes of the Agenda Briefing Forum held on 1 September 2020.
4. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 10 August 2020.
5. Receives the notes of the COVID-19 Response Working Group meeting held on 13 August 2020.
6. Receives the notes of the Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Advisory Group meeting held on 3 September 2020.

8 Presentation of minutes from external bodies

Recommendation

That Council:

1. Receives the minutes of the Tamala Park Regional Council meeting held on 20 August 2020.
2. Receives the minutes of the WALGA South East Metropolitan Zone meeting held on 10 September 2020.

9 Presentations

9.1 Petitions

9.2 Presentations

9.3 Deputations

10 Method of dealing with agenda business

Recommendation

That items 12.5, 13.3, 14.1, 15.1, 15.2, 15.3 and 15.4 be adopted by exception resolution, and the remaining items be dealt with separately.

11 Chief Executive Officer reports

11.1 Penalty Units Local Law 2020

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Anthony Vuleta
Voting requirement	Absolute majority
Attachments	1. Penalty Units Local Law 2020 [UD0Y] [11.1.1 - 5 pages]

Recommendation

That Council gives notice, that it intends to make the *Town of Victoria Park Penalty Units Local Law 2020*, as at attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

Purpose and effect of the local law

The purpose object of this local law is to prescribe the value of a penalty unit for the purposes of modified penalties expressed in penalty units under other local laws.

The effect of this local law is to set the value of a penalty unit for the purposes of other local laws within the district.

Purpose

To commence the process for making the *Penalty Units Local Law 2020*.

In brief

- As part of the review of the fencing and parking local laws, consideration was given to whether a penalty units system should be implemented, to more easily change penalties over time.
- A penalty unit system is used in the City of South Perth and under the *Road Traffic Code 2000*.
- If adopted, a penalty would be calculated by multiplying the value of the penalty unit by the number of penalty units.
- The adoption of this local law will not change any penalties, only set the value of a penalty unit.

Background

1. A review has been conducted of two local laws relating to fencing and parking. As part of this review it was identified that a potential improvement could be the adoption of a penalty unit system.
2. The Town currently utilises fixed penalties for infringements which may be amended during an eight-year review. In the case of some local laws, these infringements have not been reviewed since.

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.	Addressing inflation demonstrates appropriate financial management.

Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Elected members discussed the proposed penalty units local law at the concept forum on 28 July 2020.

Other engagement	
Stakeholder	Comments
McLeods Barristers and Solicitors	The Town engaged McLeods Barristers and Solicitors to provide advice in relation to the proposed law.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Due to the decreases in the relative value of penalties people may	Moderate	Possible	Medium	Low	Treat by creating mechanism to regularly increase penalty values

	more regularly flout the law placing people at risk of injury.						
Infrastructure/IC T systems/ utilities	Not applicable.					Medium	
Legislative compliance	Not applicable.					Low	
Reputation	Low penalties for breaches of local law draw media attention if the result is constant flouting of the law.	Minor	Possible	Low	Low		Treat by creating mechanism to regularly increase penalty values
Service delivery	Not applicable.					Medium	

Financial implications

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

Analysis

- Penalty units are used in the *Road Traffic Code 2000* and in other jurisdictions as they allow the value of penalties to change over time. This is in recognition that due to inflation; fixed penalties diminish in relative value over time.
- An example of this is the *Activities on Throughfares and Trading in Throughfares and Public Places Local Law 2000* which has a number of modified penalties of \$100. While this is still a significant penalty, the relative value of \$100 in 2003 as compared to \$100 in 2020 is quite different.
- What a penalty unit local law achieves is that every year the Town can consider changes to the value of a penalty unit, as an example this may be used to match inflation. If the value of a penalty unit in 2021 is \$10.00 and there is 1% movement in CPI. The Town could then adopt an amendment local law that increases the value of the penalty unit by 1% to \$10.10. This would then cascade through other local laws meaning the value of a 7 penalty unit parking infringement becomes \$70.70.

6. Despite any increase in the value of a penalty unit, under section 9.17(3) of the *Local Government Act 1995*, no modified penalty on an infringement can exceed 10% of the maximum penalty. Currently the maximum penalty in a local law is \$5,000, accordingly the maximum infringement penalty is \$500.
7. In order to utilise penalty units, other local laws would need to be amended to include an updated schedule of modified penalties based on the penalty unit system. This is proposed to occur as each local law comes up for review. In the meantime, the current fixed monetary penalties would apply.

Next steps

8. In accordance with section 3.12 of the *Local Government Act 1995*, prior to making any local law, the Town is required to give local public notice of the draft law and receive submissions from the public for at least six weeks.
9. Following the conclusion of the submission period, the local law will be resubmitted to Council for its consideration as to if it should be made.

Relevant documents

Not applicable.

11.2 Corporate Business Plan review

Location	Town-wide
Reporting officer	Joshua Norris
Responsible officer	Anthony Vuleta
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Corporate- Business- Plan-2017-2022 DRAFT Tracked Changes [11.2.1 - 154 pages] 2. Corporate- Business- Plan-2017-2022 DRAFT [11.2.2 - 146 pages] 3. Corporate Business Plan Property Development and Leasing DRAFT pages- 122-123 [11.2.3 - 2 pages]

Recommendation
<p>That Council endorses the amended Corporate Business Plan 2017-2022, as at attachment 2, resulting from the review conducted in accordance with regulation 19DA of the Local Government (Administration) Regulations 1996.</p>

Purpose

To present proposed changes resulting from the review of the Corporate Business Plan for consideration by Council.

In brief

- In accordance with regulation 19DA of the Local Government (Administration) Regulations 1996, “A local government is to review the current corporate business plan for its district every year” and “A local government may modify a corporate business plan, including extending the period of the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan”.
- The Town has conducted a review of the Corporate Business Plan and made changes to deliverables and amendments to the content of the document.

Background

1. The [Department of Local Government Sports and Communities \(DLGSC\) Integrated Planning and Reporting Framework and Guidelines](#) state that every two years, local governments are required to undertake a review of the Strategic Community Plan, alternating between a minor and major review. A minor review, according to the Departmental guidelines, is “primarily a desktop exercise and usually focuses on resetting the Corporate Business Plan.”.
2. Regulation 19DA(4) of the Local Government (Administration) Regulations 1996 states “A local government is to review the current corporate business plan for its district every year”.
3. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available. The plan highlights the services, operations, projects and initiatives a local government will deliver within a defined period. It also includes the measures associated with delivering services, operations and projects and the costs associated.

4. The Integrated Planning and Reporting Framework (IPRF), the overarching umbrella which encompasses both the Strategic Community Plan and Corporate Business Plan, is a set of strategic and operational documents that the Town is required by legislation to prepare to plan for the future of its community. These documents include:

Document	Purpose
Strategic Community Plan	<p>The Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a 10 to 15-year period. The Town’s Strategic Community Plan was last endorsed in June 2019.</p> <p>A major review of the Strategic Community Plan has commenced and is anticipated to be completed by October 2021.</p>
Corporate Business Plan This is the subject of review.	<p>The Corporate Business Plan is an operational document that activates the Strategic Community Plan over a four-year period. The Corporate Business Plan was last endorsed in December 2019.</p>
Long-term Financial Plan	<p>The Long-term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a 10-year period. The Long-term Financial Plan was last endorsed in September 2017. In accordance with DLGSC guidelines, the plan should be reviewed regularly and is scheduled for review this year.</p>
Asset Management Plans	<p>Asset planning is intended to integrate the expected cost of maintaining assets at agreed service levels with financial projections informing the Town’s Long Term Financial Plan. The Town’s Asset Management Plans were last endorsed in June 2017. In accordance with DLGSC guidelines, the plans should be reviewed regularly. The Asset Management Plans for Property, Transport and Parks and Recreation are currently under review.</p>
Workforce Plan	<p>Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works. The Town’s Workforce Plan was last endorsed in June 2017. In accordance with DLGSC guidelines the plan should be reviewed regularly. This document is currently under review.</p>

5. In December 2019, Council endorsed a reviewed Corporate Business Plan.

6. In July 2020, Council adopted the 2020-2021 Annual Budget.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensures legislative compliance, ensures the plan that translates the priorities of the Strategic Community Plan into operations remains effective and relevant.

Engagement

Internal engagement	
Staff	C-suite and Managers were asked to advise of any necessary amendments to the Corporate Business Plan along with justifications for the changes.
IPRF Steering Group	The IPRF Steering Group (comprised of C-Suite and relevant managers and officers) was consulted on the direction and process for the minor review of the Corporate Business Plan.

Legal compliance

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

[Local Government \(Administration\) Regulations 1996 REG 19DA](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable with the consideration that this report only addresses the review of the Corporate Business Plan.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/	Not applicable.				Medium	

utilities						
Legislative compliance	The Town will not be able to meet the requirement of completing a review.	Minor	Possible	Medium	Low	Treat risk by seeking Council endorsement of the changes.
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor	Likely	Medium	Low	Treat risk by providing commentary around reasons for scheduled delivery dates not being met and why they have been amended.
Service delivery	The Town is unable to plan resource levels, operational plans and work plans that enable the maintenance of service levels to the community.	Major	Possible	High	Medium	Treat risk by linking Corporate Business Plan responsibilities directly to operational service plans and Treat risk by conducting a regular review of the Corporate Business Plan, capturing changes in circumstances and new items for delivery.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable, with the consideration that this report only addresses the review of the Corporate Business Plan and all deliverables within the Corporate Business

Plan are considered and approved within the Long-Term Financial Plan, annual budget and ongoing budget reviews.

Analysis

7. This review of the Corporate Business Plan is intended to be minor in scope and with the purpose of capturing changes in circumstance or delays that have occurred since the last review.
8. The review focused on amendments to the deliverables section, taking into account impacts caused by the COVID-19 pandemic and alignment with the recent adoption of the annual budget.
9. The proposed changes are tabled below.

Deliverables

Social

Deliverable	Change made	Reason for change
Develop a Literacy and Learning Strategy	Delivery date changed to FY20/21	<p>The delay of the strategy is due to the postponing of community engagement due to COVID19.</p> <p>Original engagement was through Your Thoughts and pop up library engagement.</p>
Review the Reconciliation Action Plan	Delivery date changed to FY20/21	<p>At the July Ordinary Council Meeting Council resolved that:</p> <ol style="list-style-type: none"> 1. Approves a 12-month extension to the Town's existing Reflect Reconciliation Action Plan 2018 – 2020. 2. Approves the resubmission of the Town's Reflect Reconciliation Action Plan 2018 – 2020 to Reconciliation Australia for endorsement.
Develop a Community Development Strategy	Delivery date changed to FY21/22	<p>A review has been completed of the Community Development Service Area. This review (yet to be endorsed by C Suite) identified that the service area would benefit from the development of a specific Community Development Strategy.</p> <p>This target has been met for the FY19/20 however no specific</p>

		<p>strategy was developed and no community consultation occurred.</p> <p>No budget exists in the proposed FY20/21 so it is proposed this be delivered in FY21/22</p>
Deliver the Local History Digitisation Strategy	Delivery date changed to FY20/21	Unanticipated delays due to a data importing issue of photographs and maps to the Town's new Library Management System, combined with limited system access due to COVID19.

Environment

Deliverable	Change made	Reason for change
Review the Social Infrastructure Strategy	Delivery date changed to FY20/21	<p>At the onset of the COVID-19 emergency, the Town was considering the best methods to engage with a multitude of stakeholders.</p> <p>Because of the range and diversity of stakeholders that may need to be engaged in this review, and the amount of other engagement which is occurring across the Town during the emergency response phase, it was recommended that engagement activities be delayed until restrictions ease.</p>
Review and Update the Albany Hwy Planning Framework	Delivery date changed to FY21/22	Budget for 'Precinct Planning on Albany Highway' was approved for the 20/21 financial year.
Develop an Environment Plan	Delivery date changed to FY20/21	<p>There has been a delay in completion of the Environment Plan during the 19/20 financial year due to other priorities that have arisen during the course of the year, such as the Single-Use Plastic and Polystyrene Ban.</p> <p>Community consultation was also delayed as a result of COVID-19. Original engagement was through</p>

		<p>Your Thoughts and Farmer's Markets pop-up engagement.</p> <p>Following a review of current draft by C-Suite and Council, plan will be released for community consultation Q2 2020.</p>
Implement upgrades to the Higgins Park Tennis Courts	Delivery date changed to FY20/21	The bulk of works were completed in FY 19/20 with some minor delays caused by COVID-19 relating to the sourcing of some components e.g. lighting.
Deliver GO Edwards Stage 4	Delivery date changed to FY20/21	Initial delays caused by needing to design the laneway drainage and levels to match in with the park. Now to be constructed together.
Develop a masterplan for Higgins Park and Playfield Reserve	Delivery date changed to FY20/21	<p>The COVID-19 pandemic impacted the extensive engagement process which was underway.</p> <p>A re-design of the engagement process to an online format impacted the delivery timing of this project.</p>

Civic Leadership

Deliverable	Change made	Reason for change
Develop a Relationship Management Strategy	Delivery date changed to FY20/21	<p>Delayed due to total focus of Project Manager on the COVID Management Group.</p> <p>This deliverable is to be informed by stakeholder engagement survey outcomes being delivered by June 2020.</p> <p>The strategy is currently in draft format and delivery will be dependent on a purpose built, easy to use system for relationship managers to use - investigation of this is still being explored with support needed from IT.</p>

<p>Promote the Community Charter</p>	<p>Delivery date changed to FY20/21</p>	<p>The Community Charter was due to roll out in March 2020 however with the impact of COVID-19, no action has been taken with the total focus of Communications and Engagement on COVID-19 related communications.</p> <p>Consideration needs to be given on timing and appropriateness of release during the COVID recovery strategy.</p>
<p>Confirm location and prepare a Concept Design for Old Spaces New Places Project No.3</p>	<p>Delivery date changed to FY20/21</p>	<p>The COVID-19 pandemic impacted an extensive engagement process which was commencing.</p> <p>A re-design of the engagement occurred and will recommence at a time that is more appropriate for local businesses on Albany Highway.</p>
<p>Deliver the McCallum Hypecourts Initiative</p>	<p>Deliverable name amended to Deliver the McCallum Park Active Area detailed design</p> <p>Delivery date changed to FY20/21</p>	<p>This project was re-scoped to be included as part of the larger McCallum Park Active Area project which will see a revitalisation of the basketball courts, new skate and BMX infrastructure and various upgrades to landscaping elements.</p> <p>At the June 2020 Ordinary Council Meeting, Elected Members approved the McCallum Park Active Area Concept Report and considered the Town's budget requested for detailed design to be undertaken in the 2020/21 Annual Budget. Council also approved listing \$1.6 million in the Town's long-term financial plan, which is one-third of the approximate cost of the project.</p>
<p>Complete negotiations for the Enterprise Agreement</p>	<p>Delivery date changed to FY20/21</p>	<p>Due to the COVID-19 pandemic and associated budgetary impacts and uncertainty, Enterprise</p>

		Agreement negotiations have been placed on hold.
Develop a Customer Service Strategy	Delivery date changed to FY20/21	<p>Project plan for CS Strategy development and implementation overdue.</p> <p>Internal and community engagement to inform strategy development impacted by COVID and will now be delivered next quarter.</p> <p>The strategy is also dependent on operational review (currently underway) recommendations as an informing source. This was also delayed by COVID-19.</p>
Conduct a review of Financial Management Procedures	<p>Deliverable name amended to Conduct a Financial Management Review</p> <p>Delivery date changed to 19/20.</p>	<p>Name did not accurately reflect the deliverable.</p> <p>Date changed to reflect current state.</p>
Review the Strategic and Operational risk registers	Delivery date changed to FY20/21	<p>While the review of the risk management framework conducted earlier this year saw the adoption of a new Strategic Risk Register, the Operational Risk Register still requires more work.</p> <p>This work was due to be delivered by a shared resource with the City of Vincent originally commencing in April 2020. As a result of social distancing measures and uncertainty brought by COVID-19, the starting date for that role was postponed until the end of May.</p> <p>This resource has since joined the Town and work on this deliverable has commenced.</p>
Conduct a review of Healthy Community's operations	Delivery date changed to FY20/21	The review of the Healthy Community service areas operations was impacted by COVID-19, limiting the ability to

		undertake internal engagement with program delivery service areas.
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Completed deliverables

10. The following deliverables have been completed since the last review of the Corporate Business Plan and the legend for delivery for each deliverable in the Corporate Business Plan has been amended to reflect the changes in status.

Social

Deliverable
Conduct a Leisure Facilities needs analysis
Design a Digital Literacy program
Review the Town's Homelessness Policy
Develop a Community Funding policy

Economic

Deliverable
Develop a Town of Victoria Park Investment Prospectus
Deliver the Safer Neighbourhoods Plan
Review the Parking Permit policy

Environment

Deliverable
Prepare a Streetscape Improvement Plan for Archer Street and Mint Street
Review the Burswood Lakes Structure Plan
Implement the ban of single-use plastics and polystyrene within Town facilities, Town run events and market stalls on Town land
Finalise the Strategic Asset Plan for the Town's Leisure centres
Finalise the Strategic Asset Plan for the Victoria Park Library
Prepare a masterplan for Edward Millen Park
Investigate a refund or donation point to support the Container Deposit Scheme

Develop a Memorial Commemorative tree planting program

Civic Leadership

Deliverable

Improve the Performance Scorecard on the Town's website

Update outcentre brands to align with the Town's brand refresh

Support the creation of a destination brand with the Inner Perth Assembly

Prepare Place Plans for each of the Town's neighbourhoods

Prepare the Etwell Street Local Centre Revitalisation Plan and detailed designs (Old Spaces New Places Project No.2)

Implement the Leadership Competency Framework

Review the Land Optimisation Strategy

Review the Investment Policy

Implement the Accounts Payable workflow system

Review Customer Service Charter, behaviours and standards

Review the Risk Management Framework

Conduct a review of Building Services' operations

Conduct a review of Customer Relations operations

Conduct a review of Financial Services' operations

Other minor changes to the Corporate Business Plan

11. Some other minor changes have been made to the Corporate Business Plan, focusing on the service area summaries and key projects sections.

Service area summaries

12. The changes made to the service area summaries focus on content that is provided for informational purposes only. The amended content has no impact on the delivery of the Corporate Business Plan and is subject to regular change.

13. No amendments have been made to the 'Workforce Projections', 'Operating Financial Projections' or 'Key Risk Profiles' components of each service area.

Page	Page section	Change made
78	Aqualife service	Change to service statement, at a glance and ongoing activities

	area	sections.
80	Asset Planning service area	Changes to service statement, key functions, at a glance and ongoing activities sections.
82	Building Services service area	Changes to service statement, at a glance and ongoing activities sections.
84	Communications and Engagement service area	Changes to at a glance and ongoing activities sections.
86	Community Development service area	Changes to key functions section.
88	Customer Relations service area	Change to service statement section.
90	Digital Hub service area	Change to service statement, key functions, at a glance and ongoing activities sections.
92	Environment service area	Change to primary strategic outcome (better alignment), service statement, key functions, at a glance and ongoing activities sections.
96	Financial Services service area	Change to service statement, key functions, at a glance and ongoing activities sections.
98	Fleet Services service area	Change to key functions, at a glance and ongoing activities sections.
100	General Compliance service area	Addition to ongoing activities section.
102	Governance and Strategy service area	Changes to key functions and at a glance sections.
104	Healthy Community service area	Changes to key functions and at a glance sections.
106	Information Systems service area	Changes to service statement, key functions, at a glance and ongoing activities sections.
108	Leisurelife	Changes to key functions section.
110	Library Services service area	Changes to ongoing activities section.
112	Parking service area	Change to service statement section.

114	Parks and Reserves service area	Changes to key functions section.
116	People and Culture service area	Change to service statement.
118	Place Planning service area	Change to service statement, key functions, at a glance and ongoing activities sections.
120	Project Management service area	Changes to service statement, key functions, at a glance and ongoing activities sections.
122	Property Development and Leasing	Addition of new service area that was previously incorporated into the Project Management area.
124	Ranger Services service area	Change to service statement.
126	Street Improvement service area	Change to key functions, at a glance and ongoing activities sections.
128	Urban Planning service area	Change to key functions and at a glance sections.
130	Waste Services service area	Change to key functions.

Key projects

Deliverable	Change made
Lathlain Redevelopment (Zone 2)	Removed, project completed.
Lathlain Redevelopment (Zone 2x)	Removed, project completed.
John Macmillan Precinct Masterplan	Name changed to reflect project name, Macmillan Precinct Masterplan.
Rutland Avenue Principal Shared Path	Project added.
Underground Power – Victoria Park East	Scheduled completion year amended to reflect current estimates for project completion.
Underground Power – Carlisle North	Scheduled completion year amended to reflect current estimates for project completion.
Underground Power – Victoria Park	Scheduled completion year amended to reflect current estimates for project completion.

Network Renewal Underground Program Pilot - St James (subject to Council endorsement of item 13.2 in this agenda)	Project added. Scheduled commencement in February 2021 and completion by September 2022 if endorsed by Council.
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Next steps

- 14. The Corporate Business Plan document will be graphically updated to reflect the changes made as a result of the review.
- 15. The Town is currently undertaking a major review of the Strategic Community Plan through a robust community engagement process. This will include a major reset of the Corporate Business Plan that will plan the delivery of projects, works and operations for future years, revised workforce projections, operating financial projections and operational risk profiles. It is anticipated that the review of the Strategic Community Plan will be completed by October 2021.

Relevant documents

[DLGSC IPR Framework and Guidelines](#)

Further consideration

Following the Agenda Briefing Forum held on 1 September 2020 the following additional information is provided.

Has consideration been given to combining the development of a Youth Plan or Strategy within the proposed Community Development Strategy?

- 16. Consideration has not been given to combining the development of a Youth Plan within the proposed Community Development Strategy. Council endorsed funds to develop a Youth Plan in the 20/21 budget. A Youth Plan identifies the youth interests, issues and aspirations of the community and establishes priorities and strategies to guide the Town in its provision of youth services.

17. The Town could include the Youth Plan or Strategy as a component/chapter (as well as the other portfolios) of the Community Development Strategy in 2022 as per the timing outlined in the Corporate Business Plan.

Considering the Council has informing strategies and plans within the Community Development portfolio, why is a Community Development Strategy deemed necessary?

- 18. The Community Development Strategy is discretionary. Its purpose is to explore gaps in service delivery that arise from the major review to the Strategic Community Plan and provide an explicit implementation plan for the Community Development Service Area to action. This could also be achieved via reviews to existing portfolio-based plans and strategies.

COVID-19 has been identified as a reason for the delay or pausing of projects and initiatives within the Corporate Business Plan. Has the Town returned to full operations and have all delayed or paused projects recommenced?

- 19. The resumption status of each deliverable delayed by COVID-19 are as follows:

Deliverable	Resumption status
Develop a Literacy and Learning Strategy	The Literacy and Learning Strategy is currently being managed by an acting officer due to a vacancy of the Learning and Literacy Officer position. While the project has resumed, progress is expected to increase in pace

	upon the appointment of a Learning and Literacy officer.
Deliver the Local History Digitisation Strategy	The Local History Digitisation has progressed and is in the final stages of design draft.
Review the Social Infrastructure Strategy	An engagement audit has been progressed to identify recurring community viewpoints and trends, and to inform the overall engagement approach for the project.
Develop an Environment Plan	Internal consultation input has been integrated into the draft plan. Feedback will be presented to C-Suite and Council prior to being released for public comment.
Implement upgrades to the Higgins Park Tennis Courts	The Project is near completion, with turf renovations finalised at the end of August.
Develop a masterplan for Higgins Park and Playfield Reserve	The Draft Higgins Park and Playfield Reserve Masterplan has been completed and is currently before Council to proceed to public advertising.
Develop a Relationship Management Strategy	<p>Development and a draft of the strategy is complete, with feedback being sought.</p> <p>This was informed by Council – Community Relationship stakeholder engagement survey outcomes completed in July 2020.</p> <p>Investigation of a system to support the strategy is currently being explored with ICT.</p>
Promote the Community Charter	Communications Plan complete. Due to be delivered in early October with the theme of 'new beginnings, our new commitment to you'.
Confirm location and prepare a Concept Design for Old Spaces New Places Project No.3	<p>Following a delay to the engagement due to the COVID-19 pandemic the Town has recommenced the engagement process to determine a suitable location for this project.</p> <p>A community survey was completed during August, with a 'walkshop' planned for 5 September and further community survey planned for 22 September to 6 October to determine the preferred location.</p>
Complete negotiations for the Enterprise Agreement	A meeting is was held 9 September to discuss next steps.
Develop a Customer Service Strategy	Internal and community engagement to inform strategy development that was impacted by COVID is now underway.

	The strategy has also been dependent on a Customer Service operational review which has been complete, with recommendations also being used as an informing source.
Review the Strategic and Operational risk registers	The reviewed Strategic Risk Register was endorsed by Council at its 18 February 2020 meeting. Council resolved at this OCM that biannual strategic risk reviews be conducted, with the CEO to present a report on a review of strategic reviews at the Audit & Risk Committee in September 2020. An update will be provided to the Audit & Risk Committee by the CEO advising of the current state of the Strategic Risk Review.
Conduct a review of Healthy Community's operations	Internal team engagement completed. Engagement has begun with other service areas across the Town.

In the tracked changes version of the CBP, under Parks and Reserves, one key function that has been added is the planting of a minimum of 300 trees throughout the district. Why was 300 chosen as the minimum?

20. The tree planting figure of 300 per annum in the Parks and Reserves 'service area overview' was included within the Corporate Business Plan and the Annual Budget 2020-2021 as an informational statistic relating to average tree planting volumes in previous years. The figure is typical of the Town's regular tree planting per annum.
21. The figure is based upon the Town's annual tree planting program and does not include tree planting that are part of the Urban Forrest Strategy (UFS), which has specific projects to address and are captured as part of the UFS program, revegetation works like those at Kensington Bushland or George St, or large park upgrades like John MacMillan and GO Edwards.
22. A correction has been made to the Property Development and Leasing service area overview on page 122 of the draft Corporate Business Plan. Specifically, the Primary Strategic Outcome as listed in the draft presented to Agenda Briefing Forum was incorrect and has since been amended to align with the Strategic Community Plan. Refer to attachment 11.2.3 for the amended version to be included in the final designed document.

12 Chief Community Planner reports

12.1 826 Albany Highway, East Victoria Park - Proposed Commercial Building Alterations and Signage

Location	East Victoria Park
Reporting officer	Alex Thamm
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Development Plan Set [12.1.1 - 22 pages] 2. Attachment 2 - Planning Report [12.1.2 - 6 pages] 3. Attachment 3 - Road Safety Assessment Report [12.1.3 - 36 pages] 4. Attachment 4 - Amended Plans (Updated Visuals) [12.1.4 - 16 pages] 5. Elder Street SMP [12.1.5 - 2 pages] 6. Holden SMP [12.1.6 - 3 pages] 7. King Rd SMP [12.1.7 - 3 pages] 8. Amended plans received 10-9-20 [12.1.8 - 8 pages]

Landowner	Henry Tumewa
Applicant	Pinnacle Planning
Application date	25 May 2020
DA/BA or WAPC reference	5.2020.289.1
MRS zoning	Urban
TPS zoning	District Centre
R-Code density	Not Applicable
TPS precinct	Precinct P11 – Albany Highway
Use class	Shop
Use permissibility	P - Permitted
Lot area	327m ²
Right-of-way (ROW)	Isaia Lane
Municipal heritage inventory	Not Applicable

Residential character study area/weatherboard precinct	Not Applicable
Surrounding development	Typical single and two storey 'strip' commercial buildings from the north-west to the south-east along Albany Highway. A major shopping centre (The Park Centre) is located directly adjacent to the subject site, across the road to the west. Residential properties along Mint Street are located within 100m of the subject site to the east.

Recommendation

That Council approve the application and plans dated received 10 September 2020 submitted by Pinnacle Planning (DA Ref: 5.2020.289.1) for proposed alterations and additions to the existing building at No. 826 (Lot 502) Albany Highway, East Victoria Park in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:

1. This approval does not include the approval of the proposed roof signage and associated structures as annotated on the approved plans.
2. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
3. Complete details of the proposed external colours, finishes and materials are to be provided to the satisfaction of the Town prior to submission of an application for building permit. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
4. Further details being provided of the proposed above awning sign prior to the submission of an application for a building permit, with the sign satisfying the requirement of Local Planning Policy 38 to be of a high quality finish to the satisfaction of the Town.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
6. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
7. The development, once commenced, is to be carried out in accordance with the approved plans, at all times, unless otherwise authorised by the Town.
8. This approval is valid for a period of 2 years from the date of approval. If development is not substantially commenced within this period, a further development approval must be obtained before commencing or continuing the development.

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 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.

AN4 A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Albany Highway and Mint Street.

AN5 A further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the Town of Victoria Park Urban Planning Department on 9311 8111 or admin@vicpark.wa.gov.au.

Purpose

For Council to consider an application for alterations and additions to the existing building at 826 Albany Highway, East Victoria Park, inclusive of a digital roof sign containing third party content.

Given the proposed roof signage element, and the Town's concerns regarding this aspect of the development, the matter is referred to Council for determination.

In brief

- The application seeks to modify the existing building façade by:
 - Removal of existing window, wall and awning signage;
 - Removal of existing awning to street;
 - Replacement of existing awning with modern design and materials, extending around further down the Mint Street façade;
 - Increase in wall parapet to fascia of building;
 - New under awning tenant signage;
 - New above awning sign on wall of upper floor;
 - Rationalisation of all window signage to new fascia LED sign located on the roof of the building. The proposal sign is digital and is to contain third party content.
 - Renewed paint scheme to building facade;
 - Landscaping to rear parking area; and
 - Mural artwork to Mint Street façade.

- The proposed alterations, excluding the roof sign and associated structures, are considered acceptable and will result in a positive improvement to the appearance of the existing building.
- The roof sign however is considered to be visually prominent given its location, size, height (being on the roof) and digital nature, to an extent that the sign is considered inappropriate.
- It is considered that the roof sign does not satisfy applicable objectives and criteria of relevant Local Planning Policies.
- As the proposed alterations, excluding the roof signage and associated structures, are considered acceptable, the proposal is recommended for conditional approval with the proposed roof signage and associated structures not forming part of the approval.

Background

1. On review of the Town's historical aerial imagery, a building has existed at the subject site since circa 1965.
2. At the March 2007 Council meeting, Council approved retrospective signage to the existing shop for a number of signs which were as follows:
 - Two wall signs of 1200mm x 2400mm each located above the awning and a third sign of 1200mm x 1800mm also located above the shop awning.
 - Three awning signs fixed to the outer fascia of the awning.
 - One under verandah sign secured to the underside of the awning (along Albany Highway façade).
 - Signage directly under the awning, secured to the wall above the entrance doors.
 - Signs fixed to the glass windows and door stops.

While the Officer's recommendation included conditions to limit the number of signs above the verandah and the amount of signage affixed to the glass windows to be reduced, the Council resolved to delete such conditions and the signage was conditionally approved. The signage approved related to the business "Specs 2-4-1".

3. It is noted that additional signage related to the business "Western Building" has been placed onto the building's external façade without approval.
4. A review of the Town's Signs Local Law was undertaken in 2017, resulting in the repeal of the Local Law and the adoption of a new Local Planning Policy 38 'Signs' in November 2018.
5. A Development Application for alterations and additions, including signage, was submitted to the Town on 25 May 2020, inclusive of development plans (see Attachment 1), a Planning report in support of the development (see Attachment 2) and a Road Safety Assessment Report (see Attachment 3).
6. Written correspondence and meetings have occurred between the applicant and Officers regarding the merits of the development, and more specifically the Officer's concerns regarding the roof signage component of the application.
7. Updated visuals of the proposal have been prepared and submitted by the applicant (see Attachment 4)
8. In recent times, other applications for digital signs containing third party content have been received by the Town and determined as follows:

- a. Application for third party digital roof sign at 366 Albany Highway – refused by Council;
- b. Application for third party digital sign on Victoria Park Drive overpass bridge over Graham Farmer Freeway – recommended for refusal by Council; approved by the Western Australian Planning Commission;
- c. Application for third party digital sign on a portion of the Belmont Park Racecourse site – recommended for approval by Council Officers; approved by the Metro Central Joint Development Assessment Panel.

Application summary

9. As described above, this application for development approval relates to a number of proposed modifications to the façade of the existing commercial building.
10. Notable façade works include : replacement of the existing awning with a new awning that extends further along the Mint Street frontage; new paint treatment to the building façade; painted artwork to Mint Street façade; removal of existing signage and installation of new tenant signage; increase in parapet height at the top of the building of up to 3.52m with louvred feature battens; new digital roof sign integrated into parapet feature.
11. In relation to tenant signage the application proposes to remove a number of existing wall, awning, window and above awning signs, and rationalise tenant signage to:
 - A single above awning sign fronting Albany Highway; and
 - Two below awning signs to the Albany Highway frontage; and
 - Two below awning signs to the Mint Street frontage.
12. In addition to the proposed tenant signage, the application proposes the construction of a roof sign located within a new parapet/roof structure, as follows:
 - Total 'Roof' sign area: 26.5m²;
 - Signage width (Albany Highway): 1.7m;
 - Signage width (Mint Street): 6.4m;
 - Total height (above natural ground level): 10.7m
 - Advertisement dwell time: 45 seconds per advertisement, as recommended in Road Safety Assessment Report (Attachment 3, Page 12).
13. The 'Above Awning' signage and 'Below Awning' signage are stated to relate specifically to the tenants of the building itself while the digital roof sign is proposed to display the tenants of the building, local community events, tourism and general commercial signage.
14. The following image illustrates the signage elements of the proposed development:



15. In their discussions with the Town the applicant has advised that the improvements (alterations) to the building facade are contingent on the approval of the roof sign.

Applicants submission

16. As part of the applicant's original development application, a planning report has been submitted in support of the development application. This appears in full at Attachment 2. The planning report states in part as follows:

"...The proposal looks to take a tired, visually unappealing building on a major intersection of the Albany Highway Ribbon Precinct, remove the visual clutter, rationalise signage on site to predetermined locations, and combine a new awning, fascia treatments and wall artwork to significantly improve the visual amenity of the locality.

The LED signage panel is proposed to display tenants of the building, local community events and tourism, and general commercial signage. The location opposite a major shopping location, and other commercial businesses speaks to the appropriateness of the locality for the signage format.

The signage has been designed in conjunction with Cardno, to ensure placement is outside of the viewing corridor of traffic lights, and is located as a location considered to be safe (discussed further below).

At the street level, the proposal incorporates a number of streetscape improvements, including removing all window signage, providing landscaping to the Mint Street rear setback area, along with a feature public artwork installation.

The desired result is to bring the façade appearance of the building to a modern, town centre standard, improve interaction between the tenancy and street, provide visual interest to the public realm with the public art installation, and provide vibrancy befitting a centre locality...

... the following conclusions are evident:

- *The proposal incorporates a range of façade improvements to the existing building;*
- *The proposal is consistent with the Albany Highway Precinct Plan;*
- *The proposal is capable of having discretion exercised in order to support the signage components;*
- *The streetscape outcome, as a result of the proposal, will be a vast improvement over the current building;*
- *The proposal incorporates a significant reduction in the number, and overall façade occupation of signage;*
- *The proposal provides visual interest to all facades, and proposed street art to the Mint Street elevation; and*
- *The amenity of the locality will be enhanced, on the basis of the proposal being approved.*

Given the above, we believe that the proposal is appropriate, and ought to be approved by the Town..."

17. The applicant's self-assessment of the proposal against the local planning framework, inclusive of the Town's Local Planning Policy 'Signs' and Clause 30A of the Scheme Text is included as part of the planning report (see pages 7-9 of Attachment 2). In regards to these items, the applicant states the following:

Town of Victoria Park Local Planning Policy 38 – Signs

"...Under the provisions of LPP 38, the upper level fascia sign is best described as a variable message sign, as it incorporates tenancy signage, community signage, and general commercial signage. All signage that is sought of this type, as per LPP 38, is to address Part 3 of the Policy.

With respect to Part 3 of LPP 38, the following criteria are set out in order to be addressed with respect to approving a signage type requiring discretion under the policy..."

CL30A of Town Planning Scheme No.1

"...With respect to the impact of the signage proposed, as described further above, all current wall, awning and window signage is to be removed, and replaced with a single tenant sign wall sign, and centralised LED signage panel. This outcome not only reduces visual clutter, evidently demonstrates on the existing and proposed streetscape renders, but frees up the windows of the building, to actually enable streetscape interaction, where currently there is none.

The proposal to incorporate local community messages, which can be further discussed with the Town post lodgment, would increase the legibility and vitality of the locality, and further promote the Town to travellers in the locality.

Finally, the emphasis of signage higher up the building façade, replaced with glazing to windows, and public art at the Mint Street façade, means that the rationalisation of signage enables less visual clutter at the lower levels, and replaced with items that make for a more pleasant streetscape. Therefore, subclause (a) is addressed.

With respect to subclause (b), the current window, awning, and various wall signs, which are to be removed, add up to approximately 34.5m² of signage, the proposed LED sign panel, by comparison, is

26.5m² in area. Therefore, the rationalisation, at the very least, has produced a reduction in signage on the existing building on the subject site.

At the same time the building signage has been both rationalised, and reduced in area, the façade of the building has been made physically larger. The additions by way of cladding and signage, have added approximately 86.5m² to the façade of the building, and have made it appear, and read more as a three-storey building from the street. In this regard, the proposed modifications to the faced and signage, all combine to make the visibility of signage, in terms of façade occupied, much reduced overall, as compared with the current state of the building. The proposal therefore satisfies sub- clause (b).

Sub Clause (c) seeks to ensure that the colour scheme and style of sign is compatible with the building. We confirm that the proposal has been architecturally conceived, in a manner than ensures integration of all elements. This sub-clause is therefore addressed. In relation to sub-cause (d), the proposal is designed to provide a monochromatic design aesthetic, whilst providing for compatibility with modern, and traditional building forms. Turning to the street art proposed to the Mint Street façade, the design of this will be the subject of future negotiation with the Town, and can either feed into a more paired back aesthetic, as shown on the renders, or a more bold design can be pursued. Further collaborations will ensure the proposal is consistent with sub-clause (d).

Finally, and perhaps most importantly, the last sub-clause asks for consideration to be given to the number of existing signs on the building. The proposal seeks to remove a combined 9 signs from the building, and of those 9, replace with a single LED sign panel, this sign panel is also, from a signage area perspective, 8m² in area less signage for the building, located to a centralised, architecturally set display, and reduces the number of signs on the building by 8.

The freeing up of windows and façade space means that the building can function more in a manner befitting a high street locality, and provide opportunities for faced improvements, such as the proposed public art installation. Accordingly, sub-clause (e) is satisfied.

Based on the various points of justification provided, the proposal is capable of being considered appropriate, given the numerous benefits noted above, and level of congruency, with the matters to be satisfied..."

Relevant planning framework

Legislation	Town Planning Scheme No. 1 Planning and Development (Local Planning Schemes) Regulations 2015; and Town of Victoria Park Town Planning Scheme No.1 (TPS1)
State Government policies, bulletins or guidelines	Not Applicable.
Local planning policies	Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway (LPP 17); and Local Planning Policy 38 – Signs (LPP38)

Other	Not Applicable.

General matters to be considered

Town Planning Scheme No.1 Provisions	<p>The following provisions contained within the Town's TPS1 are relevant to consideration of the application:</p> <p>Clause 30A 'Determination of Application for Advertisements'</p>
TPS precinct plan statements	<p>The following statements of intent contained within the Precinct Plan are relevant to consideration of the application:</p> <ul style="list-style-type: none"> • <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> • <i>A cohesive and strongly identified character reflecting what already exists will be promoted in new developments</i> • <i>Signs will be controlled to ensure compatibility with the desired character of the particular area of the precinct, and, encouraged so as to continue the present vitality created by the diversity of sign types and characters..."</i> <p>Relevant text associated with the 'District Centre – East Victoria Park Shopping Centre' zone contained within the Precinct Plan states:</p> <ul style="list-style-type: none"> • <i>"This area shall be consolidated as a centre containing retail, civic, community and recreational facilities. New development shall enhance the integration of these activities in the one general area, as well as providing various facilities to improve the public domain..."</i> • <i>New development shall be of high quality and complement the existing character, style and scale of the area."</i>
Local planning policy objectives	<p>Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Areas Along Albany Highway (LPP 17)</p> <p>The following objectives of LPP17 in relation to building design are relevant in determining the application:</p> <ul style="list-style-type: none"> • <i>Façade Design</i> <i>Large buildings with predominantly horizontal lines create a tiring and intimidating pedestrian environment, with a sense of endless distances to walk. Vertical facade rhythms/patterns and interesting details make the walk alongside feel shorter.</i>

- **Façade Height**

New development need not be exactly the same height as the old, however it should be in sympathy with the existing predominant height. New development should fit into the landscape, not dominate it.

Street corners should be reinforced, buildings could be built slightly higher and/or could incorporate features such as a tower or turret to enhance their importance, an existing example would be the Broken Hill Hotel.

- **Windows/Glazing**

Shopfronts have a major impact on the quality and vitality of adjacent public footpaths and open spaces. Shopfronts change frequently, with new users and new images. Many changes however fail to meet the environmental/social needs of the shop's location. For example, a new shop on the Highway installs a roller door, effectively cutting out window shopping after hours. Window shopping is a major attraction for visiting the Highway in the evening and supports adjacent restaurants.

In addition it is important that glazing itself, by tinting or reflection does not obscure views into buildings from street level, thus contributing to an environment that is indifferent even hostile to the pedestrian.

- **Colour**

The use of complementary and naturally occurring colour will enhance and distinguish the unique character of Victoria Park and East Victoria Park as urban places rather than mere collections of Buildings.

- **Awnings and Verandahs**

The prime function of verandahs is the protection of the pedestrian from the weather. Their use is encouraged. Verandah posts may be unacceptable in some places, for example where the footpath is already cluttered with traffic light poles, major road signs and bus shelters/seating etc.

The following objectives of LPP17 in relation to signage specifically are relevant in determining the application:

- **Signage**

Well designed and placed signs can be an excellent introduction to a business. Often a proliferation of overlarge signs threatens to engulf streets. This causes a sense of visual chaos and a loss of the local character and identity. Others are like a crowd of people all yelling at once at not one stands out to be remembered. Others cause obstruction on the public footpath

Local Planning Policy 38 – Signs (LPP38)

The following objectives of LPP 38 are relevant in determining the application:

- *To ensure that the display of signage does not adversely impact upon the amenity of the streetscape or surrounding area;*
- *To allow the reasonable identification of businesses through signage without causing a negative and visually intrusive impact on the streetscape and public realm;*
- *To avoid a proliferation of signs on individual sites and buildings;*
- *To provide clear guidance on how advertising signs can be appropriately incorporated into existing buildings and/or new development; and*
- *To outline the standards that apply to signage throughout the Town and the matters that the Town will have regard to in determining applications*

With reference to the sign types proposed as part of this application and the applicable standards :

Above awning sign

- (a) Attached to wall only (not on roof of verandah, canopy or awning); and
- (b) Parallel to parapet only so as to not interrupt view of sky and obscure signage on adjacent premises; and
- (c) Only contain the name of the building and/or tenant (i.e. not include phone numbers, advertise products etc.);
- (d) Is limited to one above awning sign only; and
- (e) The sign can be illuminated but not flash; and
- (f) The aggregate area of the sign comprises no more than 25% of the wall to which it is attached; and
- (g) The sign is of a high quality finish and has a low visual impact, preferably comprising of 3-dimensional lettering only (to comprise the name of the business/premises) and/or the business logo fixed to the wall, but shall not include signage on a metal signboard fixed to the wall or signage painted onto the face of the wall; and
- (h) The lettering is framed by a blank wall with the spacing above, below and to the sides of the lettering being at least the height of the lettering.

Roof sign

Generally not supported as they do not provide a positive contribution to the amenity and built form of the locality. Any application for this sign type is to appropriately justified and will be assessed having regard to the criteria in Part Three of this Policy.

Third party signage

Will be considered where the sign advertises a sponsor of a sporting or

community organisation, is located on the same property, and the sign is of an acceptable visual standard.

Under awning

- a. There is only one such sign per street frontage of the subject tenancy; and
- b. The aggregate area does not exceed 0.2m² per 1m of street frontage of the subject tenancy (up to a maximum area of 2m²) and
- c. It has a minimum ground clearance of 2.7m.

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

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

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(g) any local planning policy for the Scheme area

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

- (n) the amenity of the locality including the following —
- (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;

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>The proposed roof sign is considered to not enhance the character of the East Victoria Park District Centre zone or the Albany Highway Precinct.</p> <p>The other aspects of the proposal are acceptable and deliver good urban design outcomes.</p>

Engagement

Internal engagement

Stakeholder	Comments
Place Planning	<p>General comments</p> <ul style="list-style-type: none"> • The overall intention to improve the visual amenity of the building at 826 Albany Highway is highly supported. • There are significant benefits to the proposed improvements to the building, including the rationalisation of the existing signage, landscaping to the rear of the lot, and the inclusion of a large artwork to the façade of the building. • This building is located on a key intersection of Albany Highway. It is a prominent corner when moving along Albany Highway, as well as being the transition point between the residential area of Mint Street and the Albany Highway retail strip. • The façade of the building fronting Mint St and the rear elevation to the laneway is of importance to the Mint Street interface and was identified in the Mint/Archer Street upgrade design as a location for a mural artwork. This is because of the scale of the wall and current lacking interface with the street. • The revised mural proposed by the applicant could be a statement piece that has strong connotations to place and could act as a key marker and wayfinding point for East Victoria Park. <p>Critical matters</p> <ul style="list-style-type: none"> • It is Place Planning's understanding that the applicant has stated that the redevelopment of the building is contingent on the approval of the proposed third party roof signage. Place Planning understand that as it currently stands, the physical form of the sign would not be acceptable by the Planning team. Additionally, the sight lines to the currently proposed large LED sign extend to existing residential areas along Hubert Street and potential future residential areas. It is proposed that through meeting with the applicant to discuss alternatives that may be acceptable to the Town, an alternative application could be supported. • Place Planning understand that the Town does not support third party signage. This will also have to be discussed with the applicant to understand if there is an opportunity to support local groups and businesses. <p>Other matters</p> <ul style="list-style-type: none"> • As it is currently designed, the extension to the parapet is a thin façade of extruded louvre battens that is supported by an angled bracing structure. This 'thin' nature of this structure will be visible from the street and footpaths around the building. It is recommended that the applicant reconsider the sight lines to the sides and rear of this parapet extension to ensure it reads as a part of the building
Engineering	<ul style="list-style-type: none"> • No objection to the development. Request the imposition of conditions relating to the potential use of the Council verge during construction.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Moderate	Likely	High	Low	Accept
Reputation	Negative public perception towards the Town may result if the sign is approved or refused depending upon their perspective	Moderate	Possible	Medium	Low	Accept
Service delivery	Approval may set a precedent for similar future signage proposals to be submitted to the Town.	Moderate	Possible	Medium	Medium	Accept

Financial implications

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

Analysis

16. Having regard to the abovementioned relevant considerations in determining the application, the majority of aspects of the proposed development are considered to satisfy relevant requirements and/or objectives as follows:
- The removal of window signage improves the extent of activation to the street, notwithstanding that no additional glazing is proposed.
 - The rationalisation of tenant signage on the building reduces the extent of clutter and positively contributes to the appearance of the building.
 - The proposed repainting of the building façade improves the building appearance and is consistent with the colour tones of other buildings in the locality.
 - The construction of a new awning and its further extension along the Mint Street façade break up the unrelieved mass of the façade to Mint Street and will benefit pedestrians using this space.
 - The proposed 'Under Awning' and 'Above Awning' signs reflect the typical 'strip' signage and form of signage in the immediate locality.
 - The painted artwork introduces visual interest to the Mint Street elevation and breaks up the building façade.
 - The provision of landscaping to the street edge adjacent to the car parking area, softens the visual appearance of this space.
17. In relation to the proposed roof sign, the following comments are made:
- (a) It is acknowledged that there is a proliferation of signage, of varying forms and types in Albany Highway, some of which is unauthorised. Roof signs are not a feature of the precinct and are considered incompatible as they do not respect established signage patterns. Limited historical anomalies exist in proximity to the site (E.g. the Bottle-O, within 100m).
 - (b) The existing signs advertising 'Western Building' have not been approved by the Town.
 - (c) The sign is to be integrated into a parapet façade structure on the roof rather than being a standalone sign on the roof.
 - (d) The proposed extension to the height of the parapet increases the overall height of the building by 3.5m, and in turn results in the sign sitting at a height that projects well above the height of other buildings and signs in the immediately locality, in which case the sign will be visually prominent.
 - (e) The potential development of any surrounding sites with upper floor apartments will have an outlook onto the sign.
 - (f) The sign itself is of a high quality, notwithstanding the concerns about its location, visual prominence and content.
 - (g) The proposal sits in a traditional, urbanised district centre zone where businesses already compete with each other with multiple signage options used to attract clientele.

(h) The sign is not proposed to advertise the businesses on the site, and instead is to have third party content which is considered unnecessary.

(i) LPP38 has a general position against the approval of commercial third-party signage. The rationale for this can best be understood in the context of the policy objectives, and the following introductory statement of the policy:

“Where advertising signage is by free choice with no planning control, there is a clear tendency towards cluttered, discordant and excessive use of signage with detrimental effects on the streetscape. The reduction in quality of the streetscape has a counterproductive effect on general business activity.”

These objectives reflect an understanding that the proliferation of signage in an urban context is a negative outcome. In most locations in the Town of Victoria Park, third party signage would generally either:

- i. add to ‘visual clutter’ resulting from competing commercial signs, or
- ii. detract from the amenity of residential or other non-commercial spaces.

(j) The Town adopted Local Planning Policy 38 ‘Signs’ in November 2018 acknowledging the need to review the provisions that previously applies to signs, and to ensure that the policy provisions met community and Council’s expectations.

(k) In the event that Council is supportive of the sign there may be opportunity to seek the applicant to deliver a greater proportion of content relating to businesses, events or community groups located in the Town.

18. With respect to the proposed roof sign, and those relevant matters to consider, this aspect of the development is not supported as follows:

- a) The Town’s concerns with the sign relate to its visual prominence, resulting from its height (being on the roof), size and digital nature.
- b) The sign is considered to not be in keeping with the character of the building and the surrounding locality – see LPP17.
- c) The sign, being a roof sign, is a type of sign that is generally not acceptable – see LPP17.
- d) The extension of the parapet height so as to accommodate the roof sign, results in a development that does not respect the scale, proportions and parapet height of surrounding buildings.
- e) The sign is considered to not provide a positive contribution to the amenity and built form of the locality – see LPP38.
- f) The sign is considered to adversely impact upon the amenity of the streetscape and surrounding area – see LPP38 and TPS 1, Clause 30A(a).
- g) The provision of third-party signage is considered to not meet relevant objectives for signage to identify individual businesses on a site or the area, or to avoid a proliferation of signs - see LPP38.
- h) The sign is considered to not be compatible with LPP38 or its setting, including its relationship to adjoining land, its scale and appearance – see deemed clause 67.

19. Overall, the proposed development will result in positive improvements to the appearance of the building at this notable street corner location.

20. However as described above, the proposed roof sign element is considered to not be consistent with the character of the locality and the sign would be visually dominant given its height above ground, roof top location, size and digital nature. Furthermore, the provision of advertising with third party content is considered to add unnecessary signage to the building and the location generally.
21. The applicant has indicated that delivering the façade improvement works is contingent upon approval of the roof sign. It is understood that this may be based on financial considerations. While it would be disappointing if the façade improvement works were to not occur, this should not be a reason for Council to support approval of the roof sign, if Council agrees that the roof sign is not appropriate.
22. Accordingly, it is recommended that the application be approved but including a condition that the roof sign and associated structures does not form part of the approval.

Relevant documents

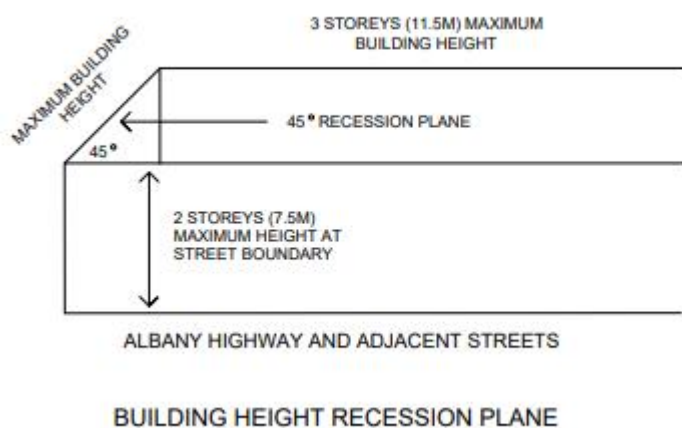
[Local Planning Policy No. 17 \(LPP 17\) – Street Frontage Design Guidelines for District Centres and Commercial Areas along Albany Highway](#)

[Local Planning Policy No. 38 \(LPP38\) – Signs](#)

Further consideration

In response to matters raised at the Agenda Briefing Forum, the following additional information is provided:

23. Under the TPS 1 provisions the building height limits for the site are for a maximum 2 storey (7.5m) height limit at the street boundary, with the third storey being setback within a 45 degree recession plane to a maximum height of 3 storeys (11.5m). This is illustrated in the following image :



24. Noting the definitions of 'building height' and 'storey' under the Scheme, the proposed extension of the façade height to create a structure for the sign to sit within does not constitute additional building height and is compliant with the building height limits. While technically compliant with the building height limit under the Scheme, as this is defined to be measured to the roof line, the effective height at the street boundary is greater than that contemplated under the Scheme.
25. In relation to the applicant's reference to other local governments approving Content Management Plans (also referred to as a sign management plan), copies of such plans have now been supplied by the applicant and now appear at Attachments 5-7.

26. It is noted that the provision of a content management plan has been a condition of approval imposed by the relevant local government in some instances, and in some cases the associated condition has specified a minimum percentage of Council and/or local business/events content.

27. For example in the City of Perth the following condition was imposed :

1.17 a comprehensive advertising strategy for the sign detailing the control of content, illumination levels, management and maintenance of the sign being submitted to the City for approval prior to the installation of the sign;

28. In the case of an approval in the City of Kwinana, the following condition was applied :

- 9) The content of the advertisements shall be suitable to a broad audience and displaying images that present a positive city image. A minimum of 10 percent of the content shall display images and text relating to the City of Kwinana Community and/or Council purposes to the satisfaction of the City of Kwinana.

29. In relation to an approval in the City of Bunbury, the following condition was applied :

- (6) Before the development commences, a comprehensive sign management plan is to be prepared and submitted by the applicant to the specifications and satisfaction of the local government, detailing the arrangements for the control of advertising content, management and maintenance of the sign. The content of the advertisements being suitable to a broad audience and displaying images that present a positive city image, with a minimum of 20 percent of the content displaying images and text relating to local heritage, local tourism, local business and local community events in the City of Bunbury as approved by the Chief Executive Officer.

30. In relation to the subsequently submitted and approved content management plans, examples of these are contained at Attachments 5-7. It is understood that these were submitted to the relevant local government after the issuing of development approval, and were subsequently assessed and approved at an Officer level rather than being referred to Council for consideration.

31. Amended plans have been received from the applicant on 10 September 2020. These are contained at Attachment 8.

12.2 Residential Character Study Area Scheme Amendment

Location	Town-wide
Reporting officer	Michael Hancock
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Ordinary Council Meeting May 2020 [12.2.1 - 15 pages] 2. Ordinary Council Meeting Minutes Extract June 2016 [12.2.2 - 10 pages] 3. Ordinary Council Meeting Minutes Extract September 2017 [12.2.3 - 36 pages] 4. Minister Refusal [12.2.4 - 25 pages] 5. Original Proposed Residential Character Study Area [12.2.5 - 1 page] 6. Recommendations Report [12.2.6 - 93 pages] 7. Draft Character Retention Guidelines [12.2.7 - 22 pages] 8. Modified Proposed Residential Character Study Area [12.2.8 - 1 page] 9. Current Local Planning Policy 32 - Exemptions from Development Approval [12.2.9 - 8 pages] 10. Proposed Local Planning Policy 32 - Exemption from Development Approval [12.2.10 - 10 pages]

Recommendation

That Council:

1. Resolves, pursuant to Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015, to not proceed to advertise Amendment 87 to the Town of Victoria Park Town Planning Scheme No. 1.
2. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005*, to initiate Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1 as follows :

2.1 Including a new sub-clause 25A(1)(c) within the Scheme Text as follows:

- c) Character Retention Area shown on the Precinct Plans as CRA with a number (1) and included in Schedule E.

2.2 Inserting a new clause 25AC within the Scheme Text as follows:

25AC. Character Retention Area

(1) The purpose of the Character Retention Area is to:

- a. Retain and enhance the contribution made by original dwellings towards streetscape character; and
- b. To facilitate the consideration of streetscape character in development proposals.

(2) Schedule E sets out the specific objectives and additional provisions that apply to the Character Retention Area.

2.3 Including the Character Retention Area within Schedule E of the Scheme Text as follows:

Area No	Land Description	Purpose and Particular Requirements
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		Purpose
		<ol style="list-style-type: none"> 1. Retain and enhance the contribution made by original dwellings towards streetscape character; and 2. To facilitate the consideration of streetscape character in development proposals.
		Particular requirements
CRA1	Land generally extending between the railway line and to around Berwick Street and Canning Highway to around Oats Street, and more specifically identified in the Precinct Plans with the designation 'CRA 1'.	<ol style="list-style-type: none"> 1. Notwithstanding clause 61(1)(c), (d) and (e) of the deemed provisions, development approval is required for the following works : <ol style="list-style-type: none"> a) the erection or extension of a single house on a lot, where visible from the street; b) the erection or extension of an ancillary dwelling, outbuilding, external fixture, front fence, patio, verandah, garage or carport on the same lot as a single house or grouped dwelling, where visible from the street; or c) the demolition of a single house constructed prior to 1 January 1946. <p>unless those works are specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i).</p> <p>For the purposes of this clause :</p> <ol style="list-style-type: none"> i. "visible from the street" only applies to a dwelling which has a frontage to a street. ii. "visible from the street" means development which if implemented is either : <ul style="list-style-type: none"> • Situated wholly or partially within 12m of the street boundary; or • Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary. iii. "Street" means a public street, whether a primary or secondary

		<p>frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.</p> <p>iv. Clause 60 of the deemed provisions continue to apply in relation to other works that require development approval.</p> <p>2. All development for which development approval is required (including by virtue of this Schedule E) shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area.</p>
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2.4 Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A and B by including in the legend a heading ‘Land Use and Development Controls’ and then underneath a black border and number CRA1 within the boundaries of the border described as ‘Character Retention Area – refer to clause 25AC and Schedule E of the Scheme Text’.

2.5 Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A and B by delineating the Character Retention Area using a blue border and the number CRA1 within the boundaries of the border.

3. Determines, in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, that Amendment 88 to the Town of Victoria Park Town Planning Scheme is a complex amendment for the following reasons:

- a) The amendment is not addressed by any Local Planning Strategy; and
- b) The amendment has the potential to result in significant environmental, social, economic or governance impacts on land in the scheme area.

4. Resolves in accordance with Regulation 37 of the Planning and Development (Local Planning Schemes) Regulations 2015 to proceed to advertise Amendment 88 in accordance with Regulation 38 and Local Planning Policy 37, subject to the Western Australian Planning Commission’s advice that it considers the amendment suitable for advertising and the EPA determining that an environmental review is not required.

5. Consent to public advertising of the draft amended Local Planning Policy 32 ‘Exemptions from Development Approval’, as contained at Attachment 10, in accordance with deemed clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, with consultation being undertaken concurrently with advertising of Scheme Amendment 88 and the draft Local Planning Policy - Character Retention Guidelines.

Purpose

For Council to not proceed with advertising of Scheme Amendment 87 and instead initiate a new Amendment (Amendment 88), to introduce a Special Control Area and requirements for development within the Residential Character Area.

In brief

- In June 2016, Council initiated Amendment 73 to Town Planning Scheme No. 1 (TPS 1) to designate the Residential Character Study Area as a Special Control Area, with provisions requiring development approval to be obtained for demolition and/or development within the area (see Attachment 2). The intent was to reintroduce controls to provide a greater level of protection for the original dwellings in the area and ensure that new development was compatible with the existing character of the area.
- At its meeting in September 2017, the Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 (see Attachment 3).
- The Minister subsequently refused the Scheme Amendment in 2018 (see Attachment 4)
- At the September 2017 Ordinary Council Meeting, the Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area.
- Based on the community sentiment, Element prepared a Recommendations Report and draft Local Planning Policy – Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting.
- The Recommendations Report recommends that the Town undertake a Scheme Amendment to designate the Residential Character Study Area as a Special Control Area. Attachment 5 contains a map showing the area of the Town over which a Special Control Area is proposed.
- Accordingly, the Council resolved at its July 2020 meeting to initiate Scheme Amendment 87. As part of the preparation of the associated draft Local Planning Policy - Character Retention Guidelines, it has been identified that the wording of Amendment 87 in general requires improvement, and in particular the term “visible from the street” requires modification for greater clarity and objectivity.
- Consistent with advice received from Officers of the Department of Planning, Lands and Heritage, this report seeks for Council to resolve to not proceed to advertise Amendment 87, and for Council to initiate a new Amendment (Amendment 88).
- In addition, it is necessary to amend Local Planning Policy 32 – Exemption from Development Approval (LPP 32) to provide clarity as to those exemptions to development approval that apply to the Special Control Area (SCA). Accordingly, the recommendation now includes a part for advertising of an amended LPP32.

Background

1. The Town first implemented the Residential Character Study Area (RCSA) in 2003 following a study being undertaken. The study recommended that the Town *“give priority to, and actively encourage, the retention and conservation of residential character for the longer-term benefit of the community and the owners of properties”*.
2. The RCSA identified that the ‘original dwellings’ within the area (dwellings generally constructed before 1945) form a unique and identifiable character worthy of retention.

3. Prior to 2015 all development relating to a single house or grouped dwelling, including demolition of single house, required development approval from the Town.
4. In 2015 the State Government introduced the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) which removed the need to obtain development approval to demolish single houses (including 'original dwellings') and development approval for new works where compliant with the requirements of the Residential Design Codes.
5. As a result of the Regulations, the level of protection for 'original dwellings' and maintenance of residential character was eroded.
6. Prior to the adoption of the Regulations the Town would often refuse applications that sought to demolish an identified 'original dwelling', on the basis that demolition of the dwelling would have a negative impact on the streetscape character.
7. The Town drafted Scheme Amendment 73 to TPS1, which sought to reinstate many of the provisions removed by the adoption of the Regulations through the designation of the RCSA as an SCA.
8. Consultation on Scheme Amendment 73 resulted in a total of 69 submissions during the consultation period.
9. Council ultimately resolved to modify Amendment 73 by removing the proposed planning controls.
10. Ultimately, Scheme Amendment 73 was refused by the Minister for Planning for the following reasons:
 - a. The amendment does not include any planning controls to implement the objectives proposed to be inserted;
 - b. Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and
 - c. The Regulations provide appropriate heritage controls.
11. The Town engaged Element to undertake an independent review of the RCSA in September 2018.
12. At the 19 May 2020 Ordinary Council Meeting (Attachment 1), Council resolved to acknowledge and receive the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report and receive a future report for consideration of a Scheme Amendment as outlined in the Recommendations Report.
13. At its July 2020 meeting the Council resolved to initiate Amendment 87. It has been identified that the wording of Amendment 87 in general requires improvement, and in particular the term "visible from the street" requires modification for greater clarity and objectivity.
14. The Town has engaged in further discussions with the project consultant (Element) and has prepared alternate wording for the Amendment.
15. Advice received from Officers of the Department of Planning, Lands and Heritage is that to proceed with a modified Amendment, Council should resolve to not proceed to advertise Amendment 87, and should initiate a new Amendment (Amendment 88).

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Town Planning Scheme No.1 (TPS1)
State Government policies, bulletins or	<ul style="list-style-type: none"> • State Planning Policy 7.3 – Residential Design Codes Volume 1 • State Planning Policy 7.3 – Residential Design Codes Volume 2

guidelines	<ul style="list-style-type: none"> • State Planning Policy 3.5 – Historic Heritage Conservation
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 25 – Streetscape (LPP 25 – Streetscape)
Other	Nil

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the Precinct Plans are relevant to consideration of the application.</p> <p>Precinct Plan P5 – Raphael Precinct</p> <ul style="list-style-type: none"> • <i>The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras.</i> • <i>Infill development and redevelopment of corner lots may be appropriate, although not to the detriment of the existing character of the area and of the existing quality housing stock.</i> • <i>The precinct should remain a visually attractive area and have a pleasant atmosphere characterized by low to medium scale architecture, buildings facing the street in the traditional manner and set in landscaped surrounds. The retention of structurally sound original houses and healthy mature trees will be a priority in order to maintain the existing residential character and streetscape.</i> <p>Precinct Plan P6 – Victoria Park Precinct</p> <ul style="list-style-type: none"> • <i>The Victoria Park Precinct will remain as attractive and essentially low to medium scale residential area set on some of the highest land within the locality.</i> • <i>The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitivity designed 'infill' housing is the most favoured form of development and will be encouraged.</i> • <i>The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.</i> <p>Precinct Plan 10 – Shepperton Precinct</p> <ul style="list-style-type: none"> • <i>The Shepperton Precinct should remain a pleasant, low scale, medium density housing area.</i> • <i>The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct. Selective infill and the development of grouped dwellings is also encouraged. New development is to enhance the existing character of the area and have regard for remaining quality housing stock.</i> <p>Precinct Plan 12 – East Victoria Park</p> <p><i>The retention of existing structurally sound housing which generally contributes to the character of the area, and the selective redevelopment of other sites will be encouraged. The character of the precinct between Canterbury Terrace and Balmoral Streets, which consists of small cottages on small lots, should be preserved. Any redevelopment in this locality should adhere</i></p>
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to strict design constraints governed by the existing scale and character of housing.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 - A community that is authentically engaged and informed in a timely manner.	The Town and Element undertook significant community consultation as part of the project. The community was engaged with a view to understand the built form priorities of the community and its attitude toward heritage and built form preservation. Further consultation was undertaken to ascertain if the community's aspirations had been adequately captured in draft recommendations prepared by Element.
CL3 - Well thought out and managed projects that are delivered successfully.	The level of engagement will assist in delivering a well considered project that reflects the aspirations of the community.

Social	
Strategic outcome	Intended public value outcome or impact
S4 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The preservation and retention of the Town's built environment is highly valued by the community, as the results of consultation delivered. The proposed policy and Scheme Amendment will seek to further recognise the culture and heritage of the district.

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.	Community consultation undertaken through this project has demonstrated a desire to retain and improve the built form of the Residential Character Study Area. The proposed recommendation will enhance the Town's distinct character.

Engagement

16. Formal engagement specifically in relation to the proposed Scheme Amendment will occur in accordance with the Regulations and Local Planning Policy 37 – Community Consultation on Planning Proposals in the event the proposed Scheme Amendment is initiated by Council.
17. Consultation to applicable external agencies will occur should the proposed Scheme Amendment be initiated by Council.
18. The following consultation occurred and was considered in developing the Recommendations Report completed by Element. It is important to note the consultation outcomes informed the content of the

recommendations report and does not necessarily reflect the community's opinion on the proposed Scheme Amendment.

External engagement	
Stakeholders	Town of Victoria Park residents
Period of engagement	<p>First period of consultation conducted between 22 October 2018 and 19 November 2018. A total of 5,524 letters were sent inviting people to participate in a survey.</p> <p>Second period of consultation conducted between 28 August 2019 and 25 September 2019. On this occasion, consultation was undertaken with those persons who responded during the first consultation phase.</p>
Level of engagement	Consult; Involve
Methods of engagement	<ul style="list-style-type: none"> • The Town's 'Your Thoughts' online engagement hub, • Southern Gazette Newspaper notice, • Direct correspondence to all Amendment 73 submitters, • Town's 'Life in the Park' eNewsletter; and • Social media posts.
Advertising	As above.
Submission summary	<p>A total of 357 responses were received in the first period of consultation.</p> <p>A total of 12 submissions were received in the second period of consultation.</p>
Key findings	The feedback is summarised as outlined below.

19. Community consultation was undertaken in a two-part process. Element, sought to engage with the community at the commencement of the project to gain the community's view on residential character and the importance of it to them. Element conducted a survey of owners and occupiers within the RCSA receiving over 350 public submissions. The Recommendations Report produced by Element (see Attachment 6) includes the Stage 1 community consultation outcomes, however the below summary captures the general sentiment of the consultation:

- *Streetscape character is seen to play an important role in telling the story of the Victoria Park area;*
- *While there are pockets of 'intact' streetscapes, the overwhelming description respondents used for the character of the area they live in is 'mixed';*
- *The majority of respondents recognised that the character of the area deserves protection;*
- *There is a clear desire from respondents to retain original dwellings;*
- *There is no clear perception of either positive or negative change in character over time;*
- *A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it; and*
- *There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area.*

20. Following their consideration of the initial public comments, Element prepared a series of draft recommendations which were the subject of further consultation to determine if the community's comments were accurately captured. One of these recommendations was to amend the Scheme to introduce a Special Control Area over the RCSA. A total of 12 submissions were received, with eight generally supportive and four providing comment or concern.

Other engagement

Elected Members

On 10 December 2019 at an Elected Members Concept Forum, representatives of Element provided Elected Members with a presentation on the Recommendations Report and background on the draft Local Planning Policy – Character Retention Guidelines.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town has outlaid expenditure on developing Scheme Amendment 88.	Moderate	Likely	High	Low	Treat: adoption of the recommendation which would proceed the Scheme Amendment 88 to consultation.
Environmental	Flexibility to provide contemporary additions and sustainable renovations to dwellings will be delayed.	Moderate	Likely	High	Medium	Treat: adoption of recommendation would progress a flexible planning framework for providing improved environmental outcomes.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not adopting the	Moderate	Likely	High	Low	Treat: adoption of

	recommendation would result in the ongoing absence of protection for character dwellings and a business as usual approach for the assessment of new dwellings.					the recommendation which would mean advertising of the draft Scheme Amendment 88.
Service delivery	Not proceeding with Scheme Amendment 88 will result in a continuation of current service delivery and practice	Moderate	Almost certain	High	Medium	Treat: adoption of the recommendation which would mean advertising of the draft Scheme Amendment 88.

Financial implications

Current budget impact	Nil.
Future budget impact	Nil.

Analysis

Scheme Amendment 73

21. As outlined above, the previous mechanisms for maintaining the essence of the RCSA has been significantly impacted with the introduction of the Regulations in 2015. The changes to the Regulations prompted the Town to propose Scheme Amendment 73.
22. As indicated above, Scheme Amendment 73 was ultimately refused by the Minister for Planning.
23. In brief, Scheme Amendment 73 proposed:
 - a. Introducing the need for development approval for:
 - i. Demolition of 'original dwellings'
 - ii. All forms of development, other than those listed as exempt under a local planning policy.
 - b. Requiring development to conform with:
 - i. The objectives of the RCSA
 - ii. The future Local Planning Policy specific to the RCSA
 - iii. Requirements for demolition, namely that demolition of dwellings not being permitted except where:
 1. The dwelling is determined by Council to be structurally unsound; or
 2. The dwelling is wholly clad in fibro or asbestos wall cladding; or
 3. Council considers that the dwelling does not make a positive contribution to the character of the area as a result of it having had significant external alterations.

- c. Powers for the Town to issue a Conservation Notice requiring a landowner to undertake repairs/improvements to a property if it is considered by the Town that the property is not being properly maintained.
24. The Town undertook community consultation on the proposed Scheme Amendment, distributing over 5,000 letters to affected properties.
25. Scheme Amendment 73 received a total of 69 submissions during the community consultation process, which was a proportionately small number given that around 5000 letters were sent inviting the public to comment on the Amendment. The submissions received consisted of the following :
- 51 objections (74% of submissions);
 - 12 supporting submissions (17% of submissions);
 - 3 submissions of partial support (4% of submissions);
 - 2 submissions without a stated position (3% of submissions); and
 - 1 submission requesting a halt to any decision (1% of submissions).
26. The Scheme provisions relating to conservation notices generated a degree of community concern, with the majority of objections specifically citing this as a concern.
27. The following relevant comments were contained in the Council report:

The community consultation carried out for Amendment 73, despite exceeding relevant statutory requirements, has not been able to identify whether there is a broad level of support or opposition to the proposal within the community given the very low response rate. What it has identified, is that there are some highly concerned affected residents and

property owners who are strongly opposed to the Amendment. In particular, the written submissions and verbal statements made by attendees at the community information sessions were strongly opposed to the 'demolition by neglect' provisions, namely the proposed ability of Council to serve conservation notices to property owners to carry out remedial works in the event of extreme negligence or damage to the architectural integrity of an original dwelling due to unauthorised works.

Community Expectations for Increased Engagement and Participation

There is a growing desire and increasing demand by residents and community members to be involved in the decision-making process, and to be provided with the opportunity to provide input and feedback into the development and implementation of government led strategies and projects of all kinds, at all levels.

Council-led community engagement projects such as the Evolve Project, 'Have Your Say' and other programs have also raised expectations in the community that exceed standard statutory consultation requirements and adopted policies of the Council, particularly with respect to Council-led town planning scheme or policy initiatives.

Whilst the submissions received during the community consultation process were overwhelmingly opposed to the Amendment, Council Officers are of the view that a 1.4% response rate does not give any clear direction as to whether or not the Amendment is supported by the community. The community consultation process, which was completed in excess of relevant statutory requirements, has not been able to identify whether a broad level of support (or opposition) exists for the measures proposed by Amendment 73.

A simple approach would be to either dismiss the proportionately small number of objections, given the very low 1.4% response rate, and continue pursuing the Amendment in its current form, or to give the objections greater weight as they represented the majority of submissions received, by no longer pursuing the Amendment at all or any other potential measures to protect or incentivise retention of original dwellings. However, either approach is not considered in keeping with good policymaking principles or to respect the opinions and aspirations of the community members whom will be affected by either of these options.

Community Engagement Opportunity

It is recommended that the Council utilise the outcomes of the consultation undertaken for proposed Amendment 73 as an opportunity to engage with the community on the desired outcomes for the area, including whether the Town's traditional residential areas should be protected and managed. Accordingly, it would then be proposed to prepare an appropriate statutory or policy solution that builds on this community input, which is then subject to further feedback and consultation with community members, and consideration by Council.

In view of the very low response rate, it is considered appropriate that Council consider carrying out an independent community engagement project to engage with the community and obtain a clear, broad understanding of the community's desires with respect to the retention and demolition of original dwellings and of the extent and type of development controls that should be applied to development within the Residential Character Study Area.

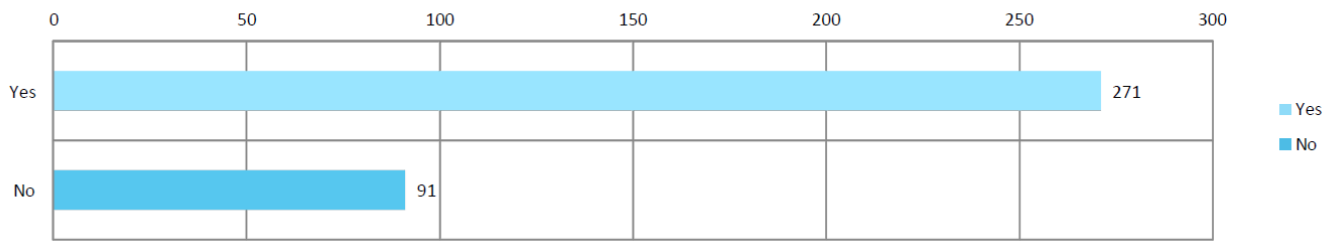
28. At the September 2017 Ordinary Council Meeting, Scheme Amendment 73 was modified by Council, to remove the need for development approval for demolition of original dwellings and new works, and removing the ability to issue conservation notices. This was against the Officer's recommendation. This left the Amendment as containing some general objectives for the area, but without any mechanism to ensure development met these objectives.
29. As part of the September 2017 Council resolution, Council requested Town Officers to further review the Town's statutory planning process in regard to the RCSA. The resolution specifically required the following:
 - a. Identify and measure the wishes of the community with respect to the retention of original dwellings within the Residential Character Study Area;
 - b. Identify potential town planning scheme and local planning policy measures to promote, incentivise or require the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area;

- c. Undertake a review of the original dwellings within the Residential Character Study Area to identify those dwellings or groups of dwellings worthy of formal heritage protection either individually or collectively; and
 - d. Review and provide a list of recommendations to the Council to amend Town Planning Scheme No. 1 and/or amend Local Planning Policy 25 'Streetscape', having regard to the outcomes of the community engagement process, and arriving at a recommended series of statutory and/or policy framework measures that is:
 - i. aligned with the values of the community and the Council;
 - ii. can be easily understand by the community;
 - iii. is relatively simple to administer; and
 - iv. minimises the need to impose additional levels of regulation contrary to the intent of the Planning and Development (Local Planning Schemes) Regulations 2015.
30. Ultimately the Scheme Amendment was refused by the Minister for Planning on the basis that:
- a. The amendment does not include any planning controls to implement the objectives proposed to be inserted;
 - b. Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and
 - c. The Regulations provide appropriate heritage controls.

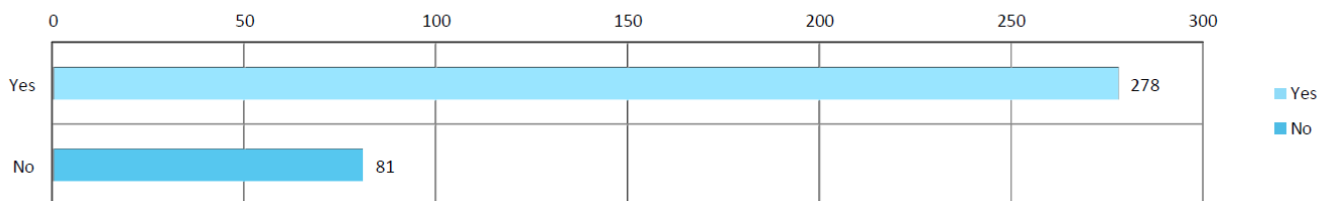
Proposed new Scheme Amendment

31. Consistent with the September 2017 Council resolution, the Town engaged Element to undertake an independent review of the Town's planning framework for the RCSA and engage the community. The Stage 1 consultation comprised a survey seeking feedback of residents attitudes towards residential character, which attracted 357 submissions. As noted above at paragraph 19 the majority of respondents recognised that the character of the area deserves protection, and there is a clear desire from respondents to retain original dwellings.
32. The following graphs provide a summary of the responses to some key questions :

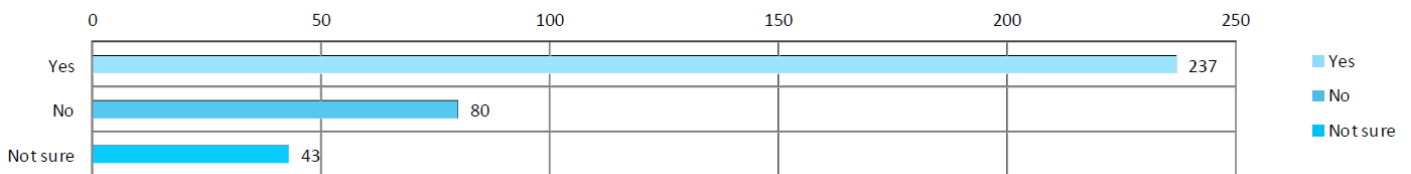
Do you believe the character within the area that you live deserves protection?



Should the Council play a role in regulating or encouraging the retention of 'original dwellings'?



Do you support Council having Local Planning Policies that restrict the design and appearance of new development in your neighbourhood? (i.e. roof pitches, colours and materials, window shapes, etc)



33. Based on the community feedback received, the Recommendations Report (Attachment 6) determined a Scheme Amendment to establish a Special Control Area (SCA) over the RCSA remains the most desirable option for character retention. The objectives of the SCA will be supported by a new Local Planning Policy – Character Retention Guidelines (guidelines) (Attachment 7).
34. Recognising the previous community concerns relating to the inclusion of Scheme provisions providing power to issue Conservation Notices, no such provision is proposed as part of the current Scheme Amendment.
35. As described in the original RCSA report, the area contains a significant number of 'original dwellings', which are defined as:

"The first dwelling to be constructed on the site that's considered to make a positive contribution to the streetscape due to its period of construction, architectural style and inherent character."
36. The presence of "original dwellings" located within the older established areas of the Town (located generally between Berwick Street and the railway line) contribute to a unique, identifiable streetscape character that should be protected and maintained. A large proportion of submissions indicated character retention to be important.
37. It is proposed that development in the SCA will require development approval in the circumstances described in part 2.3 of the recommendation. The need to obtain development approval gives the Town the ability to assess the merits of a proposal, and approve development that will not negatively impact upon the streetscape character. Without the introduction of such provisions, there will be no power for the Town to receive an application in some instances, and importantly assess whether or not a proposed development is acceptable within its streetscape context. In such a situation, demolition of original dwellings will be permitted regardless of the streetscape outcome and incompatible

development that does not respect the streetscape could occur as the development may otherwise be exempt from needing development approval.

38. In considering development applications within the SCA, regard needs to be given to the proposed Character Retention Area Guidelines (see Attachment 7). These Guidelines are proposed to apply to development within the RCSA instead of the Town’s Local Planning Policy 25 ‘Streetscape’.
39. Acknowledging the community feedback on the current Local Planning Policy ‘Streetscape’, the draft Character Retention Guidelines have been written to be more performance based and less prescriptive. This is intended to provide scope for innovative and creative design solutions, and sustainable and contemporary developments where appropriate.
40. Development that is not “visible from the street”, as this term is defined, will not be subject to the draft Character Retention Guidelines, therefore giving landowners complete freedom to deliver innovative, contemporary designs in these situations.
41. The draft Character Retention Area Guidelines are provided at Attachment 7 and are discussed in this report in order to inform Elected Members of the greater design flexibility that is proposed for developments within the RCSA in the future, and to allay any concerns that initiation of the Scheme Amendment will unreasonably restrict development within the area. Formal consideration and adoption of the guidelines for the purposes of community consultation is the subject of a separate report on the agenda for September Ordinary Council Meeting.
42. It should be noted that upon review of the map prepared by Element (see Attachment 5) indicating the land to be part of the Special Control Area, it has been determined that there are some areas which are not considered to have a significant concentration of ‘original dwellings’ so as to warrant being retained within the Residential Character Area. This particularly relates to parts of the Town with a density coding of R40 or greater within which Multiple Dwellings (apartments) can be constructed. Multiple Dwellings are of a distinctly different appearance from ‘original dwellings’ due to their form, height and scale. In this regard it is considered unreasonable to include properties within the Residential Character Area which are able to be developed with Multiple Dwellings, where there is not a strong presence of ‘original dwellings’. Furthermore to retain such properties within the Residential Character Area would require the development of sites in these areas with Multiple Dwellings to be assessed against the Character Retention Guidelines, which would be unreasonable given their differing form and scale. Accordingly, an amended map appears at Attachment 8 showing the proposed modified boundaries for the Residential Character Area and Special Control Area.

Addressing Ministers Refusal

43. Noting that Amendment 73 previously proposed the creation of a SCA over the same area, and that this was refused by the Minister, it would be reasonable to question why the current Amendment again proposes the creation of a SCA and why this has any greater prospect of being approved. The below table outlines the differences between the refused SCA and the SCA the subject of this Report.

Ministers reason for refusal of Amendment 73	Scheme Amendment 88 context
The amendment does not include any planning controls to implement the objectives proposed to be inserted.	Proposed Scheme Amendment 88 stipulates <u>planning controls</u> within the SCA. These are: <div style="border: 1px solid black; padding: 5px;"> <ol style="list-style-type: none"> 1. Notwithstanding clause 61(1)(c), (d) and (e) of the deemed provisions, development approval is required for the </div>

following works :

- a) the erection or extension of a single house on a lot, where visible from the street;
- b) the erection or extension of an ancillary dwelling, outbuilding, external fixture, front fence, patio, verandah, garage or carport on the same lot as a single house or grouped dwelling, where visible from the street;
- c) the demolition of a single house constructed prior to 1 January 1946.

unless those works are specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i).

For the purposes of this clause:

- i. "visible from the street" only applies to a dwelling which has a frontage to a street.
- ii. "visible from the street" means development which if implemented is either:
 - Situated wholly or partially within 12m of the street boundary; or
 - Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary.
- iii. "Street" means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.
- iv. Clause 60 of the deemed provisions continue to apply in relation to other works that require development approval.

The planning controls are considered to be effective in delivering the objectives of the proposed SCA and providing for character retention.

It is considered that the previously stated reason for refusal has now been addressed as part of Amendment 88.

<p>Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character.</p>	<p>The draft Character Retention Guidelines have been developed to be a local planning policy which relates to design and streetscape character. A separate report to Council is presented to introduce the guidelines to Council for consideration (Attachment 7).</p> <p>It is considered that the previously stated reason for refusal has now been addressed by the Town.</p>
<p>The Regulations provide appropriate heritage controls.</p>	<p>It is agreed that the Regulations have scope to provide heritage protection through the introduction of a statutory Heritage List or an identified Heritage Area. In this respect the Town has commenced work on an updated Municipal Heritage Inventory, now known as a Local Heritage Survey, which will then inform the preparation of a Heritage List.</p> <p>However, in this case, the issue is one of character, not heritage. The majority of dwellings in the RCSA do not individual heritage significance in their own right, but collectively they form a distinct and identifiable character.</p> <p>It is considered that the previously stated reason for refusal has been and will be further addressed by the Town.</p>

Contemporary Design and Planning

44. During the community consultation process a clear desire for a flexible approach to design emerged. The guidelines have been developed in response to this feedback, with a focus on performance outcomes.
45. It is noted the SCA itself does not specify design standards, instead Schedule E identifies a Local Planning Policy to outline the design standards.
46. The benefits of containing development standards within a policy as opposed to being contained as Scheme provisions is to ensure flexibility in the application and efficiency in reviewing and updating the guidelines.
47. The guidelines reflect a modern planning approach to character retention and orderly and proper planning for the character retention area.
48. Whilst the guidelines maintain provisions relating to maintaining character by way of local housing objectives, the prescriptive nature of Local Planning Policy 25 – Streetscape has been significantly reduced.

49. The local housing objectives are performance based and should be given due regard when determining the acceptability of a proposed development. As the local housing objectives are not deemed-to-comply there is flexibility when considering contemporary applications.
50. Where variations to the guidelines are proposed a performance based approach is applicable. The variations are considered against the overall objectives of the guidelines, similarly this is the approach being implemented by the State Government in the Design WA suite of documents.
51. The guidelines focus on the preservation of critical streetscape matters, with in built flexibility, allowing the policy to respond to the unique nature of each streetscape on an individual application basis.
52. Regarding additions to original dwellings, the guidelines permit appropriate contemporary additions where appropriate. The guidelines state:

"Additions to original dwellings may be more contemporary in nature, while ensuring they are designed to respect the materiality, scale and form of the original dwelling and not overwhelm the streetscape presence of that dwelling."

53. The updated proposed definition of "visible from the street" ensures further inbuilt flexibility for development occurring outside the "visible from the street" zone to be of an entirely contemporary nature.

Contemporary Environmental Considerations

54. The guidelines give some regard to environmental outcomes within the district.
55. A key component of the SCA is upon retaining the original dwellings that make a positive contribution to the streetscape character. Retaining a dwelling represents a significant amount of carbon stored within the existing structure and reduces waste.
56. The guidelines do not prevent the upgrade of original dwellings to modern environmental standards, where works undertaken are either internal, not "visible from the street" or still respect elements of the streetscape character.
57. Sustainable outcomes are a high priority for the Town, with several measures in the local planning framework specifically implemented to address environmental considerations such as LPP 39 – Tree Planting and Retention and LPP 36 – Climate Control (Energy Efficiency).
58. The guidelines will allow for developments with a sustainable design focus to be considered on their merits in appropriate situations.

Requirement for development approval

59. Deemed clause 60 of the Planning and Development (Local Planning Schemes) Regulations 2015 provides that any works on, or use of land in the Scheme area requires development approval, unless exempt from approval under deemed clause 61.
60. Under deemed clause 61(1) there are a range of works that are exempt from development approval, notably the following:
 - Sub-clause (1)(c) – a new single house, or additions to a single house, if compliant with the R-Codes; or
 - Sub-clause (1)(d) - the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, verandah, garage or carport on the same lot as a single house or grouped dwelling if compliant with the R-Codes.
 - Sub-clause (1)(e) - the demolition of a single house;

- Sub-clause (1)(i) - works specified in a local planning policy as works that do not require development approval.

Note – the exemptions under sub-clause (c), (d) and (e) do not apply to a heritage protected place. Furthermore, the reference to being compliant with the R-Codes also refers to a deemed-to-comply standard of the R-Codes amended or replaced by a local planning policy.

61. Consistent with sub-clause (1)(i), the Town's Local Planning Policy 32 'Exemptions from Development Approval' (LPP32) identifies types of works that are exempt from development approval. These are generally works of a more minor nature, and in some cases are subject to conditions eg. air conditioning units; decking; maintenance and repair works; solar collectors etc.
62. The combined effect of deemed clause 60, 61 and LPP32 is that many works already require development approval within the proposed Special Control Area and the Town more generally, most notably:
 - A new Grouped Dwelling – in all instances;
 - Additions to a Grouped Dwelling – in all instances;
 - A new Single House or additions to a Single House, where not compliant with the R-Codes; and
 - The erection or extension of an ancillary dwelling, outbuilding, patio, garage or carport where not compliant with the R-Codes.
63. Sub-clause (3) of deemed clause 61 states *"Despite sub-clause (1) development approval may be required for certain works carried out in a special control area."*
64. As contained in the recommendations report prepared by Element, it was recommended that development approval be required for the following works in the Special Control Area:
 - The demolition of a single house constructed prior to 1 January 1946; or
 - Any development visible from the street, with the term "visible from the street being defined as:

"Being situated within 12m of a primary street boundary and/or exceeding 5m above the nature ground level of the street boundary as determined by the local government."
65. Following review of the proposed definition by both Urban Planning staff and the Town's solicitors, the following alternative wording to that prepared by Element was prepared and presented to the July 2020 OCM as part of Amendment 87:
 1. *"In accordance with clause 61(3) of the deemed provisions, development approval is required for the following works, even if they would otherwise be exempt under clause 61(1) of the deemed provisions:*
 - a) *The demolition of a dwelling constructed prior to 1 January 1946; or*
 - b) *Works that:*
 - (i) *require development approval under deemed clause 60, unless specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i); or*
 - (ii) *are of a kind identified in deemed clause 61(1)(c) or (d) of the deemed provisions, that are not specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i), and which if implemented could be wholly or partially seen from a street and is either:*
 - *Situated wholly or partially within 12m of the subject lot's boundary to the street; or*

- *Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary but does not include single storey works.*

For the purposes of this clause:

1. *In ascertaining whether a development, if implemented, could be wholly or partially seen from a street:*
 - i. *Account is not to be taken of existing or proposed fencing, landscaping or other impediments to visibility; but*
 - ii. *Account may be taken of existing (pre-implementation of the proposed development) heights within of the site, provided that the development is not proposed to change the existing topography in a way that would render the development visible.*
2. *“Street” means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.”*

66. Amendment 87 was adopted on the basis of the above wording.

67. Following the initiation of Amendment 87, as part of the preparation of the associated draft Local Planning Policy - Character Retention Guidelines, and in response to matters raised at the August 2020 Agenda Briefing Forum, it was identified that the wording of Amendment 87 in general requires improvement, and in particular the term “visible from the street” requires modification for greater clarity and objectivity.

68. On reflection, it is considered that the wording of Amendment 87 as initiated requires improvement in respect to:

- Being simpler and clearer generally. It is considered that the wording of the adopted definition would result in uncertainty for the community, but also could result in different interpretations within the Town over time.
- The circumstances where development approval is required or not required, including the relationship with LPP32.
- Removing any subjectivity in the definition.
- Exempting new dwellings at the rear of an existing dwelling, or additions to a rear dwelling from requiring development approval if visible from the street and satisfying other normal exemption requirements, as well as ensuring that the Character Retention Guidelines do not apply to such works. Discussions with Element have confirmed that their intent was that works visible from a street including a rear dwelling and additions thereto, would require development approval. Urban Planning staff consider that works to a dwelling that does not front a street should not necessarily be the subject of development approval if visible from the street, given their significant setback from the street and the limited streetscape contribution. Instead such works should only require development approval in the normal circumstances under deemed clause 60 and 61.

69. On this basis it is proposed to modify the relevant parts of the Scheme Amendment to the following:

1. Notwithstanding clause 61(1)(c), (d) and (e) of the deemed provisions, development approval is required for the following works:
 - a. the erection or extension of a single house on a lot, where visible from the street;

- b. the erection or extension of an ancillary dwelling, outbuilding, external fixture, front fence, patio, verandah, garage or carport on the same lot as a single house or grouped dwelling, where visible from the street;
- c. the demolition of a dwelling constructed prior to 1 January 1946.
unless those works are specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i).

For the purposes of this clause:

- i. "visible from the street" only applies to a dwelling which has a frontage to a street.
- ii. "visible from the street" means development which if implemented is either:
 - Situated wholly or partially within 12m of the street boundary; or
 - Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary.
- iii. "Street" means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.
- iv. Clause 60 of the deemed provisions continue to apply in relation to other works that require development approval.

70. The proposed amended wording:

- removes ambiguity as to what is "visible from the street" and considering the need for an application for development approval.
- is clearer in its application, specifically excluding rear developments from development approval for reasons of visibility from the street and the need for such development to be assessed against the guidelines.

71. Further, any rear extension to a street frontage dwelling which is wholly situated greater than 12m behind the street boundary and less than 5m high will not be required to address the guidelines.

72. Benefits of the proposed definition include negating the need for development approval for reasons of visibility from the street, and improving the ability for rear dwellings and rear extensions to existing dwellings to be more contemporary in nature.

73. Development which does not fall within the area identified as being "visible from the street" will be assessed against the provisions of the Residential Design Codes – Volume 1.

74. So, having regard to the modified wording of the Amendment, the following works which currently do not require development approval will now require development approval:

- A new single house, or additions to a single house, where visible from the street, regardless of compliance with the R-Codes.
- the erection or extension of an ancillary dwelling, outbuilding, external fixture, front fence, patio, verandah, garage or carport on the same lot as a single house or grouped dwelling, where visible from the street, regardless of compliance with the R-Codes.
- the demolition of a dwelling constructed prior to 1 January 1946.

75. Other forms of development which currently require development approval will continue to do so. Other forms of development which are currently exempt from development approval will continue to

Impacts on other Local Planning Policies

76. The proposed changes to the SCA necessitate a review of the existing Local Planning Policy 32 - Exemptions from Development Approval (LPP 32) (see Attachment 9).
77. To ensure unintended exemptions do not apply to development identified as requiring a development approval under the provisions of the SCA an updated LPP 32 has been prepared (see Attachment 10 with changes highlighted in yellow).
78. It is intended the proposed SCA, guidelines and LPP 32 will be consulted concurrently to outline the full range of planning requirements proposed.

Relevant documents

- [Local Planning Policy 25 – Streetscape](#)
- [Local Planning Policy 32 – Exemption From Development Approval](#)
- [Town of Victoria Park Town Planning Scheme No.1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 2](#)

12.3 Draft Local Planning Policy - Character Retention Guidelines

Location	Town-wide
Reporting officer	Michael Hancock
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft Character Retention Guidelines Town Modified Version [12.3.1 - 21 pages] 2. Recommendations Report [12.3.2 - 93 pages] 3. Ordinary Council Meeting May 2020 [12.3.3 - 15 pages] 4. Amended Policy Area Map [12.3.4 - 1 page] 5. Ordinary Council Meeting Minutes Extract June 2016 [12.3.5 - 10 pages] 6. Character Retention Guidelines Element Original [12.3.6 - 19 pages] 7. Ordinary Council Meeting Extract July 2020 [12.3.7 - 22 pages]

Recommendation

That Council consents to advertising of the draft modified version of Local Planning Policy 'Character Retention Guidelines', as contained at Attachment 1 to this report, for public comment for a minimum period of 60 days in accordance with deemed clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Purpose

For Council to consider the draft Character Retention Guidelines (guidelines) that will apply to development in the proposed Special Control Area known as the Character Retention Area, for the purposes of community consultation.

In brief

- At the September 2017 Ordinary Council Meeting, the Council resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area (RCSA).
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area.
- Based on the community sentiment, Element prepared a Recommendations Report (see Attachment 2) and draft Local Planning Policy – Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting (see Attachment 3).
- The Recommendations Report recommends that the Town undertake a Scheme Amendment to designate the Residential Character Study Area as a Special Control Area. Attachment 4 contains a map showing the area of the Town over which a Special Control Area (SCA) is proposed.
- At its 21 July 2020 Ordinary Council Meeting, Council resolved to initiate Scheme Amendment 87 to designate the Residential Character Study Area as a Special Control Area and to include requirements for development in the area (see Attachment 7). One of the proposed requirements is that

development which requires development approval is to have regard to the local planning policy adopted for the area.

- A draft Local Planning Policy 'Character Retention Guidelines' was prepared by Element and provided to the Town (see Attachment 6). The draft Policy prepared by Element has been modified by Officers, to address matters that are considered to require attention (see Attachment 1).

Background

1. Since 1998, the Town has had adopted policies applying to the standard of residential development in the Town both generally and for specific areas, including but not limited to the following policies:
 - former Town Planning Scheme No. 1 Policy 3.1 'Residential Design Guidelines'
 - former Town Planning Scheme No. 1 Policy 3.11 'Raphael Park Precinct Design Guidelines'
 - former Council Policy PLNG5 'Design Guidelines for Weatherboard Houses'
 - former Council Policy PLNG12 'Design Issues relating to Residential Development'.
2. The Town first implemented the Residential Character Study Area (RCSA) in 2003 following a study being undertaken. The study recommended that the Town *"give priority to, and actively encourage, the retention and conservation of residential character for the longer-term benefit of the community and the owners of properties"*.
3. The Town's Local Planning Policy 'Streetscape' took effect on 31 May 2005, consolidating a number of policies (including those mentioned in paragraph 1 above) into one policy.
4. The Local Planning Policy 'Streetscape', also known as LPP25, has applied to residential development in the Town since this time and continues to apply today, with minor modifications being made since its original adoption.
5. In response to changes to the Planning (Local Planning Schemes) Regulations 2015, the Town initiated Scheme Amendment 73 to reinstate planning controls that were removed by this legislation.
6. At the September 2017 Ordinary Council Meeting, the Council resolved to modify Amendment 73 by removing a number of the proposed planning controls, with Amendment 73 then being refused by the Minister for Planning.
7. Also, at the September 2017 Ordinary Council Meeting the Council resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
8. The Town engaged Element to undertake an independent review of the RCSA in September 2018, inclusive of reviewing LPP25.
9. At the 19 May 2020 Ordinary Council Meeting (see Attachment 3), Council resolved to acknowledge and receive the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report and receive a future report for consideration of a Scheme Amendment as outlined in the Recommendations Report.
10. At the 21 July 2020 Ordinary Council Meeting (OCM) (see Attachment 7) Council resolved to initiate Scheme Amendment 87 to implement a SCA over the RCSA. This includes a requirement for development in the SCA that requires development approval to have regard to a local planning policy adopted for the area.

11. At the 18 August 2020 OCM Council resolved to defer consideration of the guidelines to allow Town staff to further review the content of the draft guidelines, and in particular the definition of the term "visible from the street".
12. This report will formally recommend Council consider the draft modified version of Local Planning Policy 'Character Retention Guidelines' as contained in Attachment 1.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 - A community that is authentically engaged and informed in a timely manner.	The Town and Element undertook significant community consultation as part of the project. The community was engaged with a view to understand the built form priorities of the community and its attitude toward heritage and built form preservation. Further consultation was undertaken to ascertain if the community's aspirations had been adequately captured in draft recommendations prepared by Element.
CL3 - Well thought out and managed projects that are delivered successfully.	The level of engagement will assist in delivering a well-considered project that reflects the aspirations of the community.

Social	
Strategic outcome	Intended public value outcome or impact
S4 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The preservation and retention of the Town's built environment is valued by the community, as the results of consultation delivered. The proposed policy and Scheme Amendment will seek to further recognise the culture and heritage of the district.

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.	Community consultation undertaken through this project has demonstrated a desire to retain and improve the built form of the Residential Character Study Area. The proposed recommendation will enhance and/or maintain the Town's distinct character.

Engagement

13. The following consultation informed the Recommendations Report completed by Element, and the recommended draft Character Retention Guidelines.

External engagement

Stakeholders	
	Town of Victoria Park residents

Period of engagement	<p>First period of consultation conducted between 22 October 2018 and 19 November 2018. A total of 5,524 letters were sent inviting people to participate in a survey.</p> <p>Second period of consultation conducted between 28 August 2019 and 25 September 2019. On this occasion, consultation was undertaken with those persons who responded during the first consultation phase.</p>
Level of engagement	Consult; Involve
Methods of engagement	<ul style="list-style-type: none"> • The Town's 'Your Thoughts' online engagement hub, • Southern Gazette Newspaper notice, • Direct correspondence to all Amendment 73 submitters, • Town's 'Life in the Park' eNewsletter; and • Social media posts.
Advertising	As above.
Submission summary	<p>A total of 357 responses were received in the first period of consultation.</p> <p>A total of 12 submissions were received in the second period of consultation.</p>
Key findings	The feedback is summarised as outlined below.

14. Community consultation was undertaken in a two-part process. Element sought to engage with the community at the commencement of the project to gain the community's view on residential character and the importance of it to them. Element conducted a survey of owners and occupiers within the RCSA receiving over 350 public submissions. The Recommendations Report produced by Element (see Attachment 2) includes the Stage 1 community consultation outcomes, however the below summary captures the general sentiment of the consultation:

- *Streetscape character is seen to play an important role in telling the story of the Victoria Park area;*
- *While there are pockets of 'intact' streetscapes, the overwhelming description respondents used for the character of the area they live in is 'mixed';*
- *The majority of respondents recognised that the character of the area deserves protection;*
- *There is a clear desire from respondents to retain original dwellings;*
- *There is no clear perception of either positive or negative change in character over time;*
- *A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it; and*
- *There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area.*

15. Following their consideration of the initial public comments, Element prepared a series of draft recommendations which were the subject of further consultation to determine if the community's comments were accurately captured. The recommendations included amending the Scheme to introduce a Special Control Area over the RCSA and the preparation of revised draft Character Retention Guidelines. A total of 12 submissions were received, with eight generally supportive and four providing comment or concern.

Other engagement

Elected Members

On 10 December 2019 at an Elected Members Concept Forum, representatives of Element provided Elected Members with a presentation on the Recommendations Report and background on the draft Local Planning Policy – Character Retention Guidelines.

16. Should Council adopt the recommendation of this report, the draft Character Retention Guidelines will be the subject of community consultation as follows:

- To be advertised concurrently with the advertising of Scheme Amendment 88 and amended Local Planning Policy 32 – Exemption From Development Approval.
- Consultation for a period of 60 days.
- Consultation will occur by the following means:
 - Publish a notice in the Southern Gazette newspaper on at least three occasions.
 - A hard copy displayed in the Administration Centre
 - Referred to relevant government agencies; and
 - Displayed on the Town’s website consultation channels.
 - Letters being sent to (a) owners of properties within the Scheme Amendment area; and (b) respondents to consultation undertaken by Element in October/November 2018 (see Attachment 2); and (c) those persons who lodged a submission on Scheme Amendment 73.
- The Town will undertake community information sessions which will be publicised through various channels.

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • Planning and Development Act 2005 • Planning and Development (Local Planning Schemes) Regulations 2015 • Town Planning Scheme No.1 (TPS1)
State Government policies, bulletins or guidelines	<ul style="list-style-type: none"> • State Planning Policy 7.3 – Residential Design Codes Volume 1 • State Planning Policy 7.3 – Residential Design Codes Volume 2 • State Planning Policy 3.5 – Historic Heritage Conservation
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 25 – Streetscape (LPP 25 – Streetscape)
Other	Nil

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the Precinct Plans are relevant to consideration of the application.</p> <p>Precinct Plan P5 – Raphael Precinct</p> <ul style="list-style-type: none"> • <i>The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras.</i> • <i>Infill development and redevelopment of corner lots may be appropriate, although not to the detriment of the existing character of the area and of</i>
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the existing quality housing stock.

- *The precinct should remain a visually attractive area and have a pleasant atmosphere characterized by low to medium scale architecture, buildings facing the street in the traditional manner and set in landscaped surrounds. The retention of structurally sound original houses and healthy mature trees will be a priority in order to maintain the existing residential character and streetscape.*

Precinct Plan P6 – Victoria Park Precinct

- *The Victoria Park Precinct will remain as attractive and essentially low to medium scale residential area set on some of the highest land within the locality.*
- *The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitivity designed 'infill' housing is the most favoured form of development and will be encouraged.*
- *The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.*

Precinct Plan 10 – Shepperton Precinct

- *The Shepperton Precinct should remain a pleasant, low scale, medium density housing area.*
- *The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct. Selective infill and the development of grouped dwellings is also encouraged. New development is to enhance the existing character of the area and have regard for remaining quality housing stock.*

Precinct Plan 12 – East Victoria Park

- *The retention of existing structurally sound housing which generally contributes to the character of the area, and the selective redevelopment of other sites will be encouraged. The character of the precinct between Canterbury Terrace and Balmoral Streets, which consists of small cottages on small lots, should be preserved. Any redevelopment in this locality should adhere to strict design constraints governed by the existing scale and character of housing.*

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town has outlaid expenditure on developing the Local Planning Policy – Character Retention Guidelines.	Moderate	Likely	High	Low	Treat: adoption of the recommendation which would allow community feedback on the proposed guidelines.
Environmental	Flexibility to provide contemporary additions and sustainable renovations to dwellings will be delayed.	Moderate	Likely	High	Medium	Treat: adoption of recommendation would progress a flexible planning framework for providing improved environmental outcomes.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not advertising the Local Planning Policy – Character Retention Guidelines would mean community concerns relating to character retention and a contemporary flexible planning approach would be impacted.	Moderate	Likely		Low	Treat: adoption of the recommendation which would mean the advertising the draft Local Planning Policy – Character Retention Guidelines.
Service delivery	Not proceeding with the Draft Guidelines will	Moderate	Almost certain	High	Medium	Treat: adoption of the recommendation

	prevent the transition to a more flexible modern planning approach.	which would mean the advertising the draft Local Planning Policy – Character Retention Guidelines.
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Financial implications

Current budget impact	Nil.
Future budget impact	Nil.

Analysis

Relationship with Special Control Area

17. At Council's July 2020 Ordinary Council Meeting, Council resolved to initiate Scheme Amendment 87, which seeks to establish a Special Control Area over the Residential Character Study Area.
18. A separate report appears on the agenda for the September ABF and OCM, recommending that Council not proceed to advertise Amendment 87 and instead initiate a new Amendment (Amendment 88).
19. Scheme Amendment 88 includes a requirement that:

"All development shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area."
20. As outlined in the Recommendations Report prepared by Element, planning practice and the context of the RCSA has shifted. The Recommendations Report summaries these as follows:
 - (a) *The introduction of the Deemed Provisions regarding works exempt from requiring development approval and heritage 'protection' (as above), as well as a modified Model Scheme Text;*
 - (b) *The introduction of the State Government's 'Design WA' suite of documents and the 10 Principles of Good Design;*
 - (c) *A focus on sustainability, climate sensitive design and improved building quality, residential amenity and liveability;*
 - (d) *An increased value placed on 'urban forests' and the role of street trees and landscaping;*
 - (e) *The endorsement of the State Government's Sub-Regional Planning Frameworks which focus infill in strategic locations in order to 'protect' the lower density established neighbourhoods;*
 - (f) *The extent of demolitions of original and non-original dwellings across the study area;*
 - (g) *The Council and the Minister for Planning's decisions on Amendment 73; and*
 - (h) *A shift to facilitative rather than regulative approaches to some planning decision-making.*
21. Further, the results of community consultation highlighted a preference for a flexible approach to policy administration, rather than an enforcement approach.

22. The proposed guidelines are to apply to all development which is “visible from the street” now defined as:

Visible from the street means:

(i) “visible from the street” only applies to a dwelling which has a frontage to a street.

(ii) “visible from the street” means development which if implemented is either:

- Situated wholly or partially within 12m of the street boundary; or
- Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary.

(iii) “Street” means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.

(iv) Clause 60 of the deemed provisions continue to apply in relation to other works that require development approval.

23. Element undertook two stages of community consultation to gauge community sentiment. As outlined above, a key trend to emerge was the desire for a more flexible approach to policy application. For stage one Element summarises the following:

Theme	Stage 1 Consultation Summary	Stage 2 Consultation Summary	Officer Comments
Alterations and additions to single dwellings	<p>Council should play a part in ensuring the street scape is maintained to reflect “original dwellings”, but that does not mean there should be a need to retain original dwellings in their entirety. There needs to be scope for homeowners to be able to develop/renovate their properties and bring them into the 21st century. This includes the capacity to add a second story.</p> <p>Streetscape character can be maintained through keeping the front of “original dwellings” and allow for interesting and modern extensions behind.</p>	<p>Any alterations or additions should be contemporary in nature and distinctly different.</p> <p>Would like more detail and examples.</p>	<p>The proposed policy seeks to allow more contemporary additions and alterations to single dwellings outside of the area which is visible from the street.</p> <p>Outside of the area visible from the street, as defined above, building design controls are not applicable. Additions and alterations which are visible from a street will have acceptable standards with opportunity for a proposal to be assessed on a performance basis.</p> <p>The guidelines are considered to address</p>

			<p>the communities' feedback to encourage contemporary additions.</p>
<p>New development of single dwellings</p>	<p>Streetscape character is seen to play an important role in telling the story of the Victoria Park area.</p> <p>While there are pockets of 'intact' streetscapes, the overwhelming description respondents used for the character of the area they live in is 'mixed'.</p>	<p>Should allow new modern, character replication or like for like houses (within reason) without a DA/demolition approval.</p>	<p>Recognising the community sentiment, the guidelines take a flexible approach to new dwellings and seeks to avoid mimicking traditional character features. Although the guidelines seeks to ensure the retention of character, new dwellings and appropriately located additions can be more contemporary in nature.</p> <p>The guidelines are considered to address the communities' feedback to allow for contemporary works whilst striking a balance to ensure that development still respects the existing character of an area.</p>
<p>Streetscape character</p>	<p>Top five elements thought to create the character in the area:</p> <ul style="list-style-type: none"> • Presence of original dwellings; • Traditional materials; • Verge trees; • Pitched roofs; and • Consistent primary street setbacks. • There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area. 	<p>It is near impossible to come up with "one size fits all" regulations for such a variety of aesthetics and streetscapes.</p> <p>Do not oppose overall aim of requiring homeowners to consider the streetscape character and impact in development proposals, but this affects all development not just original dwellings.</p>	<p>The guidelines seek to maintain traditional streetscape features, as outlined in the community consultation.</p> <p>Features include contextually consistent street setbacks, minimum 30° roof pitch, second storey development setback from ridgeline and street walls and fences.</p>

	<ul style="list-style-type: none"> • New and old architecture can blend together under an evolving streetscape. 	<p>Street canopy trees and natural beauty vital.</p>	<p>The guidelines are considered to address the communities' feedback to maintain the key factors in streetscape preservation.</p>
<p>Governance</p>	<p>A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it.</p> <p>The Town's planning department does not encourage design innovation and is overly restrictive and narrowly focused in its application of the Local Planning Policy – Streetscape.</p> <p>Council should work with property owners to ensure best possible character retention outcomes while not being restrictive and difficult.</p> <p>Need to assess character responses based on merit and allow for quality new development.</p> <p>Be more user friendly - simpler to read, understand and navigate.</p>	<p>Sensible. Simple, easy to understand policy and a facilitation culture.</p> <p>Should upskill officers to understand good design.</p> <p>Support bottom-up approach and partnerships; enable facilitation of a platform of respect.</p> <p>Support technical advice incentive.</p>	<p>The guidelines are considered to be user friendly and more flexible in their approach.</p> <p>Officers have been adapting to a more performance-based approach to assessing and determining development applications. This evolution of assessment will continue with the introduction of the proposed guidelines.</p> <p>The guidelines are considered to address the communities feedback in providing increased flexibility and being more "simple".</p>

24. The proposed guidelines represent an important step in the protection and evolution of the Residential Character Study Area and support the objectives and purpose of the Scheme Amendment 88 SCA.

Proposed Draft Character Retention Guidelines

25. The Town engaged Element to undertake a review of the RCSA and propose mechanisms for the preservation of the areas character. One of the recommendations from Element is the preparation of Character Retention Guidelines.

26. The proposed guidelines are consistent with a modern planning framework approach, and is developed as a performance-based policy. Performance based policy is the current practice for administering land use planning and is the approach taken within the Department of Planning, Lands and Heritage suite of Design WA documents.
27. In considering development applications within the SCA, regard needs to be given to the proposed Character Retention Area Guidelines (see Attachment 1). These guidelines are proposed to apply to development “visible from the street” within the RCSA instead of the Town’s Local Planning Policy 25 ‘Streetscape’.
28. Key elements of the guidelines focus on the positive contribution that built form and the public domain have on an area.
29. The guidelines focus on the retention of original dwellings, whilst providing flexibility to incorporate contemporary design for additions within the “visible from the street” area.
30. Additions to existing dwelling and new dwellings outside of the “visible from the street” area are not subject to this policy.
31. As outlined above, development that is not “visible from the street”, as this term is defined, will not be subject to the draft Character Retention Guidelines, therefore giving landowners complete freedom to deliver innovative, contemporary designs in these situations.
32. More specifically, additions and new dwellings which are not “visible from the street” will be subject to the provisions of the Residential Design Codes – Volume 1 only, and not the guidelines or LPP 25.
33. The guidelines take into consideration the wider streetscape when determining setbacks, representing a locally tailored approach rather than a one size fits all approach.
34. Acknowledging the community feedback on the current Local Planning Policy ‘Streetscape’, the draft Character Retention Guidelines have been written to be more performance based rather than prescriptive. This is intended to provide scope for innovative and creative design solutions, and sustainable and contemporary developments where appropriate.
35. As part of developing the guidelines, Element engaged with Town officers to ascertain insights into the operation and effectiveness of existing LPP 25.
36. On receipt of the guidelines the Urban Planning team work shopped the draft guidelines and provided suggested changes to Element, a number of changes were incorporated, with several being discarded.
37. The final draft guidelines prepared by Element are contained at Attachment 6.
38. Further to this, the Urban Planning team have proposed a number of changes to the draft guidelines (see Attachment 1) to address matters that were considered to be deficient or requiring greater clarity.

Modified Draft Character Retention Guidelines

39. Town officers further modified the guidelines to better serve the needs of the Town (see Attachment 1).
40. Changes are proposed to the draft Guidelines as prepared by Element, with the more notable changes being outlined below:

Provision	Proposed Modification	Comment
Variations to Development Approval section	This clause has been moved to the first page of the guidelines.	The proposed change is to increase awareness and emphasise the intended flexibility

		of the guidelines.
Policy area map (figure 1).	Removal of some portions of land from the policy area, particularly those areas capable of being developed with multiple dwellings and where there is not a strong presence of original dwellings or an identifiable character.	The proposed change to the policy area is consistent with the initiated Scheme Amendment 87 SCA.
Definition of "visible from the street".	<p>To change the definition to:</p> <p><i>Visible from the street means:</i></p> <p>(i) <i>"visible from the street" only applies to a dwelling which has a frontage to a street.</i></p> <p>(ii) <i>"visible from the street" means development which if implemented is either:</i></p> <ul style="list-style-type: none"> • <i>Situated wholly or partially within 12m of the street boundary; or</i> • <i>Wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary.</i> <p>(iii) <i>"Street" means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.</i></p> <p>(iv) <i>Clause 60 of the deemed provisions continue to apply in relation to other works that require development approval.</i></p>	The proposed change has been formalised as part of the Scheme Amendment 88 SCA. This is to avoid unintended development requiring an application, such as single storey additions not visible from a street, and rear dwellings.
Policy Statement, Demolition new provision.	The inclusion of "in the Town's opinion, the dwelling does not	To outline that demolition of an 'original dwelling' will be

	make a positive contribution to the streetscape character including through modifications or changes to the building that is irrevocable” and the inclusion of criteria to assess an application proposing demolition.	considered where the dwelling has been modified to such an extent that it no longer positively contributes to the streetscape.
5.1.3 Lot Boundary Setbacks	Delete provision.	The R-codes provisions are acceptable in this instance. The guidelines refer to the erection of carports, it is considered this is better addressed in guidelines section 5.2.2 Garage Width.
2.2 Form and Materiality, Eaves	The inclusion of eaves being required on development that is visible from the street.	Eaves are considered to provide a significant contribution to the streetscape zone as well as their solar benefits. The guidelines should include provision relating to the inclusion of eaves.
Development Incentives to Retain Original Dwellings	Delete provision.	As outlined in Council Resolution (395/2020) at the 19 May 2020 Ordinary Council Meeting, a report investigating incentives is likely to be presented to Council for its consideration before December 2020.

41. The proposed changes are considered to better equip the guidelines to meet the needs of the Town and the community, without undermining the original intent of the draft guidelines presented by Element.
42. It is recommended that the draft guidelines proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received and seeking a final decision from Council as to whether or not to adopt the draft guidelines, with or without modifications.
43. It is recommended the draft guidelines proceed to community consultation concurrently with advertising of the Scheme Amendment 88 and LPP 32.

Areas Outside of RCSA

44. Currently LPP 25 contains requirements relating to four separate areas within the Town, being the Residential Character Study Area, Weatherboard Precinct/Streetscape, Raphael Precinct and all other areas (described as 'Outside of Specified Area').
45. With the introduction of the guidelines, the provisions of LPP25 which relate to the Residential Character Study Area, Weatherboard Precinct/Streetscape and Raphael Precinct will be removed from LPP25.

46. Should the Character Retention Guidelines be adopted for the SCA, then LPP25 will continue to apply to 'Outside of Specified Areas' (eg. Carlisle, Lathlain, St James, and those portions of Victoria Park, East Victoria Park and Burswood not within the SCA).
47. In the longer term it is proposed to comprehensively review LPP 25 as it will apply to development 'Outside of Specified Areas' to similarly be a more performance-based policy.
48. It is also important to note the guidelines do not apply to development facing rights-of-way and will be subject to existing LPP 25.
49. As outlined in the sections above, additions and new dwellings which are not "visible from the street" will be assessed against the provisions of the Residential Design Codes – Volume 1.

Relevant documents

- [Local Planning Policy 25 – Streetscape](#)
- [Town of Victoria Park Town Planning Scheme No.1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 2](#)

12.4 Fencing Local Law 2020

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Robert Cruickshank
Voting requirement	Absolute majority
Attachments	1. Proposed Fencing Local Law 2020 [12.4.1 - 21 pages] 2. Fencing Local Law 2000 public submissions [12.4.2 - 1 page]

Recommendation

That Council:

1. Determines that as a result of the review of the *Town of Victoria Park Local Laws Relating to Fencing*, that this local law should be repealed and replaced, in accordance with section 3.16 of the *Local Government Act 1995*.
2. Gives notice that it intends to make the *Town of Victoria Park Fencing Local Law 2020*, as at attachment 1, which will replace the *Town of Victoria Park Local Laws Relating to Fencing* in accordance with section 3.12 of the *Local Government Act 1995*.
3. Notes the submissions received in relation to the review and the explanatory memorandum for the *Town of Victoria Park Fencing Local Law 2020* as at attachment 2 and attachment 3 respectively.

Purpose and Effect of the Local Law

The purpose of this local law is to prescribe what constitutes a sufficient fence and the standard for the construction of fences throughout the Town of Victoria Park.

The effect of this local law is to establish the requirements for fencing within the Town of Victoria Park.

Purpose

To present the results of the review of the *Town of Victoria Park Local Laws Relating to Fencing*.

In brief

- Council at its meeting on 18 February 2020 resolved that a review of the *Town of Victoria Park Local Laws Relating to Fencing* of 2000 be conducted.
- The recommendation of the review is to repeal and replace the existing local law.
- The proposed replacement local law is based off the *City of Perth Fencing Local Law 2015* and draft fencing local law in the City of Canning with some adaptations.
- The proposed replacement local law is recommended to be advertised for public comment.

Background

1. The *Dividing Fences Act 1961* empowers local governments to make local laws to determine what constitutes a 'sufficient fence' in the local government district. Likewise, the *Local Government Act 1995* allows a local government to make local laws for the good government of its district. The *Local Government Act 1995* further allows local governments to make local laws for building work, demolition work, a standard for the construction or demolition of incidental structures, or the use and

maintenance of, and requirements in relation to, incidental structures, such as fencing. Through this local law a local government can determine:

- a. what fences may look like;
 - b. how fences are to be constructed;
 - c. what materials can be used in construction; and
 - d. to what standards they are to be built.
2. The Town of Victoria Park has implemented this through the *Town of Victoria Park Local Laws Relating to Fencing* which was gazetted in September 2000. The last review of the local law occurred in 2011 where no changes were made.
 3. A statutory review of this local law has been conducted in accordance with section 3.16 of the *Local Government Act 1995* and four submissions have been received from the public.
 4. Since 2000, the *Planning and Development Act 2005* and *Building Act 2011* have been introduced which has changed legislation affecting fencing.
 5. If no local law exists relating to fencing, then the standard of fencing would default to either:
 - a. any substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or
 - b. any fence determined to be a sufficient fence by the court pursuant to the *Dividing Fences Act 1961*.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring an up to date and effective local law promotes sound governance.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	An effective fencing local law ensures the Town is able to fulfill its legislative responsibilities in urban planning and building.

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 revised fencing local law seeks to improve the options available in relation to fencing in a way that improves the Town's character.

Engagement

Internal engagement	
Stakeholder	Comments
Building Services	Building services provided significant input into the building aspects of the local law
Urban Planning	Urban planning were closely involved in the development of sections of the local law relating particularly to front fencing and planning approvals.

Street Improvement	Street improvement provided advice relating to the appropriate fencing sightlines.
Elected members	Elected members were provided with a draft of the new fencing local law to provide their feedback.

External engagement	
Stakeholders	Community
Period of engagement	2 March 2020 – 17 April 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts
Advertising	Local public notice
Submission summary	4 submissions received
Key findings	Submissions advocated clarifications and changes to the local law in matters such as asbestos, barbed wire fencing and different fencing materials. The proposed local law meets all of these changes.

Other engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	No specific comment provided, only requested to receive the results of the review.
Department of Mines, Industry Regulation and Safety	No response received.
McLeods Barristers and Solicitors	The Town engaged McLeods to provide legal advice in relation to the proposed law.

Legal compliance

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

[Section 3.16 of the *Local Government Act 1995*](#)

[Dividing Fences Act 1961](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	The towns local laws made in relation to fencing are inadequate to protect health and safety.	Major	Possible	High	Low	Treat by amending the local law.
Infrastructure /ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The Town fails to conclude the review of the <i>Local Laws Relating to Fencing</i> .	Moderate	Unlikely	Medium	Low	Treat by resolving the review of the local law.
Reputation	The towns local laws made in relation to fencing are inadequate.	Moderate	Unlikely	Medium	Low	Treat by updating the local law.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact

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

Future budget impact

The Town currently does not impose any fees or charges in relation to the local laws relating to fencing. A person instead currently applies for a building permit.

This law is not scheduled if ultimately adopted to take effect until 1 July 2021. It is intended to include in the 2021-2022 budget the following fees and charges for this local law:

- Application fee for approval under Part 5 of the draft local law of \$147.00 which aligns with the development application fee for an application worth less than \$50,000.
- Inspection fee for any onsite inspection of \$105.00 per inspection.

In the past year there were 22 applications relating to fencing so these fees would be valued at \$3,234.00. Inspections are however uncommon so no income is anticipated.

Analysis

6. The current fencing local law, made in 2000 is somewhat outdated and uses terms that are no longer relevant in planning and building legislation. The [City of Perth Fencing Local Law 2015](#) was used as the basis for a replacement, being from a neighboring district and recently made. Further, the Town additionally looked to the draft local law which was being advertised in the City of Canning.
7. From an operational perspective, there were shortcomings in the current local law as it was not updated with the passage of the *Building Act 2011* or numerous changes to the Town Planning Scheme No.1. These shortcomings meant that the Town's Building Surveyors found it difficult to administer and enforce this law.
8. From a strategic perspective, the Fencing Local Law is an instrument that the Town can enforce and is binding on property owners. This means an opportunity existed to update the law to work to improve visual amenity and respond to residents' concerns.
9. In relation to the interplay between a development application, building permit and this local law for fence on a residential property :
10. Development approval is required for a fence in the front setback area where not satisfying the deemed-to-comply requirements of the Town's Local Planning Policy 'Streetscape'. Development approval is not required for a fence not in the front setback area.
11. Under Schedule 4 of the Building Regulations 2012, fences will be exempt from requiring a building permit.
12. Approval for a fence will be required under Part 5 of the Local Law where stated as requiring approval under the Local Law or where the fence is a masonry fence exceeding a height of 1.2m.
13. Where development approval is issued for a fence in a front setback area, then a further approval will not required under the Local Law except where the fence is of masonry construction and exceeds a height of 1.2m.

Key changes

14. Fencing construction will be required to meet the requirements of the *Building Act 2011*, the Building Code and Australian Standards. This may include the need to obtain approval and conform to relevant standards, particularly in relation to wind resistance and masonry fences and walls.

15. The specifications for fencing are now made less specific to capture that fences should conform to the manufacturer's specifications or relevant Australian standards instead of the Town's standards from 2000.
16. Barbed wire fencing will now require a permit to be installed in the Town of Victoria Park. Likewise, barbed wire fencing will not be permitted in a residential area in order to protect visual amenity.
17. Where approval is required for a fence under the Local Law, then that will be by way of fence approval rather than a building permit.
18. Introducing a provision that where development approval has been obtained for a fence, then a further approval under this Local Law is not required unless the fence is of masonry construction and greater than 1.2m height.
19. A number of new offences are proposed to be created:
 - a. It will be illegal without the approval of the Town to:
 - i. erect a gate in a fence that cannot be contained in the lot without the approval of the Town.
 - ii. build a fence over a right of way, public access way or thoroughfare.
 - iii. re-use fencing materials.
 - b. It will also be illegal to use any following materials in fencing:
 - i. broken glass or harmful projections
 - ii. asbestos
 - iii. materials that will collapse or fall
 - iv. pre-used materials unless approved and treated.
20. These offences are accompanied by modified penalties based upon the seriousness of the offence. These offences are considered to be common sense (such as not building a gate outside your property) or for the safety of the public (ensuring fences do not collapse). It is proposed that these penalties be tied to the potential *Penalty Units Local Law 2020* and vary from \$250 to \$500.

Next steps

21. In accordance with section 3.12 of the *Local Government Act 1995* prior to making any local law, the Town is required to give local public notice of the draft law and receive submissions from the public for at least six weeks.
22. Following the conclusion of the submission period, the local law will be resubmitted to Council for its consideration as to if it should be made.

Relevant documents

AS/NZS 1170:0:2002 Structural design actions – general principles

AS/NZS 3016:2002 Electrical installations

[Local planning policy No.25 - Streetscape](#)

[Residential Design Codes Volume 1](#)

12.5 Review of the Health Local Law 2003

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	1. Health Local Law 2003 Consolidated [12.5.1 - 92 pages]

Recommendation

That Council gives notice of its intent to review the *Health Local Law 2003* in accordance with Section 3.16 of the *Local Government Act 1995*.

Purpose

To commence a statutory review of the *Health Local Law 2003*.

In brief

- Section 3.16 of the *Local Government Act 1995* requires that every eight years after making a local law a local government reviews the relevant local law.
- The previous review of the *Health Local Law 2003* was ended as a result of the amalgamations and introduction of the *Public Health Act 2016*.
- Having not been reviewed since adoption, it is necessary to review the local law given significant changes in state government legislation.

Background

1. The Town of Victoria Park as a local government is responsible under the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* to make local laws to help protect the health of the community. This has been a core part the functions of a local government for over a century. In order to strengthen the protections for public health, local governments make health local laws. The Town has done this through the *Health Local Law 2003*.
2. Under section 3.16 of the *Local Government Act 1995*, a local government is required to conduct a formal review of a local law every eight years following making that law. The *Health Local Law 2003* was reviewed in 2014 with Council resolving to adopt two replacement local laws at its April 2014 meeting. However, due to the uncertainty at the time resulting from amalgamations, the process was ultimately discontinued. This has resulted in the local law not being reviewed for 17 years.
3. In the period since the *Health Local Law 2003* was adopted, the following significant state legislative changes have occurred:

(j) *Waste Avoidance and Resource Recovery Act 2007*

This Act addresses a number of state measures to control and manage waste, including 'local government waste'. It is under this Act that future local laws managing waste must be made.

(a) *Food Act 2008*

This Act transferred the laws managing food establishments, from local laws to a single law for the whole state. By order of the Governor, our local law was amended accordingly.

(b) Cat Act 2011

This Act provided for greater regulation of Cats and enables local governments to make local laws to regulate cats even further.

(c) Public Health Act 2016

This Act, updated after 105 years, was the state's primary public health law. As part of its roll out, the Department of Health has been reviewing regulations, guidelines and local laws that were made under the previous act. The Act came in force in 2016 and implemented in a five staged process due to be fully implemented by 2021. Implementation is currently at Stage 4.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Recognising the need to review an outdated law demonstrates visionary civic leadership.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Local governments have a legislative responsibility to protect the public health of their citizens. Resourcing this responsibility with an appropriate law will strengthen the appropriate management of this responsibility.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	Updating local laws relating to waste will enable the Town to better ensure people understand the value of their waste.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Health local laws help ensure cleanliness and safety.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Health local laws are one of the principle means of protecting public health in the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	Environmental Health is supportive of the review provided that any residual public health local laws are addressed last to enable the regulation reviews conducted by the Department of Health to be considered in formulating new public health laws. However, it is not fully known what impact the new <i>Public Health Act 2016</i> will have on the Local Laws until Stage 5 is fully implemented in 2021.
Rangers	Rangers support the proposed review which will allow consideration of local laws relating to cats as well as reconsideration of current laws for the keeping of poultry and large animals.
Waste Operations	Waste operations support the proposed review which will allow for the updating of local laws relating to waste.
Elected Members	Elected members considered the review of the Health Local Law at the July concept forum and were supportive of the review process.

Legal compliance

[Section 3.16 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Having an unenforceable waste local law creates a risk to the natural environment.	Minor	Possible	Medium	Medium	Treat by reviewing the local laws relating to waste and the environment.
Health and safety	Having an unenforceable local law creates a public health risk.	Moderate	Likely	High	Low	Treat by reviewing the local laws relating to public health.
Infrastructure/ICT systems/	Not applicable.				Medium	

utilities						
Legislative compliance	The Town does not review the <i>Health Local Law 2003</i> as required by the Act.	Major	Unlikely	Medium	Low	The Town undertakes and concludes a review of the <i>Health Local Law 2003</i> .
Reputation	The Town's health local law is seen as outdated by the community.	Minor	Possible	Medium	Low	The Town undertake a review which updates the local law.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

4. The *Health Local Law 2003* is currently made under the *Health (Miscellaneous Provisions) Act 1911* as was required in 2003. Since the *Public Health Act 2016* has been enacted, local laws for public health can now be made under the *Local Government Act 1995*. This means any replacement local law would not require the consent of the Chief Health Officer.
5. Further, local laws made under the *Local Government Act 1995* are able to utilise the penalties under the *Local Government Act 1995*. This means any replacement laws could have a maximum penalty of \$5000 in the place of \$1000. It would also be possible to issue infringements in the place of having to prosecute every offence.
6. Given the *Health Local Law 2003* is an extensive local law that serves as the principal local law regulating:
 - a. Public health;
 - b. Waste and protection of the natural environment;
 - c. Cats, Poultry and Large Animals;
 - d. Beekeeping and other insects;
 - e. Nuisances and the urban environment;
7. any review of this law could result in some significant changes and will need a greater amount of community consultation. It will also take some time to work through the implications and proposals that any new laws could cause.

8. In order to address the significant amount of areas of regulation to review, it is proposed that the review be staggered across two financial years. In the current financial year, the Town will focus on laws in respect of animals and the environment (including waste). Then in 2021-2022 the Town can address the residual public health laws. This also allows further time for the Department of Health WA to continue and conclude its roll out of Stage 5 of the *Public Health Act 2016* and public health regulations.

Next steps

9. Following approval by Council, local public notice of the review will be given with an opportunity for the public to make submissions generally about the local law. It is then anticipated that further specific topic-based consultation will occur to gather views about certain potential laws.

Relevant documents

[Health Local Law 2003](#)

12.6 COVID Art Grants

Location	Town-wide
Reporting officer	Yvette Coyne
Responsible officer	Alison Braun
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Policy 114 Community Funding [12.6.1 - 10 pages] 2. CONFIDENTIAL - Confidential Attachment 1 Restart Arts Grant Assessment [12.6.2 - 5 pages]

Recommendation

That Council endorse 11 applications for the Town's COVID-19 Community Restart Arts Grants program:

- a) Sioux Tempestt, Youth mural mentorship program, \$6,278.60
- b) Victoria Park Community Centre, Albany Highway Song Writers Club, \$5,000.00
- c) Cassandra Jordan, New Balmoral Restart Mural Project, \$1,976.90
- d) Creative Soul Sessions, You're Terrible, Mural! \$4,930.00
- e) Hayley Welsh, Where now from here, \$5,950.00
- f) Connect Victoria Park Inc, Connect with Birds, \$6,390.00
- g) John Curtin Gallery, 50fifty:2020, \$3,000.00
- h) Alana Fluit, Red-tailed Black Cockatoos, \$7,098.00
- i) Carlie Germs, Permanent, \$2,350.00
- j) Vic Park Collective, Vic Park Urban Gallery Map, \$2,900.00
- k) Jae Criddle, Group Exhibition 'Meantime', \$4,125.00

Purpose

To provide Council with recommendations for the Town's COVID-19 Restart Art Grant applications and assessments for endorsement.

In brief

- On 11 March 2020, the World Health Organization declared the COVID-19 outbreak a global Pandemic. On 15 March 2020, the WA government declared a state of emergency for Western Australia.
- Since the Western Australian government declared the emergency, the Town has prepared and executed a range of immediate support measures appropriate to what is described as the 'response' phase.
- At the 19 May 2020 Ordinary Council Meeting, Council resolved the reallocation of \$50,000 from the Town's Community Art Reserve, originally deemed for public artwork at Victoria Park Drive and Glenn Place roundabout, to be repurposed for a COVID-19 response community arts grant program.
- Applications for the COVID-19 Restart Community Grants program opened on Monday 29 June 2020 and closed Friday 10 July 2020. The Town received a total of 31 applications.
- The application criteria consisted of six questions with a maximum weighting score of five points per question. With four panel members scoring across the six criteria.
- The Town recommended 11 applications meeting the required criteria for the COVID-19 Restart Community Grants for council endorsement.

Background

1. At the 19 May 2020 Ordinary Council Meeting, Council approved the reallocation of \$50,000 from the Community Art Reserve capital works budget towards a special COVID-19 arts relief funding program and resolved that:

WO 2021 – Artworks. Transfer \$50,000 to COVID-19 Response Community Grants program to be allocated to an 'arts grant' to provide relief to local artists and creative industries" and "The Chief Executive Officer present a further report with recommendations for the allocation of the grant funding

2. The COVID-19 Restart Arts Grants program opened for a period of two weeks commencing 29 June 2020 and closing 10 July 2020.
3. The COVID-19 Restart Art Grants were accessible via an expression of interest on the Town's website for applications up to \$10,000.
4. The Restart Art Grants were designed to support artists and creative projects. The grants are part of the Town's COVID-19 recovery strategy, Restart Vic Park, which aims to reconnect and revive the community.
5. The application form consisted of six questions with a maximum weighting score of five points per question. With four panel members scoring across the six criteria, the maximum score available was 120.
6. The questions were aligned with the Town's Restart Vic Park Recovery Strategy and the Town's Strategic Community Plan outcomes.
7. The Town received 31 applications requesting a total of \$161,532.70 in grant funding.

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.	Unutilised funds are reallocated and repurposed to the direct benefit of the local community.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	A community that is safe and welcoming to all.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	An empowered suite of local artists who are supported by the Town to deliver art and culture initiatives that provide a sense of pride, safety and belonging within the local and broader community.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Art, culture, education and heritage initiatives are supported and championed to create a sense of belonging and connection during the pandemic.

Engagement

Internal engagement

Community Development	Consultation and management of grant administration.
Communications	Consultation relating to advertising and promotion.
Finance	Reallocation of funds from the Town Art Reserve into a COVID-19 Restart Art Grant work order.
Funding Assessment Panel	Review and scoring of applications against the set selection criteria.
Governance	Advice relating to publicly advertising successful and unsuccessful applicants.

External engagement

Stakeholders	Local artists and community groups.
Period of engagement	The grant details were available on 29 June and applications closed on 10 July 2020.
Level of engagement	5. Empower
Methods of engagement	Direct email, social media advertising, targeted advertising across digital platforms.
Advertising	Direct email, social media advertising, targeted advertising across digital platforms as well as the Town's Vibe newsletter.
Submission summary	31 submissions were received. 11 were supported, and 20 were not eligible or unsuitable.
Key findings	Nil.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Administration of Town funds that do not meet the scope and intention of the COVID-19 Restart Arts Grant program.	Moderate	Likely	High	Low	ACCEPT Delivery of a transparent community funding program that aligns to Policy 114 Community Funding.
Environmental	Not applicable.					
Health and Safety	Not applicable.					
Infrastructure ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Funds are not distributed in a transparent and ethical way	Moderate	Low	Low	Low	ACCEPT Applications are assessed against the COVID-19 Restart Art Grant criteria as per Policy 14 Community Funding
Service Delivery	Not applicable.					

Financial implications

Current budget impact	Nil, Sufficient funds exist within the 20/21 budget to meet the recommendation.
Future budget impact	Not applicable.

Analysis

8. An internal assessment process was conducted by the Town's funding panel. The Town's assessment process is summarised as follows below.

Assessment questions

Assessment questions	Weighting per question per panel member
Project Plan - Has the applicant provided a thorough and feasible project plan.	<ul style="list-style-type: none"> Weighting 5 points per panel member Total points panel combined 20
Contribution to Restart Vic Park - Does the application provide adequate evidence of community need or benefit for the proposed project/program.	<ul style="list-style-type: none"> Weighting 5 points per panel member Total points panel combined 20
Evidence of Community Support - Does the application provide evidence of community support.	<ul style="list-style-type: none"> Weighting 5 points per panel member Total points panel combined 20
Non-financial inputs - Has the applicant adequately accounted for the non-financial inputs that will be required to undertake the proposed work.	<ul style="list-style-type: none"> Weighting 5 points per panel member Total points panel combined 20
Applicant Capacity - Does it appear likely that the applicant has the skills, experience and aptitudes required to carry out the proposed project/program.	<ul style="list-style-type: none"> Weighting 5 points per panel member Total points panel combined 20

Assessment criteria

Assessment criteria
The application has been fully completed and received by the Town in accordance with grant requirements.
The applicant has supplied quotes for all purchases in accordance with the grant funding request.
The application is clear, and includes realistic objectives, timeframe and budget.
The applicant's mission, objectives, and products do not conflict with the values and objectives of the Town.

There is demonstrated evidence of a community need.
The applicant is not requesting explicit endorsement of the applicant itself, or its product.
Any conflict of interest has been declared and assessed as reasonable.
The grant meets all funding eligibility requirements (i.e. acquittal of previous grant).
The applicant can obtain appropriate approvals, permits, insurances and licenses.
The Town reserves the right to discuss an application with a third party, if necessary, to assist in assessing the application.
Provision of a project plan.
Provision of a risk management plan
Provision of \$10 Million liability insurance
Provision of copy of certificate of incorporation

Assessment process

9. Applications were assessed individually and additionally within a formal panel meeting by the Town's funding panel members in line with Policy 114 Community Funding and the criteria outlined for the COVID-19 Restart Art Grants.
10. Town's internal funding panel consisted of four Town officers;
 - a. Chief Community Planner
 - b. Place Leader, Urban Design
 - c. Coordinator Digital Hub
 - d. Communications Advisor

Assessment outcome

11. The Town received a total of 31 applications. It is recommended that 11 of the applications submitted be recommended for approval. Of the 20 not recommended, one application did not meet the assessment criteria and 19 scored a lower score.
12. The Town recommends the following applications be considered and endorsed by Council;

Applicant	Project	Amount (ex GST)	Evaluation	Score
Sioux Tempestt	<p>Youth mural mentorship program ©</p> <p>A fun hands project consisting of two workshops learning about urban street style and contemporary art, and hands on mural painting through mentorship. The Town will work with the artist to locate a suitable wall for this project.</p>	\$6,278.60	Excellent application and project, addressing all criteria.	94
Victoria Park Community Centre	<p>Albany Highway Songwriter's Club</p> <p>Musicians and venues have been heavily impacted by COVID-19. Vic Park has a notable lack of live original music venues. As a nurturing event that provides a space for artists and audiences to create and engage, the songwriters club has provided an inclusive environment for songwriters of all demographics to perform. The Club is proud to have hosted some of WA's best songwriters, who</p>	\$5,000	Increased economic vibrancy in Town. Establish Vic Park as a place for original live music.	93

	got some of their first chances to play at these events. The events will support local venues and songwriters along Albany Highway.			
Cassandra Jordan	<p>New Balmoral Restart Mural Project</p> <p>The New Balmoral was a corner Deli on Balmoral & Berwick Street. Local artist Rozanna Johnson to create a community mural on the wall facing Berwick Street featuring the postcode and native flowers. The community will be invited to paint and celebrate the Town's identity and community pride.</p>	\$1,976.90	Clearly scoped and achievable. The artwork will increase vibrancy in an area without much artwork/murals.	91
Creative Soul Sessions	<p>You're terrible Mural!</p> <p>Provide a wall mural to Starick Services (Mary Smith Women's Refuge) and provide a series of 5 creative workshops for refuge residents.</p>	\$4,930	Covid-19 saw a rise in domestic violence cases. A small creative reprieve in the form of the creative workshops will assist the wellbeing and mental health of the refuge's residents	90
Hayley Welsh	'Where now from here..?'	\$5,950	Innovative, layered project that has the potential to	90

	<p>Street artist Hayley Welsh invites us to visit locations in Victoria Park to gather the clues, to find the final 'lost' artwork. Clues are hidden at various Victoria Park cafes and shops, helping revive local businesses whilst encouraging tourism and stimulating footfall to areas of town which are sometimes forgotten. The final clue will lead the search to the final secret location, where participants are greeted by the artist who will be painting her latest 'lost' large scale mural. The artwork will be completed with music played live by a local band, at Vision Recording Studios, in an exciting afternoon of music and live art, bringing inspiration, hope and a sense of community.</p>		<p>support local businesses through a partnership approach. Multiple benefits to the community, including a mentorship to two emerging artists.</p>	
Connect Vic Park	<p>Connect with Birds</p> <p>Local artist Alana Fluit (FRANK) will conduct two stencil workshops at Connect Vic</p>	\$6,390	<p>Opportunity for our aged community to connect through art post Covid, and learn a fun new skill.</p>	90

	<p>Park, as well as painting a stencil mural of magpies on the exterior, and wise old owls on the interior hallway of the building.</p>		
<p>John Curtin Gallery, Curtin University</p>	<p>50fifty:2020</p> <p>The John Curtin Gallery is reopening to the public, after closure in mid March due to the COVID19 pandemic, with a major exhibition of 50 newly-acquired works to the Curtin University Art Collection, one of WA's most important public art collections. In an effort to support local WA artists whose practice has been disrupted by the pandemic and to deliver a much-needed artistic outlet to the wider community after the easing of restrictions, the Gallery intends to implement a more extensive public program than usual featuring artist's talks, Speaker Series' events and panel discussions.</p>	<p>\$3,000</p>	<p>Twelve free events, 89 excellent artists and interesting subject matter. Good to support the reopening of the gallery.</p>

Alana Fluit	Red Tails Cockatoo Mural Will engage with Lathlain businesses. Painting day will be an event, with sticker giveaways.	\$7,098	Supporting a local artist affected by Covid. For the Town it will be a very "instagramable" wall and a local attractor. Artist intends to connect with local community and businesses and invite Native ARC to add a dimension of animal rescue.	88
Carlie Germs	Use of existing vacant permanent shop fronts along Albany Highway to use as pop up art gallery's for student artists.	\$2,350	Supporting emerging visual artists from Curtin University. The Town will connect the group with empty shops along Albany Highway, or Kent Street Gallery. Revives the local area, provides students opportunity to exhibit work to public.	85
Vic Park Collective	Vic Park Urban Gallery Map A professionally produced map of the Town of Vic Park's urban art, including proposed walking tours.	\$2,900	Maps encourage tourism, foot traffic to local businesses and artist exposure.	81
Jae Criddle	'Meantime' (working title) Support of 8 local artists to exhibit at	\$4,125	Supports local artists with a nominal artist fee each, a demographic	80

	the Kent Street Gallery. Artworks will be inspired by the very strange year of 2020.	affected by Covid. Exhibition of eight new artists not exhibited in Vic Park before. Encourages foot traffic and exposure to the Vic Park Centre for the Arts.
Recommended Total	11 recommended applications	\$49,998.50

13. There were 20 applications, requesting a total grant amount of \$103,783.95 that are not being recommended. The Restart Art Grants attracted 31 applications, with a total request of \$153,782.45. Of the submitted applications 11 are recommended to be funded to the amount of \$49,998.50, to fit within the allocated budget.
14. Subject to Council endorsement, successful grant applicants will be notified of the decision within five business days of Council resolution.
15. If an applicant is not satisfied with the endorsed outcome, a complaint can be formally lodged through the Town's Customer Service Charter within 14 days of notification of successful and unsuccessful applications. Information on how to lodge a complaint will be contained within the letter and outlined in the grant section on the Town's website.
16. Successful grant applicants will be required to submit invoices to the Town for the endorsed funding amount prior to 30 September 2020.
17. Successful grant applicants are required to complete the Town's acquittal reporting within three months of completion of the project.
18. To ensure the COVID-19 Restart Art Grants provide the required support to the community, successful applicants will be required to deliver projects before 30 June 2021, to stimulate social activity and create opportunities for reconnection and interaction to inspire community optimism about the future.

Relevant documents

[Policy 114 Community Funding](#)

12.7 Investigation of lockers for people living with homelessness

Location	Town-wide
Reporting officer	Anastasia Brooks
Responsible officer	Alison Braun
Voting requirement	Absolute majority
Attachments	Nil

Recommendation

That Council:

1. Notes the preliminary results of the initial investigation into the provision of public lockers, or alternative storage spaces, for people living with homelessness in the Town.
2. Requests the Chief Executive Officer to conduct community consultation and further develop a project scope for the feasibility of installing public lockers or alternative storage spaces in the Town.
3. Requests the Chief Executive Officer to present a report back to Council at the March 2021 Ordinary Council Meeting with findings of the community consultation and project scope.

Purpose

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

In brief

- The Town investigated the feasibility of installing public lockers or alternative storage spaces in the Town, possible locations, security arrangements and costs. Representatives from internal service areas, local government authorities, service providers, the WA Police Force and people with lived experience were consulted during the investigation
- As a relatively new phenomenon, research is limited on the success of installing lockers in public areas. International experiences suggest that the most successful storage programs were operated by service providers which included an element of 'checking in' with users as a way of linking to pathways out of homelessness.
- The Town has completed preliminary investigations and identified a number of options. However, community and service provider consultation has not yet occurred and would be recommended to further develop the project scope.
- Due to the complexities of the topic, it is recommended that further consultation with service providers and the community is undertaken prior to progressing with a decision on the installation of public lockers or alternative storage spaces in the Town.

Background

1. The community was invited to take part in the Homelessness Policy review in February 2020. The engagement included an online survey and community workshop. Feedback was provided on the draft policy principles as well as potential activities that may be undertaken by local governments around homelessness.

2. During the engagement period suggested actions from participants in relation to homelessness were collated. Amongst the suggestions was public lockers, or alternative storage spaces for those who may be sleeping rough as a way of ensuring vulnerable community members have a place to keep their personal belongings safe.
3. At the 21 July Ordinary Council Meeting, Council resolved
 - a) *That the Chief Executive Officer investigates the provisions of public lockers, or alternative storage spaces, for people living with homelessness in the Town, including but not limited to the possible locations, costs and any security arrangements.*
 - b) *Requests that the Chief Executive Officer presents a further report back to Council on the results of the investigation conducted, in line with point 1 above, by its September 2020 Ordinary Council Meeting."*
4. The Town investigated the feasibility of installing public lockers or alternative storage spaces in the Town, possible locations, security arrangements and costs. Representatives from internal service areas, local government authorities, service providers, the WA Police Force and people with lived experience were consulted during the investigation, the results of which are contained in this report.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	A service provider-operated storage program has a reduced risk of dumped items or vandalism in public areas, in comparison to unsupervised lockers operated by the Town

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	A service provider-operated storage program is developed and managed appropriately to meet the needs of rough sleepers
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	A service provider-operated storage program provides rough sleepers with a secure, designated place to safely store their belongings, rather than leaving them in public areas

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

Engagement

Internal engagement	
Stakeholder	Comments

Street Operations	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Rangers Services	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Library Services	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Strategic Assets	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Community Development	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Leisurelife and Aqualife	Feedback on location considerations, management considerations, possible risks and alternative storage solutions

Other engagement	
Stakeholder	Comments
Senior Sergeant, Kensington Police Station	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
City of Bunbury	Feedback on City of Bunbury community lockers initiative
City of Perth	Information on storage options in the City of Perth
City of Adelaide	Information on storage options in the City of Adelaide
City of Sydney	Information on storage options in the City of Sydney
City of Melbourne	Information on storage options in the City of Melbourne
The Haven, East Victoria Park	Feedback on location considerations, management considerations and possible risks
The Shopfront, Bentley	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Uniting WA, Perth	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Ruah Community Services, Perth	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
Oz Lockers	Feedback on location considerations and quote for service

Baggage Storage (Smarte Carte)	Feedback on location considerations and quote for service
Lived experience advisor	Feedback on location considerations, management considerations, possible risks and alternative storage solutions
RooForce Facility Services	Feedback on public lockers and experiences with similar initiatives in other Local Government areas.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Additional rubbish and litter in public locker areas, resulting in excessive cleaning costs	Minor	Almost certain	Medium	Low	TREAT Should lockers be trialed, funds allocated for daily cleaning
	Town installing infrastructure on private property, resulting in requests from other property owners for same level of service	Moderate	Possible	Medium	Low	ACCEPT Private property location chosen to reflect consultation preferences
	Town management of public lockers, including impounding and disposal of belongings left for extensive periods or dumped, resulting in additional staffing workload	Minor	Almost Certain	Medium	Low	TREAT Should lockers be trialed, funds allocated for additional staffing time associated with managing impounding and disposal of left belongings or dumped items
	Vandalism to public lockers, resulting in high maintenance costs	Minor	Likely	Medium	Low	TREAT Should lockers be trialed, additional funds will be budgeted for maintenance

Environmental	Additional rubbish and litter in public locker areas, resulting in pollution to the environment	Insignificant	Almost certain	Medium	Medium	TREAT Should lockers be trialed, a daily cleaning schedule is implemented
Reputation	Town installing infrastructure on private property, resulting in claims of 'favouritism'	Moderate	Possible	Medium	Low	ACCEPT Private property location chosen to reflect consultation preferences
	Public lockers, without a connection to service providers, do not provide a solution to homelessness	Minor	Almost Certain	Medium	Low	ACCEPT No risk mitigation if lockers are trialed
	Community backlash due to lack of consultation, and/or financial, environmental, or health and safety risks as indicated	Moderate	Likely	High	Low	TREAT Should lockers be trialed, Town to consult community and businesses in potential location areas to identify unknown reputational risks and considerations for management
	Public lockers do not meet the needs of and/or are not used by rough sleepers	Insignificant	Moderate	Low	Low	TREAT Town to consult with homelessness services and locker users to consider appropriateness of lockers during the trial period
	Public lockers are over-subscribed, users become possessive and/or some rough sleepers are not	Minor	Possible	Medium	Low	ACCEPT No risk mitigation if lockers are trialed

	able to access a locker, resulting in damage to relationship with the Town						
Legislative compliance	Town management of public lockers, including impounding and disposal of belongings left for extensive periods or dumped, implemented without regulative authority	Moderate	Possible	Medium	Low		TREAT Should lockers be trialed, legal advice to be sought on if local laws need to be amended to allow impounding and/or disposal of left belongings in lockers
Health and safety	Public lockers used for storage or drop-off of illicit substances, resulting in health or safety risks to locker users of members of the public	Moderate	Possible	Medium	Low		ACCEPT Location chosen to reflect security recommendations within the report
	Anti-social behavior at public locker location, resulting in health or safety risks to locker users or members of the public	Moderate	Possible	Medium	Low		ACCEPT Location chosen to reflect security recommendations within the report
Infrastructure / ICT systems/ utilities	Not applicable.						
Service delivery	Not applicable.						

Financial implications

Current budget impact

Sufficient funds exist within the 2020/21 annual budget to address the recommendation.

Analysis

5. Rough sleepers is the term used to describe people sleeping without shelter, in locations that are not designed for habitation. Rough sleepers may seek shelter in parks or other public areas, or in sheds, car parks or areas surrounding private buildings.
6. Rough sleepers are often required to carry their possessions throughout the day or leave them in public areas as they do not have access to secure housing or storage options. However, items are at risk of being removed or disposed of by property owners or passers-by if left in unsecure locations. Furthermore, rough sleepers can be targeted for violence and theft if seen to be carrying large amounts or valuable items.
7. Accessible, free to use and secure lockers or storage services provide rough sleepers with an option to safely store their belongings. Storage options can assist rough sleepers in easing some of the stress connected to living without a home, however, do not on their own end homelessness.
8. Traditionally, lockers or storage services have been provided and managed by service providers at drop-in centre locations. Lockers or storage services managed by service providers have some evidence that they allow engagement and positive interaction with people experiencing homelessness.
9. More recently, self-managed lockers installed in public areas have been trialed in locations in Europe, North America and in the City of Bunbury in Australia. No evidence base currently exists on the effectiveness of these stand-alone programs.

International experiences

10. Due to reporting timeline requirements research was limited internationally on community impact of the installation of public lockers or alternative storage spaces in the public spaces. The following case studies were identified through research.

Vancouver, Canada

11. In 2010 the City of Vancouver funded a Cart and Belongings Storage Facility run by a not-for-profit accommodation service from their underground parking lot. The staffed facility allows rough sleepers or people in transitional accommodation to store approximately 20kgs worth of items in their own allocated bin, under the condition that they must check in with the facility daily. These daily check ins allow the facility to refer storage users to further services, as well as monitor and enforce storage rules – e.g. food is not allowed to be stored.

Lisbon, Portugal

12. In 2013 a not-for-profit service installed 12 storage cabinets in front of a central Lisbon train station, with part funding from the local government authority. Rough sleepers are assigned a cabinet for the full year. Users are required to keep the lockers clean, and regularly check in with volunteers from the service. Volunteers provide assistance with applying for government welfare and sourcing personal documents, and have been successful in getting rough sleepers into housing or rehabilitation programs.

Denver, United States

13. The City of Denver installed 10 large self-managed lockers at a busy, public intersection in May 2017 for a trial period of approximately 12 months. The site was chosen as it is a place where rough sleepers congregate to access local services. However, at the end of the trial they were removed on advice from these services. It was raised that the lockers were being used to sell drugs and prostitution, and sometimes people chose to sleep in them – a safety concern as the lockers were not fit for this purpose

Australian experiences

14. Australian capital cities were contacted to provide information on their experiences, as well as the City of Bunbury which has implemented a 'community lockers' initiative in Western Australia. The following information was either provided directly or identified through desktop research.

City of Perth

15. The City of Perth does not offer storage for rough sleepers, however has paid lockers at the Perth train station. Homeless day center's located in the City of Perth, the Ruah Centre and Uniting WA's Tranby Centre, also do not offer storage services. Staff from both services raised concerns with managing a storage service, including that clients might lose keys or pin codes, store illicit substances (although they felt this would be a low probability) or not return to collect their items. Staff also highlighted legal and ethical concerns of disposing of items, which may be of high value to rough sleepers, if they had not returned in some time.

City of Bunbury

16. In 2019 the City of Bunbury installed two sets of 'community Lockers' for people who are homeless as well as visitors to the town. The lockers are located at the In-Town Lunch Centre, a drop-in centre, and at the Graham Bricknell Music Shell. Both locations were chosen due to their proximity to homeless services. The City of Bunbury provided the following information:
 - a) The lockers operate on a 12-hour lock system, whereby they unlock automatically after 12 hours. The purpose of the time period was to ensure rough sleepers returned to collect their items and to discourage dumping. After speaking with users of the lockers, the City is now trialing an 18-hour lock system as if users put their items into the lockers at 6pm for overnight storage, 6am was too early for them to return to their locker
 - b) There are two sizes of lockers. A smaller locker to accommodate small personal items, and a large locker to accommodate sleeping items
 - c) Vandalism and a concern that the lockers might be a drop off point for illicit substances has not been an issue to date
 - d) One issue that has arisen is locker users have been taking ownership of the lockers, e.g. 'that's my locker you can't use that'
 - e) Recent media reports have indicated additional issues, including that users are not returning to collect their items and that the areas have become dumping sites.

City of Adelaide

17. The City of Adelaide does not provide designated storage spaces for rough sleepers, however has paid lockers at their Central Bus Station which are supplied and maintained by EZY Lockers. The two main homeless services situated in the City of Adelaide are the Hutt Street Centre and Westcare Centre. Hutt Street Centre provides lockers for their clients during their week-day opening hours. Westcare, however, has stopped providing this service as they found lockers would often get abandoned and they had to pay to get them unlocked and cleaned out.

City of Sydney

18. Two responses were provided by two different areas within the City of Sydney when contacted:
 - a) The City of Sydney has large, communal storage bins in three areas across the City for rough sleepers to store their belongings. The bins are self-managed, however, on a fortnightly basis rough sleeper are requested to remove their belongings, and all unclaimed items are thrown away. Staff commented that residents have mixed views on the bins. Although they are supportive of the bins in minimising belongings being stashed in public areas, there have been issues of noise and other complaints made of people using the bins
 - b) The City of Sydney does not offer free to use, individual lockers for use by rough sleepers. Staff commented that they would be hesitant to offer this for a number of reasons, including difficulty ensuring equitable use for the large number of rough sleepers in the City. They also felt a poorly
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managed service would come at a cost to their aim of creating good relationships between rough sleepers and local government staff.

City of Hobart

19. Research indicated that in 2014/2015 the City of Hobart funded the purchase and installation of 26 lockers at the Colony 47 Housing Connect office and eight lockers at The Link Youth Health Service. The City was contacted to provide additional information on this initiative, however, had not provided a response at the time of writing this report.

City of Melbourne

20. The City of Melbourne does not offer storage for rough sleepers, but has previously supported the Salvation Army in Central Melbourne which operates a storage program. The storage program is a system of storage tubs, located and managed by Salvation Army staff at their headquarters. Other homelessness services in the City of Melbourne also offer lockers for rough sleepers within their premises, but they are limited in number and size due to space restrictions. Staff commented that there is not enough lockers or storage in the City to accommodate the needs of all rough sleepers. However, that their research into offering this service found that specialist agencies are better equipped to manage the potential issues with may arise from operating a storage service, and can additionally provide wrap around support to the people who use them.

Provision of public lockers in the Town

21. Town officers consulted with representatives from internal service areas, local government authorities, service providers, the WA Police Force (Senior Sergeant, Kensington Police Station) and people with lived experience to gain feedback on the suitability and requirements for installing lockers for rough sleepers in the Town.
22. Homelessness services, Ruah Community Services and Uniting WA, in Perth both indicated that homeless clients regularly request storage for their belongings. In their experience, rough sleepers have at least a small number of items, ranging in size from small personal effects to much larger items. Uniting WA also indicated that loss or theft of personal items is a regular occurrence for their homeless outreach clients.
23. During the six-month period between February and August 2020 there were 12 reports made to the Town of rough sleepers in public areas, and four reports of left belongings. Further, the Town's Library indicated during consultation that belongings are found hidden in or around the Library building approximately every six months, and are either collected at a later date or never collected. The Haven in East Victoria Park also reported that belongings are often found stashed around the building.
24. Currently, no free to use locker or storage services are available in the Town. The Haven in East Victoria Park and Ruah Community Services and Uniting WA in Perth do not offer storage services for rough sleepers. Lockers are available at the Leisurelife and Aqualife centres, however, are for use by members while they are visiting their locations. Crown Casino also offers 24-hour access to lockers for a fee.

Locker requirements

25. Homelessness services consulted were in agreement that a range of locker sizes should be considered. All suggested that lockers should be large enough to store items including bags of clothing, sleeping bags and backpacks. However, that a small number of smaller locker sizes should be considered for storing items such as medications.
26. Homelessness services and the lived experience advisor also suggested that a pin lock system, rather than physical keys should be the locking mechanism for securing the lockers. Instructions for using the lock should also be easy to understand.
27. Homelessness services were divided on what period of time a locker should remain committed to a locker user. The Haven suggested a 24-hour automatic unlocking system be used to encourage users

to return to their items. This is similar to the City of Bunbury who are trialing an 18-hour system, after they found 12-hours was too short after consulting with current users. However, Uniting WA suggested that homelessness is a long-term issue and thus storage should be available for long-term periods. Both Uniting WA and the Shopfront commented that on occasions when they did store items for rough sleepers, they found they would not return for some period.

28. A range of location and security requirements were suggested by the internal and external groups consulted, including:
 - a) Close proximity to existing services for rough sleepers
 - b) Close to public transport
 - c) Areas of good passive surveillance
 - d) Away from customer-facing businesses, discreetly located to combat potential shame
 - e) Close to public facilities such as toilets and showers
 - f) A high level of lighting
 - g) CCTV surveillance
29. The Senior Sergeant, Kensington Police Station, suggested that a public location could become a focal meeting place for vulnerable people, and that strategies will need to be considered should issues arise. The Senior Sergeant commented that if located at a service provider, however, greater oversight could be provided, and additional support offered at the point of use. This feedback was also provided by internal Town service areas, due to the absence of liaison or case management staff at the Town.
30. Concerns with how the lockers would be managed was a reoccurring theme during the consultation. The Town's experiences of ongoing vandalism, dumping and rubbish at charity bins in public parks suggest a high level of cleaning and maintenance might be required. As indicated previously, Ruah Community Services and Uniting WA also highlighted legal and ethical concerns of disposing of items if storage users had not returned in some time. The legality of managing and/or disposing of items that have been left for extended periods will also need to be considered if lockers are installed and managed by the Town. These risks and others are considered in further detail in the risk management table.

Options for the Town

31. Town officers have identified a number of options in which lockers or alternative storage spaces could be trialed for a 12-month period in the Town. These options, locations, costs and considerations are detailed in the table below.

Option	Location	Cost	Considerations
1.a) Town installed and operated self-managed locker system	Outside of the Library, adjacent John Macmillan Park	Purchase and install of a bank of 3x two-tier large and 1x four-tier small heavy-duty lockers, incl. digital locks - \$4,400 Upgraded lighting - \$1,370 Fortnightly after-hours security call	Benefits <ul style="list-style-type: none"> • Location is sheltered and there is CCTV surveillance in the area • Area is off Albany Highway, and close to public transport options • Area has a reasonable level of passive surveillance • Area includes access to toilets • Area is known to be frequented by rough sleepers Concerns <ul style="list-style-type: none"> • Area is not connected to a service provider and will not be supervised,

		<p>out fee/ 12 months - \$2,600</p> <p>Daily 1 hour clean/ 12 months - \$16,450</p> <p>0.2 Internal FTE staff management/ 12 months - \$14,360</p> <p>Maintenance/ 12 months - \$10,000</p> <p>TOTAL \$48,180</p>	<p>increasing opportunity for dumping of items or vandalism</p> <ul style="list-style-type: none"> • The Town does not have liaison or case management staff to provide a check in service or additional support to users • An additional CCTV camera will need to be considered and costed • Ongoing cost to the Town in cleaning, maintaining and managing left belongings at the lockers • Maintenance requirements are currently unknown, thus \$10,000 allocated towards maintenance costs • Frequency of after-hours security call out is currently unknown, thus estimated at a fortnightly frequency • Consultation with surrounding businesses and community has not yet taken place, thus support for project or additional management considerations are unknown • No funds budgeted within the 20/21 budget
<p>1.b) Town installed and operated self-managed locker system</p>	<p>Outside of the Hubert St Car Park toilet block</p>	<p>Purchase and install of a bank of 3x two-tier large and 1x four-tier small heavy-duty lockers, incl. digital locks - \$4,400</p> <p>Purchase and install of pin-up board - \$2,000</p> <p>Upgraded lighting - \$690</p> <p>Fortnightly after hours call out fee/ 12 months - \$2,600</p> <p>Daily 1 hour clean/ 12 months - \$16,450</p>	<p>Benefits</p> <ul style="list-style-type: none"> • Location is sheltered • Area is off Albany Highway, and close to public transport options • Area has a reasonable level of passive surveillance • Area includes access to toilets • Area is known to be frequented by rough sleepers • Space is also available to put up a lockable pin-up board with information on local services <p>Concerns</p> <ul style="list-style-type: none"> • No CCTV off the toilet block • Area is not connected to a service provider and will not be supervised, increasing opportunity for dumping of items or vandalism • The Town does not have liaison or case management staff to provide a check in service or additional support to users • Installation of a CCTV camera will need to be considered and costed

		<p>0.2 FTE staff management/ 12 months - \$14,360</p> <p>Maintenance/ 12 months - \$10,000</p> <p>TOTAL \$50,500</p>	<ul style="list-style-type: none"> • Some existing anti-social behaviour concerns in the area • Regular vehicle traffic surrounding the locker location • Ongoing cost to the Town in cleaning, maintaining and managing left belongings at the lockers • Maintenance requirements are currently unknown, thus \$10,000 allocated towards maintenance costs • Frequency of after-hours security call out is currently unknown, thus estimated at a fortnightly frequency • Consultation with surrounding businesses and community has not yet taken place, thus support for project or additional management considerations are unknown • No funds budgeted within the 20/21 budget
<p>2. Town installed and maintained asset, service-provider managed</p>	<p>Outside of the Haven, East Victoria Park</p>	<p>Purchase and install of a bank of 3x two-tier large and 1x four-tier small heavy-duty lockers, incl. digital locks - \$4,400</p> <p>Maintenance/ 12 months - \$10,000</p> <p>TOTAL \$14,400</p>	<p>Benefits</p> <ul style="list-style-type: none"> • Location is sheltered • Area is off Albany Highway, and close to public transport options • Area is directly connected to a service provider and offers high passive surveillance, reducing potential for dumping of items or vandalism • Service provider is open to managing the day-to-day cleaning requirements • Service provider is able to provide a check in service or additional support to users <p>Concerns</p> <ul style="list-style-type: none"> • No CCTV off the building • Poor lighting in the area • An agreement will need to be drafted between the Town and service provider, as installation is on private land • Sets precedent for the Town providing and maintaining infrastructure on private property • Liability for left belongings is unknown, would require legal advice to determine • Maintenance requirements are currently unknown, thus \$10,000 allocated

			<ul style="list-style-type: none"> towards maintenance costs • Consultation with surrounding businesses and community has not yet taken place, thus support for project or additional management considerations are unknown • No funds budgeted within the 20/21 budget
<p>3. Town procured, service-provider installed and managed service</p>	<p>Not determined</p>	<p>TOTAL \$0 - \$51,000</p>	<p>Benefits</p> <ul style="list-style-type: none"> • Service providers are linked and able to directly engage with potential users to design the project • Project may result in lockers or an innovative storage solution which meet rough sleepers' needs • Service provider to manage project end-to-end from development to daily management and maintenance • Service providers are able to provide a check in service or additional support to users • All risks associated with a Town-managed service are eliminated <p>Concerns</p> <ul style="list-style-type: none"> • There is no guarantee a service provider will apply for funding to develop and operate the project • Location of the service is not yet known, and potential risks or additional community concerns with the location are unknown • The intention would be to provide seed-funding to support the project for a 12-month period. There is a risk the project will cease at the end of the 12-month period if the successful service does not secure additional funding • Consultation with service providers and community has not yet taken place, thus support for project or additional management considerations are unknown • No funds budgeted within the 20/21 budget

4. No action taken	Not determined	TOTAL \$0	<p>Benefits</p> <ul style="list-style-type: none"> All risks associated with a Town-managed service are eliminated <p>Concerns</p> <ul style="list-style-type: none"> No lockers or alternative storage options for rough sleepers in the Town are implemented Public perception of Town not supporting homelessness
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32. Policy 113 Homelessness – The Town’s role recognises that the Town has a social responsibility to play an active role in minimising the impact of and ending homelessness in the community. Although providing lockers provides an opportunity for the Town to minimise the stress associated with living without a home, it does not in itself contribute to ending homelessness.
33. International experiences identified the most successful storage programs were operated by service providers which included an element of ‘checking in’ with users. These programs not only provided storage, but linked users to pathways out of homelessness.
34. The Town requests further consultation be undertaken with the community and service providers to further develop the project scope. With a report of outcomes to be presented to Council at the March 2021 Ordinary Council Meeting detailing the results of community and service provider consultation, and budget considerations for 2021/2022.

Relevant documents

[Policy-113-Homelessness-The-Towns-role](#)

Further consideration

Following the Agenda Briefing Forum held on 1 September 2020 the following additional information is provided.

Include information on whether the Haven option can include CCTV if that location was chosen.

35. The Haven option could include the option of CCTV if that location was chosen, however there would be a cost associated with the installation and maintenance of CCTV. This would require further scoping and costing as recommended.

Include information on the discussions had at the Inner City Councils on homelessness.

36. Inner City Working Groups and City of Perth are currently in the process of organising an Inner City and Local Government rough sleeper count. This is tentatively planned for the end of 2020 and the Town of Victoria Park will participate in the organisation and count.

Include information on any external data outlining the number of rough sleepers or the number of people experiencing homelessness in the Town.

37. In the 2016 Census it was estimated that 132 people in the Town were homeless. This number includes people sleeping rough, in supported accommodation or boarding houses, couch surfing, or living in severely crowded dwellings. The last rough sleeper count undertaken in the Town was in 2016 by Ruah Community Services. 11 rough sleepers were counted. The Town plans to take part in the City of Perth’s next rough sleeper count, tentatively planned for late October 2020.

12.8 Higgins Park and Playfield Reserve Draft Masterplan - Request for Public Comment

Location	East Victoria Park
Reporting officer	Ellie Van Rhyn
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Higgins Park and Playfield Reserve DRAFT Masterplan [12.8.1 - 26 pages] 2. A- Stakeholder Engagement [12.8.2 - 6 pages] 3. B- Site Analysis [12.8.3 - 29 pages] 4. C- Collocated Facility Document [12.8.4 - 16 pages] 5. D- Workshop 1 Summary [12.8.5 - 23 pages] 6. E- Workshop 2 Summary [12.8.6 - 23 pages] 7. F- Workshop 3 Summary [12.8.7 - 11 pages] 8. G- DRG Submission Report [12.8.8 - 40 pages] 9. H- Design Visualisations [12.8.9 - 8 pages]

Recommendation

That Council consents to advertising the Higgins Park and Playfield Reserve Draft Masterplan Report and appendices, contained as attachments, for public comment.

Purpose

For Council to consider the Higgins Park and Playfield Reserve Draft Masterplan Report and appendices, contained as attachments, for the purposes of releasing it for public comment.

In brief

- A Draft Masterplan Report (the Masterplan) has been prepared for Higgins Park and Playfield Reserve by the consultant team, Place Laboratory and A Balanced View, together with the Town and the Design Reference Group (DRG), made up of community and stakeholder representatives.
- The report is consistent with the approved Masterplan scope. The Masterplan seeks to optimise the use of the parks, and includes site opportunities, design objectives, three masterplan options for differing sporting configurations, community and landscape elements, reference imagery, visualisations, implementation plans and opinions of probable costs.
- Appendices to the Masterplan include the stakeholder engagement, site analysis, co-located facility information, summaries of workshops 1, 2 and 3, and the DRG Submission Report.
- Council's consent is now sought to advertise the Masterplan to the community for comment.

Background

1. Higgins Park, Fred Bell Drive and Playfield Reserve (the site) form an eight-hectare parcel of public open space situated within residential East Victoria Park near its southern border with St James. The site is regarded as one of the Town's main formal sporting facilities as well as a key amenity for the local community. Given the site's large land size and key role as a home for formal sport and recreation in the Town, consideration is being given to the future direction of the site and opportunities to maximise and modernise the formal and informal recreational offering of the site.

2. In 2018, the 'Higgins Park Master Plan' project was identified by Elected Members in the planning process for the Long-Term Financial Plan, and included in the list of the top five Council priority projects.
 3. In June 2019, informed by a Business Case, Council endorsed the preparation of a Masterplan subject to a Recreational Needs Assessment (RNA) being prepared to inform the Masterplan scope.
 4. In November 2019, Council reviewed the RNA and endorsed the scope for a Masterplan for the site. The final endorsed scope included the following key aspects:
 - (a) The addition of a play space at Playfield Reserve;
 - (b) The refurbishment of the Returned Services League Building and investigation into the inclusion of an additional permanent tenant;
 - (c) The creation of a multi-sport clubroom facility potentially accommodating the Higgins Park Tennis Club, Victoria Park Raiders Junior Football Club, Victoria Park Xavier Hockey Club and Victoria Park Croquet Club;
 - (d) The preservation of space for AusKick on Higgins Park or Playfield Reserve and formalising the use of Millen Primary School oval for that purpose if considered necessary and appropriate;
 - (e) Enhancements to oval(s) including the surface and lighting;
 - (f) The views, aspirations and user needs of the surrounding local community;
 - (g) The retention of mature trees, and opportunities to increase the current tree canopy;
 - (h) A universally accessible path network within and bounding Higgins Park and Playfield Reserve that integrates with the current and planned surrounding bicycle and pedestrian network;
 - (i) Introduction of all age's fitness equipment and/or personal training areas;
 - (j) Consolidation of play equipment;
 - (k) Water management initiatives (drainage and reticulation), such as a Smart Irrigation System;
 - (l) Car parking configuration and active transport opportunities; and
 - (m) The investigation of a possible closure of sections of Playfield Street.
 5. In line with the Public Open Space Strategy recommendations, the scope also considered:
 - (a) The inclusion of infrastructure such as safe bike locks, lighting, water fountains and shelter; and
 - (b) The removal of turf from the sloped boundary areas and/or from under trees, replaced with locally native vegetation and garden beds.
 6. In addition to these core considerations three options for sporting configurations were identified in the scope. Each option is underpinned by the general principle to optimise recreational opportunities on the site through the consolidation of built infrastructure, allowance for multi-functional use, co-location and enhanced facilities.
 - (a) Option 1: Investigation of the development of a synthetic hockey turf on the Hillview Terrace side of Higgins Park (in addition to an Australian Rules Football Oval).
 - (b) Option 2: Consideration of adding two grass hockey pitches on the Hillview Terrace side of Higgins Park, in addition to the synthetic pitch.
 - (c) Option 3: The development of a second oval for a complete football focus should the synthetic hockey turf be considered unfeasible*.
 - (d) **unfeasible means that it is prohibitive spatially, financially or the impact on the community is considered unacceptable.*
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7. These Masterplan options seek to:
 - (a) Optimise regional active recreation opportunities on the site;
 - (b) Maximise and modernise the recreational offering of the site;
 - (c) Enhance and provide informal recreation amenity to the local community;
 - (d) Make public open space and Town assets work for the community;
 - (e) Align with and deliver on the objectives of the Public Open Space Strategy.
8. In January 2020, a Request for Quotation for the Masterplan, including the endorsed scope, was released. Place Laboratory, together with A Balanced View, were awarded this contract in February 2020 and have since implemented a design workshop process to work collaboratively with community and stakeholder members in order to develop three masterplan options.

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	Extensive, best practice and carefully designed communication will be undertaken to ensure community members, stakeholders and Elected Members are well informed throughout the project and public comment period through a variety of means.
CL02 - A community that is authentically engaged and informed in a timely manner.	Broad engagement with the wider community at the commencement of the project with regular project updates available. Authentic engagement with key stakeholders and local community through the DRG. Wide advertising of the public comment period through a variety of means and for an extended duration of time.
CL03 - Well thought out and managed projects that are delivered successfully.	The creation of a Masterplan for this location allows an improved outcome through a coordinated plan for the site rather than ad hoc facility upgrades.
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Correct, regular and up to date information provided to community members, stakeholders and Elected Members through various means.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Improved efficiency and optimised usage will ensure maximum social return and economic sustainability from this town asset. This masterplan will guide the long term use and development of the site, ensuring future expenditure on the site is directed through a coordinated approach based on contemporary, objective information.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Higgins Park services district level formal recreational

	needs as well as informal local use and must be of a high quality to ensure positive visitor experiences.
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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 implementation of a preferred masterplan ensures efficient use of the site and maximum recreational value is obtained from the resources dedicated to the facilities.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The masterplan looks to improve the existing community amenities at the site to modernise and widen the versatility of the offering. The masterplan looks to improve the sustainability of the park by improved water management initiatives, increased canopy coverage and the removal of turf from many sloped boundary areas, replaced with local native vegetation.
EN07 - Increased vegetation and tree canopy.	While the size constraints of the site do result in some tree loss (less than 5) for two of the options to accommodate sporting dimensions, each of these options identifies opportunities to plant an additional 50+ trees each. Additionally, each masterplan option also looks to reduce the turf along embankments, to be replaced with native planting.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The masterplan will guide the redevelopment of the site providing improved formal and informal recreational opportunities, such as increased pathways and accessibility, fitness nodes, play areas and youth zones for use by the local community.
S02 - An informed and knowledgeable community.	Broad community engagement took place at the commencement of the project, with regular updates throughout. Community and stakeholders representatives have been involved in the design process through a series of workshops to influence the masterplan outcomes. The public comment period will be advertised widely to ensure the community is informed on the opportunity to comment on these masterplan options.

Engagement

Internal engagement

Elected Members	Presentation at Concept Forum by key stakeholders. Invitation to view DRG
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	workshops. Regularly informed on project development and community engagement. Special Presentation to discuss Draft Masterplan Report.
Project Management Office	Inclusion in project team, involvement in project inception, participation in DRG workshops, advice and support, review and feedback on all documentation prepared.
Infrastructure Operations	Inclusion in project team, participation in DRG workshops, advice and support, review and feedback on all documentation prepared.
Community Development	Inclusion in project team, invitation to DRG workshops, advice and support, review and feedback on all documentation prepared.
Communications and Engagement	Inclusion in project team, involvement in project inception, preparation and delivery of communications and engagement plan, participation in DRG workshops, advice and support, review and feedback on all documentation prepared.
Strategic Assets	Inclusion in project team, invitation to DRG workshops, advice and support, review and feedback on all documentation prepared.
Street Improvement	Review of the masterplan. In principle support of the closure of Fred Bell Pde from Hill View Tce. Limited support of the closure of Playfield Street. Support the creation of a traffic impact report in the following stages.
Parking	Review of the masterplan. In principle support of the parking strategy in masterplan options, with the understanding a traffic impact report will be required in the following stages.
Place Planning	Project lead.
Strategic Assets Advisory Group	Informed on project development and presentation of Draft Masterplan.
C-Suite	Regularly informed on project development and community engagement, and presentation of Draft Masterplan.

External engagement

Stakeholders	<ul style="list-style-type: none"> • Community Members • Local Residents • Key Stakeholders: <ul style="list-style-type: none"> • Higgins Park Tennis Club • Victoria Park Croquet Club • Victoria Park Raiders Junior Football Club • South Perth Junior Cricket Club • Carlisle Cricket Club • Victoria Park Returned Services League • Millen Primary School
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	<ul style="list-style-type: none"> • Victoria Park Xavier Hockey Club
Period of engagement	<p>Broad Engagement: February – March 2020 Design Reference Group: March – August 2020 Information Sharing: March – August 2020</p>
Level of engagement	<p>Broad Engagement: 2. Inform - Consult Design Reference Group: 4. Inform - Collaborate Information Sharing: 1. Inform</p>
Methods of engagement	<p>Broad Engagement:</p> <ul style="list-style-type: none"> • Your Thoughts online project page <ul style="list-style-type: none"> • FAQ'S • Map of page • Survey of Community Use <ul style="list-style-type: none"> ○ Hard copy of survey also available at Library and Administration building • EOI nomination form to join DRG <ul style="list-style-type: none"> ○ Hard copy of form also available at Library and Administration building • Public Life Study: <ul style="list-style-type: none"> • Undertaken by consultant to understand informal use of the site, including dog walkers, students, sport lovers, exercisers, children and relaxers. • Pop up engagement: <ul style="list-style-type: none"> • Pop up event at the community market • Distribution of postcards to park users and at school pickup times <p>Design Reference Group:</p> <ul style="list-style-type: none"> • Workshops 1, 2, 3 and 4, in person and digital workshops using Your Thoughts and Zoom • Private Your Thoughts page • Emails and phone calls • Invitation to review consultant's documents • Invitation to submit an individual comment for inclusion in the DRG Submission Report • Evaluation on engagement process <p>Information Sharing:</p> <ul style="list-style-type: none"> • Your Thoughts eNews project update monthly • Public Your Thoughts project page with project progress news updates • Emails and phone calls to enquiries • Regular meetings, emails and phone calls with stakeholders • Regular Elected Members updates with project progress
Advertising	<p>Broad Engagement:</p> <ul style="list-style-type: none"> • Signs on site, clubrooms and RSL • Postcards distributed to local residents and made available within clubrooms and RSL on site • Posters and postcards at Admin, Library, Leisurelife and Aqualife

	<ul style="list-style-type: none"> • Hard copy surveys at Admin and Library • Social media – organic post • Digital ads – Facebook and Twitter • Your Thoughts page • Your Thoughts eNews • eVibe • School newsletter • Emails, phone calls and meetings with stakeholders <p>Design Reference Group:</p> <ul style="list-style-type: none"> • Invitation to nominate included on all collateral through Broad Engagement Period, including: <ul style="list-style-type: none"> • posters, signs and posters • Your Thoughts page, eNews • Social media and digital ads • School newsletter • Updates on DRG progress provided on public Your Thoughts page
Submission summary	<p>Broad Engagement:</p> <ul style="list-style-type: none"> • Survey of Community Use - 545 submissions • EOI nomination form to join DRG - 63 applications <p>Design Reference Group:</p> <ul style="list-style-type: none"> • Summary or Workshops 1, 2 and 3 available as attachments. • DRG Submission Report – Understanding that the DRG participants all have differing views on the sporting configuration options, the participants were invited to submit their individual support for key landscape elements and sporting configurations, as well as individual comments on their preferred option. 18 responses, with 16 completing questions and 2 submitting only comments.
Key findings	<p>Broad Engagement:</p> <ul style="list-style-type: none"> • Survey of Community Use <ul style="list-style-type: none"> • 74% of responses noted they use the site at least 1-2 times a week. • The majority of responses stated that their favourite part of the site was the large oval/open space. • Most of the responses believed the existing buildings were not fit for purpose. • 36% and 29% of responses felt that junior and senior AFL use (respectively) could be increased. 52% and 51% of responses felt that grass and synthetic hockey turfs (respectively) could be accommodated, with 35% and 43% stating they could not. • More information on feedback received through this survey can be found in Attachment B – Site Analysis • EOI nomination form to join DRG <ul style="list-style-type: none"> • Information on the selection process of the DRG can be found in Attachment G – DRG Submission Report <p>Design Reference Group:</p>

- Community use, sporting needs, concerns on the introduction of fencing and park accessibility, among other topics, were discussed through the DRG workshops. Summaries of Workshops 1, 2 and 3 can be found as Attachments D, E and F.
- DRG Submission Report - The objectives, landscape elements and sporting configurations were tested with the DRG. The results of these are included within Attachment G – DRG Submission Report
 - Alignment with objectives – participants were asked how well they believed each option aligns with the objectives set themselves. Options 1 and 2 received a spread from ‘not at all’ to ‘very well’, while Option 3 was more weighted to ‘reasonably well’ or ‘very well’. Note: It is apparent that in this workshop activity, some participants did not add their sticky dots, or added duplicates to the same option, making the results of this activity dubious. The following results were undertaken via Your Thoughts, ensuring only one submission was received per participant.
 - Playfield Street closure between Etwell St and Ramsden Ave – 16 responses received with 5 responses opposed to the closure and 11 supporting.
 - Fred Bell Parade closure from Hill View Terrace – 16 responses received with none opposed to the closure, 4 neutral and 12 supporting. 4 responses opposed no closure.
 - Embankment Zone – 16 responses received with 1 response somewhat opposing the configuration shown in option 2. Option 1 and 3 received no opposition.
 - Higgins Park Playground – 16 responses received with 9 or more responses showing support for all three options.
 - Option 1 – 16 responses received, with an even split of support (5 strongly and 3 somewhat) and oppose (7 strongly and 1 somewhat).
 - Option 2 – 16 responses, 9 opposed this option (7 strongly and 2 somewhat) and 7 supported (6 strongly and 1 somewhat).
 - Option 3 – 16 responses received, 5 opposed this option (4 strongly and 1 somewhat), 1 was neutral and 10 supported (7 strongly and 3 somewhat).
 - Greater detail inclusive of individual comments submitted can be found in Attachment G - DRG Submission Report.

Other engagement

West Australian Football Commission

- The WAFC released the WAFC Strategic Facilities Plan 2020-2030 in August 2020. This document speaks to the growing nature of football club participation, the intent to improve partnerships with local governments, and the need improve infrastructure, including lighting, female amenities and new facilities.
- The WAFC strongly supports Option 3 as outlined in the Draft Master Plan.
- If Option 1 were to be implemented an additional field of at least 150m in length would need to be provided or risk limiting the clubs ability to grow.

	<ul style="list-style-type: none"> • If Option 2 were to be implemented, the Vic Park Raiders would require a higher level of provision at an alternative venue or risk significant reduction in community sport participation. • If Option 3 were to be implemented, WAFC would recommend exploring whether the secondary oval can be lengthened to make it more suitable for Year 7 & 8 football. • If budget is permitting WAFC would recommend the delivery of four 'local level' change rooms and supporting amenities to ensure maximised ability to use both ovals for youth football. • Upon detailed design, the AFL Preferred Facility Guidelines should be used to ensure relevant facilities are in-line with AFL standards. • The WAFC would be happy to be involved in the project on an ongoing basis and would explore the ability to contribute funds to the project via the AFFF fund.
Hockey WA	<ul style="list-style-type: none"> • Options 1 & 2 support delivery of a hockey facility for the Victoria Park Hockey Club. Of these two options, only Option 2 provides an integrated model (grass and turf). • Option 1 if accepted would require the retention of the Club's existing facilities at Fletcher Park in order to support the junior and masters level hockey. • From an HWA perspective, the proposal aligns with the Turf policy, it has identified a suitable site and the club will be engaging with the Town of Victoria Park to ascertain its capacity to contribute appropriately to the construction costs. • A key element for the project will be the capability to deliver better facilities for female players, with the Club having a significant number of senior and junior female teams. • Hockey WA's current Strategic Facilities Plan 2009 - 2025 identifies priority locations for synthetic turfs based on population, participation and other key factors. There have been several turf projects successfully delivered in accordance with the plan to date. Hockey WA are now working closely with the Department Local Government, Sport and Cultural Industries to review and appropriately update the plan based on a number of population and participation variables. • Considerations for future synthetic turf infrastructure will be supported in accordance with the criteria outlined in the Hockey WA Synthetic Turf Policy. Hockey WA are therefore supportive of Victoria Park Xavier Hockey Club's facility ambition and their preparedness to satisfy all the obligations of the policy.
Friends of Higgins Park	<ul style="list-style-type: none"> • During the Masterplan process, a community group called Friends of Higgins Park was established. This group seeks to "maintain the existing green public open space and amenity of Higgins Park by rejecting the construction of a fenced synthetic hockey turf to ensure the Higgins Park remains available and accessible to all members of the community". Town staff and Elected Members have been liaising with them throughout the masterplan process.

As the two Clubs noted below are significantly impacted by the masterplan options, their comments have been included below. All other clubs and community representatives have been captured within the DRG Submission Report.

Victoria Park Raiders Junior Football Club

- The Club have released a position statement that notes “the only reasonable option for the Town of Victoria Park to adopt in the Higgins Park and Playfield Reserve Masterplan is Option 3: Football Focus”.
- Among other comments, the Club have stated that “further relocation of the Victoria Park Raiders Junior Football Club across multiple parks and reserves within the Town of Victoria Park will threaten the viability of the club and dissipate the club’s key strength: a sense of community. Weakening one club to suit another is unjust.”
- The Club reject Options 1 and 2 stating that “this means VPRJFC will be placed in the same position as the Victoria Park Xavier Hockey Club. If Option 1 or Option 2 of the Higgins Park Masterplan is adopted, it will result in the dispersion of the mixed-gender, female, and male teams over multiple sites. It can be expected that the VPRJFC will lobby the Town for a suitable location and facility. With a fenced synthetic hockey turf built on Higgins Park, there will no longer be anywhere in the Town with enough space to locate the VPRJFC.”
- The Club have stated their additional concerns with option 1, including the collocation of the senior AFL and cricket ovals, including the centrally located cricket pitch, proximity of the edge of the oval to the proposed planting and synthetic turf fence, increased winter sport usage, and the dispersion of both the football and the hockey clubs.

Victoria Park Xavier Hockey Club

- The Club are supportive of Options 1 and 2 of the Masterplan.
- The Club have stated that most high-level junior and senior hockey is now played on synthetic turf. Currently their members pay to train and play at multiple venues across the metropolitan area for “home” fixtures, including Perth Hockey Stadium. The Club are supportive of Options 1 and 2 as these would reduce the expense of hiring alternative venues, while also creating the sense of ‘community’ at a home ground.
- Option 2 is the Clubs preferred scenario as it includes all of the playing fields to be located on one site within the Town of Victoria Park.
- Option 1, a synthetic turf located at Higgins Park, would require the retention of grass fields at Fletcher Park. While this is a less ideal option, the Club have stated it would still be of considerable benefit.
- The Club have stated that they do not support any move that disadvantages any other sporting or community club, and support both clubs getting the modern and adequate facilities they need, noting that the Town have committed to finding a suitable, alternative location for the football club if needed.

Future external engagement to occur subject to Council consent

Future external engagement

Digital	<ul style="list-style-type: none"> Your Thoughts page update (news, main content and detailed FAQ's) inclusive of online submission form Your Thoughts eNews Website update Email to DRG and all previously engaged community members TV sliders @ admin and out centres Organic social media Targeted digital advertising (including social media and Google) eVibe
Print	<ul style="list-style-type: none"> Letter drop 1km radius of the park Signs on site, including Kedar edge banner sign on the corner of Creaton and Playfield Sts Posters placed on site as well as the Administration building and out centres Millen Primary School newsletter Southern Gazette Ad Printed submission form and masterplan @ Admin and Library
In Person	<ul style="list-style-type: none"> Pop up events on site, at markets and stakeholder organised events Email, phone calls and meetings as needed

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Clubs impacted by the preferred option are not financially stable.	Moderate	Possible	Medium	Low	TREAT – The Town will continue to work closely with the impacted clubs to ensure financial stability. Any uncertainty will be addressed through business planning.
Environmental	There may be a perception within the community that the options will have environmental impacts.	Minor	Possible	Medium	Medium	TREAT - An environmental impact assessment, including mitigating factors, will be undertaken on the preferred option.

Reputation	Opposition from stakeholder groups and local community against particular options.	Moderate	Likely	High	Low	ACCEPT - It is anticipated that there will be some level of opposition for various options, and these will be assessed when making the final recommendation.
Reputation	Clubs could be marginalised through the public comment period, which could adversely impact the Town's relationships with the clubs.	Minor	Possible	Medium	Low	TREAT – Ensure all clubs are kept fully informed. Ensure sufficient information is publicly available to the community to determine an informed opinion.
Service delivery / reputation	If released for public comment, the community may select that no option be pursued.	Minor	Unlikely	Low	Low/ Medium	TREAT - The Town will make a recommendation based on the level of support or opposition received during the public comment period, and address concerns where appropriate.
Service delivery	If Council does not consent to release the Masterplan for public comment, the project will experience delays, potentially causing reputational impacts.	Minor	Unlikely	Low	Medium	ACCEPT – The Town have prepared a highly detailed Masterplan following a rigorous process with a recommendation to proceed to public comment to provide transparent project delivery.

Financial implications

Current budget impact

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

Future budget impact

Future budget impact will be determined by the option selected and the relevant project progression.

Construction

The total estimated cost to construct the design proposed in the Masterplan is noted below. This cost is a high-level estimate only made at the Masterplanning stage. Should the Masterplan be approved to proceed to the next stage, more accurate costings will be provided and can be aligned with staged construction.

- Option 1: \$19,115,000
- Option 2: \$17,577,000
- Option 3: \$13,735,000

These costs do not include the following Items:

- GST
- Project associated design, consultancy, management and approvals fees
- Potential services relocation
- All new service infrastructure, supply upgrades or headworks fee
- New bore/s
- Signage
- CCTV
- Establishment and maintenance
- Artwork
- Escalation
- Additions, structural changes or internal alterations to RSL building
- Works in Millen Primary School grounds

It is anticipated that the cost of implementing the masterplan will be a combination of Town funding, Long-Term Financial Plan funding, potential stakeholder contributions, and external funding sources. The split of these funding sources will inform a staged delivery approach.

Ongoing Asset and Park Expense

It is anticipated that all operational and maintenance requirements of the parks and the buildings will be the same across each of the three options. A detailed asset management plan will be developed for the preferred option.

Analysis

Project Delivery

9. In February 2020, community engagement for this project commenced, with the purpose being to provide community and stakeholder input into the Masterplan, and was based on three main stages of engagement:
 - (a) Broad engagement – now completed.
 - (b) DRG – now completed.
 - (c) Public comment – to be undertaken.
10. A DRG was established at the commencement of this project to collaborate with the Town and the consultant team in the creation of the three masterplan options. Twenty six (26) individuals were selected for the DRG, comprising:
 - (a) eight (8) representatives from key stakeholders;
 - (b) three (3) community members with links to the hockey club;
 - (c) three (3) community members with links to the football club;
 - (d) twelve (12) community members who use the park regularly with no stated club affiliation.

More detailed information on the participation and selection of the DRG can be found in Attachment G - DRG Submission Report.

11. The consultant and Town project team have undertaken the following three stages of the project:
 - (a) Stage 1 – Analysis and Opportunity Identification, February to March 2020, including:
 - i. Broad community engagement;
 - ii. Public Life Study;
 - iii. Stakeholder engagement;
 - iv. Workshop 1 in person with DRG, investigating opportunity identification, site analysis, theme and objective setting exercises;
 - v. Creation of Stakeholder Engagement, Site Analysis and Workshop 1 Summary documents.
 - (b) Stage 2 – Exploration of Concept Options, April to May 2020, including:
 - i. Workshop 2 on Your Thoughts and Zoom due to social distancing requirements, exploring objectives in more detail, investigating community elements and sporting configuration scenarios;
 - ii. Ongoing stakeholder and community liaison;
 - iii. Creation of Co-located Facility and Workshop 2 Summary documents.
 - (c) Stage 3 – Refinement of Concept Options, June to August 2020, including:
 - i. Workshop 3 in person with DRG, interactive workshop to place community and landscape elements;
 - ii. Workshop 4 in person with DRG, presentation of draft masterplan, questions, activity to review options against objectives, individual submission process;
 - iii. Ongoing stakeholder and community liaison;
 - iv. Creation of Draft Masterplan Report, Workshop 3 Summary and DRG Submission Report.

More detailed information on the DRG process can be found in Attachment G - DRG Submission Report.

Masterplan Design

12. Six themes for the site were created by the DRG in this workshop process. These include:
 - (a) Supporting a variety of users;
 - (b) Easy to get around;
 - (c) Wonderful nature;
 - (d) A place for all;
 - (e) Maintaining a sense of spaciousness; and
 - (f) Impact on surrounding residents.
13. These themes, as well as the numerous activities undertaken through the workshop process, have informed the three masterplan options, being:
 - (a) Option 1: Investigation of the development of a synthetic hockey turf on the Hillview Terrace side of Higgins Park (in addition to an Australian Rules Football Oval).
 - (b) Option 2: Consideration of adding two grass hockey pitches on the Hillview Terrace side of Higgins Park, in addition to the synthetic pitch.
 - (c) Option 3: The development of a second oval for a complete football focus should the synthetic hockey turf be considered unfeasible*.

**unfeasible means that it is prohibitive spatially, financially or the impact on the community is considered unacceptable.*
14. All three options includes the following key features:
 - (a) Centrally located shared sports building to accommodate all clubs in each options, including multi directional viewing areas;
 - (b) Improved connection to the tennis club from the new shared sports building, including a spectators viewing area;
 - (c) Traffic calming measures to Playfield Street to improve the safety and connection to Millen Primary School. Interchangeable options for this treatment exist, including the potential to close the street to traffic between Etwell Street and Ramsden Avenue, and are detailed in the Masterplan;
 - (d) Universal access path network around perimeter and through key routes within the park, including connection to the Hill View Terrace bus stop;
 - (e) All ages community facilities including fitness equipment and spectator seating around perimeter of oval;
 - (f) All ages, multi ability community playground on Higgins Park with shade structure, picnic and BBQ facilities, bike racks, drink fountain and way finding signage. Interchangeable options for this exist and are detailed in the Masterplan;
 - (g) Removal of the existing tennis club building and replacement with a youth zone including mixed sports courts, graphic surface treatment, terraced embankment, lighting, drink fountain, planting and bike racks;

- (h) Improved access and use of the embankment between Higgins Park and Playfield Reserve, including universal access and sloped play areas. Interchangeable options for this exist and are detailed in the Masterplan;
- (i) Upgrades to Playfield Reserve including seating terraces, picnic setting, drink fountain and small nature play space;
- (j) Upgrades to surrounds of RSL including expansion of forecourt for outdoor events, additional tree planting, universal access footpaths and reconfiguration of car parking;
- (k) Re-vegetation and expansion of existing Kokoda trails network including wayfinding, signage and the possible closure of Fred Bell Parade from Hill View Terrace. Interchangeable options for this exist and are detailed in the Masterplan;
- (l) Removal of turf from the sloped boundary areas and from under trees, replaced with locally native vegetation and garden beds;
- (m) Increased canopy coverage, noting that options 1 and 2 require some tree removal as identified in the Masterplan;
- (n) Increased lighting to informal and formal recreation areas;
- (o) Formalised parking configurations.

Design Considerations

15. Considerations for informal users:

- (a) Each option increases the physical amenity available to the community, including local residents, children, the elderly and exercisers. This includes all abilities and nature play areas, youth focus areas, all ages fitness equipment, universally accessible pathways, improved connection to the RSL building, shade canopies, picnic tables, BBQ's, water fountains and bike racks.
- (b) Option 1 sees the greatest winter use of Higgins Park, with both hockey and football occurring over similar months. This will increase the overall usage of the site, which may affect availability for informal users, such as dog walkers.
- (c) Options 1 and 2 have reduced grassed area due to the placement of the synthetic turf.

16. Considerations for formal users:

Formal Users	Option 1	Option 2	Option 3
Victoria Park Raiders Junior Football Club	Retention of one senior oval close to desired north/south orientation. Improvement to lighting allows for night time fixtures to occur on home ground. Potential clash of synthetic cricket wicket and football oval. With this arrangement, the club have stated that there is not sufficient space for it to	The spatial restrictions of the site and the scope of this option to investigate one synthetic and two grass hockey turfs means that there is no remaining space for football use. This option would require an alternative, suitable location be confirmed for the club prior to any further works.	Increase to one senior and one junior football oval close to desired north/south orientation. Improvement to lighting allows for night time fixtures to occur on home ground. Cricket pitches located off football ovals.

	<p>continue its existing fixtures in one location, and will result in the dispersion of the mixed-gender, female, and male teams over multiple sites.</p>		
<p>Victoria Park Xavier Hockey Club</p>	<p>Addition of one fenced synthetic turf in desired +/-15degrees north/south orientation. Includes player's bench adjacent to synthetic turf. Inclusion of lighting required for synthetic turf.</p> <p>In this option, the Victoria Park Xavier Hockey Club will operate from two locations, with grass turfs remaining at Fletcher Park and a synthetic turf at Higgins Park. The club propose to split its operations over the two locations, utilising the facilities at both.</p>	<p>Addition of one fenced synthetic and two grass hockey turfs, with synthetic turf in desired +/-15degrees north/south orientation. Includes player's bench adjacent to synthetic turf. Inclusion of lighting required for grass and synthetic turfs.</p> <p>This option would involve the complete relocation of the club from Fletcher Park to Higgins Park.</p>	<p>This option does not accommodate the Victoria Park Xavier Hockey Club.</p>
<p>Carlisle Windsor Cricket Club and South Perth Junior Cricket Club</p>	<p>Current access to one senior cricket oval maintained in desired north south orientation. Potential clash of synthetic cricket wicket and football oval.</p>	<p>Increase to one senior and one junior cricket ovals in desired north south orientation. Cricket pitches located off hockey turfs.</p>	<p>Increase to one senior and one junior cricket ovals in desired north south orientation. Cricket pitches located off football ovals.</p>
<p>Higgins Park Tennis Club, Victoria Park Croquet Club</p>	<p>Retained quantity with revised access and spectator viewing area.</p>		
<p>Fitness classes</p>	<p>The existing fitness classes that book non-exclusive use of the park will continue to be able to do so. The classes will also be able to utilise the fitness equipment located around the perimeter of the park in a non-exclusive manner.</p>		

Bookings	Previous bookings for Higgins Park include large events, school cross country and other school sports fixtures. It is envisioned that bookings of this nature will still be possible, however the grassed space available will be reduced. This option provides the opportunity for schools to book the synthetic turf for appropriate uses.	No anticipated change to bookings.
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17. Other potential users:

Other Potential Users	Option 1	Option 2	Option 3
	<p>A synthetic turf can accommodate other users who are able to ensure the surface is not damaged. These potential users include:</p> <ul style="list-style-type: none"> - Tee ball; - Tennis; - Walking hockey with local aged care residents encouraged to participate, as has been established at other synthetic turf locations; - Area 5; - Schools (various schools including Kent Street Senior High School, Ursula Frayne Catholic College, Trinity College, Millen Primary School). 		<p>The Victoria Park Raiders Junior Football Club are currently producing a concept paper for a Family, Lifestyle and Sports Hub, also known as FLASH. Reconfiguration of the ovals in this option supports the expansion of the football club in its ambitions to broaden its community programming and provide an all ages social season through the FLASH concept. This will also support increased school use and use by other football clubs.</p>

18. Change to hours of formal recreation use (based on current fixtures and training needs):

Change to hours of formal recreation use	Option 1	Option 2	Option 3
Summer use	No change to cricket use anticipated. Potential for hockey summer season.	The addition of a junior cricket oval will likely see an increase in cricket games and/or training. Potential for hockey summer season.	The addition of a junior cricket oval will likely see an increase in cricket games and/or training.
Winter use	The introduction of an additional winter user in this option will see the greatest formal	It is likely that there will be training or games, on a home and away rotation, on the grass	This option will see football use continue as it is currently (training Monday – Friday

	<p>recreation use of the site compared to the other options. It is likely that there will be training or games, on a home and away rotation, on both the football oval and synthetic turf for between 1 and 4 hours Monday – Friday afternoons/evenings, and Saturday's and Sunday's.</p> <p>An additional venue will be required to accommodate some football fixtures.</p>	<p>and synthetic turfs for between 1 and 4 hours Monday – Friday afternoons/ evenings, and Saturday's and Sunday's.</p> <p>An additional venue will be required to accommodate all football fixtures and training.</p>	<p>afternoon/evenings), with the addition of Friday night fixtures that are currently played elsewhere, and any greater usage the club might have with the formalisation of the junior oval.</p>
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19. Lighting considerations:

Lighting	Option 1	Option 2	Option 3
Consideration	<p>Increased lighting to pathways, shelters and public access areas.</p> <p>Football oval lighting increased to 100lux for games, with 50lux available for training. 50lux available on training oval. This in line with Australian Standard 2560.2. 3 - 2007 Lighting for all football codes.</p> <p>Synthetic turf lighting to be 500lux for games, with 250lux available for training, in line with Australian Standard 2560.2.7 - 1994 Lighting for outdoor hockey.</p>	<p>Increased lighting to pathways, shelters and public access areas.</p> <p>Synthetic turf lighting to be 500lux for games, with 250lux available for training. 250lux available on grass turfs. This is in line with Australian Standard 2560.2.7 - 1994 Lighting for outdoor hockey.</p>	<p>Increased lighting to pathways, shelters and public access areas.</p> <p>Senior football oval lighting increased to 100lux for games, with 50lux available for training. 50lux available on junior oval and remaining training space. This in line with Australian Standard 2560.2. 3 - 2007 Lighting for all football codes.</p>
Mitigation	<p>The design of sporting use lighting will be developed for the preferred option with a lighting consultant to achieve even coverage on playing fields. This design will be based on best practice examples of high level lux lighting in</p>		

residential areas and will take into consideration the local amenity issues from obtrusive light. This can be achieved through the use of design features such as LED lighting, pole height, horizontal positioning, floodlight types and directional lighting that minimise light spill. It is proposed that any environmental considerations of increased lighting be assessed and mitigated through an Environmental Impact Report for the preferred option, as well as through lighting controls imposed through the management model.

20. Noise considerations:

Noise	Option 1	Option 2	Option 3
Consideration	An additional winter user will increase the noise created at identified training and game times due to the higher volume of users and spectators in the area at the same time. There will likely be greater numbers of people in the park at identified training and game times.	Option 2 incorporates the relocation of one existing user, and the addition of another user. It is anticipated that this change in use will result in similar game and training times, however the nature of the sport may affect noise levels.	The formalisation of a second oval will allow the football club to expand its current offering, which may result in greater usage and extended period of noise at identified training and game times, however is not anticipated to be too dissimilar to the existing scenario.
Mitigation	Design mitigation efforts such as planting buffer vegetation around the perimeter have been incorporated. It is proposed that any environmental considerations of increased noise be assessed and mitigated through an Environmental Impact Report for the preferred option, as well as through usage controls imposed through the management model.		

21. Flora and fauna considerations:

Flora and fauna	Option 1	Option 2	Option 3
Consideration	53 additional trees planted plus understory planting. 2 trees removed to accommodate AusKick oval. Revegetation and expansion of existing Kokoda trails network. Removal of turf and additional understory planting with locally native vegetation. Impact on root systems by sinking the synthetic turf by 900mm. Impact	58 additional trees planted plus understory planting. 3 trees removed to accommodate multi use building. Revegetation and expansion of existing Kokoda trails network. Removal of turf and additional understory planting with locally native vegetation. Impact on root systems by sinking the synthetic turf by 900mm. Impact	48 additional trees planted plus understory planting. 0 trees removed. Revegetation and expansion of existing Kokoda trails network. Removal of turf and additional understory planting with locally native vegetation and garden beds. Impact of increased light on site.

	of increased noise and light on site.	of increased noise and light on site.	
Mitigation	<p>It is proposed that any environmental considerations be managed by:</p> <ul style="list-style-type: none"> • Environmental Impact Report for the preferred option; • Restrictions on lighting and noise through management model; • Undertaking an arbor assessment on the extent, type and quality of the vegetation that may be impacted; • Minimising damage to flora during construction phase; • Retaining existing vegetation as much as possible, minimizing habitat destruction; • Increasing the use of native vegetation species in landscaping and revegetation areas as habitat and food source; and • Re-vegetation and expansion of existing Kokoda trails network and planting including wayfinding and signage. 		

22. Built form permeability considerations:

Built permeability form	Option 1	Option 2	Option 3
Consideration	All options include the removal of the Higgins Park Tennis Club building and the introduction of new built form, including multi-sport building with incorporated spectator viewing areas and shade canopies.		
	Options 1 and 2 include the addition of a fenced synthetic turf and adjacent player's benches. Limestone fencing to 900mm is proposed, with cyclone fencing above to 1.8m high. Increased fencing height is required behind the goals and for cross pitch play, ranging from 3m to 7m.		N/A
Mitigation	Should option 1 or 2 be selected as the preferred option, Design Development will include mitigation efforts to minimise the impact of this facility. This will explore sinking the turf by 900mm, utilising a visually permeable fencing product such as black cyclone fencing, similar to the adjacent tennis courts, and planting buffering landscape around the perimeter. Areas of increased fencing height could look to utilise retractable netting, where feasible, to minimise this visual impact.		

23. Traffic and parking considerations:

Traffic and parking	Option 1	Option 2	Option 3
Consideration	Two winter sporting users at Higgins Park will increase traffic movement and parking	The existing 85 formal parking bays along Playfield Street have been increased to 130	The existing 85 formal parking bays along Playfield Street have been increased to 105

	requirements. This option includes the most additional formalised parking along Playfield Street, increasing from 85 to 145. Additional informal parking is possible on park verges and on street.	sealed bays. Additional informal parking is possible on park verges and on street.	sealed bays to address current parking congestion. Additional informal parking is possible on park verges and on street.
	Design alternatives that suggest partial closure to both Playfield Street and Fred Bell Parade are identified in the Masterplan.		
Mitigation	Should a partial closure of either Playfield Street and/or Fred Bell Parade be selected as preferred, a Traffic Assessment will be undertaken.		

24. Synthetic turf considerations: Traditional synthetic turfs can reach higher temperatures than grass turfs in the same environment, and so have relied on water for both performance and cooling benefits. Newer technologies are looking to minimise this heat effect and reliance on water for cooling. Depending on availability in Australia, the Victoria Park Xavier Hockey Club have expressed their interest in new dry/waterless, or hybrid, turf technologies that utilise less water and reduce heat buildup. Design consideration and mitigation factors will be determined through the Design Development stage, should option 1 or 2 be selected as the preferred option.

Project Progression

25. Should option 1 or 2 be selected as preferred, the Town will require from the Victoria Park Xavier Hockey Club a business plan that details the proposed operations for a synthetic turf at Higgins Park. The club have investigated the feasibility of a turf and are confident in its viability, however this business plan will be specific for the preferred option and tested with the Town. This should include the proposed management model, operational plan, capital expenditure, turf demand, whole of life costings and partnership funding options. The management model will detail the management of the turf, bookings, and sinking fund to cover running costs, maintenance, utilities, income and funding for the replacement of the turf surface when required, approximately every 7-10 years.
26. The Town is aware of two other projects currently in the early stages of investigating a potential new synthetic turf in neighbouring suburbs. These are:
- (a) the Wesley South Perth Hockey Club (WASPS) who have been investigating a synthetic turf in various locations in the City of South Perth for some time, and are currently testing the feasibility of a synthetic turf at Collier Reserve, and
 - (b) Hockey WA who are currently investigating the future use of the Perth Hockey Stadium at Curtin University.

As the sustainability of a synthetic turf is dependent on the demand for its use, consideration of these surrounding turfs will be factored in to the business plan, should option 1 or 2 be selected.

27. In progressing an option, it is envisioned that the following steps will be undertaken:

Item	Option 1	Option 2	Option 3
Alternative, suitable location confirmed for Victoria Park Raiders Junior Football Club prior to any further works.	✓ For partial	✓ For all	✗

	fixtures.	training and fixtures.	
Business Plan from Victoria Park Xavier Hockey Club, tested by Hockey WA and ToVP, detailing proposed operations for a synthetic turf at Higgins Park.	✓	✓	✗
Work with Victoria Park Xavier Hockey Club and Hockey WA to assist finding an appropriate location, either within the Town of Victoria Park or in neighbouring Local Government Areas.	✗	✗	✓
Determine incremental staging approach informed by funding sources.	✓	✓	✓
Develop strategic advocacy and communications strategy.	✓	✓	✓
Develop a community engagement plan to further inform the design development.	✓	✓	✓
Design development of preferred masterplan followed by detailed design for construction, including: <ul style="list-style-type: none"> • Landscape design, play compliance, access and inclusion advice, feature survey, civil works, irrigation and drainage, grading and demolition, materials and palettes, arbor assessments on existing trees; • Lighting Design; • Traffic Assessment; • Environmental Impact Report, providing management of noise, light, and flora and fauna; • Staging Plan with incremental upgrades towards the masterplan design; • Detailed Opinion of Probable Costs. 	✓	✓	✓
Prepare a feasibility study to guide the occupancy and refurbishment work to the RSL building.	✓	✓	✓
Carry out an assessment on the existing club room building to determine its suitability for renovation and extension, compared to rebuild.	✗	✗	✓
Architectural design for the multi-sport building and the RSL refurbishment.	✓	✓	✓
Develop interim relocation plan for construction phase.	✓	✓	✓
Management model of the multi-sport facility developed with all relevant clubs.	✓	✓	✓

Public Comment

28. As detailed in the Engagement section of this report, there has been significant consultation with the Design Reference Group and stakeholders. The Town now request the Elected Members consent to advertise the Masterplan to the wider community to gain valuable public comment. This public comment period will request submissions from the community identifying support for the following:
- (a) Community and landscape interchangeable elements:
 - i. Playfield Street;
 - ii. Fred Bell Parade;
 - iii. The embankment zone;
 - iv. Higgins Park Playground; and
 - (b) The three sporting configuration options.
29. It is proposed that this public comment period include broad consultation to all Town community members. Running for 4 weeks from 21st September 2020, this public comment period will include advertising to the wider community members through digital, print and in person methods, as detailed in the Future External Engagement section of this report.
30. Following the public comment period, all submissions received will be reviewed and addressed where needed. The Masterplan and outcome of the public comment period will then be submitted to Council for the selection of a preferred option.

Relevant documents

[Town of Victoria Park – Public Open Space Strategy 2019](#)

[Town of Victoria Park – Sport and Recreation Facilities Strategy](#) - received December 2013

Further considerations

Nil.

12.9 Archer/Mint Streetscape Improvement Plan

Location	Carlisle East Victoria Park
Reporting officer	Caden McCarthy
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Archer Street and Mint Street - Streetscape Improvement Plan and Report [12.9.1 - 60 pages]2. Archer Street and Mint Street - Streetscape Improvement Plan: Response to Public Submissions [12.9.2 - 13 pages]3. Archer Street and Mint Street - Streetscape improvement Plan: Public Comment Survey Snapshot [12.9.3 - 4 pages]4. Archer Street and Mint Street - Streetscape improvement Plan: Preliminary Community Engagement Snapshot [12.9.4 - 5 pages]5. CONFIDENTIAL - Archer Street and Mint Street - Streetscape improvement Plan: Cost Estimate Summary [12.9.5 - 1 page]6. Archer Street and Mint Street - Streetscape Improvement Plan: Final Design in High Resolution [12.9.6 - 8 pages]

Recommendation

That Council approves the Archer Street and Mint Street - Streetscape Improvement Plan to proceed to Detailed Design

Purpose

To present the Archer Street and Mint Street – Streetscape Improvement Plan (the Plan), contained in Attachment 1, for Council approval.

In brief

- A Streetscape Improvement Plan has been developed for Archer Street and Mint Street between Orrong Road and Albany Highway (see Attachment 1 and Attachment 6).
- The Plan was prepared following a robust consultation program. With Council endorsement, the Streetscape Improvement Plan was publicly advertised for 21 days.
- The Plan includes a concept design of the streetscape as well as a staging plan for implementation.
- The Town is seeking Council’s final approval of the Plan.
- Should Council approve the Plan, the Town will proceed to the detailed design phase for stage one which is the section of Archer Street between Raleigh Street and Mars Street in Carlisle, known as the Carlisle Town Centre. This is consistent with the Council’s resolution from the 16 June 2020 OCM.

Background

1. Archer Street and Mint Street connects Orrong Road to Albany Highway. Shepperton Road and the Armadale/Thornlie train line also intersect these streets.
2. The street is a key route, connecting people to the Carlisle Town Centre, Carlisle Station, East Victoria Park Primary School and the East Victoria Park Town Centre.

3. The Town appointed a multi-disciplinary team including GTA Consultants, Place Laboratory, Roberts Day and Cossill & Webley Consulting to prepare a concept design and staging plan based on site analysis, community engagement and best practice transport planning and urban design. The design process included;
 - (a) Literature review and site analysis culminating in an outline of opportunities and constraints;
 - (b) Existing street and car parking assessment;
 - (c) Online businesses and residents survey through Your Thoughts;
 - (d) Pop-up morning engagement to survey locals using the street;
4. This work culminated in a draft plan which was endorsed by Council to proceed to public advertising at the 16 June Ordinary Council Meeting. The public advertising period was conducted over a three-week period in June and July 2020.
5. The Town received 75 submissions during the public comment period. 72 submissions either supported the proposal or supported the proposal with some concerns. There were three submissions that opposed the proposal. Details of the public comments are provided in Attachment 2.
6. The final Plan has been developed and is contained in Attachment 1 and Attachment 6. The plan has considered all aspects of the public land on the street including the road, footpath, verge and street trees and the Town is recommending that it be approved.

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.	This project reflects best practice community engagement with a rigorous engagement process and public comment period.
CL03 - Well thought out and managed projects that are delivered successfully.	This multidisciplinary project was designed and delivered to a high standard reflecting best-practice in project management.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	With a focus on safety and accessibility for people of all ages and abilities, this design will lead to the development of a high quality Town Centre in Carlisle and East Victoria Park.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	This project is important to improving the safety, accessibility and interconnectedness of the local transport network.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Implementation of this design will lead to a more balanced transport network that promotes accessibility for all modes of transport and is key to creating a sustainable, balanced and integrated

	transport network.
EN07 - Increased vegetation and tree canopy.	The design includes an opportunity to substantially increase our urban tree canopy along Archer and Mint Street in line with the Town's Urban Forest Strategy and Public Open Space Strategy.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The implementation of the Plan will lead to an increase in active modes of transportation which is key to community health and wellbeing.

Engagement

Internal engagement

Street Improvement	Project support. The Street Improvement Team have provided technical advice and support throughout the project to inform the design. Some small sections of the plan are subject to further analysis conducted in the detailed design phase.
Place Planning	Project team lead. Senior Place Leader – Urban Forest reaffirmed that opportunities to increase tree canopy coverage and a better environment for existing ficus trees is encouraged.
Parking	Project input. Supports the design but notes further investigation in the detailed design phase is required to understand if loading zones are impacted.

External engagement

Stakeholders	Local Community
Period of engagement	Consultation: February 2020 – March 2020 (2 weeks) Public Comment: June 2020 – March 2020 (3 weeks)
Level of engagement	3. Involve
Methods of engagement	<p>Initial Consultation</p> <p>Community Survey (via Your Thoughts)</p> <p>Pop-up engagement at 47 Archer St (Thursday morning pop-up to reach regular users of the street and customers of local businesses – 3 hours).</p> <p>One on one interviews between Town Staff and 10 local businesses on Archer Street.</p> <p>Public Comment</p> <p>Public submission form (via Your Thoughts).</p>

	One on one interviews between Town Staff and local businesses on Archer and Mint Street.
Advertising	Your Thoughts Social Media A3 Posters – Town facilities Post cards delivered to nearby residents and business owners
Submission summary	The Town received 116 completed surveys via Your Thoughts during the consultation period. The Town received 75 submissions during the Public Comment period. 49 – Support the proposal 23 – Support the proposal with some concerns 3 – Oppose the proposal A detailed outline of the submissions is contained in Attachment 2.
Key findings	The key findings of the consultation period directly influenced the final design as outlined in the final report contained in Attachment 1. Further details of the consultation period are provided in Attachment 4. The public comment period determined a majority of the community members support the proposal. Some of the comments highlight important considerations that will need to be considered carefully in the detailed design phase of the project. Details of the public comment submissions are contained in Attachment 2 and 3.

Other engagement

Public Transport Authority	The Public Transport Authority (PTA) required specific lane widths to be upheld to facilitate bus movements along the street. PTA have also provided advice on potential bus stop relocations.
METRONET	The design should be flexible around the rail corridor to facilitate the removal of the level crossing.

Legal compliance

Not applicable.

Risk management consideration

Risk category	Impact	Risk description	Event	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk option rationale	treatment and for actions
Financial		Not endorsing the plan will result in delays to the detailed design process and may result in the project being carried forward to the 2021/22 financial year.		Minor	Possible	Medium	Low	ADAPT the project schedule for the detailed design process to consider potential delays.	
Environmental		Nil		Nil	Nil	Nil	Medium	N/A	
Health and safety		Nil		Nil	Nil	Nil	Low	N/A	
Infrastructure/ ICT systems/ utilities		The design may result in a construction process that causes unexpected operational issues to Town assets.		Minor	Unlikely	Low	Medium	ENSURE project planning minimises the impact on businesses and that there is proactive and targeted communications program.	
Legislative compliance		Nil		Nil	Nil	Nil	Low	N/A	
Reputation		The Town does not implement the plan (for various reasons)		Moderate	Unlikely	Medium	Low	Continue to deliver best practice communication and consultation throughout detailed design and construction.	
Service delivery		Nil		Nil	Nil	Nil	Medium	Nil	

Financial implications

Current impact	budget	<p>Sufficient funds exist within the annual budget to address this recommendation.</p>
Future impact	budget	<p>The existing budget has allocated \$80,000 to proceed to the first stage of detailed design. Should Council approve the plan then funds will be sought to progress with the detailed design for the other three stages of the plan in the future.</p> <p>Funding will also be planned for future years to enable construction in a staged approach over several financial years consistent with the limitations and considerations in the Long-Term Financial Plan. Funding for this project is likely to be a mix of external funding and from the Town's finances.</p> <p>The estimated cost for full construction of the project (all stages) is approximately \$5 million. A detailed cost estimate is provided in Attachment 5.</p>

Analysis

7. The Plan relates to the full length of Mint and Archer Street between Orrong Road and Albany Highway. The plan has considered all public aspects of the street including the road, footpath, verge, side streets and street trees.
8. The design process has included rigorous site analysis and community engagement. The amount and method of community engagement undertaken is outlined in the engagement section of this report and in Attachment 2. The engagement included a community survey with 116 responses, a pop-up engagement on Archer Street and one on one interviews with Town Officers and several businesses on Archer Street.
9. The community engagement refined the vision and objectives for the project, building on the strategic outcomes outlined in the Town's Strategic Community Plan. A snapshot of the results of this engagement have been provided in Attachment 2.
10. GTA Consultants were appointed by the Town to lead the design process with support from Roberts Day, Place Laboratory and Cossill & Webley Consulting.
11. After a rigorous design process, the Town advertised the Draft concept design to the community for public comment with permission granted by Council at the 16 June Ordinary Council Meeting. The design was advertised for a period of three weeks and the Town received 75 submissions.
12. Advertising of the Draft design was undertaken through the following methods:
 - (a) Your Thoughts web page location with an online submission form.
 - (b) The Town's social media channels.
 - (c) Letter box drop to residents and businesses.
 - (d) One on one interviews with businesses on Archer Street.

13. Of the 75 submissions received during the public comment period, the majority of submissions were supportive of the design. A summary of the public comment submissions received is provided below.

Position in relation to the proposal	Submissions received
Support the proposal	49
Support the proposal but have some concerns	23
Oppose the proposal	3

14. The public comment period revealed several suggestions for alterations to various aspects of the plan that would be most appropriately investigated in the detailed design phase. These suggestions included, alterations to the bike lane configuration around bus stops and mature trees as well as street furniture and lighting specifications.
15. While the Plan has not been changed following the public comment period, several submissions raised questions, opportunities or constraints that will be a focus during the detailed design phase of the project. A table of the public submissions is provided in Attachment 2.
16. The final Plan and supporting report is contained in Attachment 1.
17. In order to further optimise the project outcome, Place Planning and Street Improvement worked with Western Power to finalise the street lighting improvement design for a section of Archer St. This culminated in the agreement by Western Power to supply and install new street lights selected from their decorative range at a significantly reduced price, and the installation of this lighting will be timed to align with the State Underground Power Project 6 (SUPP6) for Carlisle North.
18. It is recommended that Council approve the Streetscape Improvement Plan. Should Council approve the plan, Town staff will proceed to the detailed design phase for stage one (Archer Street between Raleigh and Mars) in accordance with the June 2020 OCM resolution.

Relevant documents

Not applicable.

Further considerations

Following the Agenda Briefing Forum held on 1 September 2020 the following additional information is provided.

19. Attachment 6 to the report for the Agenda Briefing Forum titled "Archer Street and Mint Street - Streetscape Improvement Plan: Final Design in High Resolution" was an outdated version of the design that unintentionally indicated the entrances to Edmiston Lane and Rouse Lane from Mint Street were blocked. This was rectified in the final concept design in the report. The appropriate high resolution design has now been attached which demonstrates the entrance to the laneways will be open and accessible to vehicles.

12.10 Town of Victoria Park Place Plans

Location	Bentley Burswood Carlisle East Lathlain St Town-wide Victoria Welshpool	Victoria	Park James Park
Reporting officer	David Doy		
Responsible officer	Natalie Martin Goode		
Voting requirement	Simple majority		
Attachments	<ol style="list-style-type: none"> 1. Town of Victoria Park Place Plan Volume Series [12.10.1 - 150 pages] 2. Summary of submissions following public comment period - Place Plans [12.10.2 - 24 pages] 		

Recommendation

That Council approves the Town of Victoria Park Place Plan Volume Series, as at attachment 1.

Purpose

The purpose of this report is to present the Town of Victoria Park Place Plans Volume Series (Place Plans) contained in Attachment 1 for final approval following a period of public advertising.

In brief

- The preparation of Place Plans is a listed action in the Town's Corporate Business Plan.
- The Place Plans are a new approach to Local Government business planning in Western Australia and represent a significant 'next step' in the evolution of the Integrated Planning and Reporting Framework.
- The Place Plans are a collection of 'place-based' action plans that guide the allocation of funding and resources in each of the Town's nine (9) neighbourhoods.
- The Places Plans include 10 Volumes and a total of 148 actions derived from the Town's suite of Informing Strategies and Plans (50 in total).
- The Place Plans have been built into the Town's Integrated Planning and Reporting Framework to act as a 'place filter'. The Place Plans filter the actions from the Informing Strategies and Plans before being included in the Corporate Business Plan (which is reviewed and updated annually) and internal Service Delivery Plans.
- Following Council endorsement, the Town advertised the Place Plans for three weeks in June and July 2020. The Town received a total of 12 submissions.
- The Town recommends that Council approve the Place Plans.

Background

1. The Town's Corporate Business Plan identifies the following action to be completed:

Strategic Outcome	CL3 – Well thought out and managed projects that are delivered successfully						
Strategic Initiative	Action	17/18	18/19	19/20	20/21	21/22	Responsible Area
CL3.2 – Ensure the Towns projects result in great place outcomes	CL3.2.1 – Prepare Place Plans for each of the Town's neighbourhoods			√			Place Planning

2. Traditionally councils have separated the responsibility of delivering great places across a variety of different disciplines. This discipline led approach often results conflict and competition and, in some instances, can lead to less than desirable outcomes for places.
3. Instead the Town is working more collegially across the disciplines - or Service Areas - to improve place outcomes. This approach is coordinated by the Place Leaders in the Town's Place Planning team which was established by the Town in early 2018.
4. Place Leaders act as vision keepers and managers (of Local Government activity) for their respective neighbourhood. They have a broad understanding of the activities, issues and complexities of their assigned place.
5. The Place Plans are the result of:
 - a. A detailed audit of the Town's 40 Informing Strategies and Plans;
 - b. A detailed analysis of the Town's capacity to deliver on this combined program of works;
 - c. Consideration of the prioritization of actions by Elected Members for these already approved Informing Strategies and plans;
 - d. A distillation of place specific analysis into snapshots for each neighbourhood.

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The Place Plans provide an outline of the work being undertaken in each of the Town's neighbourhoods, making it much easier for people to understand what is planned in each local area.
CL03 - Well thought out and managed projects that are delivered successfully.	The process of reviewing strategies and plans to arrive on a discrete and balanced list of actions for each neighbourhood ensures that projects are not created in isolation of other considerations and are well balanced to deliver a good place outcome.
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	The Place Plans provide an outline of the work being undertaken in each of the Town's neighbourhoods, making it much easier for people to understand what is planned in each local area.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Applying a place filter to all strategies and plans and embedding a place focus into the Town's Integrated Planning and Reporting Framework can

be considered best practice and industry leading.

Engagement

Internal engagement

All service areas that undertake activities that have an impact on the Town's neighbourhoods have been engaged multiple times over a 12-month period during the development of the Place Plans. Elected Members reviewed a draft version of the implementation table for each volume. The detailed feedback has been incorporated into the final draft version contained in Attachment 1.

External engagement

Stakeholders	Engagement was open to all residents and businesses of the Town of Victoria Park
Period of engagement	18 June to 7 July 2020
Level of engagement	2. Consult
Methods of engagement	Online Survey and Submission Form
Advertising	Social Media Platforms <ul style="list-style-type: none">• Facebook• LinkedIn• Twitter Your Thoughts Page
Submission summary	1,400 visits to Your Thoughts page 645 informed participants 10 completed surveys and submissions received via Your Thoughts 2 submissions received via email.
Key findings	10 completed surveys and submissions received via Your Thoughts <ul style="list-style-type: none">• 6 supported the proposal• 4 did not wish to state a position 2 submissions received via email. <ul style="list-style-type: none">• 1 supported the proposal• 1 did not wish to state a position

Each of the Informing Strategies and Plans audited during the development of the Place Plans has been subject to its own communication and engagement process. Any action identified in the Place Plans will be the subject of its own uniquely designed communication and engagement process.

Legal compliance

Nil

Risk management consideration

Risk category	Impact	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial		Nil	Nil	Nil	Nil	Low	N/A
Environmental		Nil	Nil	Nil	Nil	Medium	N/A
Health and safety		Nil	Nil	Nil	Nil	Low	N/A
Infrastructure/ ICT systems/ utilities		Nil	Nil	Nil	Nil	Medium	N/A
Legislative compliance		Nil	Nil	Nil	Nil	Low	N/A
Reputation		Reputation: The Town is not able to deliver on the program of work outlined in the Place Plans.	Minor	Possible	Moderate	Low	MONITOR implementation of these actions and adjust timing on an annual basis based on resources and funding available (Workforce Plan, LTFP) and any change in community priorities.
Service delivery		Nil	Nil	Nil	Nil	Medium	Nil

Financial implications

Current impact	budget	There is sufficient budget to complete the development of the Place Plan Volume Series.
Future impact	budget	The actions within the Place Plans will inform future Corporate Business Plans. Projects can be selected (based on the recommended timing in the Place Plans) for inclusion into the Corporate Business Plan, and if this occurs, they will need to be individually scoped and costed to inform the budget.

Analysis

- The Place Plans are the culmination of a review and analysis of the Town's issue specific strategies and plans; a review of relevant data sets; and a current understanding of best practice. The list of Town Strategies and Plans that have been reviewed are outlined below.

Table: Reviewed Informing Strategies and Plans

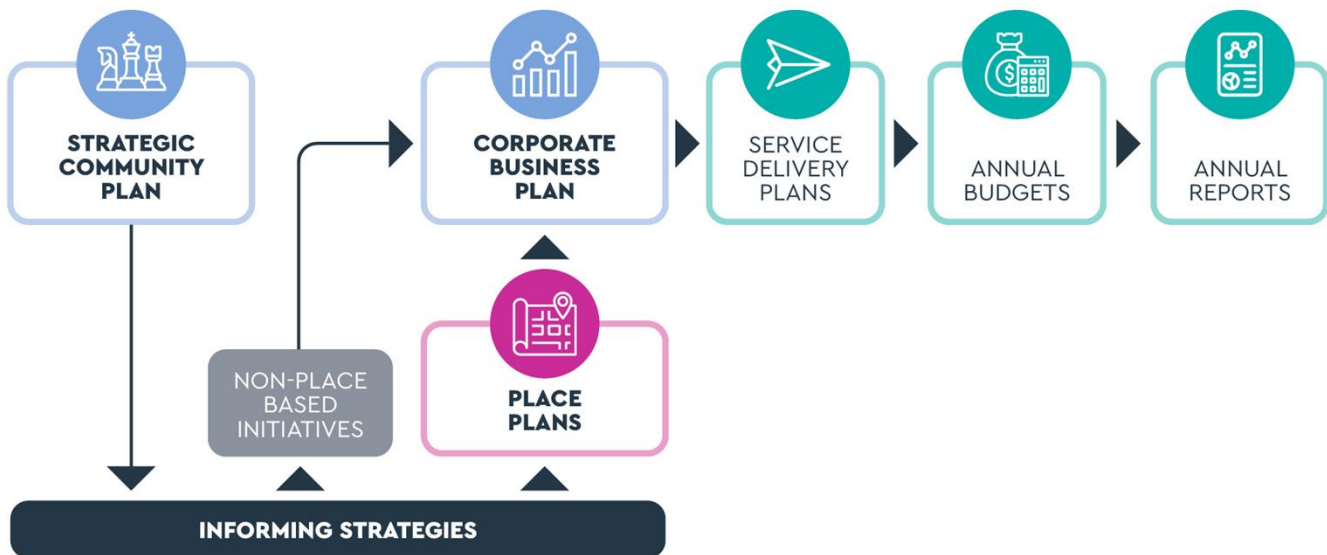
1. Strategic Community Plan 2017 - 2032
2. Corporate Business Plan
3. Draft Local Planning Strategy 2020
4. Activity Centres Strategy 2018
5. Municipal Heritage Inventory 2000
6. Integrated Movement Network Strategy 2013
7. City of South Perth and Town of Victoria Park Joint Bicycle Plan 2018
8. Economic Development Strategy, Pathways to Growth 2018-2023
9. Environment Plan 2013-2018
10. Foreshore Access and Management Plan 2015
11. Healthy Vic Park Plan 2017 - 2022
12. Land Asset Optimisation Strategy 2013
13. Public Art Strategy 2018 -2023
14. Reconciliation Action Plan 2018
15. Safer Neighbourhoods Plan 2017 -2022
16. Social Infrastructure Plan 2018 (received)
17. Residential Character Study 2020
18. Town of Victoria Park Urban Design Study 2000
19. Urban Forest Strategy 2018
20. Lathlain Park Management Plan 2016
21. Lathlain Community Activity Zone Design Report 2017

22. Lathlain Precinct Structure Plan 2000
23. Carlisle Precinct Structure Plan 2003
24. Burswood Peninsula District Structure Plan 2015
25. Belmont Park Structure Plan 2013
26. Albany Highway Built Form Study 2013
27. Raphael Precinct Community-Based Structure Plan 2002
28. Albany Highway Townscape Review 1996
29. Bentley & Curtin University Specialised Activity Centre Structure Plan 2018
30. Technology Precinct Masterplan 2004-2011
31. Discussion Paper: Social and Economic Innovation Management Strategy – Bentley Technology Precinct 2008
32. Bentley Technology Precinct – Network Activation Strategy 2008
33. Greater Curtin Masterplan 2013
34. Streets Ahead Action Planning: Albany Highway Urban Public Spaces 2019 - 2022
35. Public Open Space Strategy 2019
36. Parking Management Plan 2012
37. Disability and Inclusion Plan 2017 - 2022
38. Community Benefit Strategy 2019
39. Strategic Waste Management Plan 2019
40. Burswood Station East Planning Studies 2019
41. Belmont Park Stage 1 Place Framework and Strategy 2018

42. Camfield Drive Concept Plan 2019
43. Victoria Park Drive Concept Plan 2019
44. Edward Millen Park Masterplan 2020
45. Taylor McCallum Concept Plan 2017
46. City of Perth City Planning Strategy 2019
47. Etwell Street Local Centre Revitalisation Plan 2019
48. SERS Kensington Bushland Site Management Plan

- The Place Plans provide a critical cross-departmental lens on these strategies and plans. Clear, detailed and relevant projects are carried over, while high level strategic statements are, where appropriate, extrapolated into clearer projects. This ensures that the Place Plans contain clear, actionable projects that can be planned, budgeted and delivered within the Town’s capacity over a four (4) year period.
- Consultation and community involvement will be delivered for each individual project in accordance with the Town’s Policies. Every project is unique, and the level of community engagement and involvement will be assessed on a project-by-project basis.
- The Place Plans directly inform the Town’s Corporate Business Plan, which is a requirement for all Local Governments. An outline of the role of the Place Plans in the Towns Integrated Planning and Reporting Framework is provided below.

TOWN OF VICTORIA PARK
INTEGRATED PLANNING + REPORTING FRAMEWORK



The Place Plans provide a clear, one-stop shop for the community to access critical information about their neighbourhood, while also providing the means for a cross-departmental approach to the delivery of great place outcomes.

10. Volume 1 is an introduction to the Town's Place Plans Volume Series that includes an explanation of the Town's place approach and outlines the major initiatives of the Town (including associated funding and resources) that are common to all of the neighbourhoods.
11. Volumes 2 to 10 include the Place Plans for each of the Towns neighbourhoods. Each Place Plan lists a suite of specific projects and tasks required to be undertaken in each neighbourhood. Each Place Plan can be read as a document in its own right.
12. The Town's neighborhoods are arranged into the following volumes:
 - Volume 2: Burswood Peninsula;
 - Volume 3: Burswood South;
 - Volume 4: Lathlain;
 - Volume 5: Carlisle;
 - Volume 6: Welshpool
 - Volume 7: Victoria Park
 - Volume 8 : East Victoria Park
 - Volume 9: St James
 - Volume 10: Curtin/Bentley
13. Each Volume is structured to include:
 - An Introduction to the Place Plans;
 - A Place Snapshot (including a historical, demographic, economic and environment snapshot);
 - An explanation of the purpose of the Place Plans;
 - How to read the document;
 - A brief explanation of each actions including:
 - Diagnosis: What is the issue or opportunity;
 - Analysis: A brief commentary on the issue or opportunity;
 - Solution: The action planned to be undertaken; and
 - An implementation framework.
14. The document also identifies projects that:
 - Contribute to mitigating and adapting to climate change (45 actions);
 - Contribute to the Town's canopy coverage targets (65 actions);
 - Require advocacy from the Town to be able to deliver (64 actions); and
 - Could be considered as forming a part of the Town's recovery from the COVID-19 pandemic (109 actions).
15. The Volume Series contains a total of 148 actions across 50 strategies and plans.
16. Following a period of public advertising 12 submissions were received. These submissions are detailed in Attachment 2 and have resulted in minor changes which are summarised below:
 - There were a number of inconsistencies between the strategic category icons in the body of the report and each implementation framework. These inconsistencies have been rectified.
 - There were a number of spelling and grammar errors which have now been rectified.
 - Some minor errors in the snapshot sections have been rectified.

- Social housing figures in St James has been removed as the statistic does not relate to a specific action and could be considered to be insensitive.
- Action 3.04 was reworded following a submission that queried the relationship between land values and underground power.

Should Council approve the Place Plans, the actions will then be embedded into the Service Delivery Plans and the delivered over a four-year period. The Place Plans will be updated on an annual basis and be the key informer to future Corporate Business Plan updates.

17. It is recommended that Council approved the Town of Victoria Park Place Plan Volume Series.

Relevant documents

Not applicable.

12.11 COVID-19 Action Plan- Edition Two

Location	Town-wide
Reporting officer	Lisa Tidy
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Virtual Marketplace Event- COVID-19 Action Plan Scoping document [12.11.1 - 6 pages]2. Telethon Family Festival- COVID-19 Action Plan Scoping document [12.11.2 - 6 pages]3. COVID-19 Action Plan- Edition Two [12.11.3 - 25 pages]

Recommendation

That Council endorses the COVID-19 Action Plan Edition Two, as attached.

Purpose

Two additional projects (Telethon Family Festival partnership and a Virtual Marketplace event) have been identified for inclusion in the COVID-19 Action Plan.

In brief

- At the Special Council Meeting on 7 May 2020, Council adopted the COVID-19 Response Strategy "Restart Vic Park". The Strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a COVID-19 Action Plan.
- The COVID-19 Action Plan is a dynamic document overseen by the COVID-19 Response Working Group (CRWG). The COVID-19 Action Plan details the actions the Town will undertake to achieve the objectives of the COVID-19 Response Strategy. The COVID-19 Action Plan will be updated regularly as the recovery process evolves and new actions and projects are identified.
- Two additional projects have been identified for inclusion in the COVID-19 Action Plan.

Background

1. At the Special Council Meeting on 7 May 2020, Council adopted the COVID-19 Response Strategy "Restart Vic Park". The Strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a COVID-19 Action Plan. The COVID-19 Action Plan is a dynamic document overseen by the COVID-19 Response Working Group (CRWG). The COVID-19 Action Plan details the actions and projects that the Town will implement to achieve the objectives of the COVID-19 Response Strategy.
2. The COVID-19 Action Taskforce (CAT, previously Economic and Social Recovery Taskforces) has prepared a process to manage the ongoing reviewing, updating and implementing of the COVID-19 Action Plan. The process comprises the following steps:
 - (a) Ideas for projects and actions are drawn from a variety of sources and collated on a Master List.
 - (b) The CAT prepares a quantitative score to measure alignment of ideas with the COVID-19 Response Strategy and facilitates a workshop to select a shortlist of Priority Projects.

- (c) Priority Projects are assigned a "Project Champion" who undertakes a project scoping exercise using a standard template. The Project Champion will assess whether there are sufficient resources to implement the project and whether the project is likely to achieve recovery outcomes.
 - (d) The CRWG reviews the Priority Project documentation, including recommendations from the Project Champions, and endorses which projects should be included in the COVID-19 Action Plan.
 - (e) The COVID -19 Action Plan is updated by a resolution of the Council.
3. The Master List, which contains all ideas for recovery projects, is managed by the CAT and includes ideas from the following sources:
 - (a) Elected Members and the CRWG;
 - (b) Town staff;
 - (c) Community feedback, including the Restart Vic Park Community Impact Survey;
 - (d) The Economic Impact and Opportunity Assessment; and
 - (e) The Business Advisory Group.
 4. The COVID-19 Action Plan project process is likely to be repeated every two months, with each cycle being dubbed a "Round". It is still possible for Council to make amendments to the COVID-19 Action Plan between Rounds should an exceptional need or opportunity present. The Round process will facilitate the steady flow of well-planned, responsive projects for potential inclusion in the COVID-19 Action Plan that is anticipated by the COVID-19 Response Strategy.
 5. At the Ordinary Council meeting on 18 August 2020, the COVID-19 Action Plan Edition One was endorsed by Council.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The COVID-19 Action Plan provides a comprehensive list of projects that have been scoped, budgeted, assessed for alignment with recovery objectives, and endorsed by the CRWG. The COVID-19 Action Plan will guide implementation of projects to achieve the recovery objectives in the COVID-19 Recovery Strategy. The dynamic approach to maintaining the document will ensure that its content evolves throughout the recovery process and allows for ongoing monitoring of project resourcing and timing.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The COVID-19 Action Plan provides a high-level framework for approving spending of COVID-19 recovery funds. Projects must be endorsed by the CRWG and updates to the COVID-19 Action Plan document approved by Council.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The additional projects proposed for inclusion in the COVID-19 Action Plan are empowering businesses, supporting their innovative endeavours and providing the opportunity for exposure to both the local and wider Perth community.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	All members of our community regardless of age, gender, ethnicity or physical ability have an opportunity to participate in both projects proposed through this recommendation. The Town has an opportunity to champion and celebrate diversity.

Engagement

Internal engagement	
COVID-19 Response Working Group (CRWG)	Both projects for inclusion in the COVID-19 Action Plan have been presented to CRWG for feedback.
COVID-19 Action Taskforce (CAT)	Through the regular CAT meetings, the two additional projects for inclusion into the COVID-19 Action Plan were discussed.
Communications	The Communications team have been engaged on both projects and are aware of their potential involvement.
Place Planning	The Place Planning team have been engaged on both projects and are aware of the opportunities available to the businesses in the Town.
Community Development	The Community Development team have been engaged on the Telethon Family Festival and their involvement in liaising with local not for profits, local performers etc.

External engagement	
Stakeholders	Business Advisory Group
Period of engagement	13 days
Level of engagement	2. Consult
Methods of	YourThoughts private page

engagement	
Advertising	N/A
Submission summary	<p>In total nine responses were received on the YourThoughts quick polls for both projects.</p> <ul style="list-style-type: none"> • When asked the question '<i>Should sponsorship of the Telethon Family Festival be included in the COVID-19 Action Plan?</i>' was asked, there were six responses, with four of these stating yes. • When asked the question '<i>Should the Virtual Marketplace event be included in the COVID-19 Action Plan?</i>' was asked, there were three responses, with two of these stating yes.
Key findings	<p>Majority of businesses were in favour of including both projects in the COVID-19 Action Plan.</p> <p>Sponsorship of the Telethon Family Festival was supported by the Business Advisory Group with feedback noting that the Town's involvement must be advertised clearly to showcase what is on offer within the Town. It was also noted that further support may need to be given to businesses that are involved, as well as the importance of smaller businesses being given the opportunity to be involved.</p> <p>The Virtual Marketplace event was supported with feedback noting there would need to be significant marketing of the event to get adequate business and community involvement. It was also noted that it may stand in the way of the customer relationship unless there was a way to generate significant traffic to the site, and whether a shop local campaign would be more effective, marketed at surrounding LGAs.</p>

Legal compliance

Not applicable.

Risk management consideration

Please note: further project specific risks are outlined in the COVID-19 Action Plan scoping documents.

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	These projects reduce the remaining budget available for future recovery projects.	Minor	Almost certain	Medium	Low	ACCEPT risk and undertake the two projects.
Environmental	Not applicable.				Medium	

Health and safety	Not applicable.					Low
Infrastructure/ ICT systems/ utilities	Not applicable.					Medium
Legislative compliance	Not applicable.					Low
Reputation	There is little uptake from local businesses and the community to take part in these projects.	Moderate	Possible	Medium	Low	TREAT risk by proactively reaching out to the community when the opportunities arise, and making it as simple as possible for them to be involved. TRANSFER/SHARE risk by engaging a project manager for the Virtual Marketplace event, whose role will be to engage with the business community and upskill them.
	Channel 7 Telethon don't provide the promised level of exposure to the Town of Victoria Park.	Minor	Unlikely	Low	Low	TREAT risk by having a sponsorship agreement in place.
Service delivery	Not applicable.					Medium

Financial implications

Current budget impact	<p>Sufficient funds exist within the annual budget to address this recommendation.</p> <p>Both projects are proposed to be funded from the COVID-19 Recovery Budget.</p> <p>Telethon Family Festival partnership: \$25,000</p> <p>Virtual Marketplace event: \$10,000</p>
Future budget impact	Not applicable.

Analysis

6. Two additional projects have been identified for inclusion in the COVID-19 Action Plan as they have been assessed as contributing to the recovery objectives within the COVID-19 Response Strategy. These projects have been discussed at the CAT and presented at CRWG for feedback. Both are capable of being resourced and funds are available from the COVID-19 Recovery budget. Both project scoping documents are included as attachments to this report.
7. The two projects identified for inclusion into the COVID-19 Action Plan are:
 - (a) Telethon Family Festival partnership: a sponsorship opportunity that could provide benefits to the local business community, non for profits and local performers, as well as providing wider exposure for the Town and its initiatives. The aims for this project are:
 - i. To provide wide exposure and benefits for local businesses, non for profits, performers etc.;
 - ii. To create a partnership with lasting benefits; and
 - iii. To support the Telethon Institute in raising money for children's charities.
 - (b) Virtual Marketplace event: a two day, online event, which will allow local businesses to sell their goods and services to residents and the wider Perth community. The aims for this project are:
 - i. Provide the opportunity for exposure for businesses that don't always have shopfronts, to sell their goods/services to the community;
 - ii. Upskill businesses, future proofing them if there is a resurgence of COVID-19 in the WA community and they need to shift to online sales;
 - iii. Expose the wider Perth community to Town of Victoria Park businesses, with the hope this will capture consumers and attract them to continue visiting Vic Park businesses; and
 - iv. Promote the Town of Victoria Park brand.
8. As the aims of these two projects align to the COVID-19 Response Strategy, both have been included in the COVID-19 Action Plan Edition Two, as attached to this report.
9. If the COVID-19 Action Plan Edition Two is endorsed there will be further communication with the community on their involvement with these two projects.

13 Chief Operations Officer reports

13.1 Approval of Waste Plan

Location	Town-wide
Reporting officer	Jonathan Horne
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Waste Plan Attachment 4 presentation for item [13.1.1 - 17 pages] 2. Att 5 - Self Assessment Checklists (4) [13.1.2 - 4 pages]

Recommendation

That Council approves the waste plan to be submitted to the Department of Water and Environmental Regulation (DWER).

Purpose

For Council to consider the Town's Waste Plan which is required to be completed following a directive from the State Government under the provisions of the *Waste Avoidance and Resource Recovery Act 2007* (WARRA 2007)).

In brief

- In November 2019, the Town received advice that the Department of Water and Environmental Regulation (DWER) required it to prepare a waste plan. This is a requirement for all local governments.
- In requiring the development of separate waste plans (beyond those which may have been adopted by individual local governments) DWER hopes to ensure alignment of local government waste activities (in line with the Waste Avoidance and Resource Recovery Strategy 2030 (WARRS 2030). DWER also wishes to adopt better practice approaches to waste management and recycling. Also, the adoption of a common framework for waste plan details across the local government sector should provide a more uniform approach for planning and reporting.
- Officers have prepared draft waste plans in line with the DWER templates while taking cognizance of the Town's existing approved Strategic Waste Management Plan (SWMP). DWER has provided feedback on its review and suggested edits during the completion of drafting.
- The final draft waste plan is now presented to Council for approval as part of the DWER process.

Background

1. Using powers under the WARRA 2007, in November 2019, DWER sent a notice to the Town to require completion of a separate waste plan in line with its requirements.
2. The original time frame for completion of the waste plan allowed for the submission of a draft waste plan by April 2020, with a final waste plan (with adoption by Council) by the end of September 2020. Officers have worked to achieve these time frames and submitted draft plans in March 2020, receiving initial feedback in April 2020 and further feedback since. It is noted that reference to the draft waste

plan was made in the April meeting (April 21 Ordinary Council Meeting, item 13.3, as part of the waste reform submission).

3. With the current health and economic environment created through COVID 19, DWER has offered to allow for a revised time frame to complete waste plans, effectively allowing for an extra 6-month extension on the original deadlines. However, the process of submission of draft waste plans and ongoing DWER review was relatively well advanced at the time of being notified about the extended deadlines. The Town has opted to comply with the original timeline of having the final waste plan submitted to DWER (after adoption by Council) by the end of September 2020.
4. The final revised waste plan is now presented to Council for approval before submission of a final version to DWER.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	To provide a comprehensive waste plan in the required format to allow for a consistent approach to waste management within the local government sector.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Review and provide input to draft waste plan sections with guidance from the Town's endorsed Strategic Waste Management Plan
Elected members	Review and provide any input through the Elected Members portal

Other engagement	
Stakeholder	Comments
DWER	Review and provide input to draft waste plan details as developed by Town. Comments and suggested editing as the plan progressed.

Legal compliance

To meet compliance under the WARRA 2007.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Legislative compliance	The waste plan does not meet DWER approval and fails to provide the basis on which to pursue improvements in waste management envisaged in WARRS 2030	Moderate	Unlikely	Moderate	Low	Avoid - Complete plan taking into account relevant input from internal and external stakeholders.
Environmental Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Reputation	Not applicable.					
Service delivery	Insufficient resource to manage the Waste Plan actions and updates along with the implementation of the recommendations within the Strategic Waste Management Plan	Moderate	Unlikely	Moderate	Low	Treat - Review the Work Force Plan and annual budget/s to ensure adequate resource will be available

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>There are expected to be several budget implications for future years as major changes are reflected in the Town's waste management area related to the types of waste collected/method of collection, and residual waste treatment compared to the current arrangements.</p> <p>At this stage, the changes necessary are unable to be determined until after decisions are made on the Town's involvement in the future of the Mindarie Regional Council (MRC) and relevant treatment of our residual waste and any contractual arrangements that are entered into.</p>

Analysis

5. The Town's Waste Plan comprises quantitative/qualitative information to inform an implementation plan (table 21). There is a separate checklist for local governments to complete which also forms part of the overall waste plan.
6. The tables contain base information on population and waste tonnages sourced from population statistics, and waste census reports filed by the Town. In reviewing information within the tables, some adjustments have been necessary to more accurately reflect base year populations and waste figures, as well as overall recovery rates. The reasons for these adjustments are noted within the waste plan tables and have been accepted by DWER.
7. In compiling the implementation plan within the draft waste plan (table 21) the actions/detailed actions have been framed to take into account the existing approved Strategic Waste Management Plan (SWMP) proposed activities plan (table 14.1 of the SWMP). Actions arising from the SWMP document are adequately covered within the current draft waste plan (and are cross-referenced where required).
8. One of the major changes in focus for the current waste plan compared to the SWMP relates to those waste services to be provided under the "three-bin system" (Garden Organic (GO) or Food Organic Garden Organic (FOGO)). Driven by the WARRS 2030, major MRC member councils have moved to adopt/likely to adopt three-bin systems (generally GO). This movement to meet the requirement of the introduction of FOGO by 2024/25 under WARRS 2030 has advanced from the time of approval of the Town's SWMP. The determination of the future of the MRC and its RRF operations under these new waste collection methods also is becoming clearer as time progresses and will be the subject of a separate Council report.
9. Consequently, the focus of waste services to be delivered becomes significantly aligned with the introduction of GO/FOGO, to be determined in conjunction with the decisions and actions to be taken on the future of the MRC/RRF operations. The complex issue of future MRC/RRF operations will be addressed in separate council item(s), but of necessity are referred to within the draft waste plan.
10. As well as the change in focus to GO/FOGO systems (and the impact on current operations), the question of the treatment of residual waste (i.e. after GO/FOGO collection) becomes significant in the deliberations of the Town. This was not specifically covered within the SWMP but has been addressed

within the current draft waste plan. Treatment of residual waste will need to be considered and implemented as the change to GO/FOGO collection occurs.

11. It is intended that the local government waste plans will provide the State government with a more consistent approach to planning, reporting, and implementing actions to promote the WARRS 2030 through a common framework of information. The existing approved SWMP effectively supplements the waste plan to be approved by DWER and actions already approved within the SWMP are incorporated into the draft waste plan. It is also intended to have yearly progress reporting on the waste plan. Measures within the plan will effectively replace waste census reporting that has been separately reported by local governments to date.

Relevant documents

Not applicable.

13.2 Approval of the Network Renewal Undergrounding Program Pilot

Location	St James (largely)
Reporting officer	Terry McCarthy
Responsible officer	John Wong
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. 1. Minister for Energy Announcement re NRUPP 6 February 2020 [13.2.1 - 1 page] 2. 2. Boundary Map NRUPP St James [13.2.2 - 1 page] 3. 3. Western Power NRUPP Presentation [13.2.3 - 14 pages] 4. 4. Signed Memorandum of Understanding - NRUPP St James [13.2.4 - 6 pages] 5. 5. Draft Co- Funding Agreement with Western Power for NRUPP St James [13.2.5 - 28 pages] 6. 6. Indicative Programme for NRUPP St James [13.2.6 - 1 page]

Recommendation

That Council:

1. Resolves to proceed with the implementation of the St James Network Renewal Underground Pilot Program (NRUPP) and the Chief Executive Officer to advise Western Power and the City of Canning accordingly.
2. Authorises the Mayor and the Chief Executive Officer to execute on behalf of the Town, the Co-Funding Agreement with Western Power to implement the St James Network Renewal Underground Pilot Program, which includes a commitment by the Town to meet the cash call requirements detailed in that Agreement on the deferred basis agreed to by Western Power.
3. Resolves to impose a service charge of \$2,300 per connection on the owners of properties within the St James NRUPP project area which do not have an existing underground power connection from the property boundary to the meter box at the property.
4. Requests the Chief Executive Officer to provide a further report to Council detailing any proposed borrowing to fund the payment of cash calls to Western Power.
5. Resolves that the owners of subject properties within the St James NRUPP project area be given the option of paying the service charge over a period of seven years, subject to an interest charge and/or administration fee to recover the Town's borrowing costs.
6. Notes that the service charge will be included in the schedule of fees and charges in the draft budget for 2021/2022.

Purpose

The purpose of this report is to seek Council endorsement to proceed with the St James NRUPP and to advise Western Power and the City of Canning (part of which also forms part of the project area) accordingly.

In brief

- St James, within the Town of Victoria Park was selected along with part of the City of Canning to be offered an area in the Western Power Network Renewal Underground Pilot Program (NRUPP).
- NRUPP is a pilot Western Power initiative that has identified four project areas across the Perth Metropolitan Area, including St James, Scarborough, Eden Hill and Hilton for a renewal of their ageing assets. The project is similar to the State Underground Power Program (SUPP) in the sense that it replaces and upgrades existing overhead infrastructure with more reliable underground infrastructure and new street lighting in accordance with Australian Standards. However, the pilot project areas have been selected on the basis of the criticality of their aging infrastructure and the requirement for a significant amount of maintenance and replacement works that would ordinarily be undertaken as a part of Western Power's overhead maintenance program. In short, instead of renewing/replacing the existing "poles and wires" within the pilot areas, Western Power is seeking to underground that infrastructure, whilst seeking a financial contribution (via the Town) from some property owners who do not already have an underground connection within their property to support the costs of that aspect of the project.
- Elected Members were informed of the NRUPP via the Portal on 12th of February 2020 and feedback on the program sought prior to a Memorandum of Understanding being signed by the Chief Executive Officer.
- Since being briefed on the NRUPP, significant economic impacts in relation to COVID-19 have been felt across the Nation and State. Prior to determining to proceed with St James NRUPP, Council is requested to support the proposed funding and cost recovery options.
- Subject to Council approvals, construction of the St James NRUPP would be undertaken between February 2021 and September 2022.

Background

1. On the 18 February 2020, the Minister for Energy announced the trial of a new funding model by Western Power to enable the upgrade of sections of their overhead network in specific areas where significant asset replacement and maintenance works are required.
2. The benefits of retrofitting underground power in areas serviced by overhead distribution cables are well known and include the ability to allow street trees to develop to more mature sizes and assist with greater tree canopy within the area and contribute to reduction of global warming in accordance with the aims and strategies of the Urban Forest Strategy.
3. Western Power identified four specific areas and approached five local governments for their Network Renewal Underground Pilot Program (NRUPP) being:
 - a) Eden Hill (Town of Bassendean)
 - b) Scarborough (City of Stirling)
 - c) Hilton (City of Fremantle and City of Cockburn)
 - d) St James (Town of Victoria Park and City of Canning)
4. The Town of Victoria Park's section of St James as outlined in the 'NRUPP Boundary Map' is included as Attachment 1 of this report.
5. An email/memo was uploaded to the Elected Members Portal on 12 February 2020 to advise Elected Members on the NRUPP. An NRUPP feedback item was uploaded to the Elected Members Portal on 24 March 2020 prior to a Memorandum of Understanding being signed by C-Suite on 31 March 2020
6. The current selection process for the State Underground Power Program (SUPP) ranks areas nominated by local governments based on alignment of projects with Western Power's network

priorities, the share of project funding to be contributed by local governments (between 50% - 90%) and the level of community support for projects.

7. The Retrospective Undergrounding Projects (RUP) are similar to the SUPP, in that the area is nominated by the local governments and the approval rating from the property owners in the area is used to access community acceptance. The RUP projects are fully funded by local government.
8. The NRUPP projects are a new approach to underground power through asset renewal. Western Power's Grid Transformation team determines an NRUPP project boundary (which is not determined by local government boundaries, as it is for SUPP and RUP), with areas of the network selected that require significant maintenance and renewal to the overhead assets. Western Power select these areas by considering the next 50-year period, to both maintain the security of the network and allowing for future technologies and network capabilities. The evaluation for NRUPP uses a risk and opportunity profile for the selection process.
9. For NRUPP, Western Power covers the cost of the network infrastructure costs up the pillar (green dome), whilst the underground consumer main costs (cable from pillar to house) are covered by the local government and in turn the property owners.
10. As the St James NRUPP project would be in conjunction with the City of Canning, an agreed communications strategy between the City of Canning and the Town of Victoria Park will ensure an essential uniform message to the St James property owners. However, the information supplied to the relevant property owners will be presented differently by each local government on their websites and in their direct communication to allow the Town of Victoria Park and the City of Canning to outline their different payment options to their relevant property owners.
11. The current projected construction start date from Western Power for St James NRUPP is between November 2020 and April 2021.
12. The Town of Victoria Park has been advised by Western Power that only properties that require the undergrounding of power from within the property boundary to the relevant dwelling will incur the service charges. Western Power has advised that an E10 estimated (i.e. an estimate which could be subject to rise or fall of 10% dependent on tender submissions from contractors) service charge of \$2,203 will apply to each property without an existing underground connection. The service charge will apply to 676 properties within the Town and within the project area. If a property has an existing underground connection to the dwelling from a mini pillar or a uni pillar (green dome) or service pole within the property boundary where such is serviced by the current overhead network, they will not be required to contribute to the project.
13. Western Power has advised that the Town will be required to contribute an E10 estimated amount of \$1,489,228 (676 properties at \$2,203 each). How the Town raises the contribution is a matter for the Town to determine. Western Power has agreed that three cash calls consisting of \$500,000 due 28 March 2021, \$500,000 due 28 September 2021 and \$489,228 due 28 March 2022 can be deferred for 12 months, thus becoming due on 28 March 2022, 28 September 2022 and 28 March 2023. It is anticipated that the total sum of the cash calls payable to Western Power will be raised from service charges to be applied to the relevant properties.
14. As per previous underground power projects, eligible pensioners and seniors are entitled to rebates on underground electricity service charges as determined by the State Government, as per the guidelines set below:
 - a) Holders of Pensioner Concession Card, State Concession Card or a Commonwealth Seniors Health card with a WA Seniors Card, will be entitled to receive either up to 50% rebate or full deferral on underground electricity charges.

- b) Holders of a WA Seniors Card, who do not hold a Commonwealth Seniors Health Card, will be entitled to receive a single \$100 rebate on underground electricity charges for the first year only of the scheme.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	<p>The key benefits of underground power are:</p> <ul style="list-style-type: none"> • Improved public safety • Improved reliability and security • Improved street appearance • Improved street lighting to current Australian Standard • Increased property value • Reduction in street tree pruning • Lower life-cycle costs • Improved opportunity for emerging technologies
CL06 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	<p>Service charge E10 estimates have been provided by Western Power. As the estimates are plus or minus 10%, it is recommended that residents be advised that the service charge will be \$2,300 per relevant property in order to allow any minor increase in the actual charge.</p> <p>Western Power has advised that all administrative costs applicable to communication with residents and collection of service charges will be the responsibility of the Town as the Town's contribution to the project.</p>

Social	
Strategic outcome	Intended public value outcome or impact

S03 - An empowered community with a sense of pride, safety and belonging	The implementation of the project will ultimately lead to a better lit, greener and more welcoming streetscape benefiting community safety, health and wellbeing.
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Environment	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	By undergrounding and removing overhead powerlines there will be more opportunity to plant trees and provided growth for the canopy to increase without the limitation of power lines heights. This will coincide with the goals set out by the Urban Forest Strategy and help to ensure they are met.

Engagement

Internal engagement

Stakeholder	Comments
Finance	Dependent on the number of property owners who wish to extend payment of the service charge over a number of years, Finance has advised that it may be necessary to source funds to meet the cash call commitments. It is proposed that a further report will be presented to Council detailing any proposed borrowing from WA Treasury Corporation or other appropriate lending authorities to fund the payment of cash calls to Western Power.
Operations	Operations will have little direct input during the construction phase apart from issue of traffic management permits and ensuring that reinstatement is carried out to acceptable standard.
Communications	Members of the Town's Communications team have been involved in meetings with Western Power and will formulate means of conveying detail about the project to stakeholders.
Elected Members	An email/memo was uploaded to the Elected Members Portal on 12 February 2020 to advise Elected Members on the NRUPP. An NRUPP feedback item was uploaded to the Elected Members Portal on 24 March 2020. Western Power made a presentation to Elected Members at a Concept Forum held 26 May 2020, where details of the NRUPP project were provided.

Other engagement

Stakeholder	Comments
Western Power	On the 18 February 2020, the Minister for Energy announced the trial of a new funding model by Western Power to place overhead distribution power lines underground. Western Power has had several meetings with Town staff together with City of Canning staff to determine and agree the location of primary equipment (ground level transformers and switchgear boxes). Western Power is currently finalising electrical design of the project area.
City of Canning	City of Canning staff have had several meetings with Town staff to discuss a coordinated approach to the project, as it covers areas in both the Town and the City. The City of Canning Council has resolved at its Ordinary Council Meeting held 21 April 2020 to proceed with the St James NRUPP project. The City resolved to proceed prior to being advised by Western Power of the E10 estimate of the service charge applicable to the relevant properties.

Residents	<p>Owners of properties within the project area have to date not been advised of the details of the project. If Council agrees to proceed with the project, it is planned to advise all owners of properties within the project area, regardless of whether they will be affected by a service charge, of the details of the project. It is also planned to coordinate advice letters with the City of Canning so that property owners in the two local government areas receive non-conflicting information.</p> <p>The City of Canning has offered to host a public information forum to which Town residents will be invited. Western Power has agreed to have representatives at the proposed forum, which will be held in accordance with social distancing protocols.</p> <p>Information, including Frequently Asked Questions, about the project will be posted on the Town's website.</p>
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Legal compliance

Local Government Act 1995. Section 6.38(1)

http://classic.austlii.edu.au/au/legis/wa/consol_act/lga1995182/s6.38.html

Local Government (Financial Management) Regulations 1996. Regulation 54.

http://classic.austlii.edu.au/au/legis/wa/consol_reg/lgmr1996434/s54.html

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not Applicable					
Environmental	Not Applicable					
Health and safety	Not Applicable					
Infrastructure/ ICT systems/ utilities	Not Applicable					
Legislative compliance	Not Applicable					
Reputation	There may be negative feedback from owners of properties within SUPP6 project areas who may question why	Moderate	Likely	High	Low	TREAT risk by providing to those property owners from within SUPP6 project areas who query the level of

	property owners within the NRUPP project are receiving the same outcome at a much lower cost, in some cases there being no cost at all.	NRUPP service charges with all details of the NRUPP project including information that NRUPP is driven by Western Power due to the infrastructure requiring replacement.
Service delivery	Not Applicable	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget and from funds drawn from the project budget to address this recommendation.
Future budget impact	<p>This report proposes a subsequent report will be presented detailing any proposed borrowing to fund the payment of cash calls to Western Power.</p> <p>Western Power has indicated that the Town's contribution towards the project will be in the form of meeting all administrative costs incurred in issuing tax invoices to owners of relevant properties and meeting the cash call requirements outlined. The Town will also be responsible for providing information to property owners within the project area. These costs can be accommodated in future budget allocations.</p> <p>The proposed service charge of \$2,300 per property will be listed in the schedule of fees and charges for the draft 2021/22 Annual Budget. As with SUPP6, these ratepayers will be given the option to pay this service charge over a seven year term, subject to an interest charge to recover the Town's borrowing costs.</p>

Analysis

- The NRUPP project proposed for St James, covering parts of both the Town and the City of Canning, is Western Power initiated. It is a pilot program and if successfully delivered, along with 4 other pilot programs, may form the genesis of a new underground power methodology. The pilot projects have been brought about by the necessity for Western Power to replace aging infrastructure within the project areas. Western Power developed a business model which indicated that for relatively small additional cost the aerial power cables can be placed underground. Western Power will install street cables underground and supply cables to each property boundary. There will be a cost recouped by Western Power in the form of cash calls from local governments to cover the cost of installation of underground cables within those properties which do not have an underground cable from the property boundary to the meter box.
- The proposed NRUPP project will cost over \$15million and will be carried out at no direct cost to the Town. The only costs the Town will incur will be administration costs, communications and distribution

of project information to stakeholders and costs incurred in collection of service charges on subject properties. The project will make a significant impact on reducing the area of the Town currently serviced by overhead distribution power lines by conversion of an area of 1.18 square kilometres. This represents 6.7% of the Town's area, which is 17.62 square kilometres.

4. The NRUPP project is very different to the current and previous State Underground Power Projects (SUPP). In the NRUPP pilot projects local governments are not required to contribute towards the cost of undergrounding Western Power infrastructure. The only contribution required from local governments is to cover the cost of installation of underground cables within those properties which do not have an underground cable from the property boundary to the meter box. SUPP is based on a minimum local government contribution of 50% of the total project cost and projects are selected on a competitive basis with local governments offering in some cases to meet up to 90% of the total project cost.
5. A survey of property owners within the NRUPP project area to seek community support for the project is not required as property owners will not be contributing towards the cost of undergrounding Western Power infrastructure. There will obviously be an impact on property owners who will be required to pay the proposed service charge. It is proposed to consult with all property owners to advise details of the project and applicable service charges after Council has considered this report.
6. The Western Power E10 project budget for the St James NRUPP project is \$15,588,932, inclusive of the project areas within both the Town of Victoria Park and the City of Canning. Of this amount Western Power will contribute \$13,040,061, Town of Victoria Park will contribute \$1,489,228 through service charges on relevant properties and similarly City of Canning will contribute \$1,059,643 through service charges on relevant properties.
7. The E10 estimate for connection of individual properties which have an existing internal overhead power supply is \$2,203 per property. It is recommended that each relevant property owner be advised that the service charge to be applied will be approximately \$2,300. A variation from the E10 estimate of \$2,203 to \$2,300 per property represents an increase of 4.4% from the estimate and will allow for some minor variation in the cash call amounts required taking into consideration that the estimated service charge is E10, i.e. subject to variation of plus or minus 10%. The variation will also allow for some coverage of administration and communications costs to be incurred by the Town and which will not be recompensed by Western Power. It is probable that the owners of some properties, with an existing overhead connection will have applied for subdivision since the assessment of existing connections, or may apply for subdivision prior to implementation of the project. The developers of those properties will, as a condition of subdivision approval, be required to fund the installation of an underground connection and therefore will not be required to pay a service charge as part of the project. This will have a minor reduction impact on the number of properties that will be subject to the service charge. City of Canning officers have agreed that a recommendation will be put to City of Canning Council that each relevant property owner within the City of Canning area of the project be advised that the service charge to be applied will be approximately \$2,300. The E10 estimate of \$2,203 for connection of individual properties which have an existing internal overhead power supply was delivered to the Town on Thursday 13 August 2020.
8. It is proposed that the owners of subject properties within the St James NRUPP project area be given the option of paying the service charge over a period of seven years, subject to the addition of a small interest charge and administrative fee, in a similar manner to the service charge imposed in the SUPP6 projects.
9. For comparison purposes, property owners not within a SUPP or NRUPP project area who wish to convert an overhead supply to an underground supply would incur charges substantially higher than the proposed NRUPP service charge of \$2,300. All such conversions require a detailed estimate from Western Power to supply an underground cable to the property boundary. These estimates are

individually assessed and generally range from \$3,000 to \$4,000 for typical properties. Additionally, the property owner is required to engage an electrical contractor to install an underground cable from the property boundary to the meter box. Once again, these charges are costed individually by electrical contractors and are generally in the order of about \$2,000 for typical properties.

10. There are 676 properties within the Town's portion of the project area which have an existing overhead power connection within the property boundaries. There are 1,069 properties within the Town's portion of the project area.
11. The service charge will not apply to vacant land as no underground power cable will be laid within vacant private land.
12. It is recommended that all properties with an existing overhead power connection are charged the same flat rate service charge of \$2,300 per property. Where a property is in proximity to transmission lines, in this project along Hill View Terrace, there is no discount applicable to those properties as the owners of those properties are not contributing towards the undergrounding of the street infrastructure. The service charge will be applied to each relevant property as a whole, whether it is a commercial property, a single dwelling or multiple dwellings or units on the property.
13. This pilot program offers the opportunity for a large area of the Town to have overhead power lines placed underground at no cost to the Town apart from administration costs involved in collecting service charges and carrying out consultation with affected property owners. If the project does not proceed Western Power will replace the existing overhead power lines with more overhead power lines and there will be no future opportunity for the Town to have those power lines placed underground unless the Town does so at its own cost.
14. In addition to overhead powerlines being undergrounded, Western Power also replaces all lighting infrastructure in the project area with new poles utilising LED luminaires. The new lighting infrastructure is designed to meet Australian Standard 1158 – Lighting for Roads and Public Spaces. Many streets in the identified project area currently do not meet this standard.
15. Lighting and night time safety were identified as significant community priorities in the most recent Community Perception Survey implemented by the Town. Areas in the Town that have gone through an Underground Power process have resulted in improved lighting as the infrastructure has been brought up to meet Australian Standards. It is anticipated that this project will see similar results with improved lighting installed throughout the project area.
16. There will likely be some complaints from property owners within current SUPP project areas that property owners within the NRUPP project area are receiving what appears to be an identical product at a much lower cost. A Frequently Asked Questions summary, with answers, will be developed to provide information on the basic differences in the projects.
17. The City of Canning has offered to hold a joint public information session at the City of Canning for the benefit of affected property owners within both the Town of Victoria Park and the City of Canning. It is proposed that officers of the Town will attend the proposed public information session. The Town will also carry out consultation with all property owners within the Town portion of the NRUPP project area.
18. If Council authorises the execution of the Co-Funding Agreement with Western Power to implement the St James NRUPP project, the indicative programme provided by Western Power has scheduled construction to commence in February 2021 and be completed in September 2022. Engineering design is scheduled to be completed in September 2020 and a contract to carry out the works to be awarded and signed in January 2021.
19. The St James NRUPP project will be an important infrastructure project within both the Town and the City of Canning and is a preferable option to Western Power replacing the infrastructure with overhead

power lines. If new overhead power lines were to be installed, the subject area would be unlikely to qualify for inclusion in a SUPP project within the foreseeable future.

Relevant documents

Not applicable.

Further consideration

Following the Agenda Briefing Forum held on 1 September 2020 the following additional information is provided:

Have I read the report correctly that the recommendation is that we progress with the St James Pilot program before arranging with affected residents?

19. Correct. The Town plans to undertake communications at an "inform" level if Council endorse the proposal as outlined in the "other engagement" section of the report.

13.3 Updating of actions related to the Container Deposit Scheme as resolved by Council in 2019

Location	Town-wide
Reporting officer	Jonathan Horne
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council notes the actions of the Town in relation to fulfilling the September 2019 Council resolutions for the Container Deposit Scheme (CDS): the Town has convened a community information session in December 2019 and an elected member and community roundtable forum in August 2020; as well as considered a draft local planning policy outlining the Town’s assessment of proposals of CDS infrastructure, and reported any outcomes from the community session and roundtable forum.

Purpose

For Council to consider and note actions taken by the Town to fulfill the resolutions in relation to the CDS from the September 2019 Council meeting item.

In brief

- In September 2019, Council considered the impact of the CDS, and what role the Town may undertake in support of this State Government initiative.
- A number of resolutions were made at the September 2019 meeting. The first four resolutions related to the requirement for a community information session to be held by December 2019 (with specific invitations to be made – resolutions 1 and 2), and for an Elected Member and community roundtable forum to be held by June 2020 (with specific invitations to be made – resolutions 3 and 4).
- The final two resolutions related to the requirement for a draft local planning policy to assess proposals for CDS infrastructure (resolution 5), and the need for reporting back on the outcomes from resolutions 1 and 3, together with a review of the CDS network after a one-year operation (resolution 6).

This item satisfies the last resolution for reporting, noting that a final review cannot be made at this stage as the scheme will only commence as from 1 October 2020.

Background

1. The September 2019 Council item on the CDS was presented to assess what role the Town may play to support the State government initiative.
2. The CDS (now also referred to as a “Containers for Change” scheme) allows for refunds on eligible containers delivered to refund points (the majority of beverage containers between 150ml and 3L in volume, including plastics, glass and metals). To achieve the orderly administration of the CDS, a Scheme Coordinator (WA Return Recycle Renew Ltd – WARRRL) is tasked with the establishment of a collection network through contracts with refund point operators, transporters and processors on a not for profit basis; as well as ensuring that containers on which refunds have been claimed or paid are

recycled or reused and not disposed of to landfill. The operations of the CDS are to be supported by State Government regulations.

3. Essentially, the CDS aims to reduce litter, increase recycling, protect the environment and provide opportunities for social enterprise participation.
4. The September 2019 Council item recommended a number of actions to be taken by the Town. These included convening a community information session by December 2019 and an elected member and community roundtable forum by June 2020; developing any required planning policies to deal with the CDS introduction; and providing a report by October 2020 on the information session and the forum, as well as to review the scheme after 12 months from its implementation.
5. Specifically, the September 2019 resolutions in relation to the CDS included that Council:
 1. Convenes a Community Information Session on the Container Deposit Scheme (CDS) by 31 December 2019 and
 2. Invites a representative from the appointed scheme coordinator, and a representative from the Western Australia Local Government Association (WALGA), to present further information on CDS opportunities for local governments and their communities at the Community Information Session convened in point 1
 3. Convenes an Elected Member and Community Roundtable Forum by 30 June 2020 for the purpose of discussing the operation of the Container Deposit Scheme, giving consideration to:
 - a) liaising with other councils and other relevant government bodies
 - b) engaging with and supporting community and charitable organisations interested in the scheme
 - c) creating a comprehensive CDS network within the Town
 4. Invites external parties to the Elected Member and Community Roundtable Forum, convened in point 3, inclusive of, but not limited to:
 - a) local organisations and groups that have registered publicly to the scheme
 - b) local community organisations that attended the Community Information Forum convened in point 1
 - c) representatives from the appointed scheme coordinator
 - d) representatives from WALGA; and any other persons that elected members or the Chief Executive Officer may consider appropriate.
 5. Develops a draft local planning policy outlining how the Town will assess proposals for CDS related infrastructure, taking into consideration the Western Australia Planning Commission's position statement on 'Container Deposit Scheme Infrastructure' published in May 2019
 6. Provide Council with a progress report by October 2020 documenting outcomes from points 1 and 3 and a review of the CDS network in the Town after a settling in period of one year, with a view of the potential roles the Town could play in the CDS for the future.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	To liaise, engage and support organisations and local government bodies to provide a comprehensive CDS network for the Town, providing opportunities for community and social bodies for funding and employment.

Engagement

Internal engagement	
Stakeholder	Comments

Technical Services	Review and provide input review progress on the CDS.
Planning Services	Review and provide input for planning requirements relevant to the CDS.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Reputation	Negative public perception towards the Town may result from any lack of involvement with the CDS	Moderate	Possible	Moderate	Low	Treat. Liaise with, consider and support organisations committed to bidding and operations under the CDS. Subsequent review of CDS operations
Financial	Not applicable.					
Environmental	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Service delivery	Not applicable.					
Health and safety	Not applicable.					

Financial implications

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

Analysis

6. Since the September 2019 Council item, two further reports have been completed on the CDS issue.
7. In March 2020 Council considered a request from a community organization (The Recycle Hub – TRH) to lease part of the depot to operate a refund collection point under the CDS. It is noted that TRH was the only body to receive endorsement for the right to operate a refund collection point for the Victoria Park/South Perth municipal areas. Council rejected the unsolicited bid to lease part of the depot land based on the assessment of the proposal. However, the Town remained open to receiving further advice from TRH on any separate support that it may require in securing other leasing opportunities for the operation of a collection refund point under the CDS.
8. The Town has now been advised that TRH has withdrawn from further involvement with the establishment of a refund collection point. WARRRL has also advised that there are potentially other parties that may be interested in the CDS refund collection points for the area. The Town will await further advice on this matter and continue to provide appropriate support for the potential operator.
9. At the same time as considering the TRH request in the March 2020 Council item, the Town also considered the requirement for local planning processes which may be required under the CDS. From a planning perspective, the Town elected not to prepare or adopt a Local Planning Policy to deal with the CDS as only one applicant has been approved for the Town/City of South Perth, and the State government was considering incorporating deemed provisions in regulations to exempt development from approval. This approach by the State government has subsequently been confirmed as the West Australian Planning Commission has indicated it will to enact legislative changes to the Planning and Development (Local Planning Schemes) Regulations 2015, which will outline criteria for CDS infrastructure to be exempt from development approval (i.e. location, size, visual appearance etc.).
10. In June 2020, Council considered and endorsed an extension to September 2020 from the original June 2020 deadline for convening an elected member and community roundtable forum. This extension was essentially necessary due to the COVID 19 pandemic restrictions.
11. The community information session was convened on 5 December 2019, and appropriate government organisations were represented, with attendance from some community members and other bodies. Outside of the presentation of information on the scheme there were no specific outcomes requiring follow up by the Town.
12. The elected member and community roundtable forum was convened on 5 August 2020. The West Australian Local Government Association (WALGA) presented details of the scheme; and how community and school organisations may be involved through donation points (prior to final collection through formal refund collection points). Community members accounted for around 90% of external attendees at the forum. WALGA provided answers to queries on donation points for community organisations/schools and arrangements that may be made with refund point operators for collection

etc. and other issues. No specific concerns were raised through the forum where requests for assistance were required from the Town to address CDS requirements.

13. The Town intends to continue its efforts in liaising with and promoting involvement of local organisations in the CDS. As well as advocating for the CDS as a whole, the Town will promote and provide assistance where appropriate with the approval of facilities such as collection points within the municipal area. The Town will also work with the successful Refund Point Operator of this region to revisit the potential of bag drop and collection facilities and other opportunities within the Town as previously agreed with the Refund Point Operator earlier this year.

Relevant documents

Not applicable.

13.4 Request to dedicate ROW 54 as a road

Location	East Victoria Park
Reporting officer	Peter Scasserra
Responsible officer	Jon Morellini
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. January 2000 Aerial Photo - ROW 54 [13.4.1 - 1 page]2. Road Dedication Map - ROW 54 [13.4.2 - 1 page]3. Glen Mc Leod Legal 5 August 2020 [13.4.3 - 1 page]4. Glen Mc Leod Legal 1 July 2020 [13.4.4 - 1 page]5. Glen Mc Leod Legal 17 August 2020 [13.4.5 - 5 pages]6. Glen Mc Leod Legal 21 July 2020 [13.4.6 - 2 pages]7. Glen Mc Leod Legal 17 July 2020 [13.4.7 - 2 pages]8. Glen Mc Leod Legal 3 August 2020 [13.4.8 - 3 pages]9. Glen Mc Leod Legal 13 July 2020 [13.4.9 - 5 pages]10. CONFIDENTIAL - Legal Advice to Town of Victoria Park - ROW 54 and 355-357 Shepperton Rd 180820 [13.4.10 - 2 pages]11. CONFIDENTIAL - Legal Advice to Town of Victoria Park - ROW 54 290720 [13.4.11 - 4 pages]12. CONFIDENTIAL - Legal Advice to Town of Victoria Park - ROW 54 [13.4.12 - 11 pages]

Recommendation

That Council:

1. Resolves to request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
2. Resolves to request the Minister for Lands (WA) to dedicate all of Lot 67 on Diagram 13701, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
3. Indemnifies the Minister for Lands against any claim for compensation that may arise, pursuant to section 56(4) of the *Land Administration Act 1997*.

Purpose

The Town is seeking a resolution from Council pursuant to s56 (1)(c) of the Land Administration Act 1997 to lodge a formal request to the Minister for Lands (WA) for the dedication of portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as a road and to indemnify the Minister for Lands (WA) against any claim for compensation that may arise from dedicating portion of Lot 0 and all of Lot 67 as a road.

In brief

- The portion of Lot 0 on Plan 2609 and the portion of Lot 67 on Diagram 3701 are referred to in this report as ROW 54.

- Prior to August 2019, the Town had been advised by Landgate that ROW 54 had the status of a public road. That understanding affected the approach taken by the Town in regard to the future use of the land in ROW 54.
- At the Ordinary Council Meeting of 19 November 2019, the Council resolved to delegate to the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with s58 and s87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract of sale for 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
- As a result of updated advice, the Town must now request the Minister for Lands (WA) to dedicate the private road and ROW being portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to s56 (1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, this requires a Council Resolution and Indemnity.
- The existing ROW currently provides a connection with a crossover to Shepperton Road, this crossover is non-compliant. The development intends to bring the existing non-compliant ROW crossover up to a current safer design standard by creating a slip lane and new access point further away from the traffic light intersection.
- Condition precedent 2.3(b) requires closing and amalgamating a 445m² portion of ROW 54 situated in between 355-357 Shepperton Road and land owned by Fabcot Pty Ltd on Albany Hwy. The ROW has become redundant in light of intended future use of the adjacent land, and inappropriate having regard to future road designs.
- Advice received from the Department of Planning, Lands, and Heritage, resulting from an investigation by a survey team, identified an anomaly with Landgate's cadastral data which had erroneously depicted the three land parcels within ROW 54, being portion of Lot 0 on Plan 2609 (the two components of the formerly identified dedicated road) and all of Lot 67 on Diagram 13701 which is in the middle of these two lots, as dedicated road rather than private road.
- To resolve the tenure of the ROW, the Town must request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to s56(1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, and indemnify the Minister for Lands (WA) against any claims for compensation that may arise.
- At the Ordinary Council Meeting of 21 July 2020, the Council resolved to receive the letter from Glen McLeod Legal as received and request the Chief Executive Officer to provide a report to Council addressing the matters in the letter received minutes before the 21 July Ordinary Council Meeting.
- The Town has sought legal advice which confirms that the course of action proposed by the Town in regard to ROW 54 is appropriate. The Town has also sought the advice and guidance of the Department of Planning, Lands, and Heritage in connection with the dedication request, and has followed the appropriate and necessary processes to give effect to the dedication.

Background

1. Council at its Ordinary Council meeting In November 2019 resolved to approve the contract of sale for land adjacent to ROW 54 being Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782 (355-357 Shepperton Road). The contract obligates the Town to satisfy conditions precedent before the sale can proceed.
2. Condition precedent 2.3(b) requires the Town to close and amalgamate a portion of dedicated road (known as ROW 54) into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.

3. Vehicular access to the area is planned to be relocated to a future ROW that will service the locality at a safer entry/egress location than the existing one from Shepperton Rd, further to the North with a full slip lane and left in/left out.
4. Private ROW's are roads set out on a plan of subdivision of privately owned land which have not been dedicated to public use. They are pertinent only to those lots on the plan which abut onto the private road by providing owners with an implied right of way, unless additional rights have been granted by registered easement. Currently all lots associated with the eastern portion of the ROW are owned by Fabcot.
5. ROWs are created to allow for existing or planned future public access over land (e.g. by vehicles, cyclists or pedestrians) where it is not considered appropriate or possible to dedicate land as a public road.
6. Historically, ROW 54 was created in 1904 by subdivision to service the created lots. Its intended use was right of carriageway to provide access to the adjoining properties as well as an access way for public use, and has been used for this purpose since its creation. Given the lay of the land as a ROW in the original subdivision in 1904, and the regular use of the ROW by the public, it is not appropriate to see the original laying out of the ROW as an act of dedication by the original subdivider, and the consistent public use in the meantime as possibly completing a common law dedication. Avoiding the need to obtain a formal recognition of common law dedication, the proposal for dedication under s56(1)(c) of the *Land Administration Act 1997* has historical support.
7. ROW 54 is 230m in length and varies in width from 5m at the northern end to approximately 9m in some wider midblock sections. It is sealed with a thin layer of dense graded asphalt, approximately 25mm to 30mm thickness. The seal and pavement are likely to be more than 20 years old with some sections closer to Oats Street in fairly poor condition, the overall condition rating varies between 3 and 4.1 (0-5 scale with 5 being best). The underlying formation is unknown. A main sewer line also runs through the entire length of ROW 54.
8. A 445m² portion of ROW 54 (approximately 89.4m in length) at the Shepperton Road end, abuts 355-357 Shepperton Road, being the car park owned in freehold by the Town of Victoria Park.
9. On 30 August 2019, Landgate informed the Town that the relevant portion of ROW 54 was dedicated.
10. Based on Landgate's assessment that identified the relevant portion of ROW 54 as dedicated road, the Town entered into a contractual agreement on the assumption that the dedicated road could be closed pursuant to s58 of the *Land Administration Act 1997*.
11. As part of the Town's preliminary discussions the Town consulted with Main Roads to determine whether it could achieve maintaining the through movement of traffic onto Shepperton Road following the closure of the relevant portion of ROW 54.
12. The Town provided a draft plan to the Department of Planning, Lands and Heritage displaying the closure of the relevant portion of ROW 54 as well as the final outcome which seeks to keep public access to the area open by realigning and repositioning the access point onto Shepperton Road, and preserves the right of public access to free parking. The new access point includes a slip lane with left in entry and left out exit and allows for a safer and compliant crossover onto Shepperton Road.
13. To consider the proposed realignment of the ROW the Department of Planning Lands and Heritage contracted a surveyor for advice relating to the compilation of the draft deposited plan depicting the approved exit design.
14. As a result of the surveyor's investigation, an anomaly with Landgate's cadastral data was discovered that erroneously depicted two Landgate PINs as dedicated road.
15. The correct Landgate records appear to identify a portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as existing private roads held in fee simple, the current registered proprietors of which are deceased estates. Considering the creation of the ROW in the original 1904 subdivision, and the regular use of the ROW land by the public, the circumstances suggest the possible existence of a common law dedication, and that possibility may be consistent with the present proposal for the land to be dedicated pursuant to s56 of the *Land Administration Act 1997*.

16. Lot 0 on Plan 2609 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Alexander Joseph Monger, is deceased.
17. Lot 67 on Diagram 13701 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Charles Victor Hale, is deceased.
18. The Town will seek to undertake a probate enquiry as a matter of course to inform the Department of Planning, Lands and Heritage through the dedication process. However, this is not a legislative requirement under the Act given the ROW has been used as a public road for a period longer than 10 years.
19. The adjoining properties continue to have a right of access from ROW 54. The only properties directly affected by the proposed change to the realignment of the ROW are the properties owned by Fabcot Pty Ltd.
20. ROW 54 has been managed and maintained by the Town, who also manages all disputes related to the ROW. The Town has never received rates for this land.
21. Over the course of the last 116 years being the date of the original subdivision associated with ROW 54, there has been significant change in the planning objectives of the locality. Transitioning from semi-rural originally, to residential and to now being an inner-city commercial centre. The nature of the traffic and access roads have subsequently also changed.
22. The dedication of the subject land as road is in keeping with these historical changes over time and allows the planning objectives of the location, in this instance to becoming a shopping and commercial precinct, to materialise appropriately.
23. The presence of the current road alignment and need for the relevant portion of ROW 54 in this locality is no longer consistent with the objectives of the Town. An appropriate and revised access outcome will be part of the circumstances of the new planning objectives for the site.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The purpose of this road dedication request will allow a future repositioning of the ROW access point as part of a planning outcome which will have a positive impact in reducing anti-social and crime related activity, and improving safety.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	The purpose of this road dedication request will allow a future repositioning of the ROW access point as part of a planning outcome which will bring a non-compliant cross over onto Shepperton Road up to a current safer design standard by creating a slip lane and new access point further away from the traffic light intersection.

Engagement

Internal engagement

Property Development and Leasing	Input into the report and the process to undertake the road closure.
Place Planning	Original consultation with the preceding Council report for the sale of 355-357 Shepperton Road.
Statutory Planning	Original consultation with the preceding Council report for the sale of 355-357 Shepperton Road.
Street Operations	Consulted on budget impact.

External engagement

Stakeholders	Owners and occupiers of adjoining properties affected by the realignment
Period of engagement	11 December 2019- 17 January 2020
Level of engagement	2. Consult
Methods of engagement	Written submissions accepted
Advertising	Letters sent to adjoining landowners and service providers, notification on public notice board and The West newspaper notice
Submission summary	No submissions were received during the public comment period
Key findings	N/A

Legal compliance

The Town has procured and received legal advice to inform this report. Legal advice has concluded that the Town has followed the appropriate and necessary processes to give effect to the dedication of the Right of Way.

All legal advice received has been provided as confidential attachments to this report.

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

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

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

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

[Regulation 9 of the Land Administration Regulations 1998](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town does not continue with the process to give effect to the dedication of the ROW resulting in the inability for the required land assembly to occur not allowing settlement of the contract of sale.	Moderate	Possible	Medium	Low	TREAT For Council to follow legal advice received and the advice and guidance from relevant Govt agencies including Department of Planning Lands and Heritage.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	<p>The Minister for Lands (or as delegated) is ultimately responsible for determining requests for the dedication of land as a road.</p> <p>It is possible that the Minister may decide to refuse or modify the road dedication request notwithstanding Council's resolution.</p>	Insignificant	Rare	Low	Low	TREAT Provide the required information as per Regulation 8 of the Land Administration Regulations 1998 (WA) and sufficient justification for the road dedication request.
Reputation	Not applicable.					
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The Town is in the process of satisfying its obligations in the contract of sale to Fabcot Pty Ltd as part of the delivery of 355-357 Shepperton Road East Victoria Park, which is in line with Council's previous resolution.
Future budget impact	Once Portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 is dedicated as road, the Town would be formally responsible for the maintenance and repair of the dedicated road. 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

24. The Council since entered into a contractual agreement for the land it owns abutting one side of the relevant portion of ROW 54 and resolved at its Ordinary Council Meeting of 19 November 2019 to delegate the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with s58 and s87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract.
25. Condition precedent 2.3(b) requires the Town to close and amalgamate a portion of ROW 54 into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782 (known as 355-357 Shepperton Road, East Victoria Park).
26. The lots comprised within ROW 54 were in effect land dedicated by the subdivider as an access way for public use at the time of the original subdivision in 1904 and have been used by the public consistently since dedication. Additionally, the Town has been maintaining the ROW and has never rated the land.
27. Considering ROW 54 has also been the only vehicle access point for multiple properties along Albany Highway as well as the only access point to a public car park, and the public have had uninterrupted use of the private road comprising of portion of Lot 0 and all of Lot 67 for more than 10 years, the Town is satisfied it has met the requirement to evidence it has to complied with regulation 8(c) of the *Land Administration Regulations 1998* and s56(1)(c) of the *Land Administration Act 1997*.
28. Further, as part of the overall commercial planning considerations for the area the resulting increase in traffic has deemed the existing access point from Shepperton Road unsafe and inappropriate. When repositioned onto the proposed new access point from Shepperton Road, incorporating the inclusion of a slip lane with left in entry and left out exit, the realigned ROW will be safer and allow for a compliant crossover onto Shepperton Road. The existing crossover is non-compliant entering onto a 30,000 car a day Primary Distributor Road with the crossover only 50m away from a busy traffic light intersection.
29. Main Roads WA have confirmed the repositioning of the new access point onto Shepperton Road, achieved by the land exchange, will satisfy their Development Control Policy 5.1 requirements and will also achieve rationalisation of driveways to reduce conflict on the road network, and bring the existing non-compliant ROW crossover to a current safer design standard.
30. On 1 July 2020 the Town received a letter from Glen McLeod Legal regarding the request for road dedication and closure and amalgamation of portion of ROW 54, a copy was also sent to the Department of Planning, Lands, and Heritage.

31. On 3 July 2020 the Department of Planning, Lands and Heritage issued a response to the Glen McLeod Legal letter confirming it had advised the Town subsequent to the discovery of the cadastral error that the subject land could be acquired pursuant to s52 of the *Land Administration Act 1997* or dedicated directly as road pursuant to s56(1)(c) of the *Land Administration Act 1997*.
32. The Town has consulted with its Solicitor in relation to s56 (1) (c) of the *Land Administration Act 1997* which states 'land comprising a private road of which the public has had uninterrupted use for a period of not less than 10 years'.
33. The Town's Solicitor has consulted with the Department of Planning, Lands and Heritage who have provided guidance that, provided that the Town provides an aerial photograph and confirms that the public has had the use of the ROW for at least 10 years it will have met the requirements.
34. The Town's Solicitor has assured the Town that it has taken both legal advice and has sought the advice and guidance of the Department of Planning, Lands and Heritage in connection with the dedication request, and has followed the appropriate and necessary processes to give effect to the dedication of the Right of Way.
35. The Town acknowledges it will comply with s56(2) of the *Land Administration Act 1997*, by preparing and delivering the request to the Minister in accordance with the regulations, and will provide the Minister with sufficient information in a plan of survey to describe the dimensions of the proposed road.
36. The Town has since received further correspondence from Glen McLeod Legal. These letters have been attached and the Town has consequently excluded a request to close ROW 54 within this report.
37. These latest letters do not change the current process being undertaken by the Town, the legal advice received and the recommendations included within this report.

Relevant documents

Not applicable.

14 Chief Financial Officer reports

14.1 Schedule of Accounts for July 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	1. Payment Summary Listing - July 2020 [14.1.1 - 8 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 July 2020, 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 July 2020.

In brief

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

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 - (a) The payee's name
 - (b) The amount of the payment
 - (c) The date of the payment
 - (d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next Ordinary Meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
4. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608773 - 608779	24,871
Creditors – EFT Payments		4,500,560
Payroll		1,038,780
Bank Fees		2,577
Corporate MasterCard		11,561
		5,578,349

Strategic alignment

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

Legal compliance

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

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

Risk management consideration

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

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

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

14.2 Financial Statements for the month ending 31 July 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Absolute majority
Attachments	1. Financial Statements for the month ending - July 2020 [14.2.1 - 36 pages]

Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 31 July 2020, as attached
2. Approve the reallocation of capital budget funds of \$10,000 from Lathlain Precinct Redevelopment Community Activity Zone Project to Project completion community event within operating expenditure.
3. Approve the transfer of \$2,503,760 from the Underground Power Reserve to non-operating expenditure for the repayment of the underground power loan principal for the current financial year.
4. Notes the Town's final opening financial position (1 July 2020) is subject to final audit.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 July 2020.

In brief

- The financial activity statement report is presented for the month ending July 2020.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the Local Government (Financial Management) Regulations 1996.
- The financial information as shown in this report does not include number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated as opening balances for the 2020-2021 financial year should therefore not be taken as the Town's final financial position.

Background

1. Regulation 34 of the Local Government (Financial Management) Regulations 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
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.
 - (c) Primary reason(s)
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
 - (d) End-of-year budget impact
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainability and transparently for the benefit of the community.	The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably	The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance 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](#)

[Local Government Act 1995 Section 6.8](#)

Risk management consideration

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

						listing prior to preparation of this report for comments.
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Financial implications

Current budget impact	<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 amendments have been included in the recommendation for approval by absolute majority with additional commentary provided within the attachment of this report:</p> <p>a) Reallocate \$10,000 capital budget funding from Lathlain Precinct Redevelopment Community Activity Zone Project to the operating expenditure budget to fund the project completion community event.</p> <p>B) Transfer \$2,503,760 from the Underground power reserve to non-operating expenditure for the repayment of the underground power loan principal for the 2020-2021 financial year.</p>
Future budget impact	<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

2. The Financial Activity Statement Report – 31 July 2020 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 July 2020 be accepted.
3. The budget amendment request complies with the requirements of the Local Government Act 1995 Section 6.8. It is therefore recommended that the budget amendment request be approved.

Relevant documents

Not applicable.

14.3 Vehicle Management Local Law 2020

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Luke Ellis
Voting requirement	Absolute majority
Attachments	1. Vehicle Management Local Law 2020 [14.3.1 - 37 pages] 2. Parking Local Law 2008 Public submissions [14.3.2 - 1 page]

Recommendation

That Council:

1. Determines that as a result of the review of the *Town of Victoria Park Parking and Parking Facilities Local Law 2008*, as amended, that this local law should be repealed and replaced, in accordance with section 3.16 of the *Local Government Act 1995*.
2. Gives notice that it intends to make the *Town of Victoria Park Vehicle Management Local Law 2020*, as at attachment 1, which will replace the *Town of Victoria Park Parking and Parking Facilities Local Law 2008*, as amended, in accordance with section 3.12 of the *Local Government Act 1995*.
3. Notes the submissions received in relation to the review attachment 2.

Purpose and Effect of the Local Law

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

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

Purpose

To present the results of the review of the *Town of Victoria Park Parking and Parking Facilities Local Law 2008*.

In brief

- Council at its meeting on 18 February 2020 resolved that a review of the *Town of Victoria Park Parking and Parking Facilities Local Law 2008* be conducted.
- The recommendation of the review is to repeal and replace the existing local law.
- The proposed replacement local law is a substantial rewrite of the existing local law aimed at simplifying the provisions and to reflect the inner-city nature of the Town of Victoria Park.
- The proposed replacement local law is recommended to be advertised for public comment.

Background

1. The Town of Victoria Park as a local government is responsible for the management of 196km of roads. This management does not just include maintenance but also the management of use of these roads, in the context of state laws. As part of this role, local governments make local laws to manage vehicles, including where they may park and stop. Through these laws local governments often adopt aspects of the *Road Traffic Code 2000*. By adopting these local laws, it means that the Town can enforce these laws through its Parking Officers and Rangers. This frees up the WA Police to focus on other more serious criminal matters.
2. The Town of Victoria Park in the *Parking and Parking Facilities Local Law 2008* has implemented a large number of these controls. A significant amendment exercise through the *Parking and Parking Facilities Amendment (General) Local Law 2013* was undertaken in 2013 in order to implement paid parking within the local law.
3. A statutory review of this local law has been conducted in accordance with section 3.16 of the *Local Government Act 1995* and 3 submissions have been received from the public.
4. Since 2008 and the 2013 amendments, transport methods have evolved including the introduction of ride share services and a significant increase in on demand food delivery. These are recognised in changes to state legislation in the *Transport (Road Passenger Services) Bill 2018*. Amendments are also proposed to laws in respect of wheel clamping, impounding and towing of vehicles through the
5. Technology is also evolving in the parking space. In 2019 the Town introduced pay by app parking and in 2020 has introduced digital permits. In the coming financial year, the Town will be undertaking the review of the Integrated Movement Network Strategy and Parking Management Plan which will set out the Town's policy approach that the local law will implement.
6. The State Government has introduced the *Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020* into State Parliament. This bill is intended to prevent private wheel-clamping arrangements.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Identifying that a law requires replacement demonstrates sound and accountable governance.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Concluding the review of the parking local law fulfils a legislative responsibility.

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

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained	The vehicle management local law will help improve

transport network that makes it easy for everyone to get around.	the Town's transport network.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	The vehicle management local law helps manage transport options.

Engagement

Internal engagement

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

External engagement

Stakeholders	Community
Period of engagement	2 March 2020 – 17 April 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts
Advertising	Local public notice
Submission summary	3 submissions received
Key findings	One submission was provided suggesting a genuine amendment to the local law, which was not supported by the Town for the reasons provided in attachment 3.

Other engagement

Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	No comments were received from the department other than requesting a copy of the minutes of the meeting when the review is resolved.

Legal compliance

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

[Section 3.16 of the Local Government Act 1995](#)

Risk management consideration

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

Financial implications

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

Analysis

7. In developing any replacement local law the focus was on the below core objectives:
 - (a) A functional local law that matches the nature of the Town as an inner city suburban local government and its parking infrastructure;

- (b) Consideration and avoidance of any conflicts with the Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020 tabled into State Parliament.
- (c) A simple local law that is easy to read and understand for the public; and
- (d) A consistent local law that avoids repetition and duplication of clauses and laws.

8. The local law is divided into five key parts:

- (a) Part 2 – General laws of parking and stopping
- (b) Part 3 – Stopping Zones
- (c) Part 4 – Parking Zones
- (d) Part 5 – Paid Parking
- (e) Part 6 – Parking Permits

9. Each of these parts sets out a core aspect of the law and the different ways the Town manages vehicles.

Part 1 – Preliminary

10. This part establishes where and how the law applies, defines terms within the law and other preliminary matters.

Part 2 – General laws of parking and stopping

11. This part relates to the general rules established across the whole town relating to parking and stopping. They are established in this way, to differentiate from other parts which relate to specific established areas in the Town. These laws cannot be exempted by a parking permit.

Division 1 – General

12. This division sets out that in general:

- (a) The Town can erect signs to restrict parking as appropriate, including for a particular class of vehicles or people;
- (b) An authorised officer (Parking Officer or Ranger) can order a person to move their vehicle as appropriate; and
- (c) The CEO or an authorised officer can permit a person to park somewhere for urgent, essential or official reasons where restrictions may exist.

Division 2 – Parking position

13. This division sets out:

- (a) The way a person should park or stop their vehicle on a street if there are no parking spaces;
- (b) If there are parking spaces, they need to park within that space;
- (c) They should not attempt to park more than one vehicle in a parking space; and
- (d) Motorcycles can only park in motorcycle bays and not car bays.

Division 3 – No stopping or parking

14. This division sets out a series of restrictions on where a person can stop and park a vehicle. A number of these match the *Road Traffic Code 2000* restrictions. However, it also includes restrictions on parking on verges, local government land and private property.

Division 4 – Trucks and other heavy vehicles

15. This division restricts:

- (a) Heavy and long vehicles from parking in certain areas in the Town;
- (b) Trucks carrying livestock from parking or stopping in the Town; and
- (c) Starting or driving a truck on residentially zoned land between 11pm and 7am.

Division 5 – Parking facilities and detection devices

16. This division addresses behaviours relating to Town parking facilities (car parks). This division restricts:

- (a) Certain behaviours in a parking facility;
- (b) Damage to parking facilities;

- (c) Selling or hiring in parking facilities; and
- (d) Interfering or damaging detection devices.

Part 3 – Stopping zones

17. This part addresses stopping zones and sets the laws, replicating the road traffic code in order to enable the Town to enforce stopping zones. This part allows the towns to establish stopping zones and who may use these zones. This part further adopts restrictions for loading zones, taxi zones, bus zones, mail zones, shared zones and school zones. It is important to note in this part that it enables Uber Eats or equivalent drivers to use loading zones and rideshare drivers to use taxi zones.

Part 4 – Parking zones

18. This part provides for the establishment of parking zones. These parking zones replace what were previously described as parking stations and metered zones. Instead this law refers to a set aside area for parking as a parking zone. Only by establishing a parking zone can the Town establish time restrictions in an area or impose paid parking.
19. Following this, this part established in a parking zone that there would be restrictions, such as time restrictions or only permitting certain classes of vehicles or persons to park in these zones. There are then additional laws in respect of parking zones that are off street carparks.

Part 5 – Paid parking

20. This part provides for the system of paid parking. It provides that paid parking can only be established by a Council resolution which is to be established by determining that a parking space in a parking zone is to be a paid parking space. In doing so it can prescribe the fee payable for that space, the times and conditions of parking in that space and classes of vehicles or persons who may park there. This determination must be signposted and published on the Town's website.
21. This part then establishes the relevant laws in respect of paid parking, namely making it an offense to not pay for parking or stay longer than the period for which a person has paid. It also establishes a number of administrative matters regarding the payment process.
22. As part of the reforms of this part provision is made for payment by app and tickets that are not printed. This is part of a recognition of future advancements in parking that are steadily seeing the elimination of tickets.

Part 6 – Parking permits

23. This part creates a parking permit system within the Town and requires Council to adopt two policies:
- (a) A policy for parking permits for owners and occupiers in the Town;
 - (b) A policy for parking permits for worksites
24. These policies are current Policy 351 Parking permits and Policy 206 Temporary vehicle stands at building sites. These policies set out the criteria for a person to apply for a permit.
25. This part then further provides for how the permit operates and to what extent it exempts a person from the local law. It also sets out the process for cancelling a permit or issuing a replacement.

Part 7 – Miscellaneous

26. This part provides for some miscellaneous aspects of this local law including:
- (a) Providing for temporary parking permissions;
 - (b) Making removing infringements from vehicles unlawful;
 - (c) Allowing authorised officers to mark tyres;
 - (d) Protecting against fake signs or defacing of signs;
 - (e) Providing general provisions for signs; and
 - (f) Dealing with special purpose and emergency vehicles.

(g) This part also deals with obstructions and grounds for towing or impounding a vehicle. Legal advice provided to the Town indicates that proposed laws in State Parliament in respect of wheel clamping will not affect the Town's operations.

Part 8 – Objections and review

27. This clause provides that a decision of the Town under this local law is subject to the objection and review process set out in the Act, which can include review by the State Administrative Tribunal.

Part 9 – Penalties

28. This part provides for the penalties and infringement notices for breaches of the local law.

Schedules

29. There are three schedules to this local law, Schedule A provides where this local law applies. Schedule C sets out where heavy and long vehicles are not permitted to park.

30. Schedule B sets out the modified penalties as penalty units for an offense against this local law. These offenses are broken down into three tiers:

- (a) 7 penalty units for occupying a parking space unlawfully;
- (b) 16 penalty units for obstructing movement through the Town;
- (c) 24 penalty units for endangering public safety.

Relevant documents

[Policy 206 Temporary vehicle stands at building sites](#)

[Policy 351 Parking permits](#)

15 Committee Reports

15.1 Amendment to Policy 021 Elected Members Fees, Expenses and Allowances and Adoption of Policy 025 Independent Committee Members

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council:

1. Repeals Policy 021 Fees, expenses and allowances – Elected members and independent committee members;
2. Adopts Policy 021 Elected Member Fees, Expenses and Allowances as at attachment 1; and
3. Adopts Policy 025 Independent committee members as at attachment 2, subject to an amendment to clause 9 to delete "this shortlist" and replace those words with the following words "the assessment of all applicants".

Purpose

To present the proposed Policy 025 Independent Committee Members for adoption and subsequently amend Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members.

In brief

- At the April 2020 Ordinary Council Meeting, Council resolved for the Chief Executive Officer to develop an Independent Committee Member policy for consideration by Council at its September 2020 Ordinary Council Meeting.
- The policy seeks to establish the process for the selection and appointment of independent committee members as well as provide for the reimbursement of expenses and training.
- As a result, amendments are required to Policy 021 which details training and allowances for independent committee members.

Background

1. Council at the April 2020 Ordinary Council Meeting requested the CEO develop an Independent Committee Member policy.
2. Independent committee members are the persons who are not staff, or elected members, that are appointed to committees, on the basis of their independent expertise on the subject matter of the committee.

3. The Town currently, as part of Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members, provides for training and the reimbursement of expenses to independent committee members, however there is no other policy relating to these positions.
4. There is no policy detailing how independent committee members are to be recruited. Currently, the Town applies an ad hoc process based upon the Town’s recruitment policies and the previous policy for advisory groups.
5. No policies have been identified at nearby local governments setting out how independent committee members are recruited. However, there are a number of public policies for private companies and state agencies setting out how the independent members of the board are selected. An example of this is [Curtin University’s Nomination of Non-elected Members of Council Procedures](#).

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Having a clear policy on how independent committee members are appointed will demonstrate accountable governance.

Engagement

Internal engagement	
Stakeholder	Comments
C-Suite	C-Suite considered this policy at a meeting in August and had no further feedback.
Elected Members	Elected members were provided with an early draft of the policy for consideration with one matter of feedback received relating to how the applications are presented to Council.
People and Culture	The People and Culture service area were consulted in relation to the appointment system. Recognising this is not the recruitment of an employee, it was considered more suitable that the process be managed by Governance in the future.

Legal compliance

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

[Section 5.10 of the Local Government Act 1995](#)

[Section 5.11 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ICT systems/utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	A potential applicant for independent committee member is frustrated by the lack of a defined process for appointment.	Minor	Possible	Medium	Low	Treat by adopting a process through a policy.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

6. There are a number of relevant considerations in determining a policy on independent committee members including:

- How it is decided to have independent committee members;
- How they will be appointed;
- Their terms of office
- The expenses reimbursable to them;
- Training they will be provided with; and

The extent of IT access.

Establishing independent committee member positions

7. Under this policy, as part of the establishment and review of a committee, the Council should consider if independent committee members should form part of the committee.
8. If Council decides that independent committee members should form part of a committee, then this policy requires that the committee's terms of reference sets out the skills, knowledge and expertise sought from an independent committee member.

Appointment of independent committee members

Board members may be directly involved in the shortlisting and other processes for a board style selection. A local government context requires some adaptations to recognise the separation of the roles of Council and its committees from administrative matters and the need for timeliness. As such it is proposed that the CEO, in consultation with the presiding member of the committee, would determine:

- the selection criteria for applicants to respond to
- the advertisements for applications and where they would be issued
- the dates for the selection process.

9. Following receipt of the applications, the Town will undertake a shortlisting exercise and make a recommendation for appointment.
10. On receipt of the report relating to the recruitment, the committee is authorised to request the CEO:
 - arrange for the committee to interview applicants;
 - conduct reference checks of applicants; and/or
 - verify qualifications of applicants.
11. If a sitting independent committee member wants to seek reappointment, they will need to reapply.

Term of office

12. The clauses in this section seek to provide guidance on how independent committee members hold office, namely that:

They should be appointed for a term that expires every election (as required by the Act).
They should not serve more than four consecutive terms (in line with good board practices).
They may resign their office in writing to the CEO or committee presiding member (as set out in the Administration Regulations).
They should be removed from office if they fail to attend meetings, as is required of elected members.
The Council has the power to remove independent committee members.

Expenses of independent committee members

13. These clauses are a copy of the current clauses in Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members. Because these clauses are being moved into this policy, it is proposed to remove them from the current policy.
14. The only relevant change to the original clauses is the inclusion of a budget amount of \$1,000 per independent committee member for their training.

Security passes, IT access and record keeping

15. Additional clauses are provided to set out the access to information systems that is provided to independent committee members.

Relevant documents

Not applicable.

Further consideration

16. Following the meeting the Policy Committee on Monday 24 August 2020 the version of the Policy attached now contains the amendment made by the Policy Committee.

15.2 Minor Review of Policy 114 - Community Funding

Location	Town-wide
Reporting officer	Tracy McQue
Responsible officer	Alison Braun
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council:

1. Adopts the amendments to Policy 114 Community Funding as attached.
2. Requests a further report to the November 2020 Policy Committee addressing grants eligibility of 'closely associated persons' and relevant findings from the City of Perth inquiry relating to grants and donation.

Purpose

To propose amendments to Policy 114 Community Funding to foster greater access to Place Grants and fix minor anomalies. To propose a report to the November 2020 Policy Committee for consideration of eligibility of 'closely associated persons' and recommendations from the City of Perth inquiry.

In brief

- Place Grants facilitate opportunities for community-led improvement and activation of public places, or the formation and running of town teams or place-based groups. A total of \$80,000 is available in the 2020 & 2021 financial year until exhausted.
- Place Grants are administered under Policy 114 Community Funding. Greater access to Place Grants can be achieved through Policy changes. These include making the requirement for public liability insurance discretionary, removing the need for applicants to be an incorporated association or auspiced and clarifying eligible applicants to include businesses. Other minor changes bring the Policy wording up-to-date and clarify language. These proposed changes are requested to enable the Place Grants to be launched collectively with the Community Development Grants at the end of September 2020.
- A further review of the Policy is proposed to consider implications of the City of Perth inquiry relating to grants and donations and to clarify eligibility of 'closely associated persons' under the *Local Government Act 1995*. This review will be presented to the November, 2020 Policy Committee as the inquiry report has only just been released.

Background

1. Council adopted Policy 114 Community Funding in December 2019. The Policy is used to administer Place Grants. Place Grants facilitate opportunities for community-led improvement and activation of public places, or the formation and running of town teams or place-based groups.
2. The proposed Policy changes were identified during preparation for the 2020-2021 grant round.
3. Place Grant criteria and assessment considerations include:

- a. initiatives that make a positive contribution to the physical character/amenity or activation of a place; initiatives that build the capacity and capability of a town team or place-based group; involvement of the broader community in the initiative, and/or alignment to the Town's Strategic Community Plan Outcomes; and
 - b. the applicant's experience in delivering projects; and details of project planning, risk assessment and project budgeting.
4. The City of Perth's final inquiry report was tabled in Parliament on 11 August 2020. It contains a number of recommendations relating to grants and sponsorship.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The Policy changes will improve transparency and access to Place Grants and community benefit.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The Policy changes will improve access to Place Grants and community benefit.

Engagement

Internal engagement	
Place Planning	Support the proposed amendments.
Governance	Support the proposed amendments.
Community Development	Support the proposed amendments.
Finance (Procurement)	Support the proposed amendments, and confirm no conflicts with Local Government Act or Regulations.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Fraud where expenditure did not matching grant agreement.	Moderate	Possible	Medium	Low	ACCEPT risk given legal avenues are available to recover funds from both incorporated associations and private businesses and individuals. Fraudulent behaviour would render applicants ineligible for future rounds.
Environmental	Not applicable.					
Health and safety	Grant initiative exposed the applicant to public risk, but public liability insurance was not a grant condition.	Moderate	Possible	Medium	Low	TREAT risk by taking advice from the Town's Occupational Health and Safety Officer and Risk Officer, and applying an extremely cautious approach, with acceptable situations written into an updated Management Practice.

Financial implications

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

Analysis

Proposed amendments

- Clause 3 of the Policy requires \$10 million of public liability insurance for all grant applicants. However, some Place Grants may not be exposed to public risk, for example grants for the production of town team marketing or communications material. The requirement for public liability insurance in these

instances is unnecessary and adds to the grant costs and can be a disincentive to applying. It is proposed to amend Clause 3 to provide discretion to waive the need for public liability insurance for grant initiatives that are not exposed to public risk.

6. The need for applicants to be incorporated associations or auspiced by incorporated associations is not clear. There is no specific Policy clause addressing this, although Clause 9 (Eligibility) requires not-for-profits to be "incorporated" and requires individuals to "seek a grant through an auspice organisation" which is defined as a "legal entity" (Policy Definitions) but not explicitly stated as a 'legal entity' incorporated under the *Associations Incorporation Act 2015*. The Town's Arts and Culture Grants and Business Grants do not require applicants to be incorporated associations or to be auspiced. The need for incorporation or auspicing is an unnecessary barrier to Place Grants. Several other local governments have removed this requirement, including the Cities of South Perth and Vincent. It is proposed to amend Clause 9 to remove all wording associated with incorporation or auspicing. Clause 11 of the Policy provides all grant programs with the ability to tailor their programs, and this can be used to provide discretion for incorporation and auspicing should the grant officer consider it necessary. The potential need for incorporation or auspicing would be listed in the Grants Toolkit and discussed with applicants prior to lodgment.
7. Businesses are not explicitly listed as eligible applicants (Clause 9 Eligibility). However, they are listed as a part of the target community in Clause 6 "*The community grants program will increase the capacity of community groups, businesses, clubs and organisations within the Town of Victoria Park, to implement projects, activities and programs that enhance and promote community wellbeing, aligned to the Town's Strategic Community Plan*". The Policy lists 'artists' as eligible applicants, and artists may be businesses (sole-traders). Place Grants were always intended to be available to businesses who proposed improvements to the public realm. Business applicants will still be assessed against the same criteria as other types of eligible applicants, and will not replicate or overlap with the proposed Business Grants. It is proposed to amend Clause 9 (Eligibility) to list businesses as eligible applicants.
8. The Policy changes proposed above will address minor inconsistencies and barriers in the current Policy relating to Place Grants. These proposed changes are requested to enable the Place Grants to be launched collectively with the Community Development Grants at the end of September 2020. The changes aim to increase the accessibility to Place Grants for a broader cross-section of the community, hence facilitating the community benefits gained from Place Grants to a wider cross-section of the community and places. This is considered essential given the need to foster community wellbeing and support business prosperity due to COVID by improving the attractiveness, function and activation of community and business areas. Given the increase in the Place Grant pool from \$30,000 in 2019-2020 to \$80,000 in 2020-2021, any delay in releasing the place grants beyond September, would diminish the community's access to the grants.
9. Clause 7 (Grant funding programs) does not accurately reflect the current names of the individual grant programs. Changes to the grant programs titles will ensure titles better reflect their purpose, providing greater clarity:
 - a. Community Development Grants;
 - b. Sport and Club Development Grants;
 - c. Youth Project Grants;
 - d. Community Safety and Crime Prevention Grants;
 - e. Art and Culture Grants;
 - f. Healthy Communities Grants;
 - g. Place Grants; and
 - h. Urban Forest Grants.
10. Changes to the Donation program titles (Clause 17) ensures donation titles reflect their purpose, providing greater clarity:

- a. Youth National and International Sport Donation.
- b. Youth Leadership and Development Donation.

Proposed further review

11. The current policy in clause 5 states that a person is ineligible for any community grant if they are "a Town employee, Elected Member or their closely associated persons as per the Local Government Act." There are a number of implications that arise because of this wording. In particular the use of closely associated person provides for an expansive group of persons who are excluded. This may cause some community organisations to be ineligible because of the involvement of an elected member, or a Town employee (in their capacity as a resident).
12. To demonstrate good government, the Council should undertake a review of the Policy to address this provision. The recommendations relating to grants and sponsorship in the City of Perth inquiry can then be addressed as part of this review.

Relevant documents

Not applicable.

Further consideration

13. The attached policy has been updated to correct typographical errors.

15.3 Policy 201 - Canvas Awnings

Location	Town-wide
Reporting officer	Josh Arnott
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council:

1. Repeals Policy 201 'Canvas Awnings'.
2. Adopts Local Planning Policy 32 'Exemptions from Development Approval', as at Attachment 3.

Purpose

To review Council Policy 201 – Canvas Awnings.

In brief

- Policy 201 – Canvas Awnings (Policy 201) is an administration policy that deals with the general requirements for awnings attached to a building façade.
- Given the purpose of Policy 201, it is considered that the contents of the policy would be better placed in Local Planning Policy 32 – Exemptions from Development Approval (LPP32).
- It is proposed that the provisions of Policy 201 to be incorporated into LPP32 will be amended to include a definition of 'Fabric Awnings' with the general provisions of Policy 201 being exemption criteria within Table 1 to allow fabric awnings to be exempt from development approval in certain instances.

Background

1. Policy 201 is an administration policy that was adopted by Council in July 1994. Since then, the policy has been reviewed four (4) times, with the last review being in August 2019 with minor amendments being made to the policy. The amendments included the addition of a policy objective and scope to align with the current policy template and addition of relevant definitions, the procedure was also combined into the policy statement to further conform with the policy template.
2. Although Policy 201 is an administration policy, it deals with Urban Planning matters through the outlining of general requirements for canvas awnings attached to a building. As this is considered to be in the realm of Urban Planning as it contributes to the streetscape and the appearance of a building, the provisions of this policy are considered to be better placed in a local planning policy, with the existing Policy 201 being repealed.
3. As canvas awnings, now to be expanded to fabric awnings, are considered to be a minor development, it was considered that including the provisions of Policy 201 into LPP32, will allow a fabric awning to be exempt from development approval if the requirements stipulated are achieved.
4. This proposed amendment of LPP32 will consolidate existing policies instead of producing more, which is considered to be a better outcome.

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.	Fabric awnings can provide a good design outcome and contribute to the existing character of a street. Allowing for the relatively minor development to be exempt, if the necessary provisions are met, allows for effective streamlined planning.

Engagement

Internal engagement	
Stakeholder	Comments
Street-life	The awning must have a minimum clearance from the footpath level of 2.7 metres.
Building	Clause 45(B) of the Building Regulations 2012 requires a minimum 2.75 metre clearance to public spaces, including pedestrian footpaths.

5. External engagement is not necessary as the amendment to LPP32 is considered to be a minor amendment in accordance with Clause 5 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

Legal compliance

[Part 2, Division 2 of Schedule 2 of Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Reputation	Community feedback regarding not undertaking external consultation of minor amendment to LPP32.	Insignificant	Rare	Low	Low	Recommendation from Urban Planning to Council is that the amendment to LPP32 is minor in accordance with the LPS Regulations and will not require

						external consultation.
Service delivery	Repealing policies lessens the broadness of policy scope and coverage for different matters.	Insignificant	Rare	Low	Medium	The amendment of LPP32 to include the provisions of Policy 201 will not be lessening policy scope and coverage and instead will be consolidating Town policies.

Financial implications

Current budget impact	None
Future budget impact	None

Analysis

Clause	Proposed	Reason
Clause 1 of LPP32	<i>Inclusion of 'Fabric Awning' under the Works column of the Table 1.</i>	A definition of Fabric Awning is required to outline what comprises the works indicated under Table 1.
Clause 1 of LPP32	<p><i>Inclusion of the following provisions under the Conditions to be Exempt column of the Table 1.</i></p> <ul style="list-style-type: none"> No part of a fabric awning shall be erected under any cantilever veranda and the ends of an awning shall be clear of an adjoining cantilever veranda by at least 500mm; An awning, including any part thereof, projecting into the verge shall: <ul style="list-style-type: none"> Be at least 500mm, measured horizontally, clear of the face of the kerb of the adjacent road; Be not less than 2.75 metres above the footpath or verge level; Be not more than 3 metres above the footpath or verge level at the lowest point of the awning; If the awning is wider than 2 metres, be fitted with guttering and downpipes sufficient to 	The provisions indicate what requirements need to be met for the Fabric Awning to be exempt from development approval. If these provisions are not met then a development application is required to be lodged with the Town for formal approval.

	prevent rainfall run-off from cascading on to the verge;
Clause 1 of LPP32	<p><i>Inclusion of the following notes under the Guidance Notes column of the Table 1.</i></p> <ul style="list-style-type: none"> • Any awning be designed to carry, in addition to its own weight, a live load of at least 50 kilograms per square metre. • No separate sign panel shall be affixed to any part of an awning but signage may be incorporated in or painted on the awning cover material or fascia provided that the details of such lettering or signage are in accordance with the provisions of the Town’s Local Planning Policy 38 – Signs. • A fabric awning shall be kept in good repair to the satisfaction of the Town.’ • The Town reserves the right to order an owner to repair, replace or remove a fabric awning not kept in good repair. <p>The guidance notes indicate what other considerations are required and should be addressed in the Building Permit application.</p>

6. Policy 201 is an administration policy that was adopted by Council in July 1994. Since then, the policy has been reviewed four (4) times, with the last review being in August 2019 with minor amendments being made to the policy.
7. Although Policy 201 is an administration policy, it deals with Urban Planning matters through the outlining of general requirements for canvas awnings attached to a building. As this is considered to be in the realm of Urban Planning as it contributes to the streetscape and the appearance of a building, the provisions of this policy are considered to be better placed in a local planning policy, with the existing Policy 201 being repealed.
8. As canvas awnings, now to be expanded to fabric awnings, are considered to be a minor development, it was considered that including the provisions of Policy 201 into LPP32, will allow it be a form of development exempt from development approval if the requirements stipulated are achieved.
9. This proposed amendment of LPP32 will consolidate existing policies instead of producing more, which is considered to be a better outcome.

Relevant documents

Policy 201 – Canvas Awnings - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-201-Canvas-awnings>

Local Planning Policy 32 – Exemptions from Development Approval - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Planning-policy-regulation-and-legislation/Local-planning-policies-LPPs>

15.4 Policy 451 - Transitional Use

Location	Town-wide
Reporting officer	Josh Arnott
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council retains Policy 451 Transitional Use, as at attachment 1.

Purpose

To review Policy 451 – Transitional Use (Policy 451).

In brief

- Policy 451 is an policy that deals with Urban Planning matters, specifically with transitional uses that can be considered for temporary approvals of up to 10 years within areas undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or scheme provisions.
- Given the purpose of Policy 451, it is considered that the contents of the policy would be better placed in Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings' (LPP41), which currently deals with the exemption of specified changes of use carried out from existing buildings within specified areas and zones within the Town.
- LPP41 was adopted by Council for a 12-month trial and is to be reviewed in April 2021.
- It is recommended that Policy 451 be retained at this time, but be incorporated into LPP41 at the time of its next review.
- Attachment 3 contains a copy of LPP41 with likely future amendments to incorporate the contents of Policy 451, notably the provisions at Part B.

Background

1. At its meeting on 10 October 2017 Council adopted Policy 451 to provide guidance to Council in exercising its discretion to approve temporary uses in existing properties or buildings that subject to meeting the criteria as outlined in the policy can be approved to meet the needs of the transitioning community. Policy 451 was further amended in August 2019 to include a policy objective and scope to align with the current policy template.
2. There have been few developments where Policy 451 has had to be applied.
3. Although Policy 451 is an administration policy, it deals with Urban Planning matters through the outlining of criteria for decision making with regard to determining transitional uses on a temporary basis. As this is considered to be in the realm of Urban Planning as it deals with temporary land uses within areas undergoing transition in accordance with an agreed planning direction, the provisions of this policy are considered to be better placed in a local planning policy.

4. As LPP41 deals with the exemption of specified changes of use from existing buildings within specified areas and zones within the Town, the consideration of transitional uses on a temporary basis is also considered to align closely with the purpose of this policy. It is considered that including the provisions of Policy 451 into LPP41, will consolidate existing policies instead of producing more, which is considered to be a better outcome.
5. LPP41 was adopted on a one (1) year trial basis, with the policy to be reviewed in April 2021. As the inclusion of the provisions of Policy 451 into LPP41 are considered to be a major amendment to LPP41, which will require community consultation, it is recommended to consider the amendments at the one (1) year review of LPP41 to enable community consultation of all proposed changes.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Consolidating existing policies allows for easily accessible, accurate and reliable information as well as an effective, streamlined planning framework.

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.	Including the provisions of Policy 451 into LPP41 will ensure those areas within the Town that are transitioning in accordance with an agreed planning direction are allowed to accommodate temporary transitional uses that will benefit the local population.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Currently no comments have been provided

6. External engagement is considered necessary in accordance with Clause 5 (1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations). However, as the amendments to LPP41 are recommended to not occur until April 2021, it is considered premature to undertake external consultation now.

Legal compliance

[Part 2, Division 2 of Schedule 2 of Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Service delivery	Repealing policies lessens the broadness of policy scope and coverage for different matters.	Insignificant	Rare	Low	Medium	The amendment to LPP41 to include the provision of Policy 451 will not be lessening policy scope and coverage and instead will be consolidating Town policies.

Financial implications

Current budget impact	None
Future budget impact	None

Analysis

7. Policy 451 was adopted by Council at its meeting on 10 October 2017 to provide guidance to Council in exercising its discretion to approve uses in existing properties or buildings that subject to meeting the criteria as outlined in the policy can be approved to meet the needs of the transitioning community. Policy 451 was amended in August 2019 to include a policy objective and scope to align with the current policy template.
8. Although Policy 451 is an administration policy, it deals with Urban Planning matters through the outlining of criteria for decision making with regard to determining transitional uses on a temporary basis. As this is considered to be in the realm of Urban Planning as it deals with temporary land uses within areas undergoing transition in accordance with an agreed planning direction, the provisions of this policy are considered to be better placed in a local planning policy.
9. As LPP41 deals with the exemption of specified changes of use from existing buildings, the consideration of transitional uses on a temporary basis is also considered to align closely with the purpose of the policy. It was considered that including the provisions of Policy 451 into LPP41, will consolidate existing policies instead of producing more, which is considered to be a better outcome.
10. LPP41 was adopted by Council for a 12-month trial and is to be reviewed in April 2021.
11. It is recommended that Policy 451 be retained at this time, but be incorporated into LPP41 at the time of its next review.
12. Upon the adoption of a revised LPP41, inclusive of the content currently contained in Policy 451, then Policy 451 can be repealed.

Relevant documents

Policy 451 – Transitional Uses - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-451-Transitional-use?BestBetMatch=policy%20451|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

Local Planning Policy 41 - Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Planning-policy-regulation-and-legislation/Local-planning-policies-LPPs>

16 Applications for leave of absence

17 Motion of which previous notice has been given

Nil.

18 Questions from members without notice

19 New business of an urgent nature introduced by decision of the meeting

20 Public question time

21 Public statement time

22 Meeting closed to the public

22.1 Matters for which the meeting may be closed

22.1.1 Mindarie Regional Council Resource Recovery Facility

22.2 Public reading of resolutions which may be made public

23 Closure