



TOWN OF
VICTORIA PARK



Ordinary Council Meeting Agenda – 16 July 2019



**WE'RE OPEN
VIC PARK**

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm** on **Tuesday 16 July 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
12 July 2019

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1 Opening

Prayer (by Chief Executive Officer)

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

1.1 Acknowledgement of Country (by Mayor)

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

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.

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 of proceedings

In accordance with clause 5.14 of the *Town of Victoria Park Standing Orders Local Law 2011*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this 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 5.15 of the *Town of Victoria Park Standing Orders Local Law 2011*, 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 14.1 of the *Town of Victoria Park Standing Orders Local Law 2011*, 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 Standing Orders Local Law 2011

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 Standing Orders Local Law 2011*.

2.5 Workplace giving

Town staff recently handed over a cheque for \$5,790 to the Cure Brain Cancer Foundation. This money is contributed through casual Friday donations.

3 Attendance

Mayor

Mr Trevor Vaughan

Banksia Ward

Cr Claire Anderson
Cr Ronhhda Potter
Cr Karen Vernon

Jarrah Ward

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

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Mr Ben Killigrew

Chief Financial Officer

Mr Michael Cole

Chief Community Planner

Ms Natalie Martin Goode

Manager Development Services

Mr Robert Cruickshank

Coordinator Governance

Ms Danielle Uniza

Secretary

Mrs Alison Podmore

3.1 Apologies

Banksia Ward	Cr Julian Jacobs
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3.2 Approved leave of absence

4 Declarations of interest

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

Declaration of financial interests

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

Declaration of proximity interest

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

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

Declaration of interest affecting impartiality

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

5 Public question time

5.1 Public question time

6 Public statement time

7 Confirmation of minutes

Recommendation

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 18 June 2019
2. Confirms the minutes of the Special Council Meeting held on 25 June 2019.
3. Receives the notes of the Agenda Briefing Forum held on 2 July 2019.

8 Presentations

8.1 Petitions

8.2 Presentations (awards given to the Town)

8.3 Deputations

9 Method of dealing with agenda business

Recommendation

That items {insert item numbers} be adopted by exception resolution, and the remaining items be dealt with separately.

10 Chief Executive Officer reports

11 Chief Community Planner reports

11.1 Adoption of revised Local Planning Policies 8 and 34

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Draft revised LPP 8 - Sunbury Park Site Design Guidelines [11.1.1 - 16 pages]2. Draft revised LPP 34 - Sea Containers [11.1.2 - 3 pages]

Recommendation

That Council adopt revised Local Planning Policy 8 'Sunbury Park Site Design Guidelines' and revised Local Planning Policy 34 'Sea Containers', as modified and contained in Attachments 1 and 2, respectively.

Purpose

To consider the outcomes of community consultation and determine whether to adopt Draft Revised Local Planning Policies 8 and 34, with or without modifications.

In brief

Council's Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.

Existing LPP 8 'Sunbury Park Site Design Guidelines' has been revised to improve its format and structure, update outdated terminology, address minor inconsistencies between Parts A and B of the guidelines, and improve the diagrams contained within the policy.

Existing LPP 34 'Sea Containers' has been revised to improve its format and structure, update outdated terminology and amend the provisions relating to the use of sea containers for non-residential purposes.

The revisions to LPPs 8 and 34 have been advertised for public comment. No submissions were received in relation to either policy.

Further refinement to correct very minor grammar or text alignment issues has been completed by Council Officers.

It is recommended that Draft Revised LPPs 8 and 34 (as modified) be adopted by the Council.

Background

1. LPP 8 'Sunbury Park Site Design Guidelines' previously formed part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual and was adopted as part of Amendment 2 to TPS1 in October 1999. The Policy was prepared to guide the development of the Sunbury Park site, bound by Gresham Street, Kitchener Avenue, Miller Street and Sunbury Road and incorporating a number of adjacent in Gresham Street and Sunbury Road, Victoria Park. The subject land was formerly the site of a non-conforming use factory building and following its demolition was the subject of a small lot subdivision, for

redevelopment of the land into a medium density single residential neighbourhood comprised of townhouse style homes housing with a distinctly urban character. The design guidelines were considered necessary to guide development of the lots given their small size and the desire to create a well-defined and cohesive streetscape character as well as ensuring that the redevelopment of the land would respond appropriately to the surrounding locality in which it is situated.

2. LPP 34 was originally adopted as an Administrative Policy (Council Policy PLNG8) on 11 November 2014. The policy was prepared in order to provide Council with a basis upon which to consider two applications for retrospective approval of sea containers that is had received around this time.
3. The policy established a general prohibition of sea containers in Residential areas, other than where the sea container is being used in connection with building works or is being used for the purposes of relocating personal effects for a maximum period of 7 days. It also allows for sea containers in other zones/areas subject to compliance with specific requirements.
4. At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies, including LPPs 8 and 34 the subject of this review.
5. A review of LPPs 8 and 34 has been undertaken by Council Officers, which has included consideration of:
 - a. the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
 - b. like Policies of other Local Governments;
 - c. alignment with relevant State legislation, policy and/or guidelines (where applicable);
 - d. greater clarity in the objectives of the Policies; and
 - e. improving the presentation of the Policies.
6. The reviews of LPPs 8 and 34 are detailed in the Minutes of the Ordinary Council Meeting held on 19 March 2019, where consent to publicly advertise the recommended changes to each of the LPPs was granted by the Council. (Refer to Attachment 3)

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.	Community consultation and public advertising occurring in accordance with State legislative requirements and LPP 37 'Community Consultation on Planning Proposals.'
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Polices.

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 LPPs that facilitate diverse housing and employment outcomes while minimising the potential for adverse amenity impacts.

Engagement

External Engagement – Community Consultation	
Stakeholders	Residents, property owners, general community
Period of engagement	21 days (30 April to 21 May 2019)
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> • Publication of a notice in the Southern Gazette on 30 April 2019; • Hard copy displays at Council’s Library and Administration Building; • Online consultation and invitations to submit comments via the Town’s ‘Your Thoughts’ consultation hub; and • Advertising/promotion on the Town’s online social media platforms.
Advertising	As above.
Submission summary	<p><i>Draft Revised LPP 8:</i> No submissions received; Your Thoughts page activity - 33 page visits by 30 visitors; 34 document downloads.</p> <p><i>Draft Revised LPP 34:</i> No submissions received; Your Thoughts page activity - 10 page visits by 10 visitors; 10 document downloads.</p>
Key findings	The proposed policy changes are minor in nature and did not raise any significant community concerns.

Legal compliance

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

Policy Implications

The draft revised LPPs provide greater clarity in their objectives, application and applicable requirements, and forms part of a review of all of the Town’s LPPs.

Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
<p>Compliance Application of Policies which could contain clearer provisions in order to more effectively achieve their intent and objectives.</p>	Moderate	Likely	Low	Adopt revised LPPs 8 and 34 (as modified).
<p>Compliance Application of Policies that contain superfluous or duplicated provisions which are capable of</p>	Moderate	Likely	Low	Adopt revised LPPs 8 and 34 (as modified).

being consolidated to form shorter, more user-friendly documents.				
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Financial implications

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

Analysis

7. The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However, it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public.
8. It is recommended that Council formally adopt draft revised LPPs 8 and 34, as modified and contained within the Appendices to this report.

Relevant documents

[Existing Local Planning Policy 8 – Sunbury Park Site Design Guidelines](#)

[Existing Local Planning Policy 34 – Sea Containers](#)

11.2 Amendment to Council Delegations

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Robert Cruickshank
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Amended Delegations 16 July 2019 [11.2.1 - 7 pages] 2. WAPC Delegation [11.2.2 - 8 pages]

Recommendation

That Council adopts the amendments to delegations 1.1.1, 3.1.8, 3.1.9 and 10.2.1 as at attachment 11.2.1.

Purpose

To amend delegations provided by Council.

In brief

- Council at its meeting on 21 May 2019 adopted revised delegations.
- Amendments to the *Building Regulations 2012* were gazetted on 26 April 2019 to revise the process for supplying infringement notices which requires a delegation to be made by Council.
- Additionally, minor deficiencies were identified in delegations 3.1.8, 3.1.9 and 10.2.1 were identified by Council Officers and are recommended for correction.

Background

1. Council at its meeting on 11 December 2018 Council approved revised planning delegations.
2. Council at its meeting on 21 May 2019 adopted the annual review of delegations. This annual review was based upon the WALGA best practice template that was available at the time which was last updated on 27 November 2018.
3. On 26 April 2019 amendments to the *Building Regulations 2012* were gazetted following approval by the Minister. One of the amendments contained within resulted in the need for a revised delegation relating to officers of the Council who can issue infringement notices under those Regulations and the *Building Act 2011*.

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 appropriate delegations shows sound and accountable governance.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensuring appropriate delegations demonstrates appropriate and diligent management of legislative

	responsibilities.
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Engagement

Internal engagement	
Stakeholder	Comments
Development Services	Identified concerns with WALGA template delegations for correction.

Legal compliance

[Section 127 of the *Building Act 2011*](#)

[Schedule 2 clause 82\(1\) of the *Planning and Development \(Local Planning Schemes\) Regulations 2015*](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Town is unable to appropriately enforce the <i>Building Act 2011</i> and <i>Planning and Development Act 2005</i> .	Moderate	Likely	High	Adoption of revised delegations.

Financial implications

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

Analysis

- The ability to issue infringement notices under the *Building Act 2011* ensures the Town can uphold building standards within the Town. The amendment to delegation 1.1.1 reflects the changes made to the *Building Regulations 2012*.
- Council Officers in preparing to implement delegations 3.1.8 and 3.1.9 identified a deficiency in the wording supplied in the WALGA template that was adopted. This deficiency is the absence of a reference to the ability to reject an application. It could be interpreted that in absence of a delegation the rejection of alternative solutions would require a resolution of Council.
- Council on 11 December 2018 revised delegations given to the CEO under the *Planning and Development Act 2005*. These delegations were then further revised based upon the WALGA template on 21 May 2019. Council Officers have noticed three minor inconsistencies between the December 2018 Delegations and May 2019 delegation and recommend their correction.
- Officers additionally will be updating delegation 11.2.2 which is a delegation given to the Town by the

State Government. The version provided in the WALGA template is not current and will be updated in the compiled version of the delegations. The current version is attached at attachment 11.2.2 for the information of Council.

8. The proposed minor amendments to these delegations are tracked in red in Attachment 11.2.1.

Relevant documents

Register of Delegation and Sub-Delegation

Further Consideration

In response to questions raised by an Elected Member, some minor revisions have been made to delegation 1.1.1, 3.1.8 and 3.1.9 as follows:

9. A minor amendment was made to the proposed revision to delegation 1.1.1 to remove references to the Criminal Procedure Act. This is to ensure clarity of the appointment process for the authorised and approved officers under the *Building Act 2011*.
10. Minor amendments made to delegations 3.1.8 and 3.1.9 to clarify that the power to reject an alternative proposal is where the related criteria are not satisfied, as opposed to rejecting an alternative where the alternative proposal meets the related criteria.

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

Location	Lathlain
Reporting officer	Amie Groom
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Development Plans [11.3.1 - 4 pages] 2. Attachment 2 - Applicants Submission [11.3.2 - 47 pages] 3. Attachment 3 - Existing vs Proposed Coverage [11.3.3 - 2 pages] 4. Attachment 4 - Schedule of Submissions [11.3.4 - 6 pages] 5. Attachment 5 - Applicants Response to Public Submissions [11.3.5 - 3 pages] 6. Attachment 6 - Aerial Photo of Site [11.3.6 - 1 page]

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

Recommendation

1. That Council approves the application submitted by Aurecon Australasia (DA Ref: 5.2019.86.1) for Proposed Telecommunications Infrastructure at 156 Orrong Road, Lathlain as indicated on the documents dated 20 February 2019, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:
 - (a) The development, once commenced, is to be carried out in accordance with the approved plans, date stamped 20 February 2019 at all times, unless otherwise authorised by the Town.
 - (b) The monopole and shroud must be painted in an appropriate colour scheme to reduce reflectivity and blend in with the surrounds. Details of the colour scheme must be submitted to, and approved by the Town, before the development is commenced.
 - (c) Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a construction management

plan addressing the following matters:

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

Advice notes

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

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

2. Those persons who lodged a submission be advised of Councils decision.

Purpose

To consider a development application for proposed Telecommunications Infrastructure at 156 Orrong Road, Lathlain.

In brief

The application seeks to construct a 15.0 metre high monopole structure (10 metre steel monopole with a 5 metre turret extension and internal feeders) within the rear car parking area of the existing commercial tenancies at 156 Orrong Road, Lathlain.

The telecommunications infrastructure will service the Telstra network. The applicant has advised that *"this site will enhance Telstra's 4G wireless network depth of coverage and provide a platform to provide future 5G services"*.

Community consultation commenced on 26 March 2019 for a period of 21 days concluding on 16 April 2019. In total, 14 submissions were received, of which 13 submissions objected to the proposal and one submission supported the proposal.

The proposal is recommended for approval subject to conditions and advice notes.

Background

1. An application was submitted to the Town on 12 November 2009 seeking approval for the installation of a telecommunications facility at 156 Orrong Road, Lathlain. The application included:
 - A 15 metre high monopole;
 - Three panel antennas strap mounted to the pole; and
 - One ground level equipment shelter.

The purpose of the facility was to upgrade the digital mobile network coverage within the vicinity of the site provided by the Optus 3G network.

2. The Council at the 9 February 2009 Ordinary Council Meeting resolved to refuse the application for the following reasons:

“(1) In accordance with Clause 16 of Town Planning Scheme No. 1 the proposed Telecommunications Facility is an Unlisted use that is not consistent with objectives and purposes of the “Local Centre” zone and is an unacceptable use of the land; and

(2) The proposal is inconsistent with the matters listed in Clause 36(5) of Town Planning Scheme No.1, with particular reference to the following subclauses:

(a) the provisions of this Scheme and of any other written law applying within the Scheme area including the Metropolitan Region Scheme;

(c) any relevant precinct plan;

(d) any statement of Planning Policy of the Western Australian Planning Commission;

(f) the orderly and proper planning of the locality;

(g) the conservation of the amenities of the locality; and

(h) the design, scale and relationship to existing buildings and surroundings of any proposed building or structure”.

(3) The proposed facility results in the removal of two (2) approved on-site car bays, and will exacerbate the existing parking shortfall for the site.”

3. During the community consultation period for the initial application, 45 submissions were received from surrounding owners/occupiers. 28 letters of objection and one general concern was submitted at the time when the Officer’s report was presented for the Elected Members Briefing Session. An additional 15 submissions were received between the Briefing Session and the Ordinary Council Meeting.
4. Amendment 80 to Town Planning Scheme No. 1 (TPS 1) was gazetted on 18 April 2019. The Amendment incorporates new land use classes including the addition of telecommunications infrastructure in the land use table. Telecommunications infrastructure is an ‘AA’ (Discretionary) use in all zones.
5. The Western Australian Planning Commission published State Planning Policy 5.2 - Telecommunications Infrastructure in September 2015. The policy provides guidance pertaining to the siting, location and design of telecommunications infrastructure.

Application summary

6. The development application proposes the construction of telecommunications infrastructure at the rear of the existing commercial tenancies fronting Orrong Road and Francisco Place. The nature of the works is detailed in paragraph 7 below, and notably includes a 10 metre steel monopole with a 5 metre turret extension and internal feeders (ie. total height of 15m above ground level) .
7. The facility is to be located within a car parking area at the rear of the existing retail premises. The area occupied by the facility is equivalent to two car bays. While the facility will result in the loss of two on-site car bays it should be noted that access to the rear parking area from the adjoining right-of-way is not possible due to an existing fence that appears to have been in place for some time.

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

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

9. The applicant has provided a map showing the existing 4GX indoor coverage during high traffic demands and the proposed 4GX indoor coverage (see Attachment 3). The map highlights that there are parts of Rivervale and Lathlain that will receive an improved service from the proposed facility. It is noted that the 3G availability in this area was not mapped as the purpose of the facility is to enhance Telstra's 4G wireless network depth of coverage and provide a platform to provide future 5G services.

Applicants submission

10. The applicant's submission (see Attachment 2) states *"it is clear from user feedback received and analysis of network performance that there is an immediate need to improve telecommunication services in the Lathlain/Rivervale area. Furthermore, residential infill development is ongoing such that the existing telecommunication services network needs to accommodate this additional demand.*

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

The proposed telecommunications facility will comprise the following:

- *Ten (10) metre custom steel monopole with a five (5) metre turret extension and internal feeders.*
- *Three (3) RV4PX310R-V2 panel antennas at the 13.7 metre level on a five (5) metre turret.*
- *A ICS MK4.0 low-impact equipment shelter.*
- *Ancillary equipment necessary for the operation and proper functioning of the facility (three [3] TMA2094F01V2-1 tower mounted amplifiers, six [6] Radio 4415 remote radio units).*
- *Ancillary equipment installed to ensure the protection or safety of the facility and maintenance personnel.*
- *The entire area required to be leased within the existing fenced hard-standing area is approximately 50m2."*

11. In email correspondence dated 7 June 2019 the applicant comments as follows:

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

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

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

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

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

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

12. The applicant advises that 12 sites were short-listed for the proposed telecommunication infrastructure. Seven of the sites were eliminated for not meeting minimum threshold scores across the four technical disciplines assessed (including landowner interest and EME compliance issues). Three sites have existing facilities including Nos. 113 Orrong Road, Rivervale (80 metres to the north east), Lathlain Park Oval, Lathlain (929 metres to the south west) and 43 Great Eastern Highway, Rivervale (977 metres to the north). Further upgrades to these sites would not achieve the desired coverage objectives. On balance, 156 Orrong Road *"was deemed to best satisfy the technical disciplines and met all minimum thresholds"*.

13. *The applicants contends that the visual impact of the proposal has been minimised as follows :*

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

14. The following photo-montage images are contained within the applicant's submission (see Attachment 2) :





Relevant planning framework

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

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the Precinct Plan are relevant to consideration of the application.</p> <p><i>Any new development should be of a height and scale similar to existing buildings in the shopping area and the nearby locality.</i></p> <p><i>Careful control will be exercised over the nature of any proposed new uses and their design and layout to ensure minimal impact on adjacent residential areas.</i></p>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 3 are also relevant to the application:</p> <ul style="list-style-type: none"> • To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties; • To provide for non-residential uses which serve the needs of the community; • To minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses.

	<p>The following objectives of Local Planning Policy 18 are relevant in determining the application.</p> <ul style="list-style-type: none"> • Determination of the circumstances under which the Council may permit telecommunication facilities to be located within the municipality.
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following are relevant matters to be considered in determining the application.</p> <p>(g) Any local planning policy for the Scheme area (m) The compatibility of the development within its setting (n) The amenity of the locality (y) Any submissions received on the application</p>

Compliance assessment

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

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

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

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

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

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

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

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

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

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

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

values may be compromised; and

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

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

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

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

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

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

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

20. The landscape is in transition and does not exhibit a single architectural theme. As such, the monopole is not proposed to be colour treated. The applicant has advised that "given the monopole will be predominately viewed against the sky as its backdrop, or the lighter tones of the commercial built form a lighter colour will blend better than a darker painted finish". The applicant has submitted a photomontage showing how the infrastructure will look from surrounding areas (see Attachment 2).

21. The applicant has provided a map showing the existing 4GX indoor coverage during high traffic demands and the proposed 4GX indoor coverage (see Attachment 3). The map shows the current void of the service provider's network surrounding the subject site and the proposed infrastructure improving the network coverage in the area.

22. Three existing sites exist at 113 Orrong Road, Lathlain Park Oval and 43 Great Eastern Highway. The applicant has advised that "further upgrades of the above sites will not achieve the desired coverage objectives. The only feasible nearby site to introduce Telstra equipment was 113 Orrong Road that was investigated twice and rule out as EME compliance could not be achieved".

Strategic alignment

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

Engagement

Internal Engagement	
Stakeholder	Comments
Building Department	A Building Permit is required for the proposed facility
Health Department	Sound levels created are not to exceed the provisions of

	the Environmental Protection (Noise) Regulations 1997.
Engineering Department	The Town does not permit cabling etc. to be run through the ROW privately owned by the Town adjacent to the applicant's property. Applicant to investigate alternatives for cabling and servicing proposed tower.

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

Risk management considerations

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

Financial implications

Current budget impact	No impact
Future budget impact	Not applicable.

Analysis

23. The proposed Telecommunications Infrastructure has been assessed in accordance with the Town's Local Planning Policy 18 'Telecommunications Facilities' and State Planning Policy 5.2 'Telecommunication Infrastructure'.
24. SPP5.2 provides policy measures for Local Governments to use when assessing telecommunication infrastructure. The policy advises that the benefit of improved telecommunication services should be balanced with the visual impact on the surrounding area. The proposed infrastructure is located on the

corner of Orrong Road and Fransisco Place and will therefore have no impact on significant views. The existing site does not have an environmental, cultural heritage, social or visual landscape value.

25. The applicant has outlined the need for the proposed facility to improve network coverage in the area as well as why other alternative locations are not feasible. The design of the facility has also been cognisant of the need to minimise the visual impact, and in particular the proposed shrouding of the antennas and other equipment is acknowledged.
26. The character of the immediate area is mixed, with the predominant characteristic being Orrong Road which dominates the setting. The facility is proposed to be located at the rear of a group of retail premises in a fair condition.
27. It is noted that under the planning framework, a 2 storey high building is permitted on the site, being a height of approximately 7m above ground. In the context of a potential 2 storey building on the site, the height of the proposed telecommunications tower would not be so pronounced in comparison to the existing single storey buildings on the site.
28. While the monopole will be visible from the surrounding area, including nearby residential properties, and noting that the visual impact of the structure has been minimised, when balancing the needs of the community for an improved phone network versus the visual impact of the structure, the proposal is considered acceptable.
29. Having regard to LPP3 'Non-Residential Uses in or Adjacent to Residential Areas', the objectives of the Policy are relevant however the policy provisions are primarily applicable to developments involving buildings. While the proposal would not satisfy Policy objective (a) being *"to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties"*, when also considering the policy measures in the higher order State Planning Policy (SPP5.2), the proposal is considered to be acceptable.
30. In regard to concern raised by adjoining landowners about Electromagnetic Emissions (EME) SPP5.2 states *"the use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003. The licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions"*.
31. The potential loss of two on-site car bays is considered insignificant and acceptable in recognition that the rear of the subject site is inaccessible to cars and does not appear to have been used for such purposes for a number of years.
32. Having regard to the above, it is recommended that the application be conditionally approved.

Relevant documents

None.

Further consideration

Resulting from questions asked at the Agenda Briefing Forum held on 2 July 2019, the following additional information has been provided for clarity:

The monopole is to located approximately 14m from the boundary with the residential property at 98B Goddard Street.

In relation to concerns regarding the potential health impacts of mobile phone towers, deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 outlines a range of matters that the local government is to have regard to when determining an application for development approval. One relevant matter is *"the suitability of the land for the development taking into account the possible risk to human health or safety."* Therefore the potential health impacts is one of a range of matters that needs to be considered. However, as stated in State Planning Policy 5.2 *"it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research."*

Council's records indicate that correspondence was sent by the Town to submitters on 26 June 2019, advising of the upcoming Agenda Briefing Forum and the opportunity to attend.

12 Chief Operations Officer reports

12.1 Cancellation of Communicare Inc Lease of Town owned property - 10 Kent Street, East Victoria Park

Location	East Victoria Park
Reporting officer	Jayde Robbins
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Communicare - Offer to compensate (09042019) (002) [12.1.1 - 1 page]

Recommendation

That Council:

1. Accepts Communicare Inc. request to cancel the lease of 10 Kent Street, East Victoria Park.
2. Authorises the Chief Executive Officer to proceed with termination of the lease with Communicare at 10 Kent Street, East Victoria Park, subject to the following conditions:
3. All lease payments and utility reimbursements are paid in full up until 30 June 2019.
4. The building is left in good condition and all necessary maintenance, not caused by general wear and tear, is rectified.

Purpose

Communicare Inc. has written to the Town requesting that the lease of 10 Kent Street, East Victoria Park, be cancelled earlier than the existing lease arrangement as they no longer have a requirement to occupy the property. Communicare Inc. occupied the property for Jobactive and Work for the Dole programs, however due to the loss of Government contracts for these programs in March 2019, they have since ceased these services and vacated the property.

In brief

Communicare have requested for early termination of their lease at 10 Kent Street, East Victoria Park, being effective from 30 June 2019.

- The Lease term was from 1 July 2016 until 20 June 2021.
- Communicare's government contracts have been cancelled, through no fault of Communicare, therefore they no longer have a need to occupy the property.
- Communicare is a non-for-profit organisation and are paying market rental of \$28,325 per annum or \$544.71 per week (exclusive of GST).

Background

1. Communicare Inc. currently leases the property at 10 Kent Street, East Victoria Park, from the Town.
2. The lease commenced 1 July 2016 and is due to expire on 30 June 2021. Communicare had previously leased the property prior to this lease, for a number of years, on a \$1 per annum rental. The current

lease rental is \$28,325 per annum (exclusive of GST) and is due to increase by 3% per annum from 1 July 2019. The first year of the current lease was rent-free.

3. Communicare have advised that they have vacated the property as of the 15 March 2019 due to the government contract to provide Jobactive and Work for the Dole programs having been terminated early. These contracts were not due to expire until 30 June 2020, with option for extension.
4. Communicare is requesting that their lease of 10 Kent Street be cancelled effective from 30 June 2019, and has paid rent up to this date. As part of the request to cancel the lease, Communicare have offered to leave all remaining furniture and equipment at the property for the Town's Community program use or for the benefit of any potential new lessee.

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.	Communicare have vacated the property at 10 Kent Street, therefore the Town is recommending cancelling the lease. The Town is investigating alternative options for the property to be occupied, with preference given to tenants that provide a benefit to the community.

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.	Vacant properties within the Town can attract anti-social activities and also can, in some cases, accelerate the deterioration of the asset. The Town will assess the building for compliance requirements and for possible maintenance defects, and ensure that the asset will be able to continue to provide sustainable benefits to the Town.

Engagement

Internal engagement	
Stakeholder	Comments
<i>Community Development Manager</i>	<i>The Community Development team were invited to inspect the property to consider whether it would be suitable for potential Staff hot-desking use and also to assist with implementing community led programs for the youth. The shed out the back of the property has some heavy tools and equipment that potentially can be left from Communicare for use by youth orientated programs or members of the</i>

	<i>Men's Shed. There are also some sectioned garden areas at the back of the property that may be of use to Healthy Communities for situations where programs involving Community Gardens are required.</i>
<i>Property Development Manager</i>	<i>Discussed future options for this property. The land use is zoned Parks and Recreation and therefore cannot be leased for a Commercial return. Advice was given to offer the property to a not-for-profit community group. Options are currently being explored.</i>

Other engagement	
Stakeholder	Comments
<i>Department of Health</i>	<i>The Department of Health will be engaged to consider possible relocation of the Infant Health Clinic which is currently located at 4 Temple Street, East Victoria Park, to 10 Kent Street, East Victoria Park.</i>

Legal compliance

[Section 3.58 of the Local Government Act 1995](#)

The lease of the property to Communicare Inc. was an exempt disposition under s3.58 of the Act. Cancellation of the lease would not be subject to any procedural requirement under s3.58 of the Act.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Property Cancellation of the current lease could lead to the property being vacant until a suitable alternative use is determined	Moderate	Likely	High	Put suitable security measures in place to protect the property from any anti-social behaviour. Investigate potential occupation of the property. The close proximity of the Town's Rangers and Parking Officers who work from 6 and 8 Kent St would be a positive crime prevention factor while the building is untenanted.
Financial Cancellation of the current lease results in less revenue for the Town. There may be a	Moderate	Almost Certain	High	Carry out a condition audit and an accessibility compliance assessment of the building. Ensure all

financial impact related to making the building compliant for various requirements such as accessibility compliance requirements.				relevant works as per lease conditions are carried out by Communicare prior to termination of Lease. Make necessary access improvements to suit the need of the new potential tenant.
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Financial implications

Current budget impact	The Town currently receives \$28,325 per annum (exclusive of GST) rent from Communicare Inc. Should Council accept the recommendation, the revenue for this financial year will be adjusted as required.
Future budget impact	<p>Revenue from the 10 Kent Street lease will be foregone if cancellation of the lease is approved. Given the current zoning of the property with limited permissible land uses and the current rental demand and supply situation in the market, it is unlikely that an alternative tenant would be found to lease the premises at the current rent, therefore no revenue is forecast at this stage for future financial years.</p> <p>\$35,000 has been allocated in the 2019/2020 capital expenditure budget for necessary refurbishment and accessibility improvements to be provided to the building. These works will commence once the occupancy of the premises is determined and the required modifications can be properly scoped. It is likely these works will take place in September/October 2019.</p> <p>Maintenance and Operating expenditure will likely remain the same if the property is to be leased to an alternative tenant. However, if the future use is determined to be the Town's Community Development team, then the Town would be responsible for the operating costs and may need to increase operating expenditure to cover utility costs and general maintenance that would usually be the responsibility of the Lessee.</p>

Analysis

5. Communicare Inc. has been a good tenant throughout its tenancy at 10 Kent Street.
6. The Communicare's government contracts for Jobactive and Work for the Dole programs have been terminated, therefore they no longer have a requirement for the property.
7. Communicare is a not-for-profit organisation paying market value rent for a property leased from the Town.
8. Communicare have indicated its acknowledgement that there is no break clause in the current lease and has offered to pay rent up until 30 June 2019, even though the existing lease expires in 2021.

9. Section 4.5 of the Lease states that the Lessee is not permitted to sublet the premises without the prior written consent of the Lessor. This is not in the interest of Communicare and therefore they have not pursued this option.

Further consideration

10. The Town is currently investigating options for alternative uses for the property, these include the possible re-location of other community focused non-government organisations, such as Infant Health Clinic, and also the Town's Community Development Team have expressed interest in the space particularly for the delivery of community programs.

12.2 Memorial Commemorative Tree Planting Program

Location	Town-wide
Reporting officer	Gregor Wilson
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. In response to the March 2019 Notice of Motion, Council receives the report; and
2. Council endorses the Town to develop and implement the Memorial/Commemorative Tree Planting Program as part of the Urban Forest Strategy Implementation Action Plan.

Purpose

In response to a Notice of Motion endorsed by Council in March 2019, this report seeks Council endorsement for the Town to develop and implement a Memorial/Commemorative Tree Planting Program and associated policy as part of the Urban Forest Strategy Implementation Action Plan.

In brief

- Council supported a notice of motion in March 2019 to investigate the possibility of developing and implementing a Memorial/Commemorative Tree Planting Program.
- The Town's endorsed Urban Forest Strategy aims to increase canopy coverage from the current 10% to 20%. This will be largely addressed through increased planting of trees in parks and other public open space. The planting of memorial/commemorative trees can form part of this strategy.
- Costs involved in allowing for Memorial/Commemorative tree planting within the public open space include Officers time to investigate the location and an appropriate species, purchase of tree, planting, maintenance and watering. The Town may be able to offset some of the costs of tree planting by having the applicant pay for the tree and assist by providing supplementary watering.
- It is recommended that the Town develop its own policy to provide consistent and effective administration of requests for the planting of commemorative memorial trees in the Town.

Background

1. In March 2019, Cr Potter put forward a Notice of Motion –

“That Council:

Requests the CEO to investigate the viability of implementing a Memorial/Commemorative Tree Planting Program that:

- a) *Allows the public to make an application for a tree to be planted within the Town for commemorative or memorial purposes; and*

b) *Aligns with the Urban Forest Strategy.*

Requests the Chief Executive Officer to present a further report back to Council at its July 2019 Ordinary Council Meeting outlining:

- a) *The costs associated with implementing a Memorial/Commemorative Tree Planting Program; and*
- b) *The possibility of developing and implementing a Memorial/Commemorative Tree Planting Program by June 2020”.*

2. The Town does not currently have a policy or program relating to the planting of memorial trees. Recently the Town has received community requests in relation to planting of such trees.
3. Further discussions were held and the Town investigated this matter with the Urban Forest Strategy Working Group, as part of a possible inclusion in the Urban Forest Strategy implementation plan.
4. The Town’s endorsed Urban Forest Strategy aims to increase canopy coverage from the current 10% to 20%. This will be largely addressed through increased planting of trees in parks and other public open space.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Ensuring the report includes and shares information around costings and timelines.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensuring the report includes and shares information around costings (and any savings) to the Town for this program to our community.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Identifying possible partnerships with stakeholders within the town utilising an Asset-Based Community Development approach.

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.	In accordance with the intent of the UFS, a tree planting program that will contribute to increasing our tree canopy cover from 10% to 20%.
EN07 - Increased vegetation and tree canopy.	As above.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	A Memorial Planting program that result in the

	<p>planting of trees in accordance with the Town's Urban Forest Strategy, will contribute to social wellbeing of the Town's community by:</p> <ul style="list-style-type: none"> • Providing a sense of place and creating a sense of local identity; • Improving community cohesion; • Encouraging outdoor activity; • Reconnecting children with nature; • Reducing people's exposure to sun; • Reducing heat-related stress and; and • Improving mental wellbeing.
S03 - An empowered community with a sense of pride, safety and belonging.	Allowing for participants to have a sense of "ownership", pride and responsibility for their environment.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Recognising the importance of the family history of people within our community.

Engagement

Internal engagement

Stakeholder	Comments
<i>Environmental Officer</i>	<i>Environmental Officer provided advice on proposed program.</i>
<i>Parks Department</i>	<i>Staff provided input into proposed program, including parameters to consider if implemented. Parks staff will likely oversee any planting program.</i>

Legal compliance

'Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Planted trees die and need to be removed.	High	Likely	High	a) Establish a policy that clearly outlines the administrative procedure. b) Clear communication re: conditions and process within application.
Applicant unhappy with tree, location or	Medium	Likely	High	a) Establish a policy that clearly outlines the

installation details				administrative procedure. b) Clear communication re: conditions and process within application.
Tree maintenance becomes difficult for the Town	Medium	Moderate	Medium	Town will monitor the program and report regularly on the uptake. A pilot may be run initially so that the Town can establish demand before implementing the program in full.
Memorial plaque is damaged	Medium	Moderate	Medium	Town will investigate the use of GIS mapping software to record the trees and remove the need for plaques.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. Staff time is simply required to investigate the viability of a Memorial Tree Planting Program.
Future budget impact	<p>It is anticipated that the passing of the recommendation will result in funds being required in future budgets to administer the program, purchase trees and associated maintenance and watering. Watering is the largest of these costs ongoing over a 3-year establishment period.</p> <p>However, this cost may also be offset (at least partially) should a charge be applied to the applicant. Depending on the decision, the applicant may be fully or partly responsible for the costs involved with purchase of tree, maintenance, watering and if approved, purchase of the plaque. If the Town partly or completely funds this initiative, sufficient funds could be accessed from the proposed Urban Forrest Strategy implementation budget.</p>

Analysis

5. The planting of trees within the Town’s public open space is aligned with the objectives of the Urban Forest Strategy.
6. Residents taking a personal interest in tree planting may increase the success of the planting by increasing passive surveillance and promote the care and maintenance of trees. The Town has had several enquiries in addition to the notice of motion, suggesting that there may be further requests if a policy was to be developed and promoted, making it a viable program.
7. As an applicant is requesting a tree as a memorial, it is recommended that the applicant pays for the

cost of the tree and watering, or at least agree to carry out establishment watering. The cost of planting a 100-litre tree, watering and maintaining it for 3 years is currently \$1486 + GST. The 3 years watering component equates to approximately \$735, based on 30 weeks watering per annum.

8. The use of plaques in front of the trees is not recommended. It potentially creates more maintenance in relation to mowing, graffiti and who is responsible to replace them if damaged or vandalised. Ensuring consistency in wording type and style could be a potential area of conflict with the Town. Depending on the size style and type of plaque, it may not suit the surrounding landscape. The use of individual plaques may also not align with the Town's GEN4 Commemorative Recognition Policy in all cases, which is committed to honouring individuals, organisations or events that have made a significant contribution to the Town or the development of Western Australia.
9. The Town has found several Memorial Request policies held by other Local Governments (see Relevant Documents). It is recommended that the Town develop its own policy to provide consistent and effective administration of requests for the planting of commemorative memorial trees in the Town.

Relevant documents

GEN4 Commemorative Recognition Policy

City of Stirling – Memorial Tree Requests Policy

<https://www.stirling.wa.gov.au/your-city/documents-and-publications/your-city/about-council/governance-and-transparency/policies/memorial-tree-requests-policy>

Shire of Serpentine Jarrahdale - Council Policy 2.1.7 - Requests for Memorial Plaques and Trees

<http://www.sjshire.wa.gov.au/assets/Uploads/Council-Policies/2.0-Infrastructure-Services/2.1-Infrastructure-and-Design/2.1.7-Requests-for-Memorial-Plaques-and-Trees.pdf>

Urban Forest Strategy

<https://www.victoriapark.wa.gov.au/Around-town/Environment/Urban-Forest-Strategy/Read-the-Urban-Forest-Strategy>

Further consideration

The notice of motion and purpose has been amended to clearly outline the purpose of the report and its intended outcome from Elected Members.

A Policy or Guideline, similar to the Adopt-A-Verge Program, outlining the process and parameters for delivery of the program should be developed parallel to the Program under the Urban Forest Strategy Implementation Action Plan. The Town believes the resourcing and strategic alignment of the UFS means the Program is best placed to be delivered under the Implementation Action Plan.

The Town will investigate the option of using the GIS software for recording and mapping any Memorial/Commemorative trees. The intent would be to have this information on a layer of Intramaps (the

Town's GIS database) to record details of the tree species, location, date planted and who it was a Memorial for.

12.3 Tender TVP/19/03 - Panel contract for the supply of waste collection and removal services (including green and bulk waste (with option for skip bins), mattress and illegal dumping services); and other cleaning/graffiti removal services

Location	Town-wide
Reporting officer	Jonathan Horne
Responsible officer	Gregor Wilson
Voting requirement	Simple majority
Attachments	1. Tender evaluation for TVP 19-03 All waste and cleaning services [12.3.1 - 2 pages]

Recommendation	
<p>That Council awards the contract associated with Tender , to the nominated panel of tenderers in relation to the various services, as follows:</p> <ol style="list-style-type: none"> 1. Green waste verge collection services- Western Maze Pty Ltd T/A W.A. Recycle Services (ABN 67 061 656 451), Steann Pty Ltd (ABN 16 790 221 198), TC Waste (WA) Pty Ltd T/A D & M Waste Management (ABN 74 164 872 806), West Tip Waste Control Pty Ltd T/A West Tip (ABN 22 537 497 634); 2. Bulk verge waste collection services - Western Maze Pty Ltd T/A W.A. Recycle Services (ABN 67 061 656 451), Steann Pty Ltd (ABN 16 790 221 198), West Tip Waste Control Pty Ltd T/A West Tip (ABN 22 537 497 634), TC Waste (WA) Pty Ltd T/A D & M Waste Management (ABN 74 164 872 806); 3. Provision and collection of skip bins for green waste and bulk waste collection services - Cleanaway Pty Ltd (ABN 79 000 164 938), Handel Group Pty Ltd (ABN 89 625 084 077), EcoResources Pty Ltd (ABN 97 660 680 465); 4. Mattress collection and disposal from verges – Spider Waste Collection Services (ABN 56 159 852 356), TC Waste (WA) Pty Ltd T/A D & M Waste Management (ABN 74 164 872 806), Steann Pty Ltd (ABN 16 790 221 198), Cleanaway Pty Ltd (ABN 79 000 164 938) 5. On demand collection for waste on verges (illegal dumping) – TC Waste (WA) Pty Ltd T/A D & M Waste Management (ABN 74 164 872 806), Western Maze Pty Ltd T/A W.A. Recycle Services (ABN 67 061 656 451), West Tip Waste Control Pty Ltd T/A West Tip (ABN 22 537 497 634); 6. Graffiti removal services – Phillip King T/A The Pressure King (ABN 22 586 643), Kleenit Pty Ltd (ABN 51 121 427 003); 7. High pressure and steam cleaning services – Recycle Pty Ltd T/A Recycle WA Pty Ltd (ABN 62 169 010 146), Kleenit Pty Ltd (ABN 51 121 427 003), Phillip King T/A The Pressure King (ABN 22 586 643); 8. Pressure cleaning of bus stops/shelters – Phillip King T/A The Pressure King (ABN 22 586 643), Kleenit Pty Ltd (ABN 51 121 427 003), Recycle Pty Ltd T/A Recycle WA Pty Ltd (ABN 62 169 010 146). <p>in accordance with the terms and conditions as outlined in the contract, as their offers have been evaluated as the most advantageous to the Town.</p>	

Purpose

Council approval is required under the Local Government (Functions and General) Regulations 1996.

In brief

Tender TVP/19/03 was publicly advertised in accordance with local government regulations.

- Suppliers were requested to provide appropriate unit rates for the supply of various bulk, green and other verge waste collection and removal services, as well as other graffiti removal and cleaning services
- An evaluation of the tender submissions has been made against the prescribed criteria and it is recommended that Council accepts the submissions made for the panel of suppliers against the various scopes of services

Background

1. A number of separable portions of work have been identified for those waste collection and other cleaning services required within the Town on an ongoing basis.
2. To minimise the risk of sole contracting on operational works, panel contractors were sought under tender TVP/19/03 for a three year period covering specific scopes of work as follows:
 - Green waste verge collection services;
 - Bulk waste verge collection services;
 - Provision and collection of skip bins for green waste and bulk waste;
 - Mattress collection and disposal from verges;
 - On demand collection of waste from verges (illegal dumping);
 - Graffiti removal services;
 - High pressure and steam cleaning services;
 - Pressure cleaning of bus stops/shelters.
3. In accordance with tender regulations, the tender was publicly advertised, and closed on 5 February 2019. Unit prices have been subsequently confirmed with the tenderers as the period has fallen outside of the 90 day period following the close of tenders. Evaluations of the tenders submitted were undertaken by a three staff evaluation panel based on the qualitative and quantitative weightings as advertised in the tender documents.

Compliance criteria

4. The tender included a number of compliance criteria which tenderers had to meet to be considered for evaluation under the tender. These included confirmation of the following:
 - Compliance with the conditions of the tender
 - A minimum number of references
 - Completion of the respondents offer
 - Completion of the pricing schedules as required
 - Corporate information on the tenderer operations
 - The financial capacity of the tenderer to complete the services requested
 - Any conflict of interests that may arise in relation to the performance of the services
 - Suitable insurance coverage and evidence of currency

Evaluation process

5. Evaluation of the tenders was undertaken by a panel of three staff members, who reviewed the tender submission against the following weighting for each criteria:
 - Relevant experience 20%
 - Capability and qualifications 20%
 - Demonstrated understanding of the work 20%
 - Pricing 40%

6. A summary of the tender scores and rankings have been included in the attachment to this item.

Strategic alignment

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

Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Issued the tender publicly and responded to tender inquiries

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 and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Service interruptions for various scopes of work	Moderate	Possible	Moderate	Award panel of tenderers to spread/reduce risk on sole operational contracts.

Financial implications

Current budget impact	<i>Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be by Council determination. The value of the total contract over three years with further extension options (remove if tender is a lump sum contract) is expected to exceed \$200,000, therefore it is required that this item</i>
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	<p><i>be brought before Council for determination.</i></p> <p><i>Sufficient funds exist within the annual budget to address this recommendation.</i></p>
<p>Future budget impact</p>	<p><i>Not applicable.</i></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:
 - Street Operations Engineer
 - Team Leader Waste Services
 - Project Officer – Waste

8. The attachment details the results of the evaluation panel’s assessment of the tenders, based on the qualitative and quantitative weightings as advertised in the tender. The relative preference ranking of the panel of tenderers for each scope of work has been listed within the recommendation for award. It is noted that Cleanaway subsequently withdrew its offer in relation to green and bulk waste verge collection services; and also that the corporate body behind All Earth Waste Collection Services Pty Ltd has just been placed into external administration (with a pending court order for liquidation). All Earth Waste Collection Services Pty Ltd has therefore been excluded from further tender consideration.

Further consideration

9. At this stage the uptake of skip bins per year is unknown, therefore the Town has requested pricing scenarios from Cleanaway for 10,000, 20,000 and 30,000 bins per annum

10. The pricing also varies depending on the choice of the Town’s or Contractors preferred processing center, with price varying between approximately \$33-36 per skip bin (ex. GST and disposal/processing cost)

11. A number of operational issues also need to be weighed against the pricing of the implementation of skip bins. Some of these include; some streets with verge width not allowing skip bins, residents limited choice of bin delivery days, customer booking systems and liability waivers for damaged cross-overs.

12. The Town will continue to investigate options for the implementation of skip bins.

13 Chief Financial Officer reports

13.1 Schedule of Accounts for May 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Payment Summary Listing - May 2019 [13.1.1 - 11 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 May 2019, 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 31 May 2019.

In brief

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

Background

3. 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.
4. Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 - a) the payee's name
 - b) the amount of the payment
 - c) the date of the payment
 - d) sufficient information to identify the transaction
5. 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.
6. The payment list and the associated report was previously presented to the Finance and Audit

Committee. Given this Committee no longer exists, the payment listing 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.

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608564 – 608587	22,623
Creditors – EFT Payments		4,342,109
Payroll		1,042,907
Bank Fees		5,170
Corporate MasterCard		5,236
		5,418,045
Trust Account		
Automatic Cheques Drawn	3664 - 3678	32,337
		32,337

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

Legal compliance

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

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Financial impact Misstatement or	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal

significant error in Schedule of Accounts				and external audits.
Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation
Future budget impact	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](#)

Further consideration

In relation to the payment to Harold Hawthorn Senior Citizens Centre on page four of the attachment, the description was shown as "Donation-Community". The payment of \$32,600 is the Quarterly Operational Subsidy for the Centre which better describes the payment. The description in the list of payments has been amended accordingly.

13.2 Financial statements for the month ending 31 May 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Financial Statements for the month ending May 2019 [13.2.1 - 38 pages]

Recommendation from the Finance and Audit Committee

That Council accepts the Financial Activity Statement Report – 31 May 2019, as attached.

Purpose

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

In brief

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

Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
 - a) Revenue
Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.
 - b) Expense
Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.
3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
 - a) Period variation
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
 - b) Primary reason(s)

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

c) End-of-year budget impact

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

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

acts				Internal audits. Segregation of duties.
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Financial implications

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

Analysis

- The Financial Activity Statement Report – 31 May 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 May be accepted.

Relevant documents

Not applicable.

13.3 Acceptance of Grant Funding - Sport Australia Aqualife Grant

Location	East Victoria Park
Reporting officer	Alison Braun
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council accepts the Sports Australia Community Sport Infrastructure Grant of \$234,405.00, for the installation of a movable wall and upgrading of starting platforms at the Aqualife Centre.

Purpose

To seek acceptance of the Sports Australia Community Sport Infrastructure Grant of \$234,405 for the installation of a movable mall and upgrading of starting platforms at the Aqualife Centre.

In brief

- The Town collaborated with the Victoria Park Swim Club to apply for a Grant from Sports Australia, Community Sport Infrastructure to improve current infrastructure and promote, encourage and increase participation at the Aqualife Centre to improve the Communities health.
- The grant application outlined the removal of existing non-compliant starting blocks, bulkhead works, replace with FINA standard (*Fédération internationale de natation*) removable starting blocks and installation of a submersible swim wall that will offer flexibility in programming to maximise the use of the outdoor 50m pool lane space
- On April 17, 2019 the Town of Victoria Park was informed by Sports Australia, Community Sport Infrastructure, the grant application for a movable all and removal and installation of starting platforms at the Aqualife Centre was successful and the Town of Victoria Park was granted \$234,405 to be allocated within the 19/20 financial year.

Background

1. The Grant is being provided as part of the Australian Government’s Community Sport Infrastructure Grant Program. Specifically, the program aims to support and increased growth in sport and physical activity participation, encourage development of multi-use, shared and co-located facilities, offer a range of flexible, community based, participation opportunities to promote community participation, pride, connection and leadership.
2. The Town’s community profile shows a current population of over 39,000 residents. The population is projected to reach in excess of 56,000 in the year of 2036 and 75,000 in the year of 2050.

Consequently, service delivery for the Town's leisure facilities must be tailored to cater to a growing population.

3. The Aqualife 50m pool was constructed in 1965 and is listed as a site that has social and historic heritage significance. To retain the heritage significance and bring the pool up to a contemporary standard and maximise usable water space a submersible wall and removal and replacement of starting platforms is recommended.
4. The grant submission was a collaborative project between Town of Victoria Park and the Victoria Park Swim Club and resident clubs with the aim to increase community participation at the Aqualife Centre.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	A coordinated plan collaborating with internal and external parties

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Services to ensure positive customer experience.

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.	Efficiency and maximum recreational value are obtained from the resources dedicated to the facilities

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facility and programming
S02 - An informed and knowledgeable community.	Engage with regular information and project progression with community and Towns sporting clubs
S03 - An empowered community with a sense of pride, safety and belonging.	Community and Club engagement to deliver outcomes to create a community hub and healthy community that they are proud of and promote to visitors from outside the community.

Engagement

Internal engagement

C-Suite	Engagement with C-suite throughout the application process
Project Management Office	Engage and inform the project management team to deliver a successful project
Strategic Assets	Inform Coordinator of Strategic Assets to collaborate to ensure the maintenance and upgrades of the Towns assets
Comms	Communication both internally and externally
Procurement	Tender Procurement

External engagement	
Stakeholders	External engagement with community Collaboration with Towns sporting Clubs
Period of engagement	Engagement commencing on the receipt of funds, ongoing throughout the project
Level of engagement	Inform
Methods of engagement	Online information sharing to broader community Sports Australia Community Sport Infrastructure website
Advertising	Social media, local sporting clubs and Sports Australia Community Sport Infrastructure website
Submission summary	NA
Key findings	External stakeholders supportive of upgrades

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial Construction costs exceed estimates	Moderate	Likely	High	Detailed quoting completed with contingency budget allocated however where there may be justified and unforeseen

				additional costings the Town may be required to contribute which would require budget reallocations.
Compliance Town unable to complete projects within outlined project timeline	Moderate	Possible	Moderate	A detailed Gantt chart and project management plan to ensure project delivery within allocated timeframes.
Reputational Required pool closure for works	Moderate	Possible	High	Ensure a comprehensive communication plan for both internal and external stakeholders and community.

Financial implications

Current budget impact	Nil
Future budget impact	Grant income of \$234,405.00 has been listed within the 2019-20 Annual Budget.

Analysis

5. The installation of submersible wall will allow for a greater number of participants to use the 50m pool at any one time. It allows greater flexibility and increased scheduling options providing the ability to add additional user groups/sports.
6. The proposed starting platforms are designed with the aim of supporting swimmers of all abilities including Multi-Class swimmers, that is people with both physical and/or psychological disabilities. The tactile grip and lower heights allow for easy access and a positive grip for those swimmers who are at a higher risk.
7. The Grant will be paid to the Towns nominated account according to agreed schedule. Payments are subject to satisfactory progress on the project and compliance by the Grantee with its obligations under this Agreement.
8. The first payment will be issued 30 days after the submission of invoice to Sports Australia of 80% of the total funding amount with the remainder 20% of the grant funded amount to follow December 2019.
 - o Initial Payment Amount \$187,524.00
 - o Final Installment Payment Amount \$46,881.00
9. A comprehensive project plan will be implemented in collaboration with Project Management Office, Building and Assets Operations, Facility Manager and Sports Australia to ensure the project is managed and delivered successfully in accordance with the Town's procurement policy.

Relevant documents

Not applicable.

Further consideration

At the Agenda Briefing Forum, a question was asked about whether there would be start platforms at both ends of the pool. It was advised that this wouldn't be the case as the shallow end is not compliant to have start platforms for diving. The Vic Park Swimming Club has since advised that eight anchors will be installed at the shallow end and will be compliant for supervised club use but not for the general public. The blocks will be used for events and swimming club training, under competent supervision. They will be removed at all other times to reduce the likelihood of any injuries to the community.

14 Committee Reports

15 Applications for leave of absence

Mayor Trevor Vaughan	22 August 2019 to 16 September 2019
Cr Karen Vernon	5 August 2019 to 7 August 2019

16 Motion of which previous notice has been given

16.1 Cr Jennifer Ammons Noble - Container Deposit Scheme: Community Collection Network

In accordance with clause 4.3 of the *Town of Victoria Park Standing Orders Local Law 2011*, Cr Jennifer Ammons Noble has submitted the following notice of motion.

Motion

That Council:

1. Requests that the Chief Executive Officer investigates options for the Town to become part of the WA Container Deposit Scheme Collection Network, including but not limited to:
 - a. identifying the potential benefits and risks for the community
 - b. outlining opportunities for the Town to support and/or work in partnership with local community organisations and local social enterprises interested in becoming part of the WA Container Deposit Scheme Collection Network
 - c. identifying potential key stakeholders in the community organisation and social enterprise sector of our community
2. Requests that the Chief Executive Officer presents a report back to Council by September 2019 covering the matters in point 1 above and highlighting recommended options on how the Town might proceed.

Reason

The Container Deposit Scheme is due to start next year, and in addition to helping the Town achieve better waste diversion and recycling outcomes by reducing the number of containers sent to landfill, it represents an opportunity for the Town, community organisations and local social enterprises to work together for best outcomes in our community while capturing funds and keeping them local.

Our community could benefit from becoming part of the collection network –there is potential for job creation, community fundraising as well as environmental benefits; it's anticipated the network will include refund points, transport, processing facilities and donation points providing ample opportunity for community organisations, social enterprises to participate and benefit. Supporting and/or working in partnership with our community organisations to leverage local facilities for community-owned or community-managed collection points also aligns with our strategic civic leadership aspirations by facilitating appropriate devolution of service provision to an empowered community –and in the spirit of really knowing the value of our waste.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The collection network is anticipated to include refund points, transport, processing facilities and donation points providing ample opportunity for the Town and community organisations and social enterprises to participate and benefit.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	Taking action to engage and empower our community to become part of the container collection network supports responsible, community-led approach to waste management --reducing the number of containers sent to landfill, increasing recovery and recycling of containers while creating an opportunity for the Town, community organisations and local social enterprises to work together for mutually beneficial outcomes.

Officer response to notice of motion

Location	Town-wide
Reporting officer	Gregor Wilson
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. In principal, the Town would support involvement in the CDS. To date, the Town has registered its interest in support of the CDS for other organizations willing to operate refund collection points within the Town area (as an expression of interest – and as required and administered through the Department of Water and Environmental Regulation (DWER) website).
2. The timeframe for implementation for the CDS allows for its final introduction in early 2020. However, it is noted that this is based on the official appointment of the Scheme Coordinator in April 2019, followed by the procurement and appointment of the collection network over the following six months (by October 2019). Whilst the State government announced an appointment off the Scheme Coordinator as at 14 May 2019, formal contracts have been delayed for the appointment, placing the timeframe probably around 3 months behind this schedule.
3. Until such time as further information is provided it may be premature to carry out further investigation until there is more clarity on the Governments proposed actions.
4. It would be recommended that a report investigating options for the Town relating to the CDS be prepared for November 2019.

Legal compliance

Not applicable.

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Council receives a report on CDS prior to State Government finalizing the details. As a consequence, Council does not receive the full information regarding the scheme and any financial implications or risks involved.	Moderate	Likely	High	Council defers receiving report until November.

Financial implications

Current budget impact	There are no current funds regarding potential costs, resources or revenue relating to the CDS in the Waste Operating budget.
Future budget impact	No funds are currently allocated to any future CDS initiatives.

Relevant documents

Not applicable.

16.2 Cr Karen Vernon - Quarterly Corporate Reports

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

Motion

That Council requests that the Chief Executive Officer:

1. Develops an Annual Strategic Project Plan 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 Plan 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 Plan
 - c. 5 Year Capital Works Program
 - d. Economic Development Strategy 2018 – 2023
 - e. Urban Forest Strategy

Reason

Under the Local Government Act, Council has responsibility for overseeing the performance of the Town's functions, and allocation of the Town's finances and resources.

The Town must account for its activities and have processes and systems to support accountability, including providing Council with sufficient information to allow for oversight of the Town's performance in achieving its objectives.

Overseeing the Town's allocation of finances and resources is performed by the adoption of a Long Term Financial Plan, Corporate Business Plan, Annual Budget, Capital Works Program, Strategic Workforce Plan and Strategic Asset Management Plan.

The development of an annual Strategic Projects Plan (reported against quarterly) will enable the Council to identify those projects within the financial year that align with the Town's Strategic Community Plan.

Regular reporting against long term strategic objectives from the Town's other key strategies and plans will assist Council to exercise its responsibility for overseeing the performance of the Town's functions.

Council needs to ensure that it receives sufficient reports and other information to adequately monitor the Town's performance of its functions, allocation of resources and finances, key activities and service delivery.

By adopting a consistent and regular approach to reporting of the progress the Town is making towards its short and long term goals, this will enable Council to more readily:

1. assess performance against strategies and plans;
2. identify risks and significant variations in projected performance and budgeting;
3. take action to address any issues that arise; and
4. receive the information needed to make informed decisions.

Most importantly, quarterly progress reports against the Corporate Business Plan, Annual Strategic Projects Plan, 5-year Capital Works Program and other significant Town strategies will assist in providing Council and the community with the transparency and accountability they need.

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	The community is regularly and consistently informed about the Town’s progress against its key plans and strategies.
CL02 - A community that is authentically engaged and informed in a timely manner.	The regular reporting of key activities and progress against key plans and strategies will enable Council to account for what it promised to do within time and on budget, or if not, explain why, and thereby build trust with the community.
CL03 - Well thought out and managed projects that are delivered successfully.	Regular reporting provides transparency over project management and builds confidence in the Town’s ability to successfully develop, manage and deliver projects.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Transparency over the Town’s performance of its functions and the effectiveness of its progress in meeting strategic objectives and outcomes will improve management of financial resources.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Enable Elected Members to make sound and accountable decisions in the best interests of the community.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The Council will be appropriately informed and able to fulfil its legislative responsibilities appropriately, diligently and equitably.

Officer response to notice of motion

Location	Town-wide
Reporting officer	C-Suite
Responsible officer	C-Suite
Voting requirement	Simple majority
Attachments	Nil

Officer comment

Development and quarterly reporting on 2019/2020 Annual Strategic Project Plan

1. The Town supports in-principle a mechanism of a more coordinated approach to reporting to Council. However, as the information requested in the Notice of Motion covers many aspects of the Town's service areas and to enable officers to provide such information to Elected Members in a way that is acceptable to them, it is requested that the motion be referred to a Concept Forum for further discussion and clarification.
2. The Town currently has various software systems, generally used by separate parts of the organisation to provide information on the status of initiatives and projects, however many of these systems have only recently been introduced and are not integrated to provide consolidated reporting. Although the Town is working to ensure this capability is developed in time, it is likely that a coordinated report as proposed will take a significant amount of manual work to compile and produce at this stage.

Quarterly reporting on 5-Year Capital Works Program

3. Reports on the annual capital works program have previously been presented to elected members through the Finance and Audit committee (now replaced by the Audit Committee). It is proposed that a similar report could be provided to address the Notice of Motion. However, a report on the 5 year capital works program is not envisaged to be as relevant because projects in years 2-5 are not actively progressed in the current financial year. The request could be discussed in more detail at a concept forum to better understand the intent and need for such a report.

Quarterly reporting on Corporate Business Plan

4. As part of the review of the Corporate Business Plan (CBP), the Town is currently working towards a migration of its reporting system into a software which will allow for monthly reporting on outstanding CBP actions. Once the system is in place, it is intended that this information be 'live reported' on the website, either alongside, or a part of, the current [Performance Dashboard](#). That said, as this form of reporting has yet to materialise, providing an update on CBP actions from the September Council Meeting can be provided at this time. It is proposed, however, that once reporting on the CBP reaches a higher level of maturity that the quarterly reporting proposed in the notice of motion be reconsidered.

Quarterly reporting on Economic Development Strategy 2018-2023

5. While a report on the Economic Development Strategy 2018-2023 can be provided to Council at the October OCM, it is recommended that any further report be done on a six monthly basis.

Quarterly reporting on Urban Forest Strategy

6. As the 'strategic outcomes' outlined in the Urban Forest Strategy are broad and longer-term, it is proposed that the quarterly reporting be conducted on the Urban Forest Strategy Implementation to Action Plan (UFS IAP). While quarterly reporting can be generated for the UFS IAP once the report has been endorsed, and the initiative

operationalised and resourced, it is to be noted that this document is still in its draft form and will likely not be presented to Council for approval until later this year. As such, a report made on the UFS IAP in October is likely to be difficult to produce.

Engagement

Internal engagement	
Stakeholder	Comments
Operations	Provided comment on the 2019/2020 Annual Strategic Project Plan, Five-Year Capital Works Program and Urban Forest Strategy
Place Planning	Provided comment on the Economic Development Strategy, and Urban Forest Strategy
Governance & Strategy	Provided comment on the Corporate Business Plan
Finance	Provided feedback on the 2019/2020 Annual Strategic Project Plan

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town in relation to transparency	Moderate	Likely	Medium	Framework developed to provide quarterly reporting

Financial implications

Current budget impact	No budget implications.
Future budget impact	Not applicable

Relevant documents

[Corporate Economic Urban Forest Strategy](#) [Business Development](#) [Plan Strategy](#)

17 Questions from members without notice

18 New business of an urgent nature

19 Public question time

20 Public statement time

21 Meeting closed to the public

21.1 Matters for which the meeting may be closed

21.1.1 CEO Contract Negotiations

21.2 Public reading of resolutions which may be made public

22 Closure