



TOWN OF  
VICTORIA PARK

## Ordinary Council Meeting Minutes – 16 February 2021

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**WE'RE OPEN**  
VIC PARK

Please be advised that an **Ordinary Council Meeting** was held at **6:30pm** on **16 February 2021** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Her Worship the Mayor Karen Vernon**  
19 February 2021

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# **1 Declaration of opening**

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

## **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**

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Ronhhda Potter Cr Wilfred Hendriks Cr Luana Lisandro
<b>Jarraah Ward</b>	Deputy Mayor Bronwyn Iffe Cr Vicki Potter Cr Brian Oliver Cr Jesvin Karimi
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b> <b>Chief Financial Officer</b> <b>A/Chief Community Planner</b>	Mr Ben Killigrew Mr Michael Cole Mr David Doy
<b>Manager Development Services</b> <b>Manager Governance and Strategy</b>	Mr Robert Cruickshank Ms Bana Brajanovic
<b>Secretary</b> <b>Public liaison</b>	Ms Natasha Horner Ms Alison Podmore
<b>Public</b>	4

#### **3.1 Apologies**

Nil.

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

Nil.

## 4 Declarations of interest

### Declaration of financial interest

Name/Position	Cr Luana Lisandro
Item No/Subject	12.5 - Adoption of Fencing Local Law 2020
Nature of interest	Financial
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that currently has a portion of one of the boundary fences that is an existing asbestos fence within the Town of Victoria Park. My own property within the Town of Victoria Park has one boundary fence that is an existing asbestos fence.

### Declaration of proximity interest

Nil.

### Declaration of interest affecting impartiality

Name/Position	Cr Claire Anderson
Item No/Subject	11.1 - Quarterly Reporting February 2021
Nature of interest	Impartiality
Extent of interest	Participated in 'This Bay is Someone's Day' campaign

Name/Position	Mr Anthony Vuleta
Item No/Subject	11.3 - Town of Victoria Park Representative on Burswood Park Board
Nature of interest	Impartiality
Extent of interest	Current Board member

Name/Position	Mayor Karen Vernon
Item No/Subject	12.1 - Local Heritage Survey
Nature of interest	Impartiality
Extent of interest	I am the owner of property listed in the Municipal Heritage Inventory and the draft Local Heritage Survey.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.1 - Local Heritage Survey
Nature of interest	Impartiality
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that sits within the survey Character Study Area.

Name/Position	Cr Claire Anderson
Item No/Subject	12.3 - State Development Assessment Unit referral for Proposed Residential Aged Care Facility at Nos 16 - 20 Duncan Street, Victoria Park
Nature of interest	Impartiality
Extent of interest	I own a property on Duncan Street which is in the consultation area

Name/Position	Mayor Karen Vernon
Item No/Subject	12.3 -State Development Assessment Unit referral for Proposed Residential Aged Care Facility at Nos 16 - 20 Duncan Street, Victoria Park
Nature of interest	Impartiality
Extent of interest	Owner of property within the consultation area for the proposed development.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.3 - State Development Assessment Unit referral for Proposed Residential Aged Care Facility at Nos 16 - 20 Duncan Street, Victoria Park
Nature of interest	Impartiality
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that sits in the consultation area

Name/Position	Cr Luana Lisandro
Item No/Subject	12.5 - Adoption of Fencing Local Law 2020
Nature of interest	Impartiality
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that currently has a portion of one of the boundary fences that is an existing asbestos fence within the Town of Victoria Park. My own property within the Town of Victoria Park has one boundary fence that is an existing asbestos fence.

Name/Position	Cr Ronhhda Potter
Item No/Subject	13.1 - Adoption of Amendment (Signs on Thoroughfares) Local Law 2021
Nature of interest	Impartiality
Extent of interest	Part own a business where these amendments may impact

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.1 - Adoption of Amendment (Signs on Thoroughfares) Local Law 2021
Nature of interest	Impartiality
Extent of interest	Member of the Rotary Club of Victoria Park which runs the Vic Park Markets



## **5 Public question time**

### **5.1 Response to previous public questions taken on notice at Ordinary Council Meeting on 15 December 2020**

#### **Vince Maxwell**

1. *What is increasing the Human Resources department going to do for ratepayers?*

1x 2 year Fixed Term – Learning and Development Advisor.

This role is to procure, implement and develop Town-specific online learning modules that help induct our staff into the various roles of the business.

This will help meet our OHS requirements; governance; procurement; Human Resources induction needs.

Once the development of bespoke modules are created to meet the Town's needs, the position will train up the People and Culture team to administer the Learning Management System into the future.

1x Permanent, Full Time (could be in conjunction with Business Improvement Team).

This role will look at the emerging frontier of HR analytics – this role will work with Power BI, People and Culture Stats and other informing data to help inform evidence based decision making for future needs within the Town's administration.

#### **Vicki Caufield**

1. *Do you have times and dates for the 15 milestones?*

The milestones at this stage are indicative only. The project milestones and associated timeframes will be determined by the developing consultants, in partnership with the Town. The Town is happy to engage with the Friends during this milestone development process.

The stage to follow the Concept Plan – pending endorsement of Council - will be Detailed Design. The design elements explored within the Concept Plan will inform the staging and dates for the Detailed Design to follow.

Future stages require Council endorsement and budget consideration to proceed however overarching stages and anticipated financial years include:

- Concept Plan – developed during 2020/21
- Request for Quotation for Detailed Design 2020/21 (to set budget allocation for Detailed Design process for 2021/22)
- Detailed Design (including IFC drawings) – developed during 2021/22
- Request for Tender for first stage of site works (as informed by Concept Plan and Detailed Design) 2021/22
- Tendering and site works – commence 2022/23

#### **John Gleeson**

4. *[In regards to the Fabcot transaction] How much deposit has been made and how much has been paid to the Town?*

5% of the purchase price has been paid as a deposit to the Town's settlement agent.

## **Mike Lanternier**

*1. In regards to the early settlers/Town Faithful event what was the cost of hire of Lathlain Park facilities?*

The event was held at Mineral Resources Park. The cost to hire the room was \$1313.40.

*3. [In regards to the Western Australia Planning Commission for the West Coast Eagles development application] Will the Council be making the decision?*

At this stage the Town does not know if Council will be making a decision as we have not resolved the appropriate decision-making process and negotiations.

## **5.2 Public question time**

### **John Gleeson, Carlisle**

*1. Have we got any money for the parking area from Woolworths yet?*

Mayor Karen Vernon clarified whether Mr Gleeson was referring to the parcel of land next to the Woolworths development site.

Mayor Karen Vernon advised that the sale has not yet been completed so the Town has not received any money yet.

*2. How long are we going to give them?*

Mayor Karen Vernon advised that they do not take possession of the site until the money has been paid. She had advised that a resolution was passed last year and it currently sits with the Minister of Lands who will decide whether to grant it. If he does approve it then the sale of contract will continue.

*3. Why wasn't it put out for tender?*

Mayor Karen Vernon advised that she has already answered it. She advised that it was not put out for tender as it was an unsolicited bid.

*4. Why are we dividing Australia?*

Mayor Karen Vernon advised that in regards to immigration laws and citizenship it is a matter for federal parliament.

## **Vince Maxwell**

### *1. When and how do you decide items for en bloc voting?*

Mayor Karen Vernon advised that the Governance team suggests a list of items to elected members that are capable of being taken care of by exception resolution. The list takes into account some considerations such as whether the item had significant questions at the Agenda Briefing Forum, if an item had received any notices of amendment or alternate motions, or if it is to be determined by simple or absolute majority. This list is emailed to elected members who have an opportunity to identify any items they wish to remove from the list. Additionally there is a pre-Ordinary Council Meeting Briefing consisting of the presiding member, the Chief Executive Officer and Governance team that reviews the list. Elected members can remove an item up to the point of the item being dealt with.

### *2. What can Council do to ensure that local businesses are getting a fair share of local work from the Town?*

Mayor Karen Vernon advised that Council reviews the list of payments and they can approve policies but the distribution of employed work by the Town is an operational matter.

The Chief Financial Officer advised that one factor is being in a metropolitan area and price competition. Major projects may go out to tender and can include factors like quality and service. At the moment the Town is pursuing an option with a local supplier for greater purchasing from local suppliers.

### *3. How are the vendors chosen?*

The Chief Financial Officer agreed with the Mayor that general procurement practices included request for tender, request for quote and WALGA preferred supplier panels as well as past performances. He took the question on notice.

### *4. Regarding the schedule of accounts, can you explain what the payment to a company called Concept Visual was for?*

The Chief Financial Officer took the question notice.

### *5. Can you explain what the payment to El Mexicano was for?*

The Chief Financial Officer advised that it was for a food truck for a staff event at the Town Depot for Christmas.

### *6. Do you know what the payment to The Brisbane was for?*

The Chief Financial Officer advised that it was for the Chief Community Planner's team for a Christmas event and there was a deliberate decision to hold it outside the Town to prevent any perception of conflict of interest with local providers.

### *7. In the annual budget review, with reference to the amount of \$574,000 for property and leasing, can you advise what property is being developed and leased between now and 30 June that required that variance?*

The Chief Financial Officer advised that it relates to reallocation from the project management team to the property development and leasing portfolio. It is not for property management but for the property management team including the team's salaries and cost to the Edward Millen development.

*8. What is it going to be spent on?*

The Chief Financial Officer advised that a majority of it relates to the Edward Millen development.

*9. For what part of Edward Millen?*

Mayor Karen Vernon advised that the Edward Millen House redevelopment project is currently out for expressions of interest for redevelopment of the building. The Edward Millen Reserve Masterplan is for the park only. The redevelopment is quite large and significant and that is the work that is being referred to.

*10. So the intention is to spend that \$574,000 between now and 30 June?*

Mayor Karen Vernon advised that the intention is not to use all of that amount and that there is a breakdown provided.

The Chief Financial Officer advised that \$313,000 is in relation to the Edward Millen landscaping and heritage redevelopment, \$178,000 for land optimisation projects, and for the management of the entire property portfolio was \$100,000.

*11. Why has that come up in the mid year review?*

The Chief Financial Officer advised it was originally included in the budget under Project Management Office and during the year there has been a rethink of structure. It is now being transferred from the project management office to property development and leasing team. The budget difference is negligible.

*12. In regards to capital expenses in the mid year budget review, what meeting room are you spending \$90,000 to upgrade the AV equipment?*

The Chief Financial Officer advised that all meeting rooms in the Town are being upgraded to facilitate new requirements that have come into prominence from the COVID-19 period and will have an on-going use.

*13. Has this expense already occurred?*

The Chief Financial Officer advised that it is underway and is currently three quarters completed.

## **Sam Zammit**

*1. Why hasn't the resolution where Council passed for staff to increase their contribution to the use of their staff vehicle been implemented?*

The Chief Operations Officer have advised that has been implemented and will continue to apply to new staff members however some older staff contracts have some contractual obligations that include fixed contribution amounts.

*2. Are anonymous callers entitled to make a complaint?*

The Manager Governance and Strategy advised that callers do not have to give their details if they wish to remain anonymous however if complaints are anonymous the Town cannot contact the caller back with an outcome.

Mayor Karen Vernon advised that there is Community Charter that outlines how the Town wishes to work with the community and the Town has Customer Service standards.

*3. Does a person have the right to remain anonymous? You either have a policy on this or you don't?*

Mayor Karen Vernon advised that a person can remain anonymous if they wish to and that a policy is not required.

*4. Do you intend to put our street signs up on poles?*

Mayor Karen Vernon advised that there are some signs on large wooden poles and some are on free-standing metal poles. She is sure the feedback on the effectiveness of the metal poles will be taken on board by the Chief Operations Officer.

*5. Why don't we insist on builders paying the Town a \$2000-\$3000 bond to build?*

The Manager Development Services advised that there was a review on the verge bond process quite some time ago. He advised that there was a conclusion that the administrative burden did not warrant the Town to pursue any other process.

The Chief Executive Officer agreed with the Manager Development Services and but added that has it has been around 20 years since the review there may be another opportunity to look at it.

### **John Hazell, East Victoria Park**

*1. In regards to a letter received about the development of 71 apartments on a property, is there going to be enough car spaces? And with the redevelopment of Edward Millen that is going to be a very congested area.*

The Manager Development Services advised there are R-Code requirements on parking and took the question on notice. The application is out for public comment and will be presented to a Joint Development Assessment Panel meeting in about a month.

Mayor Karen Vernon advised that at this stage she cannot provide a comment. As part of the Joint Development Panel process it is a requirement that the Town send out letters to nearby residents about proposed developments and encourages feedback via submissions from the public.

## **6 Public statement time**

Mr David Doy left the meeting at 7:16pm and returned at 7:17pm.

### **Vince Maxwell**

*1. Made a statement opposing the current process of en bloc decision making.*

### **Sam Zammit**

*1. Made a statement about his concerns about parking following the development application received for a property on the corner of Berwick and Camberwell Streets.*

*2. Made a statement about his concerns with the Town's process for bin collections following a property demolition.*

*3. Made a statement in opposition of the recommendation for item 13.2 and encouraged the retention of the informal name Tom Wright for the LPRP Zone 2X New Carlisle Park.*

Cr Ronhhda Potter left the meeting at 7.23pm and returned at 7.24pm.

### **John Gleeson**

*1. Made a statement in opposition of the recommendation for item 13.2 and encouraged the retention of the informal name Tom Wright for the LPRP Zone 2X New Carlisle Park.*

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

### COUNCIL RESOLUTION (1/2021):

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Vicki Potter

That Council:

1. Confirms the amended minutes of the Ordinary Council Meeting held on 15 September 2020.
2. Confirms the minutes of the Ordinary Council Meeting held on 15 December 2020.
3. Confirms the minutes of the Special Council Meeting held on 16 December 2020.
4. Receives the notes of the Agenda Briefing Forum held on 2 February 2021.
5. Receives the notes of the Urban Forest Strategy Implementation Working Group held on 18 January 2021.
6. Receives the notes of the COVID Response Working Group held on 4 February 2021.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 8 Presentation of minutes from external bodies

### COUNCIL RESOLUTION (2/2021):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council:

1. Receives the minutes of the South East Metropolitan Zone meeting held on 25 November 2020.
2. Receives the minutes of the Tamala Park Regional Council held on 10 December 2020.
3. Receives the minutes of the Metro Inner-South Joint Development Assessment Panel held on 17 December 2020.
4. Receives the minutes of the Mindarie Regional Council held on 17 December 2020.
5. Receives the minutes of the Mindarie Regional Council held on 28 January 2021.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 9 Presentations

### 9.1 Petitions

Nil.

### 9.2 Presentations

Nil.

### 9.3 Deputations

Nil.

## 10 Method of dealing with agenda business

### COUNCIL RESOLUTION (3/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That items 11.1, 11.4, 12.1, 12.2, 12.3, 12.4, 12.6, 13.3, 13.4, 13.5, 13.6, 14.1, 14.2, 14.3 and 14.4 be adopted by exception resolution, and the remaining items be dealt with separately.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### COUNCIL RESOLUTION (4/2021):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That item 17.2 be brought forward to be determined prior to item 11.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



## 11 Chief Executive Officer reports

### 11.1 Quarterly reporting February 2021

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Joshua Norris
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Corporate Business Plan Report - Oct-Dec 2020 [<b>11.1.1</b> - 31 pages]</li><li>2. Strategic Projects Summary - Oct-Dec 2020 [<b>11.1.2</b> - 4 pages]</li><li>3. Capital Projects 2020-2021 - Oct-Dec 2020 [<b>11.1.3</b> - 18 pages]</li><li>4. 5-year Capital Works Program [<b>11.1.4</b> - 21 pages]</li><li>5. UFS Quarterly Reporting - Oct-Dec 2020 [<b>11.1.5</b> - 10 pages]</li><li>6. EDS Quarterly Reporting - Oct-Dec 2020 [<b>11.1.6</b> - 7 pages]</li><li>7. CAP Quarterly Reporting - Oct-Dec 2020 [<b>11.1.7</b> - 10 pages]</li><li>8. RAP Quarterly Reporting - Oct-Dec 2020 [<b>11.1.8</b> - 4 pages]</li><li>9. DAIP Quarterly Reporting - Oct-Dec 2020 [<b>11.1.9</b> - 6 pages]</li></ol>

#### Recommendation

That Council receives the quarterly written progress reports, for December 2020, relating to the:

- a) Corporate Business Plan
- b) 2020/2021 Annual Strategic Project Plan
- c) Five-year capital works program
- d) Economic Development Strategy 2018-2023
- e) Urban Forest Strategy
- f) Reconciliation Action Plan
- g) Disability Access and Inclusion Plan

#### Purpose

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

#### In brief

- At the Ordinary Council Meeting on 16 July 2019, Council resolved that quarterly written progress reports be presented to Council on the Corporate Business Plan, Annual Strategic Project Summary, five-year capital works program and a selection of strategies and plans. This report provides the Annual Strategic Project Summary for 2020/2021.

- The progress reports were requested to enable Council to confidently oversee the Town’s performance, allocation of finances and allocation of resources, as well as improve transparency and accountability to the Council and community.
- All progress reports for October 2020 – December 2020 quarter are attached to this report to be received by Council.

## Background

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

*That Council requests that the Chief Executive Officer:*

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

## Strategic alignment

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

## Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2020/2021 Annual Strategic Project Summary and Five Year Capital Works Program.

Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Place Planning	Place Planning coordinate the progress reports for the Economic Development Strategy 2018 – 2023 and Urban Forest Strategy.
Community Development	Community Development coordinate the progress reports for the Reconciliation Action Plan and Disability Access and Inclusion Plan.

## Legal compliance

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor	Possible	Moderate	Low	<p>Risk to be treated by providing commentary and reasoning within progress reports where expectations are not being met.</p> <p>Avoid risk by frequently reporting to Council, allowing Council and community to be informed of progress in a timely manner and potentially</p>

		mitigate further progress delays.
Service delivery	Not applicable.	Medium

## Financial implications

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

## Analysis

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

### Corporate Business Plan

- The status of actions from the CBP are as follows.

Strategic outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Social	28	14 (50%)	9 (32.1%)	5 (17.8%)
Environment	61	21 (34.4%)	37 (60.6%)	3 (4.9%)
Economic	18	9 (50%)	8 (44.4%)	1 (5.5%)
Civic Leadership	103	50 (48.5%)	44 (42.7%)	9 (8.7%)

- Actions completed in the quarter being reported upon are as follows.

Completed actions
CL2.1.2 - Develop a Relationship Management Strategy
CL2.1.3 - Promote the Community Charter
CL7.1.2 - Implement the Customer Service Delivery Policy Management Practice including Complaints Guidelines
CL8.1.1 - Conduct a review of Financial Management Procedures

CL8.4.5 - Coordinate the Local Government Performance Excellence Benchmarking Program
EC1.1.3 - Develop a Town of Victoria Park Investment Prospectus
EC2.3.2 - Review Parking Hotspot Zones 2 and 3
EN4.2.5 - Investigate a refund or donation point to support the Container Deposit Scheme
S4.1.2 - Develop an Arts and Cultural Plan
S4.3.2 - Deliver the Local History Digitisation Strategy

### 2020/2021 Annual Strategic Project Summary

7. The status of projects from the Annual Strategic Project summary are as follows.

Total projects	No. of projects on track	No. of projects for monitoring	No. of projects off track
11	11	0	0

### Five Year Capital Works Program

8. The status of actions from the Five-Year Capital Works Program are as follows.

Total actions	No. of actions FY 2020/2021	No. of actions FY 2021/2022	No. of actions FY 2022/2023	No. of actions FY 2023/2024	No. of actions FY 2024/2025	No. of actions deferred
392	130	127	71	32	25	7

### Economic Development Strategy 2018 – 2023

9. The Economic Development Strategy 2018- 2023 (EDS) outlines 50 actions required to achieve the seven pathways for sustainable economic growth over the next five years. The EDS was adopted by council in March 2019. The summary table below represents the number of actions progressed and completed since the adoption of the EDS. The status of actions from the EDS are as follows.

Outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Pathway 1: Leadership	4	2	2	0
Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	0	3	2

Pathway 4: Smart Town- Digital Innovation	7	0	5	2
Pathway 5: Creating an Enabling Business Environment	8	1	6	1
Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	14	3
<b>Total</b>	<b>50</b>	<b>9</b>	<b>33</b>	<b>8</b>

### Urban Forest Strategy

10. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019. The summary table below represents the number of actions progressed and completed since the adoption of the IAP. The status of actions from the Urban Forest Strategy are as follows.

<b>Outcome</b>	<b>No. of actions completed</b>	<b>No. of actions in progress</b>	<b>No. of actions not started</b>
<b>Strategic Outcome 1</b> Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	4	8	4
<b>Strategic Outcome 2</b> Maximize community involvement and collaboration in its implementation.	1	7	0
<b>Strategic Outcome 3</b> Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife.	1	1	1
<b>Strategic Outcome 4</b> Maintain high standard of vegetation health.	2	2	1
<b>Strategic Outcome 5</b>	0	2	1

Improve soil and water quality.			
<b>Strategic Outcome 6</b> Improve urban ecosystems.	0	2	3

11. A summary of the progress for each of the action from the UFS Implementation Action Plan is attached in a separate schedule.

### Reconciliation Action Plan

12. The Town's Reflect Reconciliation Action Plan (RAP) was adopted by council in November 2018. The document outlines strategies and actions to support opportunities to strengthen the community, build strong relationships and foster greater awareness and understanding of Aboriginal culture and history. The status of actions from the Reconciliation Action Plan are as follows.

Category	No. of actions completed	No. of actions in progress	No. of actions not started
Relationships	0	6	1
Respect	0	5	4
Opportunities	0	5	1
Tracking and Progress	0	1	1

13. This quarter the key highlights of implementation of the Reconciliation Action Plan included:
- At the October OCM, appointment of Mindeera Advisory Group community members and Elected members were endorsed.
  - Town staff completed Cultural Awareness training.
  - The Mindeera Advisory Group had their first meeting 11 November 2020.
  - The NAIDOC Week celebration was delivered. Front line Town staff wore NAIDOC week shirts throughout the week. The planned community event (a movie screening) had to be cancelled due to weather and such was moved to an online screening.
  - Naming of Lathlain 2x community consultation was completed. The three proposed Noongar language names were developed and refined in consultation with the Mindeera Advisory Group.
  - At the December OCM, the Terms of Reference for the Mindeera Advisory Group were endorsed.
  - The Town employed an Aboriginal Engagement Officer.
  - The second Mindeera Advisory Group was held on 17 December 2020.

### Disability Access and Inclusion Plan

14. The Town's Disability Access and Inclusion Plan was adopted by council in September 2017 and is a legislative requirement for all local governments. The status of actions from the Disability Access and Inclusion Plan are as follows.

Category	No. of actions completed	No. of actions in progress	No. of actions not started
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Services and Events	2	4	0
Building and Facilities	0	4	0
Information	1	5	0
Quality Customer Service	3	2	0
Complaints	1	1	0
Public Consultation	1	2	0
Employment	1	3	1

15. This quarter the key highlights of implementation of the Disability Access and Inclusion Plan included:

- New Inclusions Officer started at the Town in October 2020.
- At the October OCM, appointment of Access and Inclusion Advisory Group community members and Elected members were endorsed.
- The Access and Inclusion Advisory Group had their first meeting 13 November 2020. The draft terms of reference were presented to the Group.
- At the December OCM, the Terms of Reference for the Access and Inclusion Advisory Group were endorsed, and Mayor Vernon was appointed to the group.
- The Town participated in *International Day of People with Disability* with a flag raising of the IDPwD flag at the Town. This event included participation from Kent Secondary School, the Town's Mayor, additional Elected Members, Access and Inclusion Advisory Group members and Town officers. A morning tea was held following the flag raising ceremony to allow guests to continue celebrations and additional engagement to occur.
- The Town collaborated with Mission Australia and Vic Park Collective for delivery of a community-led event as part of *International Day of People with Disability*. This included eight short films made by people with disabilities from various parts of the world, as well as live speakers with both "physical and invisible" disabilities talking about the barriers and challenges they face, and how these could be reduced to aid with their everyday lives.
- The Town participated in the *This Bay is Someone's Day Campaign* supported by National Disability Services. This campaign's mission is to reduce the misuse of ACROD Parking bays around Western Australia.
- The Town's CEO signed the Lighthouse Agreement in 2020.

### COVID-19 Action Plan

16. The COVID-19 Action Plan (CAP) Edition One was endorsed by Council at 18 August 2020 OCM. The Plan is a dynamic document overseen by the COVID-19 Response Working Group (CRWG). It details the actions and projects that the Town will implement to achieve the objectives of the COVID-19 Response Strategy.



17. The CAP will continue to be updated as the recovery process evolves, and new actions and projects are identified. There are currently 62 actions included in the CAP, addressing the three phases in the COVID-19 Response Strategy.
18. The status of actions from the CAP are as follows.

Phase	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Survive	6	5	1	0
Revive	27	5	22	0
Thrive	29	4	25	0
<b>TOTAL</b>	<b>62</b>	<b>14</b>	<b>48</b>	

## Relevant documents

[Corporate Business Plan](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

[Reconciliation Action Plan](#)

[Disability Access and Inclusion Plan](#)

## Further consideration

[Corporate Business Plan](#)

19. The following clarifications are provided on deliverables from the Corporate Business Plan:

Deliverable	Additional information
CL1.1.5 - Develop a Digital Marketing Plan	<p>No action has been made on this deliverable in its current format.</p> <p>The Town is currently considering a realignment of this deliverable to ensure it is consistent with other plans and strategies.</p>
CL2.1.1 - Create an implementation plan to embed the Town's Communication and Engagement Policy	<p>The progress of this deliverable has been disrupted, due to the resignation of and subsequent appointment of a new Manager Stakeholder Relations.</p> <p>Planning is currently being undertaken on how this deliverable will be resourced and progressed going forward.</p>
CL8.1.2 - Update the Business Continuity Plan	<p>This deliverable has been amended in the Town's corporate reporting system to reflect that it has been completed.</p>

	Attachment 11.1.1 'Corporate Business Plan Report Oct-Dec' has been modified to reflect this change and this deliverable now appears under the completed section.
CL8.2.2 - Develop an integrated complaints management framework	<p>This deliverable was delayed due to the changes being made to local government legislation through the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020, and the potential impact these would have on the procedures necessary to deal with complaints management within the Town.</p> <p>The existing Code of Conduct is currently being changed in line with having separated codes for elected members and employees. The focus for 2021 is the approval of, and integration of, the new codes into the complaints framework.</p>
CL8.5.24 - Conduct a review of Street Operations' operations and CL8.5.26 - Conduct a review of Waste Services' operations	<p>Formal reviews of these service areas are not yet underway, however internal reviews on these areas and an external review of the Operations areas "bottlenecks" and structural issues have identified resourcing issues in these teams with results informing the workforce plan and other relevant documents.</p> <p>Following the adoption of the workforce plan, staff resourcing issues are now likely to be improved in these areas enabling such undertakings to proceed in a timely manner.</p>
EN4.2.4 - Reconcile the Town's bin register	This deliverable is planned to occur in 2022 in alignment with the planned roll out of the 3-bin system.

### Urban Forest Strategy

- Attachment 11.1.5 'UFS Quarterly Reporting – Oct-Dec 2020' has been amended to correct the address of the sump at Canterbury Tce.

## COUNCIL RESOLUTION (6/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council receives the quarterly written progress reports, for December 2020, relating to the:

- a) Corporate Business Plan
- b) 2020/2021 Annual Strategic Project Plan
- c) Five-year capital works program
- d) Economic Development Strategy 2018-2023
- e) Urban Forest Strategy
- f) Reconciliation Action Plan
- g) Disability Access and Inclusion Plan

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 11.2 Adoption of Penalty Units Local Law 2021

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bana Brajanovic
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Penalty Units Local Law 2021 [ <b>11.2.1</b> - 5 pages] 2. Penalty Units Local Law 2020 Public Submissions [ <b>11.2.2</b> - 1 page]

### Recommendation

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Penalty Units Local Law 2020*, in accordance with section 3.12 of the *Local Government Act 1995*.
2. Makes the *Town of Victoria Park Penalty Units Local Law 2021* as at attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

### Purpose and effect

The purpose 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 consider submissions received in relation to the proposed *Penalty Units Local Law 2020* and make the *Penalty Units Local Law 2021*.

### In brief

- As required by law, consultation commenced on the proposed *Penalty Units Local Law 2020* on 1 October 2020 and closed on 21 November 2020.
- It is recommended the *Penalty Units Local Law 2021* be made with minor amendments.

### Background

1. Council at its meeting on 15 September 2020, resolved to give notice of its proposed *Penalty Units Local Law 2020*.
2. The penalty units local law was proposed in recognition that due to inflation; fixed penalties diminish in relative value over time. What the 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.
3. 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.

4. 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.

## 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.

External engagement	
Stakeholders	All community members
Period of engagement	1 October 2020 to 21 November 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts and written submissions
Advertising	Southern Gazette Social Media Website Public notice boards Your thoughts monthly email
Submission summary	2 submissions supported the local law 1 submission opposed the local law
Key findings	2 submissions supported the law, one wanting a specific penalty changed. 1 submission opposed the law.

Other engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	The department provided a submission containing some brief comments regarding the proposed law, however no substantive amendments.
Cornerstone Legal	The Town engaged Cornerstone Legal 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 more regularly flout the law placing people at risk of injury.	Moderate	Possible	Medium	Low	Treat by creating mechanism to regularly increase penalty values.
Infrastructure/ ICT 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
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## Financial implications

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

## Analysis

- In accordance with section 3.12 of the *Local Government Act 1995*, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks. In total the submissions period was open for 52 days. In that period 3 submissions from the public were received. In addition, a submission was received from the *Department of Local Government, Sport and Cultural Industries*.
- No compelling submissions have been received that give rise to a need for major amendments to the proposed local law. Accordingly, it is recommended that the law be adopted with some minor amendments, namely changing 2020 to 2021.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (7/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

- Considers the submissions received in relation to the proposed *Town of Victoria Park Penalty Units Local Law 2020*, in accordance with section 3.12 of the *Local Government Act 1995*.
- Makes the *Town of Victoria Park Penalty Units Local Law 2021* as at attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

## Purpose and effect

The purpose 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.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 11.3 Town of Victoria Park Representative on Burswood Park Board

<b>Location</b>	Burswood
<b>Reporting officer</b>	Bana Brajanovic
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council nominates an Elected Member, or an officer of the Town, to the Department of Racing, Gaming and Liquor, for consideration as the Town of Victoria Park's representative to the Burswood Park Board for the period of 1 August 2021 to 31 July 2023.

### Purpose

To seek a nomination from Council to the Burswood Park Board for the period of 1 August 2021 to 31 July 2023.

### In brief

- The Burswood Park Board is a statutory authority of the Government of Western Australia, responsible for the control and management of Burswood Park.
- The current local government vacancy to the Burswood Park Board is filled by the Chief Executive Officer, Anthony Vuleta, and is due to expire on 31 July 2021.
- The Burswood Park Board has requested that the Town recommends a Town's nominee for appointment to the Board, together with the curriculum vitae of the nominee.
- The term of appointment to the Board will be for a two-year period ending on 31 July 2023. An annual sitting fee of \$5200 is remunerated to the appointed board member unless the appointed member is a government officer.

### Background

1. The Burswood Park Board (the Board) is a statutory authority of the Government of Western Australia, responsible for the control and management of Burswood Park. The Board was established in accordance with clause 6(1)(c) of the Agreement scheduled to the *Casino (Burswood Island) Agreement Act 1985*. Under the provisions of the *Parks and Reserves Act 1895*, the Board is responsible for the control and management of Burswood Park – a C class reserve for parks and recreation.
2. Burswood Park is a 56-hectare sprawling parkland located on the banks of the Swan River on the popular Burswood Peninsula. Situated in the inner south-eastern suburb of Burswood within the Town of Victoria Park, the park boasts city views and is walking distance to some of Perth's premier destinations – including the Matagarup Bridge, Optus Stadium and Crown Perth.
3. The Board is a body corporate with its president and members appointed by the Governor of Western Australia. The Board is responsible to the Minister for Racing and Gaming; Citizenship and Multicultural Interests as the Minister charged with the administration of the *Casino (Burswood Island) Agreement Act 1985*.
4. The Board's funding is provided for in the *Casino (Burswood Island) Agreement Act 1985*. As detailed in



the Agreement Schedule, contributions are received from the Burswood Property Trust, trading as Crown Perth.

5. As stated in the *Casino (Burswood Island) Agreement Act 1985*, the Board is to be comprised of:
  - a) a members or officer of the Authority as defined in the Scheme Act
  - b) the Town Planning Commissioner as appointed under the *Town Planning and Development Act 1928-1983* or their nominee
  - c) the Commissioner of Main Roads appointed under the *Main Roads Act 1930-1984* or their nominee
  - d) a representative of the Local Authority
  - e) the Director of the Department of Conservation and Environment of the State or his nominee
  - f) a member or officer of the Swan River Management Authority Constituted under the *Waterways Conservation Act 1976*
  - g) a representative of the Manager’s environmental consultants their
  - h) the Committee’s nominated representative.
  
6. The key objectives of the Burswood Park Board are:
  - Achieve the highest standards of Park maintenance and management.
  - Promote the Park to Western Australians and visitors to the State as an attractive and accessible venue for active and passive recreation.
  - Provide maximum visitor enjoyment and satisfaction.
  - Ensure that the Park is developed within environmental guidelines that are compatible with, and complementary to, the original environment of the site.
  - Establish the Park as an educational resource for the study of the history and environment of the Burswood site.
  - Maximise the experience of local, interstate and international visitors who visit the Park through the ongoing development and maintenance of Park facilities and attractions, as well as continued support of educational tours and programs.
  - Seek new partnerships with local charity groups to further enhance the Park’s calendar of events and ensure the Board’s ongoing support of Western Australian charities.
  - Work with the community, planning authorities and Local Government to develop local parkland and leisure activities.
  
7. The current area of focus and priorities for the Burswood Park Board are:
  - Establishment priorities for the Burswood Park Board Master Plan.
  - Establishment of the Audit and Risk Committee.
  - CEO’s performance review.
  - Development of the Long Term Financial Plan.
  - Zipline and "Other Innovative" Activities.

## Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	

## Legal compliance

[Casino \(Burswood Island\) Agreement Act 1985.](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A					
Environmental	N/A					
Health and safety	N/A					
Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	N/A					
Reputation	Negative public perception towards the Town if it chooses not to take the opportunity to have presentation on the Burswood Park Board	Minor	Likely		Low	TREAT – Council to nominate representative
Service delivery	N/A					

## Financial implications

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

## Analysis

- The Burswood Park Board has advised that the term of office of Council's nominee on the Board, Anthony Vuleta, expires on 31 July 2021. To enable the continued representation of a nominee from the Town of Victoria Park on the Board after that date, the name of the Town's nominee for appointment to the Board needs to be forwarded to the Director General of the Department of Racing, Gaming and Liquor. A curriculum vitae for the nominee must also be submitted.
- The Board typically meet on the last Thursday of each month, commencing at 9.30am, for approximately one hour. No meetings are held in January and special meetings may be held as required. Meetings are held in Burswood Park Boardroom.

11. The Board is accountable to the Minister of Racing and Gaming; Citizenship and Multicultural Interests. An annual sitting fee of \$5200 is remunerated to the appointed board member unless the appointed member is a government officer.
12. The Burswood Park Board is administered by the Minister of Racing and Gaming; Citizenship and Multicultural Interests. The constitution of the Board provides for one member to be nominated by the local government where the Park is located that being the Town of Victoria Park.
13. Nominations submitted by the Town are subject to approval and appointment by the Minister of Racing and Gaming; Citizenship and Multicultural Interests. The appointment of the local government nominated representative is the prerogative of the Minister of Racing and Gaming; Citizenship and Multicultural Interests. The Minister is not bound to appoint a nominee submitted by the Town, or be subject to the Town's policies. Notwithstanding the above, it is understood that the Minister would consider any advice or request submitted by the Town relating to its nomination.

## Relevant documents

Not applicable.

Mayor Karen Vernon called for nominations.

Cr Vicki Potter nominated the Chief Executive Officer Anthony Vuleta.

As there were no other nominations an election was not required.

### AMENDMENT:

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

Delete the words 'an elected member or an officer of the Town' and substitute the words 'Mr Anthony Vuleta Chief Executive Officer of the Town of Victoria Park' into the recommendation.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### Reason:

So that we have a specified individual named to the department.

### COUNCIL RESOLUTION (8/2021):

**Moved:** Cr Brian Oliver

**Seconded:** Cr Vicki Potter

That Council nominates that Mr Anthony Vuleta Chief Executive Officer of the Town of Victoria Park to the Department of Racing, Gaming and Liquor, as the Town of Victoria Park's representative to the Burswood Park Board for the period of 1 August 2021 to 31 July 2023.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 11.4 Appointment of Complaints Officer and Adoption of Complaints Form

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bana Brajanovic
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Complaint About Alleged Breach Form Model Code of Conduct

### Recommendation

That Council:

1. Authorises the Chief Executive Officer to be the Town's complaints officer in accordance with cl. 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
2. Delegates the power of appointment of additional complaints officer(s) to the Chief Executive Officer in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.
3. Approves the attached Complaint About Alleged Breach Form in accordance with cl. 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*.

### Purpose

To seek Council approval for the appointment of a complaints officer for the Town of Victoria Park to be able to receive complaints and withdrawals of complaints in accordance with cl. 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021* (MCC Regulations), and for Council to approve a standard form to be used by complainants to make a complaint regarding a council member, committee member or candidate in accordance with cl. 11(2)(a) of the MCC Regulations. Approval is also requested to allow the Chief Executive Officer to be able to authorise additional complaints officer(s) for the purposes of receiving complaints and withdrawals of complaints in accordance with the MCC Regulations.

### In brief

- The *Local Government (Model Code of Conduct) Regulations 2021*, was gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021.
- This report seeks to inform the Council on recent changes made to legislation and enact some of those changes in accordance with deadlines provided by the State Government.
- Council needs to appoint a complaints officer for the Town of Victoria Park to be able to receive complaints and withdrawal of complaints in accordance with cl. 11(3) of the MCC Regulations, and to approve a standard form to be used by complainants in accordance with cl. 11(2)(a) of the MCC Regulations.
- Section 5.104 of the *Local Government Act 1995* (Act) requires that local governments adopt a Code of Conduct for council members, committee members and candidates that incorporates the Model Code of Conduct within three months (by 3 May 2021).
- Until such time as a local government adopts a new Code of Conduct, the Model Code of Conduct outlined within the *Local Government (Model Code of Conduct) Regulations 2021* will apply.

- To account for any breaches occurring on the first day that the Regulations take effect, local governments must authorise at least one person within three weeks of the MCC Regulations taking effect (by 24 February 2021).

## Background

1. Each local government was previously required to develop their own Code of Conduct and manage behaviour in accordance with that code.
2. New MCC Regulations have been developed to replace these individual codes by introducing a Model Code of Conduct that applies to council members, committee members and candidates.
3. The *Local Government (Model Code of Conduct) Regulations 2021*, was gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021.
4. The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.
5. The Town is required to adopt a Code of Conduct for council members, committee members and candidates that incorporates the Model Code of Conduct within three months, in accordance with section 5.104 of the Act. Until that time, the Model Code of Conduct will be taken to be Town's Code of Conduct.
6. Under the previous Regulations, the Chief Executive Officer was the Town's appointed Complaints Officer. In accordance with the MCC Regulations, Council is now required to authorise one or more persons to receive complaints and withdrawals of complaints in accordance with the MCC Regulations. It is therefore recommended that Council appoints the Chief Executive Officer to continue as the Town's Complaints Officer. As the receipt and withdrawal of complaints is an administrative process it is also recommended that Council delegates the power of appointment of other complaint officer(s) to the CEO.
7. In accordance with the Department's Guidelines on the Model Code of Conduct the Town must authorise at least one person to be the Town's complaints officer within three weeks of the MCC Regulations taking effect (by 24 February 2021) to account for any breaches occurring on the first day that the Regulations take effect.
8. In accordance with the *Local Government (Model Code of Conduct) Regulations 2021*, Council is also required to approve a standard form to lodge complaints of breaches of Division 3 of the Model Code of Conduct. It is recommended that Council adopts the attached Complaint About Alleged Breach Form.

## 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.	Resolving the recommended actions ensures that the Town of Victoria Park is compliant with governance obligations.

## Legal compliance

[Local Government \(Model Code of Conduct\) Regulations 2021.](#)

## 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	Minor	Possible	Medium	Medium	
Legislative compliance	If the Town does not appoint a complaints officer or approve a form that can be used for complaints, the Town will not be able to receive and process complaints made under the Model Code of Conduct that relate to incidents that occur after 2 February 2021.				Low	Treat risk by supporting the recommendation.
Reputation	Not applicable				Low	
Service delivery	Not applicable				Medium	

## Financial implications

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

## Analysis

- The *Local Government (Model Code of Conduct) Regulations 2021* bring into effect sections 48 to 51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates.
- Until such time as a local government adopts a new Code of Conduct, the Model Code of Conduct outlined within the *Local Government (Model Code of Conduct) Regulations 2021* will apply.

11. To enable the Town to be compliant with the legislation changes and be able to process complaints made under Division 3 of the Model Code of Conduct the Town must:
  - appoint a person to receive and withdraw complaints and
  - approve a form for complaints to be lodged.
12. The form that is proposed to be used (Attachment 1) has been created using a template provided by the Department of Local Government, Sport and Cultural Industries.
13. The Model Code of Conduct Regulations outline:
  - Division 2 General Principles - This section of the Regulations set out the fundamental rules that council members, committee members and candidates are expected to adhere to, promote and support. Adhering to these rules will assist individuals to comply with the behaviours outlined in Division 3 and 4.
  - Division 3 Behaviour – sets out requirements relating to the behaviour of council members, committee members and candidates and the mechanism for dealing with alleged breaches of those requirements. Behaviours are to be managed by Local Governments and complaints of alleged breaches of behavioural requirements must be dealt with by the Local Government. The Town will develop further guidance on dealing with complaints through the introduction of a complementary policy or procedure on complaints management in accordance with Division 3 of the Model Code of Conduct.
  - Division 4 Rules of conduct – Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate. The rules of conduct are specific rules for which alleged breaches (minor breaches) are referred to the Standards Panel. The Rules of Conduct Regulations are being repealed and replaced by Division 4.
14. Local governments are required to prepare and adopt a new Code of Conduct by 3 May 2021.

## **Next Steps**

15. Develop further guidance on dealing with complaints through the introduction of a complementary policy or procedure on complaints management in accordance with Division 3 of the MCC Regulations.
16. Develop a new Code of Conduct for council members, committee members and candidates and present to council for adoption before 3 May 2021.

## **Relevant documents**

Not applicable.

## COUNCIL RESOLUTION (9/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Authorises the Chief Executive Officer to be the Town's complaints officer in accordance with cl. 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
2. Delegates the power of appointment of additional complaints officer(s) to the Chief Executive Officer in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.
3. Approves the attached Complaint About Alleged Breach Form in accordance with cl. 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



## 12 Chief Community Planner reports

### 12.1 Local Heritage Survey

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Charlotte McClure
<b>Responsible officer</b>	Laura Sabitzer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Local Heritage Survey</li><li>2. Schedule of Submissions (Confidential)</li></ol>

#### Recommendation

That Council:

1. Acknowledges and receives the Town of Victoria Park draft Local Heritage Survey, prepared by Stephen Carrick Architects (as Attachment 1).
2. Advertises the Town of Victoria Park draft Local Heritage Survey for a period of 60 days for public comments.

#### Purpose

To consider the Town of Victoria Park draft Local Heritage Survey, prepared by Stephen Carrick Architects and, if supported, resolve to advertise the draft Local Heritage Survey.

#### In brief

- The Town's Municipal Heritage Inventory (MHI) was adopted by Council in 2000.
- In 2018, the *Heritage Act 2018* came into effect, which requires each local government to identify places of cultural heritage significance in a local heritage survey (LHS) with an existing MHI taken to be a LHS.
- Additionally, the Planning and Development (Local Planning Schemes) Regulations 2015 requires local governments to establish and maintain a Heritage List which identify places which are afforded statutory protection under the Local Planning Scheme. The Town of Victoria Park does not currently have a Heritage List in operation.
- The Town have engaged Stephen Carrick Architects to review the existing LHS and provide a recommendation of places to be included on a subsequent Heritage List.
- The existing MHI has undergone a review and update, including a consultation period with community members, and a draft LHS has been compiled which proposes new place entries.
- Council is requested to acknowledge and receive the draft LHS, with or without modifications, which will then undergo community consultation and review, and is scheduled be presented to the June 2021 Ordinary Council Meeting for final endorsement.

## Background

1. Cultural heritage places in Western Australia can be recorded under many different heritage listings. Some of these listings give statutory protection to heritage places and others are simply lists with designations for places (such as the LHS) and assist in decision-making. The differences are highlighted in the table below:

Heritage Document	Description	Legal Status
State Register of Heritage Places	<p>The State Register of Heritage Places is a statutory list of places including buildings, structures, gardens, cemeteries, memorials, landscapes and archaeological sites.</p> <p>Inclusion in the Register is reserved for places of State cultural heritage significance and is the highest recognition afforded at the State level.</p> <p>Heritage places are entered in the State Register after an assessment and registration process which includes consultation with owners, local governments and other stakeholders.</p>	Statutory List <i>Heritage Act 2018</i>
Heritage List	<p>This is a list of places adopted under the Town Planning Scheme which affords a statutory level of protection.</p> <p>For example, inclusion in a heritage list ensures that the local government receives an application for development or demolition of a single residence, which in many cases would not otherwise require planning approval.</p> <p>This review of the Local Heritage Survey will include recommendations of places to form the Town's Heritage List. However, any recommendations of places will be formally progressed by Town officers separately through a Scheme Amendment process.</p>	Statutory List <i>Planning and Development Act 2005</i>
Local Heritage Survey (LHS)	<p>Local Heritage Surveys (formerly known as the Municipal Heritage Inventory) identify and record places that are, or that might become, of cultural heritage significance.</p> <p>The LHS is a starting resource for local heritage planning and in itself has no statutory role. The LHS helps local governments make decisions that reflect local heritage values and supports the creation of a heritage list or heritage areas,</p>	Non-statutory list/register of places with cultural heritage significance.

which identify places to be protected under the local planning scheme.

### **Local Heritage Survey / existing Municipal Heritage Inventory**

2. In 1996, the Town of Victoria Park appointed Heritage TODAY to assist with the compilation of the MHI. The Town's MHI was adopted by Council in 2000 and contains a total of 85 Places including 9 Places on the State Register of Heritage Places. It forms the basis Town's consideration of local heritage matters including a place record form for each heritage place, place descriptions, statement of significance, management recommendation and historical photographs.
3. In 2018, the *Heritage Act 2018* came into effect, which requires each local government to identify places of cultural heritage significance in a local heritage survey (LHS). An existing MHI is taken to be a LHS for the purposes of the *Heritage Act 2018*.
4. Key changes in the *Heritage Act 2018* include amended processes for entering a place in the State Register; guidelines for the development of heritage places; better protections for important heritage places; and increased transparency by publishing the Heritage Council's advice to the Minister for Heritage on the inclusion of a place in the State Register.
5. The Town of Victoria Park's MHI is now over 20 years old and has not undergone review. Since its introduction there have been many changes to the State's Planning and Heritage legislation, as well as redevelopment across the Town. The review of the MHI has been long overdue and is identified in the Town's Corporate Business Plan. It is listed to be delivered by 30 June 2021.
6. The Town advertised a Request for Quotation (RFQ) seeking a review of the existing MHI, including community engagement and consultation, and the development of an LHS, which was appointed to Stephen Carrick Architects in February 2020.
7. The LHS has been prepared according to the Local Heritage Survey Guidelines released in July 2019 by the Heritage Council of Western Australia to assist local governments in the preparation of Local Heritage Survey's in accordance with *Heritage Act 2018*.
8. The LHS itself is identified as having no direct statutory role in respect of the *Planning and Development Act 2005*, and in particular should not be used as the basis of decision making for development or subdivision proposals. This function is served by a Heritage List or Heritage Area.

### **Heritage List**

9. The Planning and Development (Local Planning Schemes) Regulations 2015 requires local governments to establish and maintain a Heritage List which identifies places to be protected under the Local Planning Scheme. The Town of Victoria Park does not currently have a Heritage List in operation.
10. The planning framework allows for special provisions to be applied to heritage places, which can ensure that consideration is given to the heritage significance of the place or area when making a planning decision. Under normal circumstances, to be able to apply heritage provisions, the subject site should either be under the protection of the *Heritage Act 2018* or recognised under the local planning scheme by inclusion in the Heritage List.
11. Including a place in a Heritage List does not limit or restrict the ability of a local government to determine a planning application in a particular way. It does, however, give the local government the

opportunity to consider heritage matters when making its determination. It also provides a sound basis for defending any subsequent challenge or reviews to the State Administrative Tribunal (SAT) if an application is refused, or conditions are imposed, on heritage grounds.

12. Inclusion in a Heritage List also ensures that a planning application for the development or demolition of a single residence is required, which in many cases would not otherwise require development approval.
13. This review of the Local Heritage Survey will include recommendations of places to form the Town's Heritage List. The formal adoption of the Heritage List in accordance with Section 8 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulation 2015, will be progressed by the Town's officers at the completion of this review of the LHS.

### **Local Planning Policy – Streetscape**

14. Since 1998, the Town has had Council policies in effect which seeks the retention of dwellings of good quality, architectural character, as these dwellings strongly contribute to the character of the Town (referred to as original dwellings).
15. In 2003, Council commissioned the Residential Character Study, which identified that the 'original dwellings' located within the older established areas of the Town (generally between Berwick Street and the railway line) contribute to a unique, identifiable streetscape 'character' that should be protected and maintained.
16. The majority of original dwellings in the Town were not found to have individual heritage significance, but to more broadly and collectively establish an identifiable streetscape character. In lieu of heritage listing individual dwellings, 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".
17. However, the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) by the State Government in October 2015 has had an impact on the previously existing protections and dwelling retention measures under Council's Town Planning Scheme No. 1, by removing the need to obtain development approval for demolition of a Single House (unless protected by a formal heritage listing or located in a Special Control Area where the exemptions from development approval do not apply).
18. At the December 2020 Ordinary Council Meeting Council considered an independent review and recommended policy position regarding the retention and demolition of original dwellings and the extent and type of development controls that should continue to be applied to development within the Residential Character Study Area. This policy will function independently to and compliment the Town's Local Heritage Survey and Heritage List and is not the subject of this project or report.

### **State Heritage and State Heritage Register**

19. The State Register of Heritage Places is a statutory list of places that represent the story of Western Australia's history and development. Places included in the State Register include buildings, structures, gardens, cemeteries, memorials, landscapes and archaeological sites.
20. Entry in the Register is reserved for places of State cultural heritage significance and is the highest recognition afforded at the State level. Heritage places are entered in the State Register after an

assessment and registration process which includes extensive consultation with owners, local governments and other stakeholders.

21. The State Register of Heritage Places was established by the *Heritage of Western Australia Act 1990* to ensure that places are recognised for their value and importance to the State, and to promote their conservation into the future. It continues to be expanded under the *Heritage Act 2018*.
22. The State Register is managed by the Heritage Council of Western Australia with the assistance of the Department of Planning, Lands and Heritage. Entry in the State Register means that any changes or works proposed for the place need to be referred, usually by the responsible local government, to the Heritage Council for referral advice. The Heritage Council is not a decision-making authority and as specified in the *Heritage Act 2018* prior to making a decision on a referred proposal the decision-maker is required to:
- (a) Receive advice from the Heritage Council or wait the prescribed period to received advice;
  - (b) Make a decision that is consistent with advice received from the Heritage Council;
  - (c) However, (b) does not apply if the decision-maker finds that there is no feasible and prudent alternative to the decision made.
23. The Town currently has nine places on the State Register of Heritage Places:

Place Name	Address	Place No
Victoria Park Post Office	414-420 Albany Hwy Victoria Park	2222
Windmill & Wishing Well	152 Albany Hwy Victoria Park	3898
Old Burswood Canal	near Goodwood Pde Burswood	3570
Kent Street Senior High School	89 Kent St Kensington	3372
Edward Millen Home (fmr)	15 Hill View Tce East Victoria Park	2176
St Peter's Anglican Church & Memorial Hall	11-15 Leonard St Victoria Park	2225
Victoria Park Primary School	205 Albany Hwy Victoria Park	3459
Victoria Park Police Station	450 Albany Hwy Victoria Park	2219
Broken Hill Hotel	306-326 Albany Highway Victoria Park	2220

## Application summary

- The contents of the draft LHS (refer to Attachment 1) includes the following:
  - Introduction discussing what heritage is and explanation of management categories.
  - Methodology outcomes and terminology including the review strategy and consultation strategy.
  - Historical overview.
  - Thematic framework.
  - Place index.

- Place records for each place (including photographs).

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Heritage Act 2018</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>• <i>Town of Victoria Park Town Planning Scheme No.1.</i></li> </ul>
<b>State Government policies, bulletins or guidelines</b>	<p>The review of the Town of Victoria Park's Local Heritage Survey (LHS) has been undertaken in accordance with the guidelines prepared by the Heritage Council and the conservation philosophy of the Australian ICOMOS Burra Charter 2013</p> <p>Key documents include:</p> <p>Heritage Council, Guidelines for Local Heritage Surveys, July 2019.  <a href="#">Guidlines for Local Heritage Surveys</a></p> <p>Department of Planning, Lands and Heritage, Criteria for the Assessment of Local Heritage Places and Areas, November 2019.  <a href="#">Criteria for the Assessment Of Local Heritage Places</a></p> <p>Department of Planning, Lands and Heritage, Basic Principles for Local Government Inventories, March 2012.</p> <p>Department of Planning, Lands and Heritage, Local Planning Policies Practice Notes and Examples, March 2012.</p>
<b>Local planning policies</b>	n/a
<b>Other</b>	-

## Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	The preservation and retention of the Town's built environment is highly valued by the community, as reflected by submissions received as well as consultation that has occurred as part of the review of the Residential Character Study Area. The proposed LHS will recognise and provide an up-to-date framework for heritage within the Town and the subsequent Heritage List will provide statutory protection for those places of highest local heritage value.

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 development of an LHS will potentially assist owners of heritage and character buildings in maintaining and preserving the Town's heritage and character.

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	The development of the draft LHS was informed by the feedback from the community and additional community consultation on the draft LHS is planned, as described in this report.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The Planning and Development (Local Planning Schemes) Regulations 2015 requires local governments to establish and maintain a Heritage List which identifies places to be protected under the Local Planning Scheme. The Town of Victoria Park does not currently have a Heritage List in operation and the review of the LHS will include recommendations of places to form the Town's Heritage List.

## Engagement

Internal engagement	
Stakeholder	Comments
The review of the Local Heritage Survey was included on the Staff intranet for review and/or comment.	The Town's Place Planning Team nominated 6 places to be considered for inclusion on the LHS which include the following: <ul style="list-style-type: none"> <li>• 9 Gallipoli Street, Lathlain</li> <li>• 5 Gallipoli Street, Lathlain</li> <li>• 225-239 Albany Highway</li> <li>• 243-245 Albany Highway</li> <li>• 316-367 Albany Highway</li> <li>• 213 Albany Highway</li> </ul>
Local History Officer	Stephen Carrick Architects worked closely with the Town's Local History Officer in developing the draft LHS and will continue to engage with the Town's Local History Officer.
Property Development and Leasing	During the next round of consultation, comments will be sought regarding places listed on the draft LHS which are owned and/or leased by the Town.

<b>External engagement</b>	
<b>Stakeholders</b>	Town of Victoria Park residents
<b>Period of engagement</b>	<p>First period of consultation conducted between 11 May 2020 and 8 June 2020, for a period of 28 days to:</p> <ul style="list-style-type: none"> <li>landowners who had an existing entry in the Local Heritage Survey or on the Review List</li> <li>residents who had previously provided a submission on the Residential Character Study Area review and/or shown interest in character and heritage in the Town.</li> </ul> <p>A second period of consultation was conducted to capture several residents who had existing entries who were not contacted during the first consultation phase.</p>
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	<ul style="list-style-type: none"> <li>The Town's 'Your Thoughts' online engagement hub</li> <li>Survey</li> <li>Letter correspondence</li> </ul>
<b>Advertising</b>	<ul style="list-style-type: none"> <li>The Town's 'Your Thoughts' online engagement hub</li> <li>Southern Gazette Newspaper notice</li> <li>Direct correspondence to all Residential Character Study Area review submitters</li> <li>Town's 'Life in the Park' eNewsletter</li> <li>Social media posts.</li> </ul>
<b>Submission summary</b>	<ul style="list-style-type: none"> <li>13 submissions</li> </ul>
<b>Key findings</b>	<p>The Town consulted with the community at the commencement of the project to gain the community's view on the existing Municipal Heritage Inventory. In particular information was sought from community members on:</p> <ul style="list-style-type: none"> <li>The existing properties with the Town of Victoria Park Municipal Heritage Inventory</li> <li>New Nominations that community members have for places that should be considered for the new Local Heritage Survey; and</li> <li>Additional Historical Information that community members can provide to the Town for the updated Historical Overview of the Local Heritage Survey.</li> </ul> <p>The submissions received are summarised below:</p> <ul style="list-style-type: none"> <li>2 submissions raised concerns with Heritage and Character in the Town with one directly referencing Scheme Amendment No. 73 and the review</li> </ul>



of the Residential Character Study Area and associated planning framework

*Note: Scheme Amendment No. 73 was progressed by the Town in 2016 - 17 and sought to introduce a Special Control Area in TPS1 over the Residential Character Study Area. Council at its Ordinary Council Meeting in September 2017 resolved to endorse the creation of the Special Control Area with modification consisting of the removal of provisions relating to the ability to issue conservation notices and requirement for development approval for the proposed demolition of a single houses identified as an 'original dwelling'. Council also resolved to seek expressions of interest from independent consultants to undertake a community engagement project and review of Council's Local Planning Policy 25 – Streetscape and the Residential Character Study Area. This project is currently being progressed by the Town's Urban Planning team.*

- 1 submission raised concerns with their property being on the review list (previously referred to as the supplementary list) of the LHS.
- 1 submission suggested the Town/project team contact a resident who had a strong interest and/or knowledge in the area of heritage.
- 1 submission provided information and indicated interest in the project.
- 3 submissions included nominations for consideration to be included on the LHS:
  - 7 Lake View Street
  - 35 Oswald Street
  - 98 Swansea Street

## **Proposed consultation**

24. The purpose of this report is for Council to consider the draft LHS, and if supported, resolve to proceed with community consultation. There is no legislated requirement regarding advertisement of an LHS however a 60 day consultation period is recommended.
25. This will involve the consulting all landowners and residents of places included in the draft LHS, as well as the general public, utilising the same methods during the initial consultation period. It is envisaged to commence this year in March and conclude at the end of April and include the following:
  - The Town's 'Your Thoughts' online engagement hub
  - Southern Gazette local newspaper notice
  - Direct correspondence to all owners and residents of places included in the draft LHS and
  - Direct correspondence to all Residential Character Study Area review submitters
  - Town's 'Life in the Park' eNewsletter
  - Social media posts
26. Comments are to be sought from the Mindeera Advisory Group at their February 2021 meeting regarding the draft LHS's historical overview of Aboriginal society at the time of the arrival of the European Settlers (refer to page 22 of Attachment 1). It is noted that Aboriginal Heritage sites are not included in LHS as they are administered under separate legislation and require both specialist

archaeological and anthropoidal skills as well as cultural sensitivity which may preclude the disclosure of information to the public.

27. All submissions will then be considered and necessary changes made to the draft LHS with a report planned for final endorsement of the Survey being presented to the June Ordinary Council Meeting. Following the compilation of a final draft document, Council will have another opportunity to consider the document before final endorsement is considered. The purpose of this report is to consider and acknowledge the draft LHS and the proposed consultation to be undertaken.

## 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 Planning and Development (Local Planning Schemes) Regulations 2015 requires local governments to establish and maintain a Heritage List which identifies places to be protected under the Local Planning Scheme. The Town of Victoria Park does not currently have a Heritage List in operation.	Moderate	Likely	High	Low	TREAT risk by progressing the Local Heritage Survey review and utilising the recommendations to prepare a Heritage List adopted under Town Planning Scheme No.1
Reputation	If Council does not progress with the review of the LHS and subsequent establishment of a Heritage List with recommended places as part of this project then the possible erosion of the Town's Heritage places may occur. This may lead to loss of character and	Moderate	Likely	High	Low	TREAT risk by progressing the Local Heritage Survey review and subsequently progressing the recommendations of places to prepare a Heritage List adopted under Town Planning Scheme No.1

	identify that is valued by the community and elected members.	
Financial	Not applicable	Low
Environmental	Not applicable	Medium
Health & Safety	Not applicable	Low
Infrastructure/ICT systems/utilities	Not applicable	Medium
Service delivery	Not applicable	Medium

## Financial implications

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

## Analysis

### Purpose of a Local Heritage Survey

28. The Local Heritage Survey (LHS) identifies local heritage places in a systematic manner and provides base cultural and historic information for the community. LHS's can assist local governments to develop local conservation policies and provide information about local heritage required under Planning and Development (Local Planning Schemes) Regulations 2015. The LHS helps local governments make decisions that reflect local heritage values.
29. Section (104) of *Heritage Act 2018* states that the purposes of a local heritage survey by a local government include -
- (a) *identifying and recording places that are, or may become, of cultural heritage significance in its district;*
  - (b) *assisting the local government in making and implementing decisions that are in harmony with cultural heritage values;*
  - (c) *providing a cultural and historical record of its district;*
  - (d) *providing an accessible public record of places of cultural heritage significance to its district; and*
  - (e) *assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

30. The *Heritage Council's Guidelines for Local Heritage Surveys* states that:

*Each local government should adopt a process for the periodic update of place records to reflect administrative changes, approved works, or other information that does not impact on the cultural heritage value of the place. Provision should be made for the ad hoc creation or review of one or more place records, including the commissioning of a heritage assessment where required, independent of a review. A review should ensure that the LHS reflects the current understanding and opinion of local government and its community, and that the LHS meets current standards. A review should take place at intervals consistent with the major review of a local planning strategy or strategic community plan.*

31. The original Town of Victoria Park MHI (now referred to as the LHS) was adopted in 2000. This is the first major review of the survey. The *Heritage Council's Guidelines for Local Heritage Surveys* recommends for local governments with ongoing urban redevelopment that review of the LHS is undertaken every 5 –8 years.

### **Historical Information and Thematic Framework**

32. The Historical Overview and Thematic Framework has been updated by a Historian as part of the LHS review. The Historical Overview section contains information provided in the 2000 MHI and information prepared as a 2020 update. The 2020 update includes information or corrections to the original document, expansion of pre-European settlement history and Aboriginal history, as well as a new chapter containing an update from 1990-2020.

### **Place Record Forms**

33. The review and update of existing and all nominated places has been researched and the historical information has been included within each of place record form. The review has also included converting each of the existing places information and data into updated place records forms following the format specified by the *Heritage Council's Guidelines for Local Heritage Surveys* and includes historical and current photographs of the places.

### **Management Categories**

34. This review includes assigning Management Categories to the identified heritage places within the Town of Victoria Park, in accordance with the *Heritage Council's Guidelines for Local Heritage Surveys*.

35. Management categories recognise the varying degrees of importance and intactness of heritage places. For example, some places are more important to the community than others. Some buildings or structures have been lost over time and only the site remains. Management categories reflect, therefore, the diversity of heritage places. As such, they provide guidance to the Town as to the importance of the place and make recommendations for the level of care that should be taken of the place.

36. There are four (4) management categories ranging from 1 to 4 which replaces the previously comparable categories of (a) to (d) in the MHI. The level of significance for the management categories are defined as follows:

- Management Category 1: Exceptional Significance All places in category 1 are of exceptional significance to the Local Government inclusive of State Registered places.
- Management Category 2: Considerable Significance
- Management Category 3: Some / Moderate Significance Management

- Management Category 4: Little Significance

## Heritage Places

37. The Town of Victoria Park received 3 new nominations for places from community members. Community members were made aware of the nomination process through public consultation and advertisement prepared and circulated by the Town of Victoria Park. A further 9 places have been nominated for assessment through the Town of Victoria Park. The nominated places were assessed by Stephen Carrick Architects in accordance with *Heritage Council's Guidelines for Local Heritage Surveys* with the aim of determining which places were worthy of inclusion in the Local Heritage Survey.

The draft LHS includes:

- 78 existing places
- 7 newly nominated places (including 4 commercial places and 3 residential places).
- 6 places that are not included on the LHS due to demolition.
- 2 places that are category 3 and 4 recommended to potentially be removed.
- 31 places on the review list which are not recommended for inclusions on the LHS at this point due to lack of location information for these places and subsequently insufficient consultation occurring. Recommendations for further research has been made again each supplementary place.

The number of places per management categories are as follows:

- Management Category 1 – 10 places
- Management Category 2 – 46 places
- Management Category 3 - 20 places
- Management Category 4 - 2 places

## Recommendation of Places for Local Heritage List

38. As discussed, following the conclusion of this review of the Local Heritage Survey (LHS), a recommendation will be made by the consultant as to which places should be considered for inclusion on the Town's Heritage List (which has statutory weight through the Local Planning Scheme). This recommendation will be reported to Council as part of the consideration and adoption of a Heritage List.

## Relevant documents

[Town of Victoria Park Town Planning Scheme No. 1](#)

[Heritage Act 2018](#)

[Guidelines for Local Heritage Surveys](#)

[Town of Victoria Park Municipal Heritage Inventory 2000](#)

## Further consideration

39. Further to the report presented to the Agenda Briefing Forum, Officers have sought clarification from the Heritage Council and other local governments with respect to the need for a Heritage List be to incorporated into the Town's Town Planning Scheme No. 1 through a Scheme Amendment. Advice received is that the Heritage List can sit outside the Scheme and there are administrative benefits in this. Accordingly, this report has now been modified to remove reference to the Heritage List being incorporated into the Scheme through a Scheme Amendment.

### **COUNCIL RESOLUTION (10/2021):**

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Acknowledges and receives the Town of Victoria Park draft Local Heritage Survey, prepared by Stephen Carrick Architects (as Attachment 1).
2. Advertises the Town of Victoria Park draft Local Heritage Survey for a period of 60 days for public comments.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 12.2 Scheme Amendment to rezone lots 5 and 6 Temple street

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Charlotte McClure
<b>Responsible officer</b>	Robert Cruickshank / Laura Sabitzer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Scheme Amendment Report</li> <li>2. Schedule of Public Submissions</li> <li>3. Minutes of the Ordinary Council Meeting 21 July 2020 (Scheme Amendment Initiation)</li> </ol>

<b>Landowner</b>	Town of Victoria Park
<b>Applicant</b>	Harley Dykstra
<b>Application date</b>	24/03/2020
<b>DA/BA or WAPC reference</b>	PLA/7/86
<b>MRS zoning</b>	Urban Zone
<b>TPS zoning</b>	'Public Purpose – Civic Use' Reserve
<b>R-Code density</b>	Not applicable
<b>TPS precinct</b>	Precinct Plan P12 – East Victoria Park Precinct
<b>Use class</b>	Not applicable
<b>Use permissibility</b>	Not applicable
<b>Lot area</b>	1098m <sup>2</sup> and 931m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Not applicable
<b>Municipal heritage inventory</b>	Not applicable
<b>Residential character study area/weatherboard precinct</b>	Not applicable
<b>Surrounding development</b>	Residential development along Temple Street, predominantly grouped dwelling development with retained original dwellings. Established commercial activities along Albany Highway included car sales yard and shop fronts addressing Albany Highway with rear loaded car parking.

## Recommendation

That Council:

1. Notes the submissions received in respect to Amendment No. 86 to the Town of Victoria Park Town Planning Scheme No. 1 and endorses the response to the submissions as contained in the report, in accordance with Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Supports Amendment No. 86 to the Town of Victoria Park Planning Scheme No. 1, in accordance with Regulation 50(3)a of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:
  - (a) Reclassify No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential R60' zone and modify the Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' accordingly.
3. Determines that the amendment referred to in resolution 2 above is a standard amendment for the following reasons in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations'):
  - (a) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
  - (b) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
4. Authorises the Chief Executive Officer and Mayor, in accordance with Section 9.49.a of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 85 to Town Planning Scheme No. 1.
5. Requests the Chief Executive Officer to advise those persons who lodged a submission of Council's decision.
6. Forwards Amendment No. 86 to the Western Australian Planning Commission for final approval.

## Purpose

To consider the Scheme Amendment prepared to amend the Town of Victoria Park Town Planning Scheme No. 1 (TPS1) to rezone No. 4 – 6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential' R60'. Amendment 86 was initiated by Council at its Ordinary Council meeting on 21 July 2020.

The purpose of this report is to consider the public submissions received and for Council to formally provide a recommendation to the Western Australian Planning Commission (WAPC) on Amendment 86.

## In brief

- The Amendment is proposed as part of the Town's Land Asset Optimisation Strategy (LAOS) strategy.
- The proposal seeks to amend the classification of Nos. 4 & 6 (Lots 5 & 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to a 'Residential' R60' zoning.



- The land is owned by Town of Victoria Park and currently accommodates the Victoria Park Child Health Centre and Liddell Government Dental Clinic.
- Amendment No. 86 was advertised for 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 with 8 submissions being received.
- The 8 submissions received include 2 of support, 3 with no position stated and 3 objecting to the proposal with reservations regarding the exclusive residential zoning and the potential for displacement of the community facilities and infrastructure on the site.
- Considering the submissions received during the advertising period and the strategic location of the site adjacent to the Albany Highway secondary centre, it is recommended that the Scheme Amendment be supported without modifications.
- If the rezoning occurs, a business case will be prepared and presented to Council providing options for the future of the land.

## Background

1. Scheme Amendment 86 is proposed as part of the Town's Land Asset Optimisation Strategy (LAOS). This Strategy was developed by the Town to determine if any opportunities are available on property and land assets owned or controlled by the Town. LAOS aims to deliver additional sources of revenue for the Town and in the long term, aims to reduce the Town's reliance on rates.
2. No. 4 (Lot 5) and No. 6 (Lot 6) Temple Street is owned by the Town of Victoria Park and currently accommodates the Victoria Park Child Health Centre and Liddell Government Dental Clinic.
3. Given the significant age of the buildings on site, the ongoing maintenance costs, the context and characteristics of the site and its strategic location, the existing situation has been considered by the Town as not a long-term solution for either the land asset or the building assets.
4. The Town has commenced discussions with the operators of the existing facilities in relation to opportunities for relocation within the Town of Victoria Park.
5. As the proposed rezoning of the site is not consistent with an approved Council strategy, preliminary consultation was undertaken in late April 2020 with the community, in accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals'. This preliminary consultation informed Council who then resolved to initiate the Scheme Amendment at the July 2020 Ordinary Council Meeting.
6. The subject land sits within the Albany Highway Secondary Centre, which the Town's draft Local Planning Strategy (draft LPS) identifies as a strategic investigation area and recommends be subject to comprehensive precinct structure planning as per State Planning Policy 4.2 Activity Centres (SPP 4.2) and State Planning Policy 7.2 - Precinct Design (SPP 7.2).
7. Prior to initiating Amendment 86, the Department of Planning Lands & Heritage (DPLH) position was sought regarding the likely success of the proposed Amendment, the feedback being that the amendment could be progressed provided that it was considered in the context of the draft LPS and would not compromise any strategic planning for the area and the Town was satisfied that the land was no longer required to be reserved for Public Purpose – Civic Use and/or is surplus to the Town's current and future needs for accommodating Civic Infrastructure.
8. The Urban Planning Unit is satisfied that the proposed rezoning will not prejudice any future strategic planning including the preparation of a Precinct Structure Plan for commercially zoned land Albany Highway. The rezoning will also be conducive to the existing building being lawfully used for community purposes on the site (i.e., the status quo).

## Application summary

9. Scheme Amendment No. 86 seeks to amend the classification of Nos. 4 & 6 (Lots 5 & 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to land zoned 'Residential R60'.

10. The Scheme Amendment was advertised for public comment for a period of 42 days and 8 submissions were received.

## Applicants' submission

11. The Scheme Amendment and associated report was prepared by Harley Dykstra on behalf of the Town (refer to Attachment 1).

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>• Metropolitan Region Scheme (MRS)</li> <li>• Town Planning Scheme No.1 (TPS1)</li> <li>• TPS1 Precinct Plan P11 – 'East Victoria Park</li> </ul>
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• Perth and Peel @3.5 million: Central Sub-regional Planning Framework</li> <li>• State Planning Policy 4.2 - Activity Centres</li> <li>• State Planning Policy 7.2 - Precinct Design</li> <li>• State Planning Policy 7.3 - Residential Design Codes</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 37 – Community Consultation on Planning Proposals</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Draft Local Planning Strategy</li> </ul>

## Legal compliance

Part 5 'Local Planning Schemes' of the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015, Regulations 50 and 51.

[Planning and Development Act 2005](#)

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

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the Scheme Amendment:</p> <ul style="list-style-type: none"> <li>• Areas adjoining Raphael Park Precinct, portions of Albany Highway Precinct, and the Park Centre shopping areas will be permitted to redevelop in accordance with the standard specified for Residential R40 and R60. These densities will service to increase the availability and range of housing types in areas close to the city centre and other facilities such as Curtin University.</li> <li>• Other types of accommodation, and some non-residential uses to service the day-to-day needs of local residents are appropriate to these localities.</li> </ul>
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<b>Local planning policy objectives</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
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### Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The existing reservation of the property restricts the range of possible land uses, and the buildings on the site are ageing. A rezoning of the site could act as a catalyst for a redevelopment of the site, and the introduction of other uses, including residential uses.

### Engagement

Internal engagement	
Stakeholder	Comments
Place Planning business team	During earlier discussions in 2019, the Town's Urban Planning and Place Planning teams were generally supportive of the proposed Amendment. When formally referred to the Place Planning team in 2020, and in view of the subsequent progression of the draft Local Planning Strategy, the Place Planning team expressed some concerns about an 'ad-hoc' rezoning of the land rezoned prior to the comprehensive and coordinated preparation of Local Planning Scheme No. 2 and the precinct planning for Albany Highway. Following further advice from the Town's Property Development and Leasing team and the Department of Planning, Lands and Heritage, the Town's Place Planning team are now satisfied that progression of the Amendment will not prejudice the future strategic planning work being undertaken.
Property Development and Leasing team	The Property and Leasing team have commenced discussions with the Dental Clinic who have advised their preference long term to progress their strategic location to a newer, co-located clinic. The rezoning of the land would function as a catalyst to commence this process and the Dental Clinic could then seek funding within their departments to facilitate a relocation solution. In addition to private sector properties, Council and State-owned land in the Town can accommodate further community services if there is a specific need to deliver that community facility. The rezoning is the first step in determining an outcome for the strategic management of the land asset. This will allow for the development of a business case to analyse a number of options.

### External engagement

<b>Stakeholders</b>	Owners and occupiers surrounding the subject land
<b>Period of engagement</b>	<ul style="list-style-type: none"> <li>• Preliminary consultation, pursuant to Local Planning Policy 37 'Community Consultation on Planning Proposals' 23 April 2020 – 14 May 2020 (21 days)</li> <li>• Statutory consultation, pursuant to Planning and Development (Local Planning Schemes) Regulations 2015 29 October 2020 – 10 December 2020 (42 days)</li> </ul>
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	<p>During both rounds of consultation, letters were provided to owners and occupiers of surrounding properties outlining the proposal and relevant documents were uploaded to Your Thoughts, the Town's online consultation portal.</p> <p>The consultation after the initiation of the Scheme Amendment also included two signs on-site detailing the Scheme Amendment and a weekly notice in the community newspaper, 'The Southern Gazette.'</p>
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• Letters to owners and occupiers surrounding the subject land</li> <li>• Sign on Site</li> <li>• Newspaper Advertisement</li> <li>• Your Thoughts</li> </ul>
<b>Submission summary</b>	8 submissions were received; 2 supporting the proposal, 3 opposing the proposal and 3 with no position stated.
<b>Key findings</b>	The submissions include one communicating support for the proposed rezoning and the other having reservations regarding the relocation of the community facilities and the residential zoning.

## Other engagement

<b>Stakeholder</b>	<b>Comments</b>
Environmental Protection Authority	The EPA considered that the proposed scheme should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and no advice or recommendations were provided.
Western Power	No comments received.
Water Corporation	No position regarding the proposal however provided comments regarding sewer servicing considerations for future buildings on the site.

## 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 rezoning of the land prior to the activity centre and/or precinct structure planning being completed may result in the proposed density of R60 being less than what could be realised for the site.	Moderate	Possible	Medium	Low	ACCEPT If further strategic investigations and planning identifies the subject site as capable of accommodating a greater scale of development than what is currently proposed, a further scheme amendment could be progressed at this time, if necessary or incorporated into the review of future Local Planning Scheme No. 2. However even if this were to occur, the current Scheme Amendment proposed will not compromise this process.

<p>Reputation</p>	<p>That the land rezoning could result in the future displacement of the current dental service and child health service on the site.</p>	<p>Minor</p>	<p>Possible</p>	<p>Medium</p>	<p>Low</p>	<p>ACCEPT The Town aims to continue working with these services to retain the uses within the Town of Victoria Park. 'Community Purpose' is a discretionary land use within the 'Residential' zone in which case the existing uses could continue to operate even if the land is rezoned to Residential.</p>
<p>Legislative Compliance</p>	<p>The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution.</p>	<p>Moderate</p>	<p>Unlikely</p>	<p>Moderate</p>	<p>Low</p>	<p>ACCEPT The DPLH as have indicated the amendment of the subject land could be progressed prior to the completion of strategic planning that is identified for this precinct, provided that it was considered in the context of the draft LPS and would not compromise any strategic planning for the area. The Town would also need to be satisfied that the land is no longer required to be reserved for Public Purpose – Civic Use and/or is surplus to the Town's current</p>

and future needs for accommodating civic and community uses.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Should the rezoning be approved, a business case would be prepared exploring the potential and preferred use(s) of the land for Council to consider.

## Analysis

- Following the advice received from the DPLH and prior to commencing the statutory advertising period, the Scheme Amendment report was amended to provide further commentary on issues addressed in the initiation report (refer to Council minutes at Attachment 3), namely the rezoning occurring ahead of further strategic planning work and the accommodation of future community facilities and needs in the Town.
- The Town is satisfied that the submissions raised during the consultation period have been addressed and that the proposed Amendment be supported with no modifications proposed.

## Submissions

### Existing Local Community Services

- During the consultation period, submissions raised concerns regarding the potential relocation of the Dental and Child Health Centre (refer to Attachment 2). It should be noted that whilst the age of the buildings are close to the end of their economic life and will begin to become an asset liability, the Town intends to continue working with these services to retain the uses within the Town of Victoria Park. Notwithstanding this, the Town's Property Service Area has commenced discussions with the Dental Clinic who have agreed to progress their strategic relocation to a newer, co-located clinic. The rezoning of the land would function as a catalyst to commence this process and the Dental Clinic could then seek funding within their departments to facilitate a relocation solution.

15. In the event that the land was rezoned and the services on-site did relocate, under the current Town Planning Scheme, there are a number of zones within which a 'Community Purpose' use is a permitted 'P' or discretionary 'AA' use and therefore does not rely on land which is reserved under the Scheme for Public Purposes.
16. For example, 'Community Purpose' is a discretionary 'AA' land use within the 'Residential' zone in which case the existing uses could continue to operate even if the land is rezoned to 'Residential'.
17. In addition to private sector properties, Council and State-owned land in the Town can accommodate further community services if there is a specific need to deliver that community facility. The Town's Urban Planning team are satisfied that rezoning this land will not compromise the Town's current and future needs for accommodating civic and/or community uses.

### Proposed Residential Zoning

18. The submissions received also raise concern of the exclusive residential zoning of the land that is proposed (i.e. no commercial or mixed-use component). The rezoning of the land would facilitate redevelopment of the site for residential purposes at a density of R60 as well as being able to accommodate a number of other land uses which are either 'P' (permitted) or 'AA' (discretionary) uses within the Residential Zone. These are highlighted in the following table:

Use Class	Residential
Child Care Premises	AA
Commercial Vehicle Parking	AA
Community Purpose	AA
Consulting Rooms	AA
Educational Establishment	AA
Family Day Care	AA
Grouped Dwelling	P
Home Occupation	AA
Home Store	AA
Hospital	AA
Multiple Dwelling	P <sup>1</sup>
Nursing Home	AA
Place of Worship	AA
Residential Building	AA
Serviced Apartment	AA
Single House	P



19. Furthermore, the rezoning to 'Residential R60' is consistent with the current planning framework and the zoning of the adjoining residential properties.
20. The Town's draft LPS and draft Activity Centre Strategy recommends designating the whole of the Albany Highway Precinct as a Secondary Activity Centre under SPP 4.2, given the extent of retail floor space and the continuity of commercial activity and functionality supported by the movement corridor along the length of Albany Highway.
21. As discussed, the proposed rezoning aligns with these objectives and the current planning framework. It is recommended that Council supports Amendment No. 86, and it is forwarded to the Western Australian Planning Commission for final approval.

## **Relevant documents**

[Town of Victoria Park Town Planning Scheme No. 1](#)

[Local Planning Policy 37 – Community Consultation on Planning Proposals](#)

[Perth and Peel at 3.5 Million](#)

[State Planning Policy 7.2 - Precinct Design](#)

[State Planning Policy 4.2 - Activity Centres for Perth and Peel](#)

[Scheme Amendment No. 86 Initiation Report - Ordinary Council Meeting minutes - July 2020](#)

[Draft Local Planning Strategy - Ordinary Council Meeting minutes - April 2020](#)

## COUNCIL RESOLUTION (11/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Notes the submissions received in respect to Amendment No. 86 to the Town of Victoria Park Town Planning Scheme No. 1 and endorses the response to the submissions as contained in the report, in accordance with Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Supports Amendment No. 86 to the Town of Victoria Park Planning Scheme No. 1, in accordance with Regulation 50(3)a of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:
  - (a) Reclassify No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential R60' zone and modify the Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' accordingly.
3. Determines that the amendment referred to in resolution 2 above is a standard amendment for the following reasons in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations'):
  - (a) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
  - (b) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
4. Authorises the Chief Executive Officer and Mayor, in accordance with Section 9.49.a of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 85 to Town Planning Scheme No. 1.
5. Requests the Chief Executive Officer to advise those persons who lodged a submission of Council's decision.
6. Forwards Amendment No. 86 to the Western Australian Planning Commission for final approval.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 12.3 State Development Assessment Unit referral for Proposed Residential Aged Care Facility at Nos 16 - 20 Duncan Street, Victoria Park

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Amie Groom
<b>Responsible officer</b>	Robert Cruickshank / Laura Sabitzer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. 1. Proposed Development Plans [<b>12.3.1</b> - 34 pages]</li> <li>2. 2. Proposed Public Art [<b>12.3.2</b> - 31 pages]</li> <li>3. 3. Applicants Planning Report [<b>12.3.3</b> - 51 pages]</li> <li>4. 4. Applicants Design Report [<b>12.3.4</b> - 66 pages]</li> <li>5. 5. Applicants Transport Impact Statement [<b>12.3.5</b> - 25 pages]</li> <li>6. 6. Applicants Acoustic Report &amp; Noise Management Plan [<b>12.3.6</b> - 22 pages]</li> <li>7. 7. Applicants Waste Management Plan [<b>12.3.7</b> - 18 pages]</li> <li>8. 8. Without Prejudice Conditions and Advice Notes [<b>12.3.8</b> - 5 pages]</li> <li>9. 9. Planning Compliance Assessment [<b>12.3.9</b> - 5 pages]</li> <li>10. 10. Amended Plans for Engineering [<b>12.3.10</b> - 1 page]</li> </ol>

<b>Landowner</b>	Burswood Care Pty Ltd
<b>Applicant</b>	Peter Webb & Associates
<b>Application date</b>	8 December 2020
<b>DA/BA or WAPC reference</b>	DA5.2020.678.1 / SDAU-024-20
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R40
<b>TPS precinct</b>	Precinct Plan 6 – Victoria Park
<b>Use class</b>	Nursing Home
<b>Use permissibility</b>	'AA' Use
<b>Lot area</b>	Total of three lots = 2,833 square metres
<b>Right-of-way (ROW)</b>	Not applicable.
<b>Municipal heritage inventory</b>	Not applicable.

<b>Residential character study area/weatherboard precinct</b>	Residential Character Study Area
<b>Surrounding development</b>	Single storey residential dwellings are located to the east and south of the development. The Ursula Frayne School is located to the north on the opposite side of Duncan Street. A single storey shopping complex is located to the North West, on the opposing intersection and vacant land is located to the south west on the opposite side of Shepperton Road.

<b>Recommendation</b>	
1.	That Council advise the Western Australian Planning Commission that the development application for the proposed Residential Aged Care Facility at Nos. 16-20 Duncan Street, Victoria Park is on balance not supported for the following reasons: <ol style="list-style-type: none"> <li>(a) The proposal is inconsistent with the intent of the Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan 6 – Victoria Park Precinct which requires the retention of existing housing and the promotion of selective and sensitive redevelopment in line with existing style, scale and character;</li> <li>(b) The proposal is not considered to be consistent with orderly and proper planning as the development is incompatible with its setting due to the likely impact the height, bulk and scale will have on the amenity of the existing adjoining locality; and</li> <li>(c) Consideration of the submissions received.</li> </ol>
2.	That Council provides ‘without prejudice’ conditions and advice notes, in the event the Western Australian Planning Commission approves the application (refer to Attachment 8).

## Purpose

The purpose of this report is for Council to make its recommendation to the Western Australian Planning Commission (WAPC) with respect to the development application for a residential aged care facility development comprising 120 beds, at Nos. 16 – 20 Duncan Street, Victoria Park.

The Town’s officers do not have delegation to make recommendations to the WAPC in relation to a planning application under the State Development Assessment Unit (SDAU) process for significant projects.

## In brief

- The Town of Victoria Park (Town) has received its first formal referral of a State Development Assessment Unit (Form 17B) application.
- As part of the State Government's COVID-19 economic recovery plan, a new development application process was introduced for significant projects. Part 17 of the *Planning and Development Act 2005* grants the Western Australian Planning Commission (the WAPC) temporary decision-making powers to determine proposals over \$20 million in metropolitan Perth.
- This application which relates to a Residential Aged Care Facility development proposal at Nos. 16-20 Duncan Street, Victoria Park. The same proposal was previously submitted to the Town as a Joint Development Assessment Panel (JDAP) application. The previous application was withdrawn before the Town made a recommendation to the JDAP.

- The current application proposes a number of variations to the Town's Town Planning Scheme No. 1 (TPS1) and Local Planning Policies. The WAPC must have due regard to the local planning framework in determining the application, however has the ability to vary provisions within the TPS1 and Local Planning Policies and undertake a more strategic assessment to consider non-planning related matters.
- The Town's officers do not have delegation to make recommendations to the WAPC in relation to a planning application under the State Development Assessment Unit (SDAU) process for significant projects.
- On balance it is recommended Council resolves to recommend to the WAPC that it does not support the proposal.

## Background

1. The development site comprises No. 16 Duncan Street, occupied by a single residential dwelling, and Nos. 18-20 Duncan Street, occupied by an existing Nursing Home.
2. Development Approval was issued in 1968 for the construction of a 'C Class' hospital on Nos. 18-20 Duncan Street, intended to be occupied by geriatric patients. The building has continued to operate in this manner since the development was constructed, with minor modifications being considered which allowed for medical treatment to patients residing at the premises for differing periods of time. The existing building contains 33 beds between 17 rooms, an office, treatment room, lounge and external courtyard area.
3. A preliminary proposal was presented to the Town's Design Review Panel for preliminary comments in November 2018 and July 2019. At these meetings, the main issues raised related to the scale and height of the development. The applicant was advised that fundamentally the proposal was well beyond what is reasonably acceptable for exercising discretion to the current planning controls and the development represented overdevelopment of the subject site. It is noted that since the preliminary proposal, improvements have been made to the plans, in particular addressing the development's interface with the adjoining residential development.
4. In May 2020, the Town received a Joint Development Assessment Panel (JDAP) application for the proposed development. Following a full assessment of the development application, the applicant was advised that the Town's officers would recommend refusal of the application to the JDAP, due to the scale and bulk proposed by the development. The application was subsequently withdrawn by the applicant.
5. The State Government introduced a new development application process for significant projects as part of COVID-19 economic recovery plans. Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*) has been temporarily established by the WAPC as the new decision-making authority for applications for significant development.
6. The proposed development was lodged with the SDAU in December 2020. The applicant has elected to seek approval via the SDAU pathway. The SDAU is not bound by the local planning framework and therefore has the ability to vary local provisions and undertake a more strategic assessment to consider non-planning related matters. as part of its decision-making process.
7. In accordance with s.276 (4) of the *Planning and Development Act 2005*, the Commission must –
  - a. give any local government to whose district the development application relates an opportunity to make submissions to the Commission within a period specified by the Commission; and
  - b. have due regard to any submissions made by the local government within that period.

## Application summary

8. The development application proposes a four-storey residential aged care facility at 16-20 Duncan Street, Victoria Park with 120 beds, a restaurant/café, basement parking and rooftop resident facilities. The applicant's planning report (Attachment 3) describes the proposed development further.
9. The 'Nursing Home' land use under the Town of Victoria Park Town Planning Scheme No. 1 (TPS1) is defined as follows:
 

*"Nursing Home" means any building used for the medical treatment or care of sick persons, whether resident or not, but does not including consulting rooms."*
10. The zoning of the land is 'Residential' with a residential density coding of 'R40' pursuant to TPS1. A 'Nursing Home' use is listed in the zoning table as an 'AA' (discretionary) use.
11. In support of the development application, the applicant has submitted a Traffic Impact Statement (Attachment 5), Acoustic Report (Attachment 6), and a Waste Management Plan (Attachment 7).

## Compliance assessment

The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, the Council's local planning policies, the Residential Design Codes and other relevant documents, as applicable.

In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in Analysis section of the report. The detailed planning compliance assessment is provided at Attachment 9.

Please note that Performance Criteria Assessment means that the standard deemed-to-comply provision is not met, and assessment of the design element is considered on its merits against the corresponding design principle.

Design element	Deemed-to-comply assessment
Land use	Discretionary
Plot ratio	Performance Criteria Assessment
Street setback	Performance Criteria Assessment
Building setbacks/boundary wall	Performance Criteria Assessment
Building heights	Performance Criteria Assessment
Retaining walls	Performance Criteria Assessment
Landscaping	Compliant
Privacy	Compliant
Parking and access	Performance Criteria Assessment

<b>Solar access</b>	Compliant
<b>Location of Vehicular Access and Provision of Boundary Fencing</b>	Performance Criteria Assessment
<b>Location of Building Services and Bin Storage Areas</b>	Compliant
<b>Antisocial Behaviour and Crime Prevention</b>	Compliant
<b>Signage</b>	Compliant

## Strategic alignment

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The redevelopment of the nursing home will provide a substantial increase from 33 beds to 120 beds providing different housing options for people with different housing needs.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The SDAU is required to undertake community consultation on the proposal. Two signs were placed on site, as well as letters to all owners and occupiers within a 200 metre radius of the site.

## Engagement

<b>External engagement</b>	
Community Consultation	<p>The SDAU is responsible for undertaking all community consultation for the proposed development. Advertising of the subject SDAU application commenced on 10 December 2020 and concluded on 21 January 2021.</p> <p>A summary of submissions received by the SDAU is provided below in paragraph 37.</p>

<b>Internal engagement</b>	
Engineering	<p>Appropriate conditions and advice notes provided.</p> <p>The proposed development will generate significant trips such as couriers, taxi drivers and family members picking up and dropping off residents. It is not clear how this will work unless the garage is unsecured. A condition has been recommended which requires details of any security gate/intercom system to be provided.</p> <p>An amended plan has been submitted which addresses previous concerns raised by Engineering (Attachment 10).</p>
Health	<p>Appropriate conditions and advice notes provided.</p> <p>State Planning Policy 5.4 – Road and Rail Noise (SPP5.4) applies to all development where a noise-sensitive land use is proposed within the policy’s trigger distance of specified transport routes or when new or major upgrades of road and rail are proposed. Full compliance with SPP 5.4 is required to ensure that there is proper acoustic treatment of the building due to high traffic volume on Shepperton Road.</p>
Place Planning – Strategic Direction	<p>The proposed development is located within the Residential Character Area Precinct (Chapter 14 Part B) of the draft Local Planning Strategy (LPS) (April 2020).</p> <p>The draft LPS states that the <i>“Character Area (East and West) LPS Precinct encompasses some of the Town’s oldest neighbourhoods with original character homes in areas to the east and west of Albany Highway.”</i></p> <p>The draft LPS states the following Objectives for this Precinct:</p> <p style="padding-left: 40px;"><i>14.1 To require the conservation and retention of ‘original dwellings’ within a proposed Residential Character Special Control Area.</i></p> <p style="padding-left: 40px;"><i>14.2 To enhance the streetscape character that is attributed to the presence of original dwellings and the sympathetic character of new development.</i></p> <p style="padding-left: 40px;"><i>14.3 To ensure the special and particular elements of streetscape character are considered in all land use and development proposals.</i></p> <p>The draft LPS gives direction to the new Scheme through Action 14.1 <i>“Transition the current TPS No.1 zones, R-Code densities and development requirements into LPS No.2, including the proposed TPS No.1 amendment to introduce a Special Control Area (Character Retention Area) over the Character Retention Area and amendments to Local Planning Policy 25 - Streetscape.”</i></p> <p>Chapter 2 Strategic Planning Framework also includes an Objective 2.2 which states one of the Objectives of the planning framework is:</p>



	<p><i>To ensure planning processes, instruments and decisions are guided by the Liveability Principles expressed in the Strategic Community Plan:</i></p> <p><i>DENSITY - Different densities in specific areas, well-designed medium density and lower density allowing for backyards and granny flats.</i></p> <p><i>ARCHITECTURAL DESIGN - Value innovative, good and sustainable design.</i></p> <p><i>HERITAGE - Maintain historical housing, retain heritage and character, and maintain streetscapes.</i></p> <p><i>CIVIC INFRASTRUCTURE - Appropriate multi-use community spaces for people to enjoy.</i></p> <p><i>TOWN CHARACTER - Increase tree canopy and maintain vibrant centres.</i></p> <p>The draft LPS Objectives are intended to provide guidance to decision-making within the planning framework where required.</p>
Public Art	<p>Public art proposals are assessed by the Town’s Public Art Advisory Group against relevant criteria being:</p> <p>2. Concept: The artwork is designed by a professional artist...</p> <p><u>Proposed Artist:</u></p> <p>Daniel Giuffre’s CV has been received upon request. The Town understand that he has partnered with a number of established artists for over five years, with a range of responsibilities. While it is understood that he earns more than 50% of his income from arts related activities, this covers one of the two required categories listed above. This project might be a good opportunity to introduce a professional artist to work with Daniel to develop the concept of the artwork that forms a significant component of the building façade.</p> <p>3. Context: The artwork is site specific...</p> <p>Town Officers are of the belief that this concept requires to be developed further. While the concept seems to be geographically based on map patterns of street/houses, this is not unique to Victoria Park and is not reflective of the unique place. The concept is not unique, the screen design lacks innovation. The imagery submitted by the Artist shows some highly successful artworks, and the Towns Officers believe the proposed concept needs to be developed and progressed further accordingly. Town’s Officers query whether the art proposed could be a missed opportunity to engage with future residents and visitors to create a more meaningful, engaging artwork.</p>
Parks	<p>Appropriate conditions and advice notes provided.</p> <p>Specific advice notes are included regarding street tree selection, plant selection in proximity to pedestrian traffic areas and ongoing landscaping maintenance.</p>
Waste	<p>Appropriate conditions and advice notes provided.</p>

Private companies engaged for removal of waste are required to adhere to *Environmental Protection (Noise) Regulations 1997*, which stipulate a variety of control measures such as certain decibels levels for various times of day, characteristics of noise and certain noisy activities that are allowed within a given time frame.

## 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	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	<p>Recommendation to be provided to the WAPC within statutory timeframes.</p> <p>WAPC may determine development application without the Town's recommendation.</p>	<p>High</p> <p>High</p>	<p>Likely</p> <p>Medium</p>	<p>High</p> <p>High</p>	<p>Medium</p> <p>Medium</p>	<p>Provide recommendation following OCM</p> <p>Provide recommendation following OCM</p>
Reputation	Negative public perception towards the Town if the recommendation is not supported.	Moderate	Likely	High	Medium	Ensure that conditions and advice notes are complied with if development is approved.
Service delivery	Not applicable.					

## Financial implications

<b>Current budget impact</b>	This referral has financial implications to the extent that the Town does not receive any fee or financial compensation for providing comments and draft conditions to the SDAU.
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**Future budget impact**

Not applicable.

## Analysis

### Land Use

12. With regard to the land use, under the Zoning Table of TPS1 a "Nursing Home" is an 'AA' use within a 'Residential' zone, which means that it is not permitted unless the decision maker has exercised its discretion. Part of the subject site currently contains a "Nursing Home" which was approved in 1968. The development is replacing an existing "Nursing Home" on part of the site, and therefore the Town has already exercised its discretion in approving the use previously. The land use will therefore not be further assessed.
13. A café within a Residential Zone is an 'X' use, meaning that the use is prohibited. The café use is incidental to the main land use of "Nursing Home". An incidental use is defined as *"a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use"*. The café will be for used by occupants and their visitors only.

### Street Setback

14. The existing development and the proposed development both have frontage to Duncan Street and therefore Duncan Street is considered the primary street and Shepperton Road the secondary street for the purpose of the assessment.

Required	Provided	Discretion
Primary Street Duncan Street Setback – 4 metres	Ground floor 2.1 metres	1.9 metres
	Upper floors 0.9 metres	3.1 metres
Secondary Street Shepperton Road Setback – 1 metre	Ground floor – 2.1 metres	Nil
	First floor – 1 metre	Nil
	Upper floors – 0.9 metres	0.1 metres

15. Due to the nature of the development and its location on a major intersection within the Town of Victoria Park, the reduced setbacks to Duncan Street and Shepperton Road will allow for an improved connection to the public realm and footpaths through the incorporation of seating, increased landscaping and passive surveillance.
16. The proposed reduced setbacks are therefore considered appropriate in the context of the subject site and are supported.

### Lot Boundary Setbacks

17. LPP3 requires non-residential development to be setback from side boundaries as per the requirements for residential development under the Residential Design Codes. Furthermore, the 'Victoria Park Precinct – Precinct 6', does not allow multiple dwellings on this site. The lot boundary setbacks are therefore to be assessed against Table 2a and 2b of the Residential Design Codes Volume 1.
18. The development largely proposes compliant side setbacks with the exception of the third floor north-east setback where a 3 metre setback is proposed in lieu of 4 metres.

19. Whilst this setback proposes a 1 metre variation, due to the height of this portion of the wall, an increase to the setback would have no perceived benefit or reduce the overall scale of the development to the adjoining properties.

**Building Height**

20. The objectives of the ‘Victoria Park Precinct’ Residential zone note that:

*“Single houses and group housing will occupy a large portion of the precinct, in line with the R-Codes R40 standards. No multiple dwellings will be permitted in these locations”.*

Required	Provided	Discretion
R40 Zoning – Two Storeys/7 metres for a concealed roof	Four storeys plus basement and roof terrace	Two storeys/11.13 metres

21. The development to the east and south of the proposed development are single and two storey dwellings consistent with the objectives of the Precinct.

22. Whilst it is acknowledged that the Ursula Frayne School (opposite) has portions of development which are three storeys in height, the buildings located towards the Duncan Street lot boundaries are single and two storeys in height.

23. The proposed building height in combination with the slope of the site results in a substantially larger building than that permitted for the site. The overall building height is considered to be out of context with the immediately surrounding area and disrupt the existing streetscape.

**Plot Ratio**

24. The Town’s Town Planning Scheme No. 1 defines plot ratio as:

*“Plot ratio area –*

*Non-Residential Development: The ratio of the gross total area of fully enclosed covered areas of a building(s) on a site to the area of land in the site boundaries, excluding –*

- Toilets and bathrooms;*
- Lift shafts, stairs and stair landings;*
- Machinery, air-conditioning, storage, equipment and plant rooms;*
- Lobbies and circulation spaces common to two or more tenancies;*
- Staff tea preparation, lunch areas and amenities;*
- Staff change room locker facilities;*
- Areas used for the parking of vehicles at or below ground level;*
- Balconies, verandahs, terraces and courtyards; and*
- Space that is wholly below natural ground level.”*

Required	Provided	Discretion
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R40 Zoning – 0.6/1,699.8 square metres	1.08/3,057 square metres	0.48/1,387.2 square metres
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25. In the calculation, the lobbies and circulation spaces have not been included.
26. Whilst it is acknowledged that the building has been configured to allow natural light throughout the entire development with the large void area central to the building, these features are beneficial to the future tenants only and do not minimise the appearance of building bulk from the surrounding area.
27. The additional plot ratio in combination with the building height, results in excessive building bulk and scale which is out of context with the surrounding properties and that contemplated under TPS1.

### **Car Parking**

28. The development requires a total of 55 car bays, with a total of 55 car bays being provided on the site. The Town's Local Planning Policy No. 23 Clause 6.1 d) states *"Where tandem car parking is proposed for a non-residential use, only one of the two tandem car bays shall be calculated as part of the approved car parking requirement for the development"*. This results in 51 car bays being calculated as being provided on site resulting in a 4 car bay shortfall.
29. The applicant has advised that *"The tandem bays will not be for visitors, and as such, do not present a problem for viable use. Roshana Management will ensure use of the tandem bays for staff will operate effectively, particularly for staff who are there all day"*.
30. The Town does not dispute the use of the car bays, and the parking configuration is therefore considered acceptable.

### **Location of Vehicular Access**

31. The Town's Local Planning Policy No. 3 Clause 11 f) states that *"Where a vehicular access way or car parking area is located adjacent to any residential property and is unable to be (re)located elsewhere, shall be setback behind a barrier to protect neighbouring boundary fencing that incorporates a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property."*
32. The development proposes a 0.8 metre setback including a 400mm landscaping strip and a 400mm dividing barrier to the vehicle entrance. The existing single house has no setback to the driveway and the dividing fence.
33. The reduced setback of the driveway is considered a minor variation. The setback proposes five 200L trees within the landscaping strip which will ensure that the access way is clearly defined and separated from the neighbouring properties access.

## **Retaining Wall**

34. The R-Codes Volume 1 Clause 5.3.8 C8 states *"retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setbacks provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary"*.
35. The development proposes a 2.2 metre high retaining wall along the lot boundary to Shepperton Road. The retaining wall is to the deliveries and bin wash area within the basement car park. The retaining wall is proposed to incorporate landscape planter beds which are anticipated to soften the appearance of the wall.
36. The current development has dense bottlebrush trees along the entire Shepperton Road frontage which exceed a height of 2.2 metres. The redevelopment will provide increased passive surveillance to Shepperton Road and improve the interaction with the street. In this instance, the retaining wall is considered acceptable.

## **Submissions received by the State Development Assessment Unit**

37. The State Development Assessment Unit have advised that a total of 22 submissions were received. Of the submissions received 23% (5 submissions) supported the proposal, 18% (4 submissions) supported the proposal with changes and 59% (13 submissions) objected to the proposal. A summary of the submissions provided by the SDAU is as follows:
- *The key concerns raised in the objections were that the four storey proposal and aged care facility do not fit within the single storey residential character area and the development will increase traffic and congestion problems at the adjacent intersection / traffic lights which is considered to be already congested and unsafe.*
  - *Individuals that requested changes included improving traffic / road works in the surrounding area, retaining the residential dwelling, and reducing building height.*
  - *Individuals that supported the proposal considered it a positive addition to the locality and suitable for the main road.*
  - *A petition was also received with 88 signatures objecting due to traffic, height and impact on local character.*

## **Town's Design Review Panel**

38. Prior to the JDAP application being withdrawn by the applicant, the proposed development was presented to the Town's Design Review Panel (DRP) for comments on a number of occasions. It is noted that the role of the DRP is to provide feedback on design based issues, and the DRP are not bound by the current planning framework in providing their advice. The application was withdrawn prior to being presented to a final DRP meeting, however the following comments were made in August 2020:
- The scale of the development is appropriate to its corner site location next to an arterial road.
  - The design achieves a quality urban design perspective which sensitively transitions to its neighbours.
  - The architectural resolution is a good outcome which has positively responded to nearly all of the issues raised previously by the Design Review Panel.

- This is one of the best designs that has been seen all year. Extremely good response to its location. Understands the challenges of this type of building being a nursing home and getting them to function and respond to the demands.
- There is still concern regarding the solar penetration and heat loads to the Duncan Street elevation. It is expected that the metal grid/artwork is unlikely to do anything. There is a large concern about the use of the north eastern areas on a summer afternoon. The heat will likely become unbearable.
- Acoustic details still not provided. Preliminary information needs to be provided to ensure that any potential issues are able to be addressed and funding is made available to address any potential issues.
- Operational plan to be prepared to address the use and noise of the terrace.
- Resource energy report requires initial preliminary advice on heat loading, solar penetration etc. to ensure that they are capable of being addressed in the building permit.
- The wall inclusive of fire boosters, adjacent to the driveway does not provide compliant visual sightlines.
- Commitment in materiality through the building permit. A condition to be imposed on the development application which requires the final materials and finishes to be reverted back to the Design Review Panel for approval prior to a building permit being issued. Materials do provide a sensitivity to the locality currently. This would also confirm the exhaust details to Shepperton Road.
- Applicant to advise how the open stair down to the fire pump room on Shepperton Road and the fire exit stairs adjoining the vehicle access to Duncan Street will be secured.
- Bringing the alfresco out to the street is a good move, however there is a step down between the alfresco and the café FFL. Concern regarding the connection and usability between the café and the alfresco.
- Public Art should be created by a professional artist. The use of the screening and lighting is a really exciting opportunity. Art and architecture should be linked.
- Applicant needs to consider how to alleviate any noise issues associated with the air-conditioning plant which will likely be required to operate 24/7.
- The Fire Booster does not show all the labelling etc. that is required.
- Applicant to advise how the grease trap will be accessed due to its location.
- Overshadowing will likely still be imposing on the adjoining property to Shepperton Road.
- The Design Review Panel commends the applicant and architect on working with them to achieve ultimately assist a really good design getting even better.

### **On Balance**

39. On balance, the proposed development is premature to the future Town Planning Scheme. Whilst the Town will produce a new Town Planning Scheme, the Minister of Planning with the Western Australian Planning Commission will ultimately make the determination on any future Scheme and may alter the acceptability of what is permitted within this area.

### **Process for determination of application**

40. Once the Town has provided referral comments, the SDAU will undertake a detailed assessment of the proposal, consider community feedback received during the consultation period, give due regard to comments submitted by referral agencies, and prepared a report and final recommendation to the WAPC. The application will ultimately be determined at a WAPC meeting, which will be convened in a similar manner to DAP meetings insofar as being open to the public to attend and make deputations. If approval is granted, the WAPC will be responsible for clearing all relevant conditions of the development approval in consultation with the Town and other State Government departments. It is noted that the Town will still be responsible for issuing a Building Permit for the development.

## **Further consideration**

41. Further commentary is provided in response to written submissions contained in the applicant's planning report. A significant basis for the applicant's justification for the proposed development is their assumption that as the site is located within close proximity of the Victoria Park train station, that future planning and development of the area will be for higher density development of a greater scale than that currently existing. While this assumption is understood, it is incorrect. In this regard, notwithstanding the site location close to the Victoria Park train station, the Town's draft Local Planning Strategy recognises the significant proportion of original character housing in proximity to the site, and therefore to avoid a conflict between higher density development and retention of the area's character, it does not recommend increased density and development in the area. As stated above, the draft local Planning Strategy identifies the site as being within the area 'Character Area East and West' and recommends that the zoning and densities of the current Scheme be retained in the new Scheme.
42. It should be noted that the WAPC have granted the Town consent to advertise the draft Local Planning Strategy, inclusive of the proposals as described above relating to the subject site and the land around it. Officers of the Department of Planning, Lands and Heritage did question this proposal in discussions with Council Officers, but having then agreed to advertising of the draft Strategy without modifications in relation to this proposal, appear to have accepted the rationale for this.



## COUNCIL RESOLUTION (12/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

1. That Council advise the Western Australian Planning Commission that the development application for the proposed Residential Aged Care Facility at Nos. 16-20 Duncan Street, Victoria Park is on balance not supported for the following reasons:
  - (a) The proposal is inconsistent with the intent of the Town of Victoria Park Town Planning Scheme No. 1 Precinct Plan 6 – Victoria Park Precinct which requires the retention of existing housing and the promotion of selective and sensitive redevelopment in line with existing style, scale and character;
  - (b) The proposal is not considered to be consistent with orderly and proper planning as the development is incompatible with its setting due to the likely impact the height, bulk and scale will have on the amenity of the existing adjoining locality; and
  - (c) Consideration of the submissions received.
2. That Council provides 'without prejudice' conditions and advice notes, in the event the Western Australian Planning Commission approves the application (refer to Attachment 8).

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 12.4 Update on the activities of the Trackless Tram Investigation Consortium

<b>Location</b>	Bentley Burswood East Victoria Park Victoria Park
<b>Reporting officer</b>	David Doy
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Trackless Tram Investigation Consortium - Sustainable Centres of Tomorrow [<b>12.4.1</b> - 32 pages]</li> <li>2. Trackless Tram Investigation Consortium - Trackless Trams and Transit Activated Corridors in Perth [<b>12.4.2</b> - 80 pages]</li> </ol>

### Recommendation

That Council:

1. Notes the following reports prepared by the Trackless Tram Investigation Consortium:
  - (a) Sustainable Centres of Tomorrow: People and Place
  - (b) Trackless Trams and Transit Activated Corridors in Perth – Mid-Tier Transit and Urban Regeneration
2. Notes that the Trackless Tram Investigation Consortium will continue to advocate for options outlined in the above reports.

### Purpose

To provide update on the ongoing investigations into a Trackless Tram network across inner Perth including the Town of Victoria Park.

### In brief

- In the 2019-20 financial year the Town budgeted \$25,000 to participate in the Trackless Tram Investigation Consortium.

### Background

1. The Town's Integrated Movement and Network Strategy (2013) (IMNS) outlines the Town's strategy toward transport in the Town and provides the following strategy with respect to public transport:
 

*"Resources and revenue used to provide greatly improved Public Transport services and infrastructure (including light rail and creation of "super stops"); development requirements linked to public transport; safeguarding of rail reserves, etc."*
2. The IMNS contemplates Light Rail as a mid-tier transit system to be developed in the medium to longer term. Development of a Light Rail system was under consideration by the State Government in 2013 when the IMNS was developed.
3. The proposed Light Rail of that time was identified on the Causeway, Albany Highway, and Kent St, concluding at Curtin University. The Town identified Albany Hwy and Shepperton Road as alignment options requiring further investigation (see action PT7 of the IMNS).

4. Since that time the State Government has shifted its focus to the expansion of the existing heavy rail network and development of train station precincts (known as METRONET).
5. While the Town supports a Light Rail solution in the IMNS, any mid-tier transit solution is likely to satisfy the intent of the strategy as well as support aspirational outcomes identified in other Town strategies such as the Draft Local Planning Strategy. A new mid-tier technology known as a Trackless Tram has emerged in recent years in China and Europe. This new electric technology offers a high standard of service that is more readily implementable and potentially provided at a lower cost than traditional light rail solutions. The Trackless Tram System (TTS) offers a range of advantages over a traditional bus system which make it more likely to catalyse urban regeneration in addition to providing superior transport outcomes.
6. Subsequently, the Town has been participating in an investigation into a Trackless Tram network in Inner Perth since 2018. The group undertaking this investigation is referred to as the Trackless Tram Investigation Consortium (TTIC).
7. The TTIC is comprised of the following institutions:
  - a. Curtin University (lead)
  - b. Town of Victoria Park
  - c. City of Stirling
  - d. City of Perth
  - e. City of Canning; and
  - f. City of Vincent
8. A range of State Authorities and private institutions have also participated to varying degrees including (but not limited to):
  - a. Existing transit / bus network operators (including Keolis Downer, Swan Transit, Transdev, Comfort Delgro)
  - b. Public Transport Authority
  - c. Department of Transport
  - d. Department of Planning, Land and Heritage
  - e. Development WA
  - f. Department of Communities
  - g. Western Australian Planning Commission
  - h. Property Council
  - i. Main Roads WA
  - j. Western Power
  - k. Western Australian Local Government Association
9. To date the Town has contributed \$41,500 to the investigation with no more funds intended to be expended on the investigation.
10. The TTIC's investigation are broken into two streams:
  - a. Investigation into the Trackless Tram technology (including importing the preferred technology and testing it in Western Australian conditions); and
  - b. Investigation into the preferred route(s) for a Trackless Tram based on a range of considerations. Local Governments role and contribution is primarily focused on this second stream.

11. The TTIC have now completed two pieces of work (authored by the Sustainable Built Environment National Research Centre – via Curtin University) which can be used as a basis for advocacy to State and Federal Government by the TTIC participants. They are:
- Sustainable Centres of Tomorrow: People and Place – Final Industry Report (contained in Attachment 1).
  - Trackless Trams and Transit Activated Corridors in Perth – Mid-Tier Transit and Urban Regeneration (contained in Attachment 2)

A summary of the recommendations and next steps is contained in the analysis section below.

## Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	A high-quality mid-tier transit system would catalyse development along Albany Highway, supporting population growth and by extension the resilience of the local economy.

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.	A high-quality mid-tier transit system would improve local accessibility and reduce reliance on private vehicles.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	A high-quality mid-tier transit system represents an environmentally friendly option that would directly contribute to the strength of the local economy. Anyone would be able to use this system and the location of the proposed and the nature of the supporting infrastructure makes is a superior option than that current bus network.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The use of active transport modes has significant public health benefits.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite	Updated on the progress of the TTIC at regular intervals
Technical Services	Participation at TTIC workshops
Place Planning	Lead representative from the Town, including attendance at all TTIC meetings and participation at TTIC workshops.

External engagement	
Stakeholders	<i>What groups of people within the community did you engage with? E.g. business owners, residents.</i>
Local Government Participants	Attendance at all TTIC meetings and participation at TTIC workshops. At the Town this included: <ul style="list-style-type: none"> <li>• Chief executive officer (early TTIC meetings)</li> <li>• Chief Operations Officer (early TTIC meetings)</li> <li>• Manager Place Planning (all TTIC meetings and workshops once the group was setup and responsibility was handed over by CEO and COO)</li> <li>• Senior Place Leader (Strategic Planning) - Route investigation workshops</li> <li>• Principal Traffic and Design Coordinator – Route investigation workshops</li> </ul>
Curtin University	Project lead
Department of Transport	Attendance at some TTIC meetings and participation at TTIC workshops.
Main Roads WA	Participation at TTIC workshops.
Public Transport Authority	Participation at TTIC workshops.
Western Power	Participation at TTIC workshops.

## 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		N/A		N/A	N/A	N/A	Low		
Environmental		N/A		N/A	N/A	N/A	Medium		
Health and safety		N/A		N/A	N/A	N/A	Low		
Infrastructure/ ICT systems/ utilities		N/A		N/A	N/A	N/A	Medium		
Legislative compliance		N/A		N/A	N/A	N/A	Low		

Reputation	Advocating for a mid-tier TTS could negatively impact the relationship with State Transport Authorities and the Minister for Transport & Planning	Minor	Unlikely	Low	Low	TREAT risk by carefully planning advocacy efforts and implementing in a sensitive and organized manner.
Service delivery	N/A	N/A	N/A	N/A	Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Nil.

## Analysis

12. The TTIC has supported Curtin University to produce two (2) key reports which can now form the basis for advocacy activities to Federal and State Government in aid of a high-quality mid-tier transit system (potentially Trackless Trams) being progressed in Inner Perth, including the Town of Victoria Park.

### Sustainable Centres of Tomorrow: People and Place (Attachment 1)

13. Is a higher-level report that outlines the benefits of a TTS. This report provides an easy to read introduction into how mid-tier transit (specifically a TTS) can support urban regeneration.

### Trackless Trams and Transit Activated Corridors in Perth – Mid-Tier Transit and Urban Regeneration (Attachment 2)

14. This report provides a summary of how a Trackless Tram route or routes could be delivered in Perth across three options. The report does not prefer one option over the other – all options can be delivered and they link with one another.

15. A TTS is defined as a mid-tier system. A mid-tier transit system benefits from a dedicated transit lane along main roads, and not a completely separate permanent reserve as with a heavy rail (first tier system). The three mid-tier technologies available are Bus Rapid Transit (BRT), Light Rail Transit (LRT) and a TTS.

16. Although the Town supports an LRT in the IMNS, the Town is interested in investigating a TTS because:

- It is electric with batteries on the roof (making it much cleaner and quieter for people therefore enabling urban development around its stations);
- It is designed to move smoothly down a road with rubber wheels with special stabilisation in its axles/bogeyes and sensors that have come from autonomous vehicle technology that guide it very precisely;
- It is significantly cheaper and quicker to build than a light rail as a result of not needing rail tracks or an overhead catenary.

17. The report also discusses the ability for the TTS to enable urban development around Trackless Tram stations which the Town agrees with (subject to parameters within the planning framework of the time). The report also discusses cost share arrangements with private developers for the funding of these stations and the Town is less convinced on this point and therefore forecasts the cost for these stations being the responsibility of the Government (Federal and State).
18. Option 1 is named 'Perth Central to Morley' and connects Burswood Station to the Perth CBD and the new Morley Train Station by Beaufort Street.
19. Option 2 is named 'Cannington to Scarborough' and connects the Cannington City Centre (Carousel), to Curtin University, to Albany Highway (via Kent St), to the Perth CBD (via the Causeway), to Leederville then Mt Hawthorn and onto Scarborough Beach via Scarborough Beach Road.
20. Option 3 is named 'METRONET Connectors' and identified a range of east-west connects to enable the North-South METRONET corridors to work better. These connections include:
  - a. Karrinyup-Morley: From North Beach to Karrinyup Shopping Centre to Karrinyup Station then linking the new Morley station on the Ellenbrook line to Morley Shopping Centre and then down Beaufort Street to Perth as in Figure 5.5.
  - b. Hillarys-Greenwood-Kingsway: From the Hillarys Marina to Greenwood station then to Wanneroo Road Kingsway Shopping Centre.
  - c. Cannington-Scarborough: as in Figure 5.6
  - d. Fremantle-Armadale: South Street to Murdoch Station then on to Randford Road and Armadale Road to Armadale.
  - e. Rockingham: From the station to Read Street Shopping centre to the Rockingham Beach Area.
  - f. Mandurah: Station to Mandurah Waterfront.
21. The report provides an outline of next steps, although these steps are largely more academic work with various investigations and reports identified. It is the Town's view that the next step is to advocate for a TTS mid-tier system in Perth, specifically Option 1 and/or Option 2. It is important to note that the current State Government is committed to delivering the METRONET program of work and that an investment in a Trackless Tram network is not likely to occur in the short to medium term. Consequently advocacy efforts by the TTIC members need to reflect this reality.
22. The section within the report titled 'The Project Benefits' (see page 50) provides excellent content for future advocacy efforts. Therefore it is the Town's view that the TTIC should develop clear advocacy tasks to undertake with key stakeholders, especially within Federal and State Government.
23. The Town will now engage with the TTIC members to develop clear advocacy tasks that can be undertaken by participating members.

## COUNCIL RESOLUTION (13/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Notes the following reports prepared by the Trackless Tram Investigation Consortium:
  - (a) Sustainable Centres of Tomorrow: People and Place
  - (b) Trackless Trams and Transit Activated Corridors in Perth – Mid-Tier Transit and Urban Regeneration
2. Notes that the Trackless Tram Investigation Consortium will continue to advocate for options outlined in the above reports.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



## 12.5 Adoption of Fencing Local Law 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	David Aitken
<b>Responsible officer</b>	Robert Cruickshank / Laura Sabitzer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Fencing Local Law 2020 Final for adoption [ <b>12.5.1</b> - 20 pages] 2. Public submissions - Proposed Fencing Local Law 2020 [ <b>12.5.2</b> - 2 pages]

### Recommendation

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Fencing Local Law 2020*; and
2. Makes the *Town of Victoria Park Fencing Local Law 2020* as at Attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

### Purpose and effect

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

The effect of this local law is to establish the minimum requirements for fencing within the district.

### Purpose

To consider submissions received in relation to the proposed *Fencing Local Law 2020* and make the *Fencing Local Law 2020*.

### In brief

- As required by law, consultation commenced on the proposed *Fencing Local Law 2020* on 1 October 2020 and closed on 21 November 2020.
- It is recommended the *Fencing Local Law 2021* be made with minor amendments.

### Background

1. 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. As a result of this review, Council at its meeting on 15 September 2020 resolved to give notice of its proposed *Fencing Local Law 2020*.
2. 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:
  - what fences may look like;
  - how fences are to be constructed;

- what materials can be used in construction; and
  - to what standards they are to be built.
3. 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. A statutory review of this local law was conducted in accordance with section 3.16 of the *Local Government Act 1995* and Council resolved to replace the current local law.
  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:
    - any substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or
    - any fence determined to be a sufficient fence by the court pursuant to the *Dividing Fences Act 1961*.
  6. Further background information relating to this proposed law can be found in the report of 15 September 2020.

## 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 was closely involved in the development of sections of the local law relating particularly to front fencing and development 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.
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External engagement	
Stakeholders	All community members
Period of engagement	1 October 2020 to 21 November 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts and written submissions
Advertising	Southern Gazette Social Media Website Public notice boards Your Thoughts monthly email
Submission summary	3 submissions were received, all in support, one of which sought a modification. A summary of public submissions received can be viewed at Attachment 2.
Key findings	The submitters support the local law, provided aluminum is permitted for fencing.

Other engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	The Department of Local Government, Sport and Cultural Industries provided a submission containing some brief comments regarding the proposed law, they also suggested the insertion of clauses relating to the transfer and cancellation of approvals.
Department of Mines, Industry Regulation and Safety.	The Department of Mines, Industry Regulation and Safety was contacted via the Minister for Commerce, as required by the Act. The department did not provide any 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	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 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

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

## Analysis

- In accordance with section 3.12 of the *Local Government Act 1995*, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks. In total the submissions period was open for 52 days. In that period 3 submissions from the public were received. In addition, a submission was received from the Department of Local Government, Sport and Cultural Industries (the Department).
- The Department's submission provided for technical amendments to the local law. They also suggested the insertion of clauses relating to the transfer and cancellation of approvals given under the local law. The Town accordingly sought external legal advice, as a result, clauses have been added regarding expiry and cancellation of approvals. Transfer of approval is covered by clause 24 as the approval is tied to the lot and transfers with the ownership of the lot.

9. One submission from a member of the public proposed a change, to allow aluminum fencing. This comment is supported, as aluminum fencing is a common material used for infill panels of street fencing in residential areas. The Fencing Local Law at Schedule 1 has been amended accordingly.

## Relevant documents

Not applicable.

## Further consideration

10. At the Agenda Briefing Forum, a question was raised in relation to front fencing exceeding a height of 1.2m. The Manager Development Services advised that under the Town's Local Planning Policy 'Streetscape' fencing exceeding a height of 1.2m is permitted, on the basis that the portion of fencing above a height of 0.6m is visually permeable.
11. For further clarification, clause 10 of the proposed Fencing Local Law outlines that approval is required for front fencing exceeding a height of 1.2m. Typically this approval is not an approval under the Fencing Local Law but is by way of development approval. In assessing an application for development approval, Officers have regard to the criteria outlined in the Local Planning Policy 'Streetscape' in order to determine whether or not to approve a proposed fence.

Cr Luana Lisandro left the meeting at 07:59 and returned at 8:02pm.

### AMENDMENT:

**Moved:** Mayor Karen Vernon

**Seconder:** Cr Jesvin Karimi

Amend clause 2 of the recommendation to delete '2020' and insert '2021'.

**CARRIED (8 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### Reason:

We are now in 2021.

## COUNCIL RESOLUTION (14/2021):

**Moved:** Cr Vicki Potter

**Seconded:** Cr Claire Anderson

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Fencing Local Law 2021*; and
2. Makes the *Town of Victoria Park Fencing Local Law 2021* as at Attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

### **Purpose and effect**

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

The effect of this local law is to establish the minimum requirements for fencing within the district.

**CARRIED (8 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 12.6 Establishment of a Hockey Working Group

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ellie Van Rhyn
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

- Establishes the Hockey Working Group for the purpose of advising Council on the future sporting requirements of the Victoria Park Xavier Hockey Club, including but not limited to:
  - Locations within the Town that accommodate grass and/or synthetic hockey fields consistent with the Town's Public Open Space Strategy;
  - Club house requirements including storage;
  - Partnership opportunities with private and public institutions; and
  - Funding opportunities.
- Endorses membership of the group to include the following:
  - Victoria Park Xavier Hockey Club – up to 3 members;
  - Hockey WA – 1 member;
  - Community Representatives – up to 2 members;
  - Elected Members – up to 3 members; and
  - Town Officers – up to 3 members.
- Advertises the establishment of the Hockey Working Group, its 2 community member vacancies and seeks applications from candidates that meet the following criteria:
  - Resident or ratepayer of the Town of Victoria Park; and
  - Commitment to the time and effort required in joining the group; and
  - Experience in working in a collaborative manner; and
  - A strong interest in community sport; and
  - No direct association with the Victoria Park Xavier Hockey Club; and either:
  - Relevant experience and/or knowledge in hockey club requirements; or
  - Experience working in a community group or on projects of community benefit.
- Requests that the Chief Executive Officer presents a further report back to Council by April 2021 with a recommendation on community member appointments in line with point 3 above.

### Purpose

To form a new Hockey Working Group that aligns with Policy 101 Governance of Council Advisory and Working Groups.

### In brief

- In alignment with Council resolution 602/2020, the Town, together with representatives from the Victoria Park Xavier Hockey Club, Hockey WA and Council, met on 5 February 2021 to discuss future sporting requirements and the proposed hockey working group.
- To align with Policy 101 Governance of Council Advisory and Working Groups, the Town is seeking endorsement on the purpose, objective and membership of the proposed Hockey Working Group.

Additionally, the Town is seeking endorsement of the criteria to be utilised in the selection of the community members.

- Once this endorsement is received, the Town will advertise for community membership appointments, and report back to Council with appointment recommendations.

## Background

1. For a number of years, the Town has been liaising with the Victoria Park Xavier Hockey Club (the Club) to understand the Clubs needs in terms of turf and grass facilities.
2. Locations within the Town have been investigated as potential sites for a synthetic hockey turf, however, to date, no site has been found to be appropriate.
3. Most recently, the Town undertook a Masterplan for Higgins Park and Playfield Reserve, with a portion of the scope being to determine its appropriateness as a location for a synthetic hockey turf. While not deemed appropriate for this location, the resolution of this Masterplan determined a process for future engagement with the Club.
4. Resolution 602/2020 from the December 2020 Special Council Meeting states: Council requested the CEO to:
  - a. organise a meeting by the end of February 2021 between the Victoria Park Xavier Hockey Club, representatives of Council, the Town and Hockey WA to discuss the future sporting requirements of the Hockey Club;
  - b. establish a working group by March 2021 comprising members of the Victoria Park Xavier Hockey Club, councillors, Hockey WA and community representatives to advise Council on the future sporting requirements of the Hockey Club;
  - c. report to Council at its ordinary meeting in March 2021 as to the outcome of the meeting and the establishment of a working group.

## 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.	Advertising for community members to join the Hockey Working Group will ensure the community is authentically engaged in the process.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The establishment of a Hockey Working Group, with membership as noted within the recommendation, will ensure the community members and the representatives from the community sporting Club feel empowered.



## Engagement

Other engagement	
Stakeholder	Comments
Victoria Park Xavier Hockey Club	The Club have reviewed and are supportive of the proposed purpose, objective and membership of the working group. They have also reviewed and are supportive of the selection criteria for the community members.
Hockey WA	Hockey WA have reviewed and are supportive of the proposed purpose, objective and membership of the working group. They have also reviewed and are supportive of the selection criteria for the community members.

## 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					Low	
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities					Medium	
Legislative compliance					Low	
Reputation	High-quality applications for the group are not received.	Minor	Unlikely	Low	Low	TREAT - Strong communications campaign to attract EOI's and the option of running a second EOI round if insufficient quality applications are received.
Service delivery	The recommendations are not endorsed and delays occur in	Minor	Possible	Medium	Medium	ACCEPT

the establishment of the working group.

## Financial implications

<b>Current budget impact</b>	Not Applicable.
<b>Future budget impact</b>	Not Applicable.

## Analysis

5. In alignment with resolution 602/2020, representatives from the Club, Hockey WA, Council and Town met on 5 February 2021. The intention of this meeting was to:
  - a. Discuss the establishment and processes of a Working Group, and
  - b. Ensure the Town has a thorough understanding of the Clubs sporting requirements.
6. At this meeting, the draft purpose, objective and membership of the proposed Hockey Working Group were reviewed, edited and endorsed. These have been included verbatim within the recommendation.
7. In order to align with Policy 101 Governance of Council Advisory and Working Groups, the Town are now seeking Council endorsement of the establishment of a Hockey Working Group based on the purpose, objective and membership, as noted within the recommendation.
8. The Town is also seeking endorsement of the selection criteria proposed for community members. This selection criteria has been based on community member selection criteria from similar Town of Victoria Park Working Groups, with adjustment to suit this particular need. These have been reviewed, edited and endorsed by those present at the 5 February 2021 meeting.
9. The proposed term for the Hockey Working Group is 24 months, with an intention to meet up to every two months, or as deemed appropriate by the established Hockey Working Group.
10. Should the recommendation of this report be endorsed, the Town will advertise for community member Expressions of Interest for a period of two weeks, as required within Policy 101 Governance of Council Advisory and Working Groups.
11. Following the receipt and evaluation of these Expressions of Interest against the endorsed selection criteria, a further report will be submitted to Council in April 2021 recommending the membership of this Working Group.
12. Resolution 602/2020 states that the establishment of this Working Group should be reported to Council in March 2021. The requirement of Policy 101 to have Council endorse both the selection criteria and then the recommended nomination for community membership, together with the internal deadlines for Council reporting, make a March 2021 report unachievable. Therefore, the April 2021 report, as in point 11 above, is proposed instead.

## Relevant documents

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

## COUNCIL RESOLUTION (15/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Establishes the Hockey Working Group for the purpose of advising Council on the future sporting requirements of the Victoria Park Xavier Hockey Club, including but not limited to:
  - a) Locations within the Town that accommodate grass and/or synthetic hockey fields consistent with the Town's Public Open Space Strategy;
  - b) Club house requirements including storage;
  - c) Partnership opportunities with private and public institutions; and
  - d) Funding opportunities.
2. Endorses membership of the group to include the following:
  - a) Victoria Park Xavier Hockey Club – up to 3 members;
  - b) Hockey WA – 1 member;
  - c) Community Representatives – up to 2 members;
  - d) Elected Members – up to 3 members; and
  - e) Town Officers – up to 3 members.
3. Advertises the establishment of the Hockey Working Group, its 2 community member vacancies and seeks applications from candidates that meet the following criteria:
  - a) Resident or ratepayer of the Town of Victoria Park; and
  - b) Commitment to the time and effort required in joining the group; and
  - c) Experience in working in a collaborative manner; and
  - d) A strong interest in community sport; and
  - e) No direct association with the Victoria Park Xavier Hockey Club; and either:
    - f) Relevant experience and/or knowledge in hockey club requirements; or
    - g) Experience working in a community group or on projects of community benefit.
4. Requests that the Chief Executive Officer presents a further report back to Council by April 2021 with a recommendation on community member appointments in line with point 3 above.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 13 Chief Operations Officer reports

### 13.1 Adoption of Amendment (Signs on Thoroughfares) Local Law 2021

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	John Wong
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Amendment Signs on Thoroughfares Local Law 2020 Final Version [13.1.1 - 8 pages]</li><li>2. Amendment Signs on Thoroughfares Local Law 2020 Public Submissions [13.1.2 - 1 page]</li></ol>

#### Recommendation

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2020*; and
2. makes the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* as at attachment 1, in accordance with section 3.12 of the Local Government Act 1995.

#### Purpose and effect

The purpose of this local law is to amend the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to more easily provide for the regulation of advertising display signage on thoroughfares.

The effect of this local law is to amend Part 3 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

#### Purpose

To consider submissions received in relation to the proposed *Amendment (Signs on Thoroughfares) Local Law 2021* and make the *Amendment (Signs on Thoroughfares) Local Law 2021*.

#### In brief

- As required by law, consultation commenced on the proposed *Amendment (Signs on Thoroughfares) Local Law 2020* on 5 November 2020 and closed on 23 December 2020.
- It is recommended the *Amendment (Signs on Thoroughfares) Local Law 2021* be made with minor amendments.

#### Background

1. Council at its meeting on 20 October 2020 resolved to give notice of its proposed *Amendment (Signs on Thoroughfares) Local Law 2020*.
2. The Town of Victoria Park as a local government is responsible for the maintenance and management of approximately 180km of roads. As part of this role, local governments make local laws to manage activities on thoroughfares.

3. The Town currently manages activities on thoroughfares, including the display of advertising signs on them through the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*. Under this local law, a person cannot display without a permit, any sign that advertises something on a thoroughfare unless it is a "portable directional sign". In 2019 this issue was brought to the Town's attention in two cases:
  - a. An application for advertising on phone booths could not be accepted because the phone booth was located within three metres of the carriageway (kerb line) which is currently prohibited under clause 3.2 of the local law.
  - b. Businesses displaying "A-frame signs" advertising their business or stating "we're open" with some contention as to whether they could be considered 'portable direction signs' under the local law.
4. Examining nearby local governments' local laws, many have revisited and removed some of the regulations the Town currently has in place, often viewed as "red tape". In particular, some local laws such as those at the City of Vincent now make provision for "portable advertising signs" with a permit for local businesses.
5. Further information about the proposed law can be found in the report of 20 October 2020.

## 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 that a local law may be out of date (which prevents advertising) demonstrates sound governance.

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.	Removing "red tape" restrictions on businesses helps promote economic development and a vibrant business strip.

## Engagement

Internal engagement	
Stakeholder	Comments
Street improvement	Street improvement are supportive of the proposed amendments.
Assets	Assets are supportive of the proposed amendments if the Town can diversify its revenue income.
Place planning	Place planning are supportive of the proposed amendments as an economic development measure.

External engagement	
Stakeholders	
	All community members

Period of engagement	5 November 2020 to 23 December 2020
Level of engagement	2. Consult
Methods of engagement	Your thoughts and written submissions
Advertising	Southern Gazette Social Media Website Public notice boards Your thoughts monthly email
Submission summary	1 submission received in support of the local law.
Key findings	The submitters support the local law.

### Other engagement

Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	The Department of Local Government, Sport and Cultural Industries provided a submission containing some brief comments regarding the proposed law.
Kott Gunning	The Town engaged Kott Gunning to provide legal 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	Increased administrative expenditure and loss of potential revenue due to overly restrictive local law.	Moderate	Likely	High	Low	Treat risk by amending local law.

Environmental	Not applicable.					Medium	
Health and safety	Potential safety hazard on the footpath as a result of increased advertising signs.	Minor	Possible	Medium	Low	Treat risk by ensuring amended local law contains relevant provisions to protect access to the footpath and safety.	
Infrastructure/ ICT systems/ utilities	Not applicable.					Medium	
Legislative compliance	Not applicable.					Low	
Reputation	Damage to reputation with businesses as Town's advertising law is seen as overly restrictive.	Moderate	Possible	Medium	Low	Treat risk by amending the local law to allow more signage where deemed appropriate.	
Service delivery	Not applicable.					Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the budget to address this recommendation.
<b>Future budget impact</b>	The Town will lose revenue from application fees for portable street signage (which currently attract a \$45 per application fee) However, given that there are few applications this would not represent a significant loss and would benefit local businesses.

## Analysis

6. In accordance with section 3.12 of the Local Government Act 1995, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks. In total the submissions period was open for 52 days. In that period 2 submissions from the public were received (Attachment 13.1.2). In addition, a submission was received from the Department of Local Government, Sport and Cultural Industries (DLGSC).
7. The DLGSC submission provided for technical amendments to the local law, which have been made.
8. With no objections received it is recommended that the Council make the amendment local law which

will cut red tape for local businesses.

## Relevant documents

Not applicable.

## Further Considerations

9. Home open signs placed on Council verges generally do not require a permit given their small size and temporary nature of the placement.
10. All banner type signs require a permit given their height, placement and stability concerns within the road reserve.
11. Officers do not support any further amendments to clause 3.5(3).
12. The business owner has a duty of care to apply for the appropriate permits. Otherwise, banners can be impounded if found to be a hazard affecting pedestrians or other road users.

## COUNCIL RESOLUTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2020*; and
2. makes the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* as at attachment 1, in accordance with section 3.12 of the Local Government Act 1995.

## Purpose and effect

The purpose of this local law is to amend the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to more easily provide for the regulation of advertising display signage on thoroughfares.

The effect of this local law is to amend Part 3 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.



## AMENDMENT:

**Moved:** Cr Wilfred Hendriks

**Seconded:** Cr Brian Oliver

That point 2 of the officers recommendation be amended to read:

makes the Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021 as at attachment 1, in accordance with section 3.12 of the Local Government Act 1995 with the following changes to attachment 1:

- Clause 3.5(2)(b) changed to read:  
is placed or erected on a thoroughfare on an infrequent or occasional basis to direct attention to a place, activity or event during the hours or that activity or event.
- Clause 3.5 (4) - Remove the words 'direction sign and one portable advertising' so the clause reads:  
An owner or occupier of land, a building or part of a building may only erect, place or display one portable sign directly in front of their land or building pursuant to this clause 3.5 without first obtaining a permit.

### Reason:

The change in to Clause 3.5(2)(b) is to make that clause clearer and so easier to understand.

The change to Clause 4 is to limit the amount of portable signs an owner or occupier of land, a building or part of a building can place on the thoroughfare in front of their premises to one, thereby helping to reduce the visual pollution and footpath traffic blockages signs on thoroughfares can produce. This is a concern raised in one of the public submissions.

## PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Luana Lisandro

In accordance with clause 58 of the Meeting Procedures Local Law 2019 that Council suspends clause 50 Speaking twice of the Meeting Procedures Local Law 2019.

**CARRIED (9-0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## PROCEDURAL MOTION

**Moved:** Cr Brian Oliver

**Seconded:** Cr Ronnhda Potter

Under Clause 89 the motion be referred to the Council's Policy Committee.

**CARRIED (9-0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### Reason

For Council to get further clarification and advice on the Local Law clauses.

## 13.2 LPRP Zone 2X New Carlisle Park Name Options for referral to Landgate Geographic Names Committee

<b>Location</b>	Carlisle Lathlain
<b>Reporting officer</b>	Kevin Cunningham
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. 1574- Geographic-names-policies- V 3- November-2020 [ <b>13.2.1</b> - 127 pages] 2. Landgate - names - Aboriginal-and- Dual- Naming [ <b>13.2.2</b> - 8 pages]

### Recommendation

That Council endorses the following place names for submission to Landgate for Landgate's consideration and formal selection of the place name for the new park situated at 64 Bishopsgate Street, Carlisle.:

1. "Koolbardi Park" as the preferred place name.
2. "Karak-ap Park" as the next preferred alternative place name.
3. "Ngoolyak Park" as an alternative place name.

### Purpose

For Council to endorse the preferred place name and alternative place name options, for the naming of the new "64 Bishopsgate Street Carlisle" park, currently known as Lathlain Park Redevelopment Project Zone 2" for submission to Landgate.

### In brief

- The new park comprises the land bounded by Bishopsgate Street, Roberts Road and Planet Street within the suburb of Carlisle, which has had a project designation of Lathlain Precinct Redevelopment Project (LPRP) Community Activity Zone 2X.
- Coming out of the November 2018 meeting of the Lathlain Precinct Elected Member Project Team and in line with the Town Reconciliation Action Plan (RAP) endorsed in November 2018, a process commenced to rename the whole of the new Zone 2X park with a Whadjuk Noongar Aboriginal language name.
- In 2019, the then Aboriginal Engagement Advisory Group (AEAG) was invited (under the Town's Reconciliation Action Plan), to assist in preparing a list of Whadjuk Noongar Aboriginal language names for consideration.
- The authority for the naming of places comes under the Land Administration Act 1997, (the Minister for Lands) and Landgate acts on the Minister's behalf, through the Geographical Names Committee (GNC).
- The Town have followed the Landgate Guidelines to shortlist acceptable place name options to be submitted to Landgate for its consideration and selection.
- The shortlisted names were informally referred to Landgate for preliminary review, with feedback provided being positive to the suitability of the names.
- A community engagement process was initiated to share the shortlisted Whadjuk Noongar Aboriginal language names and to invite community preferences. A summary of the community feedback is shared in this report.

## Background

1. During the community informed Lathlain Precinct Redevelopment Project concept preparation, the Community Activity Zone 2 was extended to include land (Zone 2X) previously referred to as the Carlisle bowling green site and adjoining Tom Wright Reserve.
2. LPRP Zone 2X is land on the eastern side of Roberts Road in the suburb of Carlisle with the major proportion of the site being a former lawn bowls club. The contiguous site has a total area of 19,686 square metres (m<sup>2</sup>) and is described as
  - a) Lot 1000 on Diagram 10714 in C/T Volume 1059 Folio 406, having an area of 16,650 m<sup>2</sup>;
  - b) Lot 558 on Plan 1740 in C/T Volume 791 Folio 107, having an area of 1,012 m<sup>2</sup>;
  - c) Lot 559 on Plan 1740 in C/T Volume 791 Folio 107, having an area of 1,012 m<sup>2</sup>;
  - d) Lot 560 on Plan 1740 in C/T Volume 791 Folio 107, having an area of 1,012 m<sup>2</sup>.
3. The eastern end of the site has been a public park and a playground for some time and has been known for a previous City of Perth Council Elected Member, Tom Wright.
4. The portion of land which has been known as Tom Wright Reserve was named informally by the City of Perth (when they were the Local Authority for the locality) in respect to portion lot 559 and lot 560 on plan 1740. This name was not approved nor Gazetted by the State Nomenclature Advisory Committee (the precursor of the Geographic Names Committee).
5. With respect to Tom Wright Reserve:
  - a) No Town of Victoria Park records have been located that reference the naming of "Tom Wright Reserve".
  - b) The Town are anecdotally advised that the City of Perth named a number of parks within the then City after sitting Councillors, which is likely to have been the case for Councillor Tom Wright.
  - c) Research outside of the Town's records have disclosed that Thomas Herbert James Wright (born Geraldton, 1902) and his wife Mary Teresa Wright were farmers who moved to Perth around 1954 from East Chapman and resided in Carlisle.
  - d) Thomas Wright was a Perth City Councillor for Carlisle Ward from 1966 to 1981. He died in August 1986 aged 83 years.
6. The Town invited the Aboriginal Engagement Advisory Group to consider and suggest appropriate Whadjuk Noongar aboriginal language name options for the new park, which align with Landgate suitable name guidelines. Aboriginal language is spoken, and the applied spelling is phonetic and can be variable.
7. The original names proposed were:
  - a) Kaarakin Park (place of the Forest Red Tail Black Cockatoo) – because of their vulnerable conservation status and due to this locality enjoying an annual visit from family groups of these birds to feed on the fruit of the cape lilac trees in the neighbourhood, and on flowering eucalypts;
  - b) Ngoorlyark Park (White Tail Black cockatoo) – because of the endangered conservation status of this native bird and due to the occasional visits of these birds (Carnaby's) to the locality;
  - c) Koolbardi Park (Australian Magpie) – due to the year-round presence of these native birds in the neighbourhood.
8. Landgate advise they will accept the Whadjuk Noongar spelling that is provided by the Town's Aboriginal advisers.
9. During the community engagement process, members of the then newly formed Town Mindeera Advisory Group informed the Town of revised, preferred spelling of Koolbardi, Karak-ap and Ngoolyak. This revised spelling has been used in the submission to Landgate.

10. The responsibility for formally naming public places for Western Australia lies with the State Government, and under Section 26 and 26A of the [Land Administration Act 1997](#), the Minister for Lands (the Minister) has the authority for officially naming (and un-naming) in Western Australia.
11. Through delegated authority under the Act, Landgate acts on the Minister's behalf to undertake the administrative responsibilities required for the formal approval of naming submissions. Council endorsement of the proposed place names for referral to Landgate is a Town procedure and not a requirement of Landgate.
12. The Landgate naming request process is for online submission by the Town of the preferred place name and for acceptable alternative place names to be included in the supporting submission for Landgate consideration, should the preferred place name not be approved by them.
13. The final decision maker in selection and approval of the submitted place names is Landgate.

## 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	That the community and Council are informed and participate in the place name proposal for Landgate consideration and selection.

## Engagement

14. The Community Engagement Plan was prepared and managed internally by the Town's Community Engagement Advisor in the Stakeholder Relationship team.
15. The engagement was by targeted letter drop to Town residents about the new park in Carlisle and in Lathlain, and through the YourThoughts (digital online) Webpage. The YourThoughts consultation commenced on 26 October 2020 and was closed 24 November 2020.
16. During the consultation period, there were 921 total visits to the survey. The survey recorded 552 engaged participants who participated in the "quick poll". This number of responses was considered strong, and significant.
17. The purpose of the quick poll was to determine community preference for the three name options.
18. The preferences, from the pole, was
  - a) Koolbardi Park – 59.1% (326 preference votes),
  - b) Karak-ap Park – 37.3% (206 preference votes),
  - c) Ngoolyak Park – 3.6% (20 preference votes).
19. The relevant and pertinent comments in the community responses included;
  - a) from a small number of respondents (less than ten),
    - i. preference for the use of English language place names;
    - ii. for the inclusion in English of the meaning of the Whadjuk Noongar name in the park name signage.
    - iii. a caution that the suggested place names may already be in use (albeit with alternative spelling) with "Koolbardi Park" being a community park in Midland and that Ngoolyak may be shortened to what might be considered vulgar vernacular.
    - iv. comment related to the initial spelling for the Whadjuk Noongar names, based upon respondents misunderstanding of place name relevance to registered trade names, or trademarks of the trade names, for commercial use, and a perceived conflict for nominated place names with existing trade logos/names (the [Business Names Registration Act](#) is applicable to businesses).

- v. a concern that members of the public may confuse their intended travel destination if the place name was the same as a name already in (commercial) use.
  - b) A community member concern for the appropriateness for the ceasing of use of "Tom Wright Reserve" and a wish to apply that name to the whole of the new park.
20. As for para 5. above, Aboriginal language is oral, and spelling is phonetic when written which can be variable. The changes of spelling within the survey period to Karak-ap and Ngoolyak, was shared with the community during the engagement and is used in the recommendation.

<b>External engagement</b>	
Stakeholders	The invitation for engagement was targeted to the local community and residents about the new park, but responses were open to the general community.
Period of engagement	Time period that engagement was undertaken, was for 30 days which commenced on 26 October 2020 and was closed after 24 November 2020.
Level of engagement	Consult
Methods of engagement	The background purpose, proposed place names, reason for proposing those names, and procedure for the naming of places was shared in the engagement process. Community responses were received as <ul style="list-style-type: none"> <li>• votes for preference,</li> <li>• written comment within the YourThoughts survey,</li> <li>• social media queries and comments,</li> <li>• direct correspondence (email), and</li> <li>• one on one telephone conversations.</li> </ul>

## Legal compliance

- 21. Through delegated authority, Landgate acts on the Minister's behalf. The Geographical Names Committee (GNC) is convened by the Minister for Lands providing advice to, and on behalf of, the Minister on geographical naming issues.
- 22. The GNC is served by an executive officer and a secretariat, both of which are provided by Landgate. Landgate officers have the delegated authority to approve and un-approve naming submissions. Landgate behaves in accordance with the Policies and [Standards for Geographical Naming in Western Australia policy, currently at Version 01:2017](#) .
- 23. Landgate accepts applications for new place names, directed through the relevant local government, for its endorsement.
- 24. Section 5 of that policy deals with "Local Parks and Recreational Reserves".
- 25. All local park or recreational reserve names shall include as part of that name a feature class (or generic eg "park", "lake", "garden"). Where a proposed name is of Aboriginal origin, the use of a generic term with an Aboriginal name is not mandatory.
- 26. Section 7 of the policy refers to "Appropriate Use of Aboriginal Names, where any local park or recreational reserve name derived from an Aboriginal source must be local to the area and shall be endorsed by the recognised local community.

27. There are prohibitions to local park or recreational reserve naming or renaming proposals, some of which may be relevant such as the requirement for broad-based community survey having been undertaken and the naming proposal not having strong local community support.
28. Names proposed for new local parks or recreational reserves shall not be duplicated or sound similar to names used within the state. Duplicated names are any existing local park or recreational reserve name which is spelt the same or is considered to have a similar spelling or pronunciation.
29. All local park or recreational reserve naming submissions must clearly define the area or extent to which the name shall apply. The same name shall only be applied to contiguous land parcels and will not be applied to unconnected land parcels. Names shall not bisect a lot and shall only apply to whole cadastral land parcels. They may be applied to more than one land parcel.
30. The requirements of emergency service responders for clear unambiguous local park or recreational reserve naming shall also be a consideration.
31. The responsibility for formally naming public places for Western Australia lies with the State Government, and under Section 26 and 26A of the [Land Administration Act 1997](#), the Minister for Lands (the Minister) has the authority for officially naming (and un-naming) in Western Australia. Through delegated authority under the Act, Landgate acts on the Minister's behalf to undertake the administrative responsibilities required for the formal approval of naming submissions.
32. Formal Council endorsement of the proposed place names for referral to Landgate is a Town procedure and not a requirement of Landgate.
33. Proposals require the support of local government, but the Landgate (acting on the Minister's behalf) is the final authority in all such matters.

## 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	That the process for the naming of a place is not followed.	Insignificant	Possible	Low	Low	Rework. Satisfaction of the Landgate process.
Reputation	That community members or Tom Wright family members raise concern or dissatisfaction with the ceasing of the use of Tom Wright Reserve.	Moderate	Possible	Low	Low	Without need to submit to Landgate, Council may wish to name a structure within the new park after CoP Councilor Tom Wright (eg picnic shelter, nature play structure).
Reputation	That the GNC selected place name is not to Council or	Moderate	Rare	Low	Low	Resubmission, rework to determine acceptable names.

## Financial implications

<b>Current budget impact</b>	Budget already exists for this action
<b>Future budget impact</b>	Not applicable.

## Analysis

34. The LPRP Z2X project felt that the Whadjuk Noongar name Karak-ap Park for the place of the Forest Red Tail Black Cockatoo (*Calyptorhynchus banksii naso*) would be the community preferred name for the new park because of the "vulnerable" species conservation status and earlier vocal community interest.
35. The community response has shown Koolbardi Park to be preferred by 59.1% of the respondent's preference votes with Karak-ap Park receiving 37.3% and Ngoorlyak Park receiving only 3.6%
36. In the place name submission, Landgate are seeking a preferred name and alternative name options for their consideration and selection. While Landgate provided preliminary advice that these three names would be suitable for consideration, "Koolbardi" (Koolbardie Park Midland) is in use and under their guidelines (para 24.) there is a chance it may be rejected, while "Karak-ap" appears to be more unique.
37. The community engagement feedback will be shared with Landgate as part of the place name submission.
38. As "Tom Wright Reserve" is not an approved name under the Land Administration Act, it is not required for it to be unnamed through Landgate.
39. Some community members may be aggrieved by the ceasing of use of "Tom Wright Reserve". Council may wish to consider naming a structure within the new park for Tom Wright, to continue recognition. The naming of a structure does not require submission to Landgate.
40. The Town will submit the preferred place name and alternative options to Landgate in accordance with and following the Council resolution.

## Relevant documents

*Policies and Standards for Geographical Naming in Western Australia policy.*

*Aboriginal and Dual Naming A guideline for naming Western Australian geographic features and places.*

## AMENDMENT:

**Moved:** Cr Wilfred Hendriks

**Seconder:** Cr Vicki Potter

That an additional point be added to read:

2. That the Town investigates the possibility to naming a structure within Zone 2X, such as the picnic pavilion, the "cluster climber" climbing frame, or nature play equipment in honour of Tom Wright.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### **Reason:**

The Tom Wright Reserve, which was named as recognition to a longstanding Carlisle Councillor, was located next to the Bowling Club and was swallowed up with the bowling club to form Zone 2X. Naming a structure within Zone 2X in honour of Tom Wright, would ensure that he continues to get the recognition he deserves.

There members of the community concerned about Tom Wright no longer being recognised since the formation of the park. Naming a structure in the park in honour of Tom Wright would resolve this issue.

## AMENDMENT:

**Moved:** Cr Luana Lisandro

**Seconder:** Cr Brian Oliver

That an additional point be added to read:

3. Request that the Town further investigate the history of the naming of Tom Wright Reserve by the City of Perth, and that this history be recorded and some form of acknowledgement of this history be made available. That the method of historical acknowledgement is to be determined by the Town Administration.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### **Reason:**

Given that the newly combined park will feature Zone 2x (former Carlisle Lathlain Bowling Club) and Tom Wright Reserve, which was named by the City of Perth after a longstanding councillor for the Carlisle Ward. It would be fitting for the Town of Victoria Park to further investigate and record this history for future reference and acknowledgement, especially for those wishing to research the park's history in future.



## COUNCIL RESOLUTION (16/2021):

**Moved:** Cr Vicki Potter

**Seconded:** Cr Wilfred Hendriks

That Council:

1. Endorses the following place names for submission to Landgate for Landgate's consideration and formal selection of the place name for the new park situated at 64 Bishopsgate Street, Carlisle.:
  - a. "Koolbardi Park" as the preferred place name.
  - b. "Karak-ap Park" as the next preferred alternative place name.
  - c. Ngoolyak Park" as an alternative place name.
2. That the Town investigates the possibility to naming a structure with Zone 2X, such as the picnic pavilion, the "cluster climber" climbing frame, or nature play equipment in honour of Tom Wright.
3. Request that the Town further investigate the history of the naming of Tom Wright Reserve by the City of Perth, and that this history be recorded and some form of acknowledgement of this history be made available. That the method of historical acknowledgement is to be determined by the Town Administration.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### 13.3 QTVP/20/18 - Right of Way 59 Reconstruction Works

<b>Location</b>	Burswood
<b>Reporting officer</b>	Denis Lau
<b>Responsible officer</b>	Gregor Wilson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - QTVP 20 18 Right of Way Reconstruction Works Evaluation Scorecard Consolidated [13.3.1]

#### Recommendation

That Council accepts the submission from DM Roads trading as Downer EDI Works Pty Ltd (ABN 66 008 709 608) and authorises award of contract for Right of Way (RoW) 59 reconstruction works for a lump sum price of \$342,075.61 ex GST).

#### Purpose

For Council to accept the submission by DM Roads trading as Downer EDI Works Pty Ltd for the reconstruction of Right of Way (RoW) 59. As the value of contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

#### In brief

- Submissions were invited for the RoW 59 Reconstruction works through the Western Australian Local Government Association (WALGA) Preferred Supplier Arrangement eQuotes reference VP213551 posted on 6 November 2020. The Request for Quotation (RFQ) closed on the 20 November 2020 and the Town received four (4) submissions as follows:
  - Civcon Civil & Project Management Pty Ltd
  - Downer EDI Works trading as (t/a) DM Roads
  - RCA Civil Group
  - WCP Civil Pty Ltd
- Suppliers were requested to provide a lump sum cost for the RoW 59 Reconstruction works as per the scope of works and design drawings.
- The approved municipal funding allocation for this item is \$200,000 (ex GST)]. A budget reallocation of funds of \$250,000 was requested at mid-year review from Work Order 4385 - GO Edwards Park Upgrade Stage 5 project since a portion of Stage 5 includes RoW 59 upgrade. The remaining funds of the project will be used for the purchase of street lighting and luminaire.
- Two (2) Addendums/Notice of Variations were issued to request additional information, allowance for installation of night works and installation of electrical conduits along the RoW.
- An evaluation of the Quote submissions against the Town's selection criteria has been completed and it is recommended that Council accepts the submission made by Downer EDI Works trading (t/a) DM Roads and awards the contract for RoW 59 Reconstruction works.
- This contract approval is subject to funds being made available through the approval of the mid-year budget review (reallocation of funds of \$250,000 from Work Order 4385 - GO Edwards Park)

## Background

1. GO Edwards Park is one of the Town's prestigious passive parks bounded by Great Eastern Highway, Burswood Road, RoW 59 and Craig Street. In 2015, AECOM undertook the detailed development design and staging plan for the area based on the Concept Plan and WQIP. The development was broken into five separable areas proposed for construction over a five-year period. The construction works of stages 1,2 and 3 had been completed in previous years. Stage 4 and 5 includes the reconstruction of RoW 59 to improve pedestrian realm, new street lighting, drainage and carparking upgrade.
2. The value of the contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

## Compliance criteria

3. The Town's Senior Procurement Officer assessed all submissions for compliance. All submissions were deemed compliant.
4. Each submission was initially assessed against the following compliance criteria:
  - Compliance with Conditions of RFQ
  - Compliance with Conditions of Contract
  - Compliance with Technical Requirements
  - Advise if acting as an agent for another party.
  - Advise if intent to subcontract any of the Requirements.
  - Provide details of previous references.
  - Submission of an organisation profile.
  - Provide details on financial position.
  - Advise of any actual or potential conflict of interest.
  - Provide details of insurance coverage that would meet the requirements of this RFQ/Contract.
5. The above requirements are in addition to the robust prequalification process that the suppliers on the WALGA Preferred Supply Arrangement been through as conducted by WALGA, on behalf of Members.

## Evaluation process

RFQ was assessed on the following criteria:

<b>Current capability</b> i). Demonstrate organisation capacity to complete the works ii). Demonstrate Capability iii). Demonstrate structure of project team and their role in the performance of the Contract and experience in projects of similar requirement iv). Demonstrated experience in carrying out similar works	Weighting 20%
<b>Demonstrated understanding</b>	Weighting 20%

<p>i) Respondents should detail the process they intend to use to achieve the Requirements of the Scope of Work and Specification.</p> <p>ii). Demonstrated understanding of the Scope of Work.</p> <p>iii). A project schedule/timeline</p> <p>iv). Clear Methodology in carrying out the works</p>	
<p><b>Price</b></p> <p>i). Respondent to provide Lump Sum pricing for the works to be completed along with breakdown and Bill of Quantities.</p> <p>ii). Respondent to provide Schedule of Rates for works to be completed and complete the Price</p> <p>iii)Schedule provided</p> <p>iv)Respondent to also provide hourly rates for variations or additional work that may be requested as part of this Project.</p>	<p>Weighting 60%</p>

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Ensure that the design, construction and project management is carried out by experienced professionals.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure transparency and good value for money by going through the WALGA Preferred Supplier Arrangement.

<b>Environment</b>	
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.	Completion of this project will improve pedestrian realm, new street lighting, drainage and carparking upgrade

## Engagement

<b>Internal engagement</b>	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Parks staff	Provided feedback on civil and lighting specifications
Technical Services	Budget allocation, civil and lighting specifications

Strategic Asset Advisory Group (SAAG)	The SAAG has made recommendation on the suitability for this project to be included in the capital works programme.
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## Legal compliance

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

[Part 4 Division 2 of the Local Government \(Functions and General\) 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	Failure to comply with financial requirements under the Act in relation to procurement	Moderate	Likely	Medium	Low	Go through a public tender
Environmental	Failure to comply with environmental requirements of the works	Moderate	Possible	Medium	Low	Review Contractor's construction methodology, risk and controls prior to work starting.
Health and safety	Potential injuries from works	Moderate	Possible	Medium	Low	OH&S, Job Safety Analysis and Hazard reports to be reviewed prior to work starting.
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					
Reputation	Residential complaints during the works	Moderate	Likely	Moderate	Low	Notify residents via the website, social media and letter drop prior to the works
Service delivery	Failure in completion of the Town's Capital Works programme	Moderate	Significant	High	Medium	Appoint preferred Contractor for the works.

## Financial implications

<b>Current budget impact</b>	<p>Council Delegation 1.1.16 – Limits on Delegations to CEO requires all tenders exceeding \$250,000 to be by Council determination.</p> <ul style="list-style-type: none"><li>• Sufficient funds do not exist within the annual budget. There is currently \$200,000 available. A budget reallocation of funds of \$250,000 was requested at mid-year review from GO Edwards Park Upgrade Stage 5 project.</li><li>• As such this contract approval is subject to funds being made available through the approval of the mid-year budget review (reallocation of funds of \$250,000 from Work Order 4385 - GO Edwards Park)</li></ul>
<b>Future budget impact</b>	<p>Future financial budgeting covering maintenance costs of RoW 59 have been included in the long-term financial plan.</p>

## Relevant documents

[Council policy FIN4 Purchase of Goods and Services.](#)

## Analysis

6. The assessment of the submissions was formally undertaken by a panel that included:
  - Operations Engineering Officer
  - Supervisor Engineering
  - Community Development Officer – Safer Neighbourhoods
7. The Town received 4 submissions. All submissions were deemed compliant.
8. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below with 1 as the highest scored:

Company	Ranking
Civcon Civil & Project Management Pty Ltd	4
Downer EDI Works (t/a) DM Roads	1
RCA Civil Group	2
WCP Civil Pty Ltd	3

## COUNCIL RESOLUTION (17/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council accepts the submission from DM Roads trading as Downer EDI Works Pty Ltd (ABN 66 008 709 608) and authorises award of contract for Right of Way (RoW) 59 reconstruction works for a lump sum price of \$342,075.61 ex GST).

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 13.4 TVP/20/11 Leisure Facilities Cleaning

<b>Location</b>	TVP/20/11
<b>Reporting officer</b>	Russell Podmore
<b>Responsible officer</b>	John Wong
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	1. CONFIDENTIAL - TVP 20 11 Leisure Facilities Cleaning Evaluation Report [13.4.1 - 12 pages]

### Recommendation

That Council awards the contract TVP/20/11 - Leisure Facilities Cleaning Services, to BrightMark Group Pty Ltd (ABN: 386 168 323 41), for provision of cleaning services to the Town's Leisure Facilities (Aqualife and Leisurelife), with the terms and conditions as outlined in the contract for an estimated price of \$635,007.00 (excluding GST), as their offer has been evaluated as the most advantageous to the Town.

### Purpose

For Council to review the submission and award the contract for the Leisure Facilities Cleaning Services to BrightMark Group Pty Ltd (ABN: 386 168 323 41) for provision of cleaning services to the Town's Leisure Facilities (Aqualife and Leisurelife).

### In brief

- TVP/20/11 Leisure Facilities Cleaning Services was published through the West Australian Newspaper, Tenderlink and Town's website.
- Suppliers were requested to provide submissions for the provision of cleaning services for the Town's Leisure Facilities, Aqualife and Leisurelife based on a Schedule of Rates.
- Sufficient funds are available within the approved facilities maintenance budget to fund this contract.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by BrightMark Group Pty Ltd and enters into a contract to provide Cleaning Services to the Town.

### Background

1. The Town's Aqualife facility currently has contract cleaners working 6 hours per day, 7 days per week with additional 2-hour cleaning from 12noon daily. This contract is due to end on 30 March 2021. The Town's Leisurelife facility previously employed permanent cleaning staff who resigned their positions early in 2020, subsequently an interim cleaning contractor is carrying out this service and the Town aims to contract these services out.
2. The Town's Officers recommend combining the cleaning services under one contract to allow for a consistent standard of service across both facilities and to achieve best value for money.

### Compliance criteria

3. The Town's Senior Procurement Officer assessed all submissions for compliance. All submissions were deemed compliant.
4. Each submission was initially assessed against the following compliance criteria:
  - Compliance with Conditions of Tendering contained in the Request.



- Compliance with the Specification contained in the Request.
- Compliance with the requirements of the General Conditions of Contract
- Compliance with and completion of the Price schedule
- Submission of organisation profile
- Provide details of previous references
- Advise if acting as an agent for another party
- Advise if intent to subcontract any of the requirements
- Provide details on financial position
- Advise of any actual or potential conflict of interest
- Provide details of insurance coverage
- Supply Occupational Health and Safety Policy

## Evaluation process:

The tender was assessed on the following qualitative criteria:

<b>Relevant experience</b> i) Relevant industry experience (including public sector), including details of similar work undertaken ii) The Tenderer's involvement in these projects, including details of outcomes produced. iii) Past record of performance and achievement iv) References from past and present clients v). Occupational safety and health track record Relevant industry experience of company personnel	Weighting 30%
<b>Understanding of Requirement</b> i). Level of understanding of Tender documents ii). Level of understanding of work required. iii). Ability to meet delivery dates in regard to overall work commitments. iv). Warranties offered. v). Added value items offered	Weighting 40%
<b>Capability/Competency of Tenderer to perform the work required</b> i). Qualifications, skills and experience of key personnel ii). Plant, equipment and staff resources available iii). Percentage of operational capacity represented by this work iv). Quality systems	Weighting 30%
	100%

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Combining like services contracts will provide better value for money by also testing the market and getting competitive rates.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact

EC02 - A clean, safe and accessible place to visit.	Clean facilities make it more attractive place to visit. Safety of patrons to the facilities is a top priority of the Town, as is providing a high level of service to users of facilities.
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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.	Sustainable facilities relies on the use of members etc. Clean and well managed facilities is likely to attract and keep members/users of the facilities.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Increased cleaning and maintenance routines of facilities, as well as inspections, in particular after recent COVID events. Stop the spread.

## Engagement

Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Leisure Facilities Officers	Provided input into the scope of works, service levels and KPIs
Asset Planning	Prepared scope of works and tender documentation, reviewed budgets for facilities.

## Legal compliance

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

[Part 4 Division 2 of the Local Government \(Functions and General\) 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	Financial loss resulting from decrease in memberships or users of the facilities due to cleanliness issues/complaints	Moderate	Likely	High	Low	TREAT risk by awarding a contract with clear scope objectives, service level agreement and KPIs to ensure facility is kept

						clean to agreed standards.
Environmental	N/A					Medium
Health and safety	Facilities not properly cleaned and resulting in health issues affecting customers and staff	moderate	Likely	High	Low	TREAT risk by awarding this contract to the recommended contractor
Infrastructure/ ICT systems/ utilities	N/A					Medium
Legislative compliance	N/A					Low
Reputation	Poorly maintained/cleaned facilities will have an impact on Town's reputation and risks losing users/members of facilities	Moderate	Likely	High	Low	TREAT risk by awarding this contract to the recommended contractor
Service delivery	N/A					Medium

## Financial implications

<b>Current budget impact</b>	<p>Council Delegation 1.1.16 – Limits on Delegations to CEO requires all tenders to be by Council determination. The value of the total contract over three years with further extension options is expected to exceed \$250,000, therefore it is required that this item be brought before Council for determination.</p> <p>Council policy <a href="#">301 Purchasing</a> requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or is expected to exceed \$250,000. The provision of TVP/20/11 Leisure Facilities Cleaning is estimated to cost \$635,007 over a three year contract term, therefore it is deemed necessary to enter into a contract and will exceeds the tender threshold.</p> <p>Sufficient funds exist within the annual budget to address this recommendation.</p>
<b>Future budget impact</b>	<p>Future budget required for the cleaning (under the terms of this contract) for the Aqualife and Leisurelife facilities will be sought in the annual operating budget process.</p>

## Relevant documents

[Council policy 301 Purchasing](#)

## Analysis

5. The assessment of the submissions was formally undertaken by a panel that included:
  - Building Officer
  - Manager Infrastructure Operations
  - Leisure Facilities Operations Manager
6. The Town received seven submissions. All the submissions were deemed compliant. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below with Rank # 1 as the highest scored.

Company	Qualitative Score	Qualitative Ranking
Average	64.4	
<b>Brightmark Group Pty Ltd</b>	<b>76.7</b>	<b>1</b>
Facilities First Australia Pty Ltd	73.3	3
Green Tree Cleaning Solutions	52.7	7
Mission Impossible	49.3	8
OCE Corporate	68.7	4
OCS Limited	58.7	6
Smart Cleaning Solutions (Vic) Pty Ltd	62.0	5
The trustee for CCM Furniture Trust T/A CCM Furniture	73.7	2

7. Pricing was assessed separately based on schedule of rates submitted by the tenderers with the annual estimate (Annual usage estimates were developed for evaluation purposes in the Pricing schedule of the tender document to ensure like for like comparison and to determine an estimated "Spend" Value)
8. A consensus meeting was held on 18th December and the consensus was for the three highest ranked submissions be shortlisted for further evaluation on price.
9. The shortlisted tenderers were:
  1. Brightmark Group Pty Ltd
  2. CCM Furniture
  3. Facilities First Australia

All other offers were excluded from further consideration.

10. Following the shortlisting above, pricing was assessed with BrightMark Group Pty Ltd ranked as #1 with the overall best value.

## COUNCIL RESOLUTION (19/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council awards the contract TVP/20/11 - Leisure Facilities Cleaning Services, to BrightMark Group Pty Ltd (ABN: 386 168 323 41), for provision of cleaning services to the Town's Leisure Facilities (Aqualife and Leisurelife), with the terms and conditions as outlined in the contract for an estimated price of \$635,007.00 (excluding GST), as their offer has been evaluated as the most advantageous to the Town.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 13.5 QTVP/20/17 - Garland Street Construction

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Denis Lau
<b>Responsible officer</b>	Gregor Wilson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - QTVP 20 17 Garland Street Construction Evaluation Scorecard QTVP 20 17 Final [13.5.1]

### Recommendation

That Council accepts the submission from WCP Civil Pty Ltd (ABN 44 168 729 977) and authorises award of contract for Garland Street reconstruction works in-conformance to the civil specifications for a lump sum price of \$254,933.68 (ex GST).

### Purpose

For Council to accept the submission by WCP Civil Pty Ltd (ABN 44 168 729 977) for the reconstruction of Garland street. As the value of contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

### In brief

- Submissions were invited for the Garland street works through the Western Australian Local Government Association (WALGA) Preferred Supplier Arrangement eQuotes reference VP213503 posted on 6 November 2020.
  - The Request for Quotation (RFQ) closed on the 20 November 2020 and the Town received nine (9) submissions as follows:
    - BOS Civil Pty Ltd
    - Civcon Civil & Project Management Pty Ltd
    - MMM (WA) Pty Ltd
    - RCA Civil Group Pty Ltd
    - GMF Civil Pty Ltd
    - Kelsake
    - Downer EDI Works trading as (t/a) DM Roads
    - Tracc Civil Pty Ltd
    - WCP Civil Pty Ltd made 2 submissions. One in-conformance and an alternate which was non-conforming.
- Suppliers were requested to provide a lump sum cost for the Garland street construction works as per the scope of works and design drawings.
- The approved municipal funding allocation for this item is \$700,000 (ex GST)].
- Three (3) Addendums/Notice of Variations were issued to request additional information to cover for modification of irrigation works.
- An evaluation of the submissions against the Town's selection criteria has been completed and it is recommended that Council accepts the conforming submission made by WCP Civil Pty Ltd and awards the contract for Garland street construction works.

## Background

1. Garland street is an unsealed local access road adjacent to McCallum Park, one of the Town's passive parks bounded by the Causeway, Canning Highway, Taylor and Garland street. From the concept plans for the Taylor Reserve and McCallum Park and the proposed State Government Swan River bridge, it is unlikely that this section of Garland street will be impacted by any future works.
2. Garland Street sits high in the engineering capital works programme due to its very poor condition and frequent road flooding. The unformalised parking area is heavily utilised by the community due to its proximity to the Causeway foreshore, basketball court and the Central Business District (CBD).
3. The construction works include reconstruction of the road, new drainage infrastructure and formalisation of the parking bays.
4. The value of the contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

## Compliance criteria

5. The Town's Senior Procurement Officer assessed all submissions for compliance. All submissions were deemed compliant. Each submission was initially assessed against the following compliance criteria:
  - a) Compliance with Conditions of RFQ
  - b) Compliance with Conditions of Contract
  - c) Compliance with Technical Requirements
  - d) Advise if acting as an agent for another party.
  - e) Advise if intent to subcontract any of the Requirements.
  - f) Provide details of previous references.
  - g) Submission of an organisation profile.
  - h) Provide details on financial position.
  - i) Advise of any actual or potential conflict of interest.
  - j) Provide details of insurance coverage that would meet the requirements of this RFQ/Contract.
6. The above requirements are in addition to the robust prequalification process that the suppliers on the WALGA Preferred Supply Arrangement been through as conducted by WALGA, on behalf of Members.

## Evaluation process

RFQ was assessed on the following criteria:

<b>Current capability</b> i). Demonstrate organisation capacity to complete the works ii). Demonstrate capability iii). Demonstrate structure of project team and their role in the performance of the Contract and experience in projects of similar requirement iv). Demonstrated experience in carrying out similar works	Weighting 20%
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<b>Demonstrated understanding</b> i). Respondents should detail the process they intend to use to achieve the Requirements of the Scope of Work and Specification. ii). Demonstrated understanding of the Scope of Work. iii). A project schedule/timeline iv). Clear Methodology in carrying out the works	Weighting 20%
<b>Price</b> i). Respondent to provide Lump Sum pricing for the works to be completed along with breakdown and Bill of Quantities. ii). Respondent to provide Schedule of Rates for works to be completed and complete the Price iii)Schedule provided iv)Respondent to also provide hourly rates for variations or additional work that may be requested as part of this Project.	Weighting 60%

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Ensure that the design, construction and project management is carried out by experienced professionals.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure transparency and good value for money by going through the WALGA Preferred Supplier Arrangement.

  

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.	Completion of this project will improve road access, new drainage and carparking upgrade.



## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Parks staff	Provided technical advice on the reticulation and parks reinstatement.
Technical Services	Budget allocation, civil and drainage specifications.
Project Management office	Provided feedback on the Taylor and McCallum Park Concept Plans and Garland street alignment.
Strategic Asset Advisory Group (SAAG)	The SAAG has made recommendation on the suitability for this project to be included in the capital works programme.

## Legal compliance

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

[Part 4 Division 2 of the Local Government \(Functions and General\) 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	Failure to comply with financial requirements under the Act in relation to procurement	Moderate	Likely	Medium	Low	Go through a public tender or Western Australian Local Government Association (WALGA) Preferred Supplier Arrangement
Environmental	Failure to comply with environmental requirements of the works	Moderate	Possible	Medium	Low	Review Contractor's construction methodology, risk and controls prior to work starting.
Health and safety	Potential injuries from works	Moderate	Possible	Medium	Low	OH&S, Job Safety Analysis and Hazard reports to

						be reviewed prior to work starting.
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					
Reputation	Residential complaints during the works	Moderate	Likely	Moderate	Low	Notify residents via the website social media and letter drop prior to the works.
Service delivery	Failure in completion of the Town's Capital Works programme	Moderate	Significant	High	Medium	Appoint preferred Contractor for the works

## Financial implications

<b>Current budget impact</b>	<p>Council Delegation 1.1.16 – Limits on Delegations to CEO requires all tenders exceeding \$250,000 to be by Council determination.</p> <ul style="list-style-type: none"> <li>Sufficient funds have been identified and listed for consideration in the Annual Budget Review. The initial estimate was \$700,000 due to dewatering, removal of acid sulfate soils and meeting the strict environmental conditions by Department of Biodiversity, Conservation and Attractions (DBCA). However, the design was modified to raise the road level rather than carrying excavation works which would have required removal of acid sulfate soil and dewatering works.</li> </ul>
<b>Future budget impact</b>	<p>Future financial budgeting covering maintenance costs of Garland street have been included in the long-term financial plan.</p>

## Relevant documents

[Council policy FIN4 Purchase of Goods and Services.](#)

## Analysis

7. The assessment of the submissions was formally undertaken by a panel that included:
  - a) Operations Engineering Officer
  - b) Supervisor Engineering
  - c) Community Development Officer – Safer Neighbourhoods
8. The Town received nine (9) submissions. All submissions were deemed compliant except the alternative (non-conform to the civil specifications) submission from WCP Civil Pty Ltd deemed non-compliant.

9. It was noted that RCA Civil Group Pty Ltd, MMM WA Pty Ltd and Tracc Civil Pty Ltd did not acknowledge receipt or submit responses to Addendum 3. These organisations were therefore excluded from further consideration. The submission for Addendum/Notice of Variation 3 from GMF Civil Pty Ltd was rated as moderate risk as the Contractor provided a provisional sum rather than a lump sum as requested.
10. The panel shortlisted the highest three rankings submissions against the quantitative and qualitative criteria resulted in the ranking as shown below with 1 as the highest scored:

Company	Ranking
WCP Civil Pty Ltd	1
BOS Civil Pty Ltd	2
GMF Civil Pty Ltd	3

## Further Consideration

11. The following questions were asked and taken on notice at the Agenda Briefing Forum, held on Tuesday 2 February 2021. Responses to these questions have been noted below:

*Q1. With the construction of the proposed Skate Park and the State Government Swan River Foot Bridge McCallum it is highly probable that Garland Ave will be frequented by heavy vehicles. Has damage which these vehicles may cause been brought into consideration?*

The design of the new road surface and the underlying pavement will cater for heavy truck loading with at least 150-350mm base course, 10mm of aggregate and 30mm of bituminous asphalt wearing course. For future works affecting Garland Street, the Compliance team will request for a dilapidation report before construction approval is granted to ensure any impacts of construction can be "made good" by the contractor/s.

*Q2. Will formalised parking bays be provided all the way along Garland except where there are existing trees and how many bays will be provided?*

Formalised parking bays will be constructed on both sides of Garland Street and existing trees will remain. From the design, a total of 55 parking bays including 2 ACROD bays will be created.

### COUNCIL RESOLUTION (19/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council accepts the submission from WCP Civil Pty Ltd (ABN 44 168 729 977) and authorises award of contract for Garland Street reconstruction works in-conformance to the civil specifications for a lump sum price of \$254,933.68 (ex GST).

### CARRIED BY EXCEPTION RESOLUTION (9 - 0)

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 13.6 Draft Climate Emergency Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Brendan Nock
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. E P 19-121(05)--004 F GAF Climate Emergency Plan - Council Reviewed [13.6.1 - 57 pages]</li><li>2. Draft Climate Emergency Plan Councillor feedback and response [13.6.2 - 14 pages]</li></ol>

### Recommendation

That Council:

1. Receive the draft Town of Victoria Park Climate Emergency Plan.
2. Approve the release of the draft Town of Victoria Park Climate Emergency Plan for community consultation.

### Purpose

This report presents to Council the draft Town of Victoria Park Climate Emergency Plan and seeks approval to release said draft for community consultation.

### In brief

- In 2018 the Town of Victoria Park Council declared a climate emergency for the Town
- In recognition of this declaration and the need to reduce carbon emissions within the region, and reduce the adverse impacts of climate change for its residents and the associated environment, a draft Climate Emergency Plan has been prepared for the Town.
- The draft Climate Emergency Plan includes a Council Action Plan, Community Action Plan and Business Action Plan.
- The Town is seeking to release the draft Climate Emergency Plan for community consultation.

### Background

1. With accelerations in global temperature rise – increasing during 2015-2019 (the warmest five-year period on record according to the World Meteorological Organisation (WMO) - and increased greenhouse gas concentrations to record levels, the potential impacts associated with human induced climate change on the Town of Victoria Park include:
  - Higher risk of bushfire events during summer
  - More consecutive hot days and heat waves
  - Lower average rainfall
  - Increased intensity of storms, flooding and extreme weather events
2. Carbon management will be an essential tool to reduce the overall carbon footprint of the Town's emissions to contribute to combatting human induced climate change both now and for the Town's future.

3. On 14 August 2018, Council made the following declaration – “That Council:
  - a. Recognizes that there is a state of climate emergency that needs to be handled by all levels of government
  - b. Endorses WALGA’s Policy Statement on Climate Change
  - c. Requests that the Administration create an action plan, in line with WALGA’s Policy Statement on Climate Change...”
4. A climate emergency declaration is a global movement identifying that we collectively need to reduce our carbon emissions to prevent significant climate change and be ready to respond to the immediate and future changes to our climate.
5. In recognition of this declaration and the need to demonstrate leadership to reduce carbon emissions within the region, and reduce the adverse impacts of climate change for its residents and the associated environment, a draft Climate Emergency Plan has been prepared for the Town.
6. The Town of Victoria Park’s carbon emissions have been estimated at 23,799 tonnes/annum. Of this, waste collected by the council contributed to the largest percentage of emissions – 85% or 20,226 tonnes\* – followed by Town facilities – 10.6% or 2,532 tonnes.
7. Overall, the Town of Victoria Park’s carbon emissions are a small part in Australia’s overall carbon footprint. However, the Town recognises that each organisation and individual has a role to play in reducing their emissions profile.

\* Although the Town generates approximately 1% of the total waste footprint, as the Town manages and disposes of community and business waste using the Town’s waste services, all waste emissions were therefore considered the responsibility of the Town.

## 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.	<ul style="list-style-type: none"> <li>• Improved design of Town streetscapes</li> <li>• Climate change adaptation solutions considered as part of all new infrastructure projects to ensure the most suitable materials and designs are used.</li> <li>• Energy audits of all Town buildings and development of an energy efficiency strategy with the aim of achieving energy and cost savings for the Town.</li> </ul>
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	As above.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Implementation of water wise practices and landscapes where practical which will result in water use reduction and associated cost savings for the Town.
EN07 - Increased vegetation and tree canopy.	<ul style="list-style-type: none"> <li>• Consider community revegetation information and education initiatives including low water use plants.</li> </ul>

	<ul style="list-style-type: none"> <li>• Identification and creation of green corridors within the Town as part of future reviews of Planning strategies.</li> <li>• Where feasible for certain properties, consider the expansion of community rebate programs to integrate native plants and low water use vegetation into their gardens.</li> </ul>
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## Engagement

Internal engagement									
Stakeholder	Comments								
Operations Technical Services Street Improvement Assets Leisure Facilities Library Health Development Services Place Planning Community Development Safety Infrastructure Operations Natural Areas Governance and Strategy Parking Building	<p>Staff workshops were held on 5<sup>th</sup> May and 19<sup>th</sup> June, respectively.</p> <p>These workshops sought input from staff from a variety of relevant Service Areas to ensure that we develop a robust and practical plan Climate Emergency Plan for the Town.</p> <p>The first workshop was focused on establishing climate mitigation and adaptation risks; the second will be on establishing climate actions to enable the Town to achieve a net zero emissions target.</p> <p>A summary of comments from Town staff on the draft CEP itself include:</p> <div style="background-color: black; height: 20px; margin-bottom: 5px;"></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; background-color: #d9e1f2;">ii &amp; iii</td> <td>I like the clarity of the aim of the Climate Emergency Plan, and the eight priorities which guide the Town’s carbon reduction and adaptation actions. I understand and can support this.</td> </tr> <tr> <td style="background-color: #d9e1f2;">Overall</td> <td>What are the roles and responsibilities of personnel regarding the estimation of carbon outputs of their part of the organisation? I am concerned that most of the emissions come from the "doers" or deliverers of our capital or maintenance/operations budgets and there will be a significant impost on them to come up with a way of reducing emissions by at least 40% and to then offset the remainder. It would be useful to have a plan and support to ensure this doesn't simply become their responsibility - instead to ensure that there is a phase/project focusing on this as a step in the process.</td> </tr> <tr> <td style="background-color: #d9e1f2;">Overall</td> <td>How do managers assess the financial impact of their service areas? Should there be more clarity on how they do this and some provision of support (internal or external) for this to occur rather than just adding it to their responsibilities?</td> </tr> <tr> <td style="background-color: #d9e1f2;">3</td> <td>A key informing strategy would also be the Town's asset management plans including Property, Parks &amp; Rec, Transport and Fleet</td> </tr> </table>	ii & iii	I like the clarity of the aim of the Climate Emergency Plan, and the eight priorities which guide the Town’s carbon reduction and adaptation actions. I understand and can support this.	Overall	What are the roles and responsibilities of personnel regarding the estimation of carbon outputs of their part of the organisation? I am concerned that most of the emissions come from the "doers" or deliverers of our capital or maintenance/operations budgets and there will be a significant impost on them to come up with a way of reducing emissions by at least 40% and to then offset the remainder. It would be useful to have a plan and support to ensure this doesn't simply become their responsibility - instead to ensure that there is a phase/project focusing on this as a step in the process.	Overall	How do managers assess the financial impact of their service areas? Should there be more clarity on how they do this and some provision of support (internal or external) for this to occur rather than just adding it to their responsibilities?	3	A key informing strategy would also be the Town's asset management plans including Property, Parks & Rec, Transport and Fleet
ii & iii	I like the clarity of the aim of the Climate Emergency Plan, and the eight priorities which guide the Town’s carbon reduction and adaptation actions. I understand and can support this.								
Overall	What are the roles and responsibilities of personnel regarding the estimation of carbon outputs of their part of the organisation? I am concerned that most of the emissions come from the "doers" or deliverers of our capital or maintenance/operations budgets and there will be a significant impost on them to come up with a way of reducing emissions by at least 40% and to then offset the remainder. It would be useful to have a plan and support to ensure this doesn't simply become their responsibility - instead to ensure that there is a phase/project focusing on this as a step in the process.								
Overall	How do managers assess the financial impact of their service areas? Should there be more clarity on how they do this and some provision of support (internal or external) for this to occur rather than just adding it to their responsibilities?								
3	A key informing strategy would also be the Town's asset management plans including Property, Parks & Rec, Transport and Fleet								

14	The Table 2. Actions for Priority 1 needs to be further expanded into implementation/action plan that can inform necessary Asset Management Plans, works programs and budgets.
15	It states: " <i>Continue to advocate for all Western Power owned streetlights within the Town to be:</i> <ul style="list-style-type: none"> <li>• <i>Either LED or Solar (or similar energy efficiency technology)</i>". The Solar needs to be removed from the statement. "Solar" is not up to MRWA and AS Standards for Street Lighting and has proven to be expensive to maintain in the lights we have trialed. It is also not currently viable to operate solar lights for the hours at night currently required in our streets. The "<i>Cost</i>" needs to be listed under both Western Power and the Town.</li> </ul>
22	Organic waste recycling is a good idea but there will be health regulation impacts for businesses etc. which "may" make it not viable
26	The statement that " <i>Smaller dwellings such as units or townhouses generally have lower emissions than detached dwellings</i> " isn't totally accurate. While each dwelling may indeed produce less emissions the higher density of the dwellings creates an overall increase in omissions. There are also more impacts on the climate with multiple smaller dwellings on a site having more paving, roof area and less landscaping than a single larger dwelling. There is also an increase in vehicles in an area the higher the density of dwellings gets. I don't understand how more people in a dwelling lowers emissions. In my experience the more people = more power usage and waste generated

These comments were considered and, where relevant, changes made to the later iteration of the draft Climate Emergency Plan.

## External engagement

### Stakeholders

- Community
  - Residents and Ratepayers.
  - Local business owners and operators.
  - Registered volunteers
  - Environmental and 'Friends Of' groups, including Friends of Kensington Bushland.
- Government
  - Department of Biodiversity, Conservation & Attractions
  - Department of Water and Environmental Regulation
  - Department of Planning
  - EMRC
  - WALGA and associated network groups.
  - Neighbouring Local Governments (e.g. City of South Perth, City of Canning, City of Belmont)
- Elected Members

Period of engagement	<p>13 May, 2020 - 14 June, 2020 – community survey on what they think the Town should address in a climate plan.</p> <p>30 July, 2020 – community workshop</p> <p>22 December 2020 – presentation of first full draft to Concept Forum</p> <p>22 December – 17 January 2021 – comment period for Elected Members</p>
Level of engagement	4. Collaborate
Methods of engagement	<ul style="list-style-type: none"> <li>• Stage 1 – community consultation <ul style="list-style-type: none"> <li>o LinkedIn</li> <li>o Social media boosted</li> <li>o Town’s website community consultation</li> <li>o Elected Members HUB update</li> <li>o Your Thoughts information, FAQ</li> <li>o Targeted emails</li> <li>o Southern Gazette</li> <li>o eNews articles <ul style="list-style-type: none"> <li>▪ Your Thoughts</li> <li>▪ Businessnews</li> <li>▪ eVibe</li> </ul> </li> </ul> </li> <li>• Stage 2 - workshop <ul style="list-style-type: none"> <li>o Social media boosted</li> <li>o Town’s website</li> <li>o Your Thoughts information, FAQs</li> <li>o A3 Posters at Town locations and pin up boards</li> <li>o Elected Members HUB update</li> <li>o Email to survey participants</li> <li>o eNews articles <ul style="list-style-type: none"> <li>▪ Your Thoughts</li> <li>▪ Businessnews</li> <li>▪ eVibe</li> </ul> </li> </ul> </li> <li>• Stage 3 – Elected members <ul style="list-style-type: none"> <li>o Concept forum presentation</li> <li>o Comment period</li> </ul> </li> </ul>
Advertising	<i>As above.</i>
Submission summary	<p><i>15 community representatives attended the workshop.</i></p> <p>Some of the key feedback included:</p> <ul style="list-style-type: none"> <li>• Preparing an emergency response strategy for the council to initiate during climate related events</li> <li>• Working with an organisation to deliver a low carbon schools program with local schools</li> </ul>



- Enabling the distribution of rates and community information through digital platforms
- Ensuring that the catering and materials for all community events preference minimal waste and uses local produces

*65 responses to the community survey were received.*

*5 submissions were received from Elected Members on the draft Climate Emergency Plan.*

The majority of respondents indicated support for the Town taking action on climate change.

## Key findings

75% of the community responses rated the following climate change actions as either 'important' or 'very important':

- Participants identified that businesses need to be on board to achieve a carbon neutral outcome by 2030
- Participants highlighted the importance of community education on climate change and energy efficiency

We asked participants about their big idea to achieve our zero-carbon goal. Here's what they said:

- "We need dedicated and protected cycle lanes and car free zones"
- "Switch to renewable energy"
- "Work with community groups (existing and emerging) to begin to put meaningful resilience and regenerative strategies in place"
- "Local recycling solutions, raising awareness and sustainable purchasing"
- "Make the Town waste-free"
- "Plant more trees, bushes (and) protect the existing trees"
- "Utilising Indigenous perspectives in combatting climate change"
- "Look at providing electric car re-charging stations in anticipation of increased take up of electric cars, and maybe even buy some as fleet cars"
- "Community education but also guidelines & support so everyone can do what they can"
- "Phase out all gas connections to public buildings, private residences and businesses, replace with renewable electricity"
- "Support initiatives to retrofit energy efficiency in households"

*For further information on the feedback received from community, please refer to the draft Climate Emergency Plan.*

*For further details of the submissions received from Elected Members on the draft Climate Emergency Plan, please refer to the Draft Climate Emergency Plan Councillor feedback and response attached to this report.*

*NOTE: The community are yet to see the first full draft Climate Emergency Plan. The level of support for the plan will be determined during the forthcoming consultation period.*

## Legal compliance

Not applicable.

## Risk management consideration

The below risks pertain to the release of the draft Climate Emergency Plan community consultation:

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk level score</b>	<b>Council's risk appetite</b>	<b>Risk treatment option and rationale for actions</b>
Financial	N/A		Likely	High	Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Reputation risks due to the likely impact that the proposed commitments will have on the Town's future budgets.	Moderate	Likely	Medium	Low	<p>The proposed commitments contained within the Climate Emergency Plan are in draft form, so these can be modified depending on the feedback from the community.</p> <p>Additionally, with the next iteration of the Plan the Town will further assess the extent of potential consequential impacts from implementing the proposed actions and ensure that sustainable financial management practices are adopted.</p>
Service delivery	N/A				Medium	

## Financial implications

### Current budget impact

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

## Future budget impact

It is likely that the commitments within the Climate Emergency Plan will impact significantly on the Town's future budgets.

The estimated cost for new projects identified over the life of the Climate Emergency Plan to 2030 is \$7.7M.

The bulk of this new project cost is:

- a) Waste – transitioning to a Food Organic/Garden Organic system = \$3.7M
- b) Whole-of-Town lighting-related conversions = \$3M

Both waste and lighting transition costs may be able to be supplemented through the State's Waste Levy and the Better Bins program; and Western Power lighting and infrastructure upgrade program, respectively.

## Analysis

8. The Climate Emergency Plan aims to:

- Achieve a zero-carbon target for emissions generated by the Town of Victoria Park by 2030\*.
- Achieve at least 40% emissions reduction through direct action (i.e. not through carbon offsets).
- Support the community and businesses in working towards their own zero carbon target.
- Improve the resilience of the Town in responding to immediate climate change impacts.

\* The timeframe of 2030 has been chosen because it is the timeframe needed to curb emissions and limit the seriousness of climate change impacts.

9. The Climate Emergency Plan includes three core components:

- Council Action Plan– How the council can take direct actions to reduce their carbon impact (mitigation) and adapt to the immediate impacts of climate change within the Perth context whilst providing support for the community and businesses to reduce their own carbon footprint.
- Community Action Plan – Provides the community information on the average emissions profile for Australian households and how they can calculate their own footprint, ways residents are already reducing their emissions, and steps for individuals and households to reduce their emissions.
- Business Action Plan – Provides the Town's local businesses with information on sources of large emissions in business and how they can calculate their own footprints as an organisation, information on what Australian businesses are already doing to reduce their emissions, and steps on how they can reduce their organisation's emissions.

10. The Council Action Plan identified priorities to guide the Town's carbon reduction and adaptation actions. These priorities, and some example action that fall under each priority, include:

Priority Area	Example Actions
Embed a low carbon culture	Collaborate with neighbouring local governments on cross-council low carbon initiatives and solutions

	<p>Ensure that the catering and materials for all community events preference minimal waste and use local produce</p> <p>Investigate effective approaches to ecologically sustainable development through the Local Planning Strategy, potentially partnering with WALGA</p>
<p>Reduce emissions of facilities and assets</p>	<p>By 2030, transition:</p> <ul style="list-style-type: none"> <li>• all existing light globes in council facilities to LED (or similar energy efficient option)</li> <li>• all existing appliances for major facilities to improved efficiency within 1.5 stars from the highest available utilising the energy efficiency rating.</li> <li>• all council owned existing streetlights, park lights and car parking lights to LED, solar or similar energy efficiency technology.</li> </ul> <p>Each major facility to complete an energy audit to identify energy efficiencies and consideration of renewables</p>
<p>Reduce waste emissions</p>	<p>Implement FOGO to all households by 2025</p> <p>Target a minimum of 50% diversion of organics from landfill by 2030.</p>
<p>Switch to low carbon and renewables</p>	<p>Through installation of solar and power purchase agreements, ensure that at least 30% of all energy used for council facilities is sourced from renewables by 2030</p> <p>Conduct a feasibility assessment for the installation of a Micro-grid within the Town</p> <p>Transition 50% of all light vehicles to electric by 2030, if price projections continue to meet affordability parameters</p>
<p>Respond to immediate climate change impacts</p>	<p>Implement a targeted community education and awareness program for vulnerable community members during heat waves providing vulnerable community members:</p> <ul style="list-style-type: none"> <li>• Resources to manage heatwaves in their homes</li> <li>• Information on how to seek respite with actions to help vulnerable community members (e.g. free access to council swimming pool facilities)</li> </ul> <p>Conduct heat wave response mapping and strategic tree planting for increased coverage</p>

<p>Support our community/ Support our businesses</p>	<p>Partner with an organisation to offer residents free advice for reducing energy use and installing solar and battery storage technology</p> <p>Investigate the opportunity to provide subsidies, products or similar to support organic waste recycling at home</p> <p>Investigate the opportunity to provide an incentive-based mechanism for residents to reduce their waste footprint</p>
<p>Offset residual emissions</p>	<p>Investigate the opportunity of recognising the Town's urban forest as an official offset/carbon credit</p> <p>Partner with a research institution to estimate the carbon sequestration capacity of the Town's existing and developing urban forest.</p>

11. With the completion of the first full draft of the Climate Emergency Plan, the Town would like to release the document for our community consultation.

**Relevant documents**

Not applicable.

## COUNCIL RESOLUTION (20/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Receive the draft Town of Victoria Park Climate Emergency Plan.
2. Approve the release of the draft Town of Victoria Park Climate Emergency Plan for community consultation.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 13.7 Signage in Parks and Reserves to support Policy 261 Sustainable Events

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Brendan Nock
<b>Responsible officer</b>	John Wong
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council does not recommend the placement of additional signage at current parks and reserves within the Town used for small, informal gatherings to advise and educate users on the damage caused by single use plastics and balloons on our environment and fauna.

### Purpose

This report is to respond to Council's request at the 20 October 2020 OCM that the Town outline the costs and suitable locations to place signage at current parks and reserves within the Town used for small, informal gatherings to advise and educate users on the damage caused by single use plastics and balloons on our environment and fauna.

### In brief

- At the 20 October OCM, with the endorsement of Policy 261 Sustainable Events, Council requested a report back to the December 2020 Ordinary Council Meeting outlining the costings and suitable locations to place signage at current parks and reserves within the Town used for small, informal gatherings to advise and educate users on the damage caused by single use plastics and balloons on our environment and fauna.
- The Town has investigated the feasibility of placing signage within our parks and reserves.
- The Administration does not support the installation of additional signage at current parks and reserves within the Town to educate users on the damage caused by single use plastics and balloons on our environment and fauna, and instead proposes to provide information to our community through various communications channels (e.g. website, social media) and to parks and reserves booking applicants at the time of site booking.

### Background

1. At the 20 October OCM Council endorsed Policy 261 Sustainable Events.
2. At the same OCM, the following resolution was made:
3. *Requests that the Chief Executive Officer present a report back to Council's December 2020 Ordinary Council Meeting outlining the costings and suitable locations to place signage at current parks and reserves within the Town used for small, informal gatherings to advise and educate users on the damage caused by single use plastics and balloons on our environment and fauna.*
4. The Administration has investigated the feasibility of placing the above signage within our parks and reserves.

## Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	<p>Reduction in the amount of waste generated from events and subsequently disposed to landfill or ending up as litter in our community.</p> <p>Reduction of the impacts on the Town's environment and human health.</p>

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	<p>Education of the Town's community to integrate sustainable practices into everyday life.</p> <p>Help to reduce the degradation of our environment.</p> <p>Reduce the carbon emissions associated with creating unsustainable products.</p>

## Engagement

Internal engagement	
Stakeholder	Comments
Manager Infrastructure Operations	Contributed to the development of this report, including feasibility analysis and cost of signage on our parks and reserves.
Bookings Officer	Liaison regarding booked parks and reserves within the Town.

## 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	-					



Environmental	Further signs will increase the likelihood of visibility, but more signage may negatively impact the visual aesthetic of parks and reserves.	Low	Medium	Medium	Medium	
Health and safety	–				Low	
Infrastructure/ ICT systems/ utilities	Change in policy provisions (e.g. following policy review), which risks some of the content of the signage becoming redundant	Low	Low	Low	Medium	Face of signage can be altered with sticker overlay
Legislative compliance	–				Low	
Reputation	Negative public perception towards the Town by public with the implementation of more signage on parks and reserves.	Low	Medium	Medium	Low	
Service delivery	–				Medium	

## Financial implications

<b>Current budget impact</b>	<p>There are no budget implications should Council endorse the officer's recommendation.</p> <p>There are insufficient funds within the current budget to install new signage, should that be the preferred outcome of Council. Based upon costings associated with the installation of new 600mm x 1000mm signage on Town parks and reserves, the anticipated cost across 34 parks and reserves is approximately \$11k based on one sign per reserve.</p>
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## Future budget impact

There are no budget implications should Council endorse the officer's recommendation.

Some budget for maintenance and renewal of any additional signs would need to be integrated into future budgets should Council prefer to implement signage.

## Analysis

As the provisions of Policy 261 Sustainable Events apply to approved – and therefore booked – events, the below presents the parks and reserves that are available for booking. The most regularly booked and heavily used parks within the municipality are highlighted.

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"><li>• Carlisle Reserve</li><li>• Charles Patterson Park</li><li>• Devenish Park</li><li>• Duncan Reserve</li><li>• Edward Millen Park</li><li>• Fletcher Park</li><li>• Forward Reserve</li><li>• Fraser Park</li><li>• GO Edwards Park</li><li>• Harold Rossiter Reserve</li></ul> | <ul style="list-style-type: none"><li>• Hawthorne Park</li><li>• Higgins Park</li><li>• Hillview Tce Comm Bushland</li><li>• Houghton Park</li><li>• J A Lee Reserve</li><li>• John Bisset Reserve</li><li>• John Macmillan Park</li><li>• Kate Street Reserve</li><li>• Kensington Bushland</li><li>• Manners Park</li></ul> | <ul style="list-style-type: none"><li>• McCallum Park</li><li>• Memorial Gardens</li><li>• Parnham Reserve</li><li>• Playfield Park</li><li>• Raphael Park</li><li>• Rayment Park</li><li>• Read Park</li><li>• Rotary Park</li><li>• Taylor Street Reserve</li><li>• Tom Wright Reserve</li><li>• Tuam Park</li><li>• Victoria Heights Park</li></ul> |
|---|---|--|

5. The current standard signage within the Town's parks and reserves is 600mm x 1000mm. This size may be required for community visibility and in order to appropriately relay messaging to site users regarding Policy 261 Sustainable Events and the damage caused by single use plastics and balloons on our environment and fauna.
6. The graphics and signage content itself can be undertaken with the Town's Communications team, so do not need to be outsourced.
7. The installation of signs would cost \$322.60/each, inclusive of sign face, post, bracket and installation. If all of the 34 parks and reserves within the Town were signed, this would cost \$10,968.40. However, this cost for one sign/site. If only one sign was placed per site, this does mean that not all public users may see the sign itself. Further signs will increase the likelihood of visibility, but more signage may negatively impact the visual aesthetic of parks and reserves.
8. For an approved event, the intent would be for the information on the provisions of Policy 261 Sustainable Events, together with information on the environmental impact of damage caused by single use plastics and balloons on our environment and fauna, to be provided to the applicant at the time of booking. This may negate the need for signage on parks and reserves.

9. In the case of casual use of parks, it seems unlikely that a sign would be effective, as casual users are unlikely to change the materials they have already arrived with on site. Furthermore, it is not a matter the Town is resourced to enforce.
10. Given the above, the Administration does not support the installation of signage at current parks and reserves within the Town to educate users on the damage caused by single use plastics and balloons on our environment and fauna, and instead proposes to provide information to our community through various communications channels (e.g. website, social media) and to parks and reserves booking applicants at the time of site booking.
11. Due to an administrative oversight, this report has been presented in February 2021 OCM rather than the December 2020 OCM. Officers apologise for this error.

## Relevant documents

[Policy 261 – Sustainable Events Policy](#)

## Further Considerations

7. The below questions were asked by Elected Members at ABF:

### **How many formal bookings do we receive for Rayment Park a month compared to how many actual events occur there?**

The Bookings team get very few bookings for Rayment Park but its passive or non-exclusive use is very high.

Total Rayment Park bookings:

- 10 official bookings in 2020 (under one a month on average)
- 0 so far in 2021

### **Do we have stats on how many people actually access the information for these sites through our social media channels?**

No, we do not have stats as we do not actively promote the Town's parks on our social media channels.

### **Do we monitor the litter left behind by events at the highlighted sites in this report?**

For large events (500 people or more) on booked sites, the Bookings team undertake post-event inspections the first working day after the event, to ensure the site is left clean.

In the instance of smaller events (e.g. family hiring a gazebo area), the area is not generally inspected except as per normal maintenance schedule, unless there is a community complaint.

Change in policy provisions (e.g. following policy review), which risks some of the content of the signage becoming redundant.

### **Face of signage can be altered with sticker overlay - Can you explain what is meant here? Particularly the sticker overlay?**

This is a heavy-duty weather-proof and vandal resistant sticker that can be applied over existing signage. It has been used most notably on corflute signage within the Town so that these can be reused, but can also be applied to permanent existing signage where a change to information is warranted.

**What would be the cost to place signage at only the highlighted sites? Only one sign at each?**

At a cost of \$322.60/each across 16 sites, this would cost \$5161.60.

**COUNCIL RESOLUTION (21/2021):**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council does not recommend the placement of additional signage at current parks and reserves within the Town used for small, informal gatherings to advise and educate users on the damage caused by single use plastics and balloons on our environment and fauna.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 14 Chief Financial Officer reports

### 14.1 Schedule of Accounts for November 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Stuart Billingham
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary Listing - November 2020 [ <b>14.1.1</b> - 8 pages]

#### Recommendation

That Council:

1. Confirms the accounts for 30 November 2020, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

#### Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 30 November 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:
  - ( ) the payee's name
  - (a) the amount of the payment
  - (b) the date of the payment
  - (c) sufficient information to identify the transaction
2. 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.
3. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the

finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608803-608809	30,726
Creditors – EFT Payments		4,925,083
Payroll		1,231,289
Bank Fees		27,566
Corporate MasterCard		8,507
		<b>6,222,965</b>

## Strategic alignment

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

## Legal compliance

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

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

## Risk management consideration

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

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

## Financial implications

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

## Analysis

- 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](#)

### COUNCIL RESOLUTION (22/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Confirms the accounts for 30 November 2020, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



## 14.2 Schedule of Accounts for December 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Stuart Billingham
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary Listing - December 2020 [14.2.1 - 8 pages]

### Recommendation

That Council:

1. Confirms the accounts for 31 December 2020 as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

### Purpose

To present the payments made from the municipal fund and the trust fund for the month ended December 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:
  - ( ) the payee's name
  - (a) the amount of the payment
  - (b) the date of the payment
  - (c) sufficient information to identify the transaction
2. 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.
3. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.
4. The list of accounts paid in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608810 - 608816	1980
Creditors – EFT Payments		3,789,622
Payroll		1,127,517
Bank Fees		6787
Corporate MasterCard		7188
		<b>4,933,094</b>

## Strategic alignment

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

## Legal compliance

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

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

## Risk management consideration

Risk 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 illegal transactions	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of

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

## Financial implications

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

## Analysis

- 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](#)

### COUNCIL RESOLUTION (23/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Confirms the accounts for 31 December 2020 as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 14.3 Financial Statement for the month of November 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Stuart Billingham
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements for the month ending November 2020 [ <b>14.3.1</b> - 43 pages]

### Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 30 November 2020 as attached.
2. Notes that 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 30 November 2020.

### In brief

- The financial activity statement report is presented for the month ending 30 November 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 a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town’s final financial position for the period ended 30 November 2020.

### Background

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

#### Revenue

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

#### Expense

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

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
- (a) **Period variation**  
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
  - (b) **Primary reason(s)**  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
  - (c) **End-of-year budget impact**  
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

## Strategic alignment

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

## Engagement

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

## Legal compliance

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

## Risk management consideration

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

## Financial implications

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

## Analysis

4. The Financial Activity Statement Report – 30 November 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 – 30 November 2020 be accepted.

## Relevant documents

Not applicable.

### **COUNCIL RESOLUTION (24/2021):**

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Accepts the Financial Activity Statement Report – 30 November 2020 as attached.
2. Notes that the Town's final opening financial position (1 July 2020) is subject to final audit.

**CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



## 14.4 Financial Statement for the month ending December 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bonnie Hutchins
<b>Responsible officer</b>	Stuart Billingham
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements for month ending December 2020 [ <b>14.4.1</b> - 44 pages]

### Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 31 December 2020 as attached.
2. Notes that 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 December 2020.

### In brief

- The financial activity statement report is presented for the month ending 31 December 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 a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town’s final financial position for the period ended 31 December 2020.

### Background

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

#### Revenue

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

#### Expense

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

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
- (d) Period variation  
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
  - (e) Primary reason(s)  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
  - (f) 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, sustainably and transparently for the benefit of the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

## Engagement

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

## Legal compliance

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

## Risk management consideration

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

## Financial implications

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

## Analysis

4. The Financial Activity Statement Report – 31 December 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 December 2020 be accepted.

## Relevant documents

Not applicable.

### **COUNCIL RESOLUTION (25/2021):**

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Accepts the Financial Activity Statement Report – 31 December 2020 as attached.
2. Notes that the Town's final opening financial position (1 July 2020) is subject to final audit.

### **CARRIED BY EXCEPTION RESOLUTION (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 14.5 Annual Budget Review 2020/21

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Stuart Billingham
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Annual Budget Review 2020-2021 - Final [ <b>14.5.1</b> - 75 pages] 2. Annual Budget Review 2020-2021 - Final Summary of Variances [ <b>14.5.2</b> - 3 pages]

### Recommendation

That Council:

1. Adopts the actual (unaudited) opening position for 2020-2021 financial year as \$9,618,689 (being \$1,364,207 better than the budget estimated opening position) noting that the determination of the allocation of those funds is contained within the 2020-2021 Annual Budget Review, pursuant to Regulation 31 of the *Local Government (Financial Management) Regulations 1996*.
2. Adopts the 2020-2021 Annual Budget Review as contained within the attachments, pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*
3. Approves the amendments to the 2020-2021 Annual Budget, detailed in the 2020-2021 Annual Budget Review as contained within attachments, pursuant to section 6.8 of the *Local Government Act 1995*.

### Purpose

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

### In brief

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

### Background

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

2. The review of the forecast based on the financial statements to 31 December last year has identified areas where revenue and expense budgets will not be met by 30 June this year. Suitable expense savings and/or additional revenue sources have been identified to balance out variations. Funding sources are identified from savings or revenue (in excess of budget) projected to 30 June this year.
3. Additional works and/or services have also been identified and included within the review.
4. Material variances are identified and outlined where, for the period and management area being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000.
5. The Annual Budget Review for the current financial year is contained within the attachments.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The public have an opportunity to review the impact of the Town's financial activity over the first six months of the financial year and any forecast change to the budget
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The community can note that the Council has met its legislative responsibility.

## 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.
All Managers	Managers were responsible for reviewing areas within their portfolio.

## Legal compliance

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
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Financial	Misstatement or significant error in financial statements	Major	Unlikely	High	Low	TREAT risk by Daily and monthly reconciliations. Internal and external audits.
Financial	Fraud and illegal acts	Catastrophic	Rare	Moderate	Medium	TREAT risk by Stringent internal controls. Internal audits. Segregation of duties.
Health and safety	N/A				Low	N/A
Infrastructure/ ICT systems/ utilities	N/A				Medium	N/A
Legislative compliance	Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Low	TREAT risk by Internal review of monthly financial activity statement. External audits of monthly financial statements.
Reputation	N/A				Low	N/A
Service delivery	N/A				Medium	N/A

## Financial implications

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

## Analysis

1. The initial review of the annual budget by officers identified a forecasted surplus. Officers then recommended project initiatives the surplus can be allocated against focusing on minimising the asset

renewal gap. Funds that were unable to be spent within the allocated resources and timeframes are recommended to be transferred to reserves.

2. The review seeks to identify and quantify:
  - (a) the forecast year-end major variances from the Town's adopted budget
  - (b) the actual opening position versus the budgeted opening position. The report then makes recommendations as to what action should be taken (if any) to address that change in the forecast yearend position
  - (c) the forecast year-end surplus/deficit position, having regard for the above points. The report then makes recommendation as to what action should be taken (if any) to address that change in the forecast yearend position.
3. The review process has been undertaken having regard for:
  - (a) actual revenues and expenses for the first six months of this financial year together with committed expenses
  - (b) forecast revenue and expense levels for the remaining six months of the financial year
  - (c) the completion of the annual financial year audit from the previous financial year
  - (d) the more significant (in \$ terms) variances to budget rather than the many minor 'under and overs' that, history has shown, will largely balance out.
4. The review:
  - (a) reports a forecast \$nil year-end surplus variance to the budget (a combination of revenue and expense items)
  - (b) provides explanatory commentary on the major forecast variances to budget
  - (c) is inclusive of the previous year-end closing position variance to budget, for Council's consideration and determination.
5. The Annual Budget Review has had input from all management levels at the Town, with Senior Management supporting the values as included in the review.
6. Accordingly, it is therefore recommended that the review be accepted and the associated budgetary changes be approved.

## Relevant documents

Not applicable.

## Further considerations

At the January ABF, members of Council sought further information on a number of items noted within the Annual Budget Review 2020 21, with the Acting CFO taking the below questions on notice:

1. *What reserves are the funds being transferred to?*

The below table provides a breakdown of reserve transfers.

	Mid year change	New total
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Future Projects Reserve increase from \$15,000 by	\$48,486	\$63,486
Future Fund Reserve increase from \$9,000 by	\$2,006,000	\$2,015,000
Urban Forest Strategy Reserve increase from \$0 by	\$501,000	\$501,000
Building Reserve from \$3,000 increase by	\$153,000	\$156,000
Plant & Equip Reserve reduce from \$10,000 by	(\$9,000)	\$1,000
Comm Art Reserve from \$0 increase by	\$1,000	\$1,000
Waste Reserve from \$3,500 increase by	\$135,000	\$138,500
UGP Reserve from \$2,000 increase by	\$23,000	\$25,000
F&E Reserve from \$9,000 increase by	\$35,000	\$44,000
COVID 19 Response Reserve from \$0 increase by	\$1,000	\$1,000
<b>Total</b>	<b>\$2,894,486</b>	
Depot Loan #12 Principal payment reduce \$32,200 by	(\$200)	\$32,000
<b>Grand Total recommended to be reallocated</b>	<b>\$2,894,286</b>	
<b>Balance remaining</b>	<b>Nil (Balanced Budget)</b>	

2. *Are the professional services expenses for consultants?*

(a) The total movement of \$418,500 within professional services for Property Development and Leasing service area are all pre-approved budgets moved from the Land Asset Optimisation (within Project Management) to the newly created service area.

(b) The breakdown of the budget is as below:

- (i) Legal services: \$105,000. Legal costs relating to advice required for leasing contracts (\$25k), Right of Way 54 (\$35k) and all remaining legal requirements for land administration and land portfolio within the Town.

- (ii) Consultancy: \$313,000. Remainder of unspent budget required for Edward Millen landscaping and heritage redevelopment (\$178,000), Land Asset Optimisation projects and strategic management of the Towns entire property portfolio (\$100,000). Leasing and land administration (\$35,000) which is for costs associated with property management (e.g. Landgate costs, conveyancing, survey).

## **AMENDMENT:**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

To include a further a paragraph number 4 as follows:

Approves transfer of the sum of \$5000 from the Future Fund Reserve to action the resolution for a donation to the Lord Mayor's Distress Relief Fund made on 16 February 2021.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### **Reason:**

To give effect to the transfer of funds from the resolution we passed in item 17.2 at the beginning of tonight's meeting.

## COUNCIL RESOLUTION (26/2021):

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Vicki Potter

That Council:

1. Adopts the actual (unaudited) opening position for 2020-2021 financial year as \$9,618,689 (being \$1,364,207 better than the budget estimated opening position) noting that the determination of the allocation of those funds is contained within the 2020-2021 Annual Budget Review, pursuant to Regulation 31 of the *Local Government (Financial Management) Regulations 1996*.
2. Adopts the 2020-2021 Annual Budget Review as contained within the attachments, pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*
3. Approves the amendments to the 2020-2021 Annual Budget, detailed in the 2020-2021 Annual Budget Review as contained within attachments, pursuant to section 6.8 of the *Local Government Act 1995*.
4. Approves transfer of the sum of \$5000 from the Future Fund Reserve to action the resolution for a donation to the Lord Mayor's Distress Relief Fund made on 16 February 2021.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 15 Committee Reports

Nil.

## 16 Applications for leave of absence

### COUNCIL RESOLUTION (27A/2021):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Luana Lisandro

That Council approve a leave of absence for Cr Jesvin Karimi for the dates of 12 April 2021 and 20 April 2021.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 17 Motion of which previous notice has been given

### 17.1 Community Sporting and Recreation Fund

In accordance with clause 4.3 of the Town of Victoria Park Meeting Procedures Local Law 2019, Cr Brian Oliver has submitted the following notice of motion.

#### Motion

That Council directs the Chief Executive Officer to:

1. Contact sporting clubs and groups based within the Town advising them of the open round of the Community Sporting and Recreation Facilities Fund and the opportunity to apply;
2. Identify any opportunities for the Town to make an application, independently or in partnership with a sporting club and group, for the open round of the Community Sporting and Recreation Facilities Fund;
3. Make application/s, either independently or in collaboration with sporting clubs and groups based within the Town, for opportunities that are identified in points 1 or 2 above.
4. Advise Council electronically of any actions taken in point 3 above by Wednesday, 7 April 2021.

#### Reason

For Sporting clubs based in the Town to be advised of the open round of the Community Sporting and Recreation Facilities Fund.

Also, for the Chief Executive Officer to identify projects and/or initiatives that the Town could apply for through the program, either independently or in collaboration with sporting clubs or groups.

Previous grant round recipients are many local governments for projects and initiatives that are funded and delivered solely by the Town. This is an opportunity for the Town and sporting clubs and groups to access external funding to deliver projects and initiatives for the benefit of our community.

#### Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S1 - A healthy community	Support sporting clubs and groups, or the Town, to deliver projects or initiatives that support sports and physical activity.
S2 – An informed and knowledgeable community	Ensure sporting clubs and groups are aware of funding opportunities through the Community Sporting and Recreation Facilities Fund.

Environmental	
Strategic outcome	Intended public value outcome or impact

EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Opportunities to improve or enhance existing community and sporting facilities.
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<b>Civic leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Opportunity to apply for external grant funding to deliver community projects and initiatives, reducing the reliance on ratepayer funds or reserves.

## Officer response to notice of motion

<b>Location</b>	Town wide
<b>Reporting officer</b>	Paul Gravett
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	1. Media Release - New funding round opens for community sport and recreati... [17.1.1 - 2 pages]

## Officer comment

1. Community sporting and recreation facilities are an integral part of enhancing community participation, connection and wellbeing.
2. Local governments play a pivotal role in the planning, delivery, maintenance, renewal and upgrade of facilities to enhance these outcomes.
3. The Town's Asset Planning area is responsible for managing the maintenance and renewal of all Town facilities.
4. The Town's internal Strategic Assets Advisory Group (SAAG) recommend the priority of renewal and upgrades to all Town Assets and is responsible for overseeing the creation of the Town's capital works program.
5. Guiding principles related to capital works selection / prioritisation include:
  - a. Discrete projects outlined in the Corporate Business Plan and/or Place Plans Volume Series;
  - b. Informed by key strategic documents such as the Town's Asset Management Plans, Local Planning Strategy Social Infrastructure Plan, Public Open Space Strategy, Long Term Financial Plan and the Strategic Community Plan objectives as well place specific masterplans or concept designs;
  - c. Whole of life costs - construction, delivery, operation, maintenance, renewal, and ongoing management;
  - d. Resourcing capacity to deliver as well as any ongoing operational resourcing impacts;
  - e. Combination of projects or project alignment to achieve best value outcomes for the Community;
  - f. Funding opportunities.
6. Renewal, upgrade and provision of new facilities undertaken and or funded by third party entities is supported by the Town, however they also have long term whole of life and resourcing implications to be considered.
7. The Town, via the SAAG, will select Town led priority projects suitable for the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants application.
8. These projects, and any third party projects, are required to be discussed with the Department of Local Government, Sport and Cultural Industries (the Department) before submission.
9. The Town is well progressed regarding its own capital works program, however knowledge of priorities related to sporting and recreation groups and their capacity to co-contribute or self-fund is still evolving. Officers are keen to enhance the level of knowledge, engagement and co-contribution from groups in the future.
10. Allocation of Renewal Cash Reserves to contribute towards the cost of any asset renewal components of adhoc/ unplanned capital works proposed by groups can be considered if aligned with the Town's asset renewal programs and the Long Tern Financial Plan. This is an area for future consideration by SAAG.

There may be proposals which could qualify for two third contribution by the Town. The allocation of other reserves is subject to the alignment of the proposed works to the purpose of the relevant reserves as determined by SAAG.

11. The Department’s CSRFF Small Grants round opened Monday 1 February 2021 and closes Wednesday 31 March 2021. There are two CSRFF Small Grant rounds per year.
12. Funding is for projects between \$7,500 to \$300,000. Minimum grant is \$2,500 and maximum grant is \$100,000, on the premise of a one third contribution by the applicant (group), one third from the State, and one third from the local government. This can increase to two thirds contribution by the local government, should a group be unable to contribute funds / resources, or they are unable to secure from alternate sources.
13. Up to \$1 million is available in the total pool. Examples of projects may include new sports courts, cricket nets, small floodlighting projects, sports storage and change room refurbishments.
14. The Department requires Council to prioritise all applications arising within its local government area before submission to the Department. This includes its own projects. Rationale for this approach includes:
  - a. To endorse the application and accepting the funds should the application be successful;
  - b. To prioritise projects should there be multiple applications coming from a single local government;
  - c. The OCM minutes are included in the CSRFF application to the Department as evidence.
15. The next appropriate date for Council deliberation of prioritisation of projects for submission is the Ordinary Council Meeting scheduled for Tuesday 16 March 2021.
16. To meet this timeframe, applications by sporting and recreation groups would need to be considered by Town officers no later than Monday 22 February 2021. This would leave officers less than one day to consider applications, seek feedback (if necessary) and then prioritise for Council deliberation.
17. Based on this timeframe and the likely capacity of groups to adequately complete a competitive application, officers do not recommend communicating this funding round through to sporting and recreation groups at this time.
18. The Town will continue to refine its processes and knowledge in this area, to ensure a proactive approach and capability is in place before the next round of CSRFF Small Grants open. Work will also continue to occur in the background regarding financial implications / considerations.
19. The Town, however in the interim, will identify projects within the Capital Works Program to be considered in the 2021/2022 annual budget deliberation that meet the CSRFF grant criteria, and subsequently will be recommended for Elected Member support at the 16 March 2021 Ordinary Council Meeting. The recommended project will then be submitted through the CSRFF grant application process by 31 March 2021.

## 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	Consideration of unplanned capital project requests	Minor	Likely	Medium	Low	TREAT risk by developing a new process to consider



	<i>from groups not listed in the Long Term Financial Plan may affect the ability of the Town to fund future and or current planned programs / initiatives / capital works.</i>					<i>future applications from groups and integrate into the Long Term Financial Plan. Consider the creation of a Reserve fund for CSRFF projects</i>
Environmental	<i>Nil</i>					
Health and safety	<i>Nil</i>					
Infrastructure/ ICT systems/ utilities	<i>Construction / delivery of unplanned and adhoc capital works may result in poorly considered infrastructure integration.</i>	<i>Minor</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>TREAT risk by refining the Town's approach to the CSRFF application, engagement, assessment and funding process.</i>
Legislative compliance	<i>Nil</i>				<i>Low</i>	
Reputation	<i>Potential reputation risk if the Town does not advertise the opportunity for groups to consider; similarly, there is potential reputation risk should the Town advertise the opportunity to groups, but they do not have the capacity to complete an application within the required timeframes.</i>	<i>Moderate</i>	<i>Likely</i>	<i>High</i>	<i>Low</i>	<i>AVOID risk by not advertising the opportunity to groups for this round of Small Grants Funding.  TREAT risk by refining the Town's approach to the CSRFF application, engagement, assessment and funding process.</i>
Service delivery	<i>Addition of new unplanned / adhoc capital works programs from groups may impact on service delivery (project management)</i>	<i>Moderate</i>	<i>Likely</i>	<i>High</i>	<i>Medium</i>	<i>AVOID risk by not undertaking capital works that are not planned and or appropriately resourced.</i>

*capability of  
officers.*

## Financial implications

<b>Current budget impact</b>	No expected impact on the current 2020/21 budget as capital works would be planned for and budgeted in 2021/22.
<b>Future budget impact</b>	<p>Projects proposed by the Town for consideration within the small grants program will be incorporated as part of the 2021/22 Capital Works Program budget deliberations. Should the Town be successful in obtaining a grant contribution this would be favourable to the proposed capital works budget.</p> <p>If the Town was to financially support projects proposed by sport and recreation groups as part of the Small Grants round, there would be impacts on the Town's capital works program, and Long Term Financial Plan.</p> <p>At this stage it is unknown what the future costs may be.</p> <p>Use of borrowings via loan funding may be a consideration to cover co-contributions of future projects as this may result in the reduction of future renewal financial burdens, while enhancing asset renewal targets.</p>

## Relevant documents

Not applicable

Cr Brian Oliver withdraw his notice of motion.

## 17.2 Donation to Bushfire Relief

In accordance with clause 4.3 of the Town of Victoria Park Meeting Procedures Local Law 2019,, Mayor Karen Vernon has submitted the following notice of motion.

*Note: In accordance with the Town of Victoria Park Meeting Procedures Local Law 2019, this item was moved to be dealt with prior to Item 11.*

### Motion

That Council:

1. Approves the Town making a donation to the Lord Mayor's Distress Relief Fund in support of those affected by the Wooroloo and Hills bushfire;
2. Approves a variation to the 2020/21 Annual Budget of the amount approved in point 1 above, to be funded from the year end budget review.

### Reason

The Wooroloo bushfire that began on the weekend of 30 January 2021 has devastated local communities in the City of Swan and Shire of Mundaring.

The most effective way we can support those local government communities affected by the bushfire is to make a donation of money to the Lord Mayor's Distress Relief Fund, which was established in 1961 to provide financial assistance to individuals for the alleviation and relief from the distress, suffering and personal hardships brought about by any disaster or emergency within WA. The Fund has its own governance structure and processes for receiving donations and making distributions of financial assistance in consultation with the affected communities.

As of 3 February 2021, the Lord Mayor's Distress Relief Fund was activated to help the victims of the Wooroloo bushfire.

### Strategic alignment

#### Social

Strategic outcome

Intended public value outcome or impact

S3 – An empowered community with a sense of pride, safety and belonging

Our community is proud to belong to a local government that lives its values as a Caring organisation, and has contributed on their behalves to the assistance of other local government communities impacted by bushfires.

#### Civic leadership

Strategic outcome

Intended public value outcome or impact

<p>CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.</p>	<p>Consideration of the Town’s capacity to make such a donation via a report to Council assists the community to understand how this donation will be funded and why it is being made.</p>
<p>CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision-making.</p>	<p>Recognising the magnitude of this disaster, the need to help those impacted by bushfires and being generous demonstrates visionary civic leadership with appropriate levels of governance.</p>

## Officer response to notice of motion

<b>Location</b>	Town wide
<b>Reporting officer</b>	Stuart Billingham
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Absolute Majority
<b>Attachments</b>	Nil

## Officer comment

1. There is no specific budget allocation for donations of this kind in the 2020/21 Annual Budget.
2. Council can resolve to donate funds to the Lord Mayors Distress Relief Fund by moving and adopting a budget amendment in either the Annual Budget Review 2020/21 or in a future OCM agenda item on the Statement of Financial Activity this financial year.
3. E.g. Suggested Budget Amendment to Mid-Year Budget Review Item to increase Elected Members Donations Account 13534.1142 (WO 830) by \$1,000 and reduce Transfer to COVID19 Reserve by \$1,000.

## Legal compliance

Nil

## Risk management consideration

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk level score</b>	<b>Council's risk appetite</b>	<b>Risk treatment option and rationale for actions</b>
Financial	<i>Inadequate Council funds available to make donation to Lord Mayors distress relief fund</i>	<i>Moderate</i>	<i>Likely</i>	<i>Low</i>	<i>Low</i>	Treat Risk by passing a Budget amendment in Mid-Year Budget Review or any monthly Statement of Financial Activity report this year
Environmental	Not Applicable					
Health and safety	Not Applicable					

Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not Applicable					
Reputation	Negative public perception from making a donation of this nature.	<i>Moderate</i>	<i>Likely</i>	<i>High</i>	<i>Low</i>	Treat risk by Media release outlining Council's reasons for making donation of this kind.
Service delivery	Not Applicable					

## Financial implications

<b>Current budget impact</b>	There is no specific budget allocation for donations of this nature. Council can however, move an amendment to the Annual Budget Review or the funds to be included in any end of year Budget review.
<b>Future budget impact</b>	Not applicable

## Relevant documents

Not applicable.

### PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

In accordance with clause 58 of the Meeting Procedures Local Law 2019 that Council suspends clause 50 Speaking twice of the Meeting Procedures Local Law 2019.

**CARRIED (9-0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

### PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

Resume the debate under the Meeting Procedures Local Law.

**CARRIED (9-0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## AMENDMENT:

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

Amend paragraph one to inserting the words 'of \$5000'.

Also amend paragraph two to delete the last four words of the paragraph 'year end budget review' and insert the words 'Future Fund Reserve'.

**CARRIED (8 - 1)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** Cr Wilfred Hendriks

### **Reason:**

There needs to be dollar figure for a donation. And secondly on advice from the Chief Financial Officer that seeking to fund that from the Future Fund Reserve would be the appropriate place to transfer that money at present.

## COUNCIL RESOLUTION (5/2021):

**Moved:** Mayor Karen Vernon

**Seconded:** Deputy Mayor Bronwyn Ife

That Council:

1. Approves the Town making a donation of \$5000.00 to the Lord Mayor's Distress Relief Fund in support of those affected by the Wooroloo and Hills bushfire;
2. Approves a variation to the 2020/21 Annual Budget of the amount approved in point 1 above, to be funded from the Future Fund Reserve.

**CARRIED (9 - 0)**

**For:** Mayor Karen Vernon, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 18 Questions from members without notice

### Cr Luana Lisandro

*1. When will the Annual Meeting of Electors be occurring?*

Mayor Karen Vernon advised that the audit statement not yet been received by the Town. If the statements were to be received soon they might be able to be adopted by Council in March and then the meeting could be called promptly and held in April.

### Cr Ronhhda Potter

*1. In regards to item 13.2, once it goes to Landgate does it go back to Council for consideration?*

The Chief Operations Officer advised that it there is no requirement for it to go back Council.

*2. Have we taken on the feedback from the Mindeera group around incorporating the different spelling of Indigenous names and how it could be conveyed on the site?*

The Chief Operations Officer advised that the Town has followed the phonetic spelling recommended from the Mindeera Advisory Group. The Town is trying to keep consistent with signage across parks but would be happy to take on feedback.

### Cr Luana Lisandro

*1. Would that method require an elected member notice of motion?*

Mayor Karen Vernon advised that it could be but if the Town and the Mindeera Advisory Group are progressing then it would not be a requirement.

The Chief Operations Officer advised that the Mindeera Advisory Group have put forward their preference for spelling and happy to hear any feedback from elected members.

*2. Is there a possibility for a policy for clarification on interpretive phonetic spelling in relation to signage?*

Mayor Karen Vernon advised that it can be brought up at Policy Committee.

### Mayor Karen Vernon

*1. For a sign for a park of this size and significance to the community, how is the decision made with regards to the sign? Is that a project in itself?*

The Chief Operations Officer advised that the physical sign is developed in a standardised way with our comms teams. Wayfinding and historical pieces can be looked at and there is an opportunity to discuss it.

*2. For the Zone 2X Park Project wayfinding was part of the project, can you give us an update where that signage is at?*

The Chief Operations Officer advised that the park sign is themed and waiting the new name to be printed on it. He took the question on notice.



3. *With regards to the basketball courts at Zone 2X, is it the case that the Town intends for the current backboard to remain as a single backboard for a year long trial?*

The Chief Operations Officer advised that that is the approach the Town has undertaken. Once the Town has the results from the backboard trial from a pilot period it can make a decision however if there is strong positive feedback for the support of the new backboard it may be installed quicker on both courts.

4. *What methods of assessment are we using to determine the effectiveness of the new equipment and how often are doing that form of assessment? What junctures are we doing the re-assessments?*

The Chief Operations Officer advised that an independent noise consultant was used and that will be the same method used for re-testing. Other methods of assessment is feedback from local residents and basketball users.

**Cr Vicki Potter**

1. *What is the progress of the notice of motion adopted in 2019 regarding interpretative signage, with the first one being at John Macmillan Park?*

The Chief Operations Officer took the question on notice.

2. *Can Zone 2X Park be the second candidate for interpretive signage?*

The Chief Operations Officer took the question on notice.

**Cr Luana Lisandro**

1. *In reference to the basketball courts, who is responsible for turning the lights off and on, is it on a timer, and locking the gates, and how do residents contact the Town?*

The Chief Operations Officer advised that the Parks team can amend the on and off time, the Parks team have been working with Rangers to lock and unlock the gates, residents can contact the Customer Service team and will issue a customer service request.

**19 New business of an urgent nature introduced by decision of the meeting**

Nil.

## 20 Public question time

Cr Jesvin Karimi left the meeting at 09:07pm and returned at 09:08pm.

### Vince Maxwell

*1. In regards to the appointment of the Chief Executive Officer to the Burswood Park Board, is the appointment of Mr Vuleta in his capacity as the Chief Executive Officer of the Town or is it as an individual?*

Mayor Karen Vernon advised that it is as representative of the Town of the Victoria Park as per the Act.

*2. Is it appropriate that the title of Chief Executive Officer be included in the wording of the nomination?*

Mayor Karen Vernon advised that she considers it as appropriate.

*3. Are you still of the opinion that his decisions as a member of that board do not have to take into any consideration the interest of the Town?*

Mayor Karen Vernon advised that she is sure the Chief Executive Officer is aware that he is appointed to that board through this Council, that the inclusion of his title is appropriate, that the Act describes the appointment is as a representative and that he is acting on behalf of the Town based on the information before him.

*4. The revised budget of \$80,000 was reduced down to \$40,000, if this project has been put on hold what is that \$40,000 for?*

The Chief Operations Officer advised that the reduction was due to the decision to remove plans for the car park renewal as the redevelopment at John Macmillan may significantly change and impact the car park area and took the question on notice.

*5. In regards to ROW 54, are you aware if the department have provided the report to the Minister, and what was the recommendation if they have?*

The Chief Operations Officer advised that the department has given approval for the Town to proceed with the Minister's consent.

*6. So the Minister has not yet signed on it?*

Mayor Karen Vernon advised that her understanding is that a letter has been received notifying us that there is an approval.

The Chief Operations Officer advised that Town staff have official documents with the Minister's signature on it.

*7. Is it possible to ask Town staff to spell John Macmillan correctly?*

An answer was not provided.

## 21 Public statement time

**Vince Maxwell**

*1. Made a statement about his concerns with item 13.6 Draft Climate Emergency Plan and urges Council to reduce their environmental impact.*

## 22 Meeting closed to the public

### 22.1 Matters for which the meeting may be closed

Nil.

### 22.2 Public reading of resolutions which may be made public

Nil.

## 23 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9.20pm.

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

Signed: .....  
.....

Dated this: ..... Day of: ..... 2021