

# Memo

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17 March 2020

## **RE: Questions on notice omitted from March 2020 Ordinary Council Meeting agenda**

Two questions and responses taken on notice at the Ordinary Council Meeting held on 18 February 2020 were not included in the March 2020 Ordinary Council Meeting agenda.

The questions and answers provided below are to be included on page 10 of the published 17 March 2020 Ordinary Council Meeting agenda under questions from Mr Vince Maxwell.

### *1. How is the 100 hours of player involvement recorded?*

The monitoring and review of the 100 hours of player involvement will be undertaken as a joint exercise between the Town and the West Coast Eagles. The West Coast Eagles will provide an annual report which will detail these activities. The hours dedicated in the first year will not only support the first four programs but be utilised in initiatives to support local business, environmental outcomes, cultural events, improving literacy and supporting community groups.

### *2. Has the Town asked for the written details for how the minimum of 100 daylight hours for passive recreation are being provided to the community at large?*

The Town has made three formal requests for written details on how access to oval two will be provided to the community at large. The Town has also requested the contact details and the location of this information on the West Coast Eagles website. These requests were made on 12 September 2019, 18 September 2019 and 16 October 2019.

In the initial instance, the Town received a written reply indicating that the oval was undergoing grounds maintenance and would be available to the public in the coming week. Subsequent to this, the General Manager Infrastructure from the West Coast Eagles verbally advised the Town that:

1. The community can view booking details for Oval 2 online through the West Coast Eagles' website.

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2. The West Coast Eagles have adopted a common sense approach during scheduled maintenance periods, for example if the operator is operating mechanical equipment at one end of the oval they will allow people to use the opposite end of the oval. If the operator is using chemicals then he will ask anyone using the oval to leave due to occupational health and safety issues.
3. The West Coast Eagles do not prohibit passive recreation as there is nothing stopping people from using oval two. Additionally, the West Coast Eagles confirmed oval two is available to the community all the time.
4. Local primary schools have been using oval two for school carnivals.
5. Clause 17 states that the West Coast Eagles have the ability to erect signage however, it isn't a compulsory requirement.
6. The West Coast Eagles' intention is to continue to cooperate with the community and the Town, and are happy to answer any additional queries regarding use of oval two.

The above questions and responses will be included in the minutes for the 17 March 2020 Ordinary Council Meeting.

**Anthony Vuleta**

**Chief Executive Officer**



# Ordinary Council Meeting

## Agenda – 17 March 2020

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

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm on Tuesday 17 March 2020** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Anthony Vuleta – Chief Executive Officer**  
13 March 2020

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## **1 Declaration of opening**

### **Acknowledgement of Country**

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

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

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

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

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

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

## **2 Announcements from the Presiding Member**

### **2.1 Recording and live streaming of proceedings**

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

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

### **2.2 Public question time and public statement time**

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

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

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

means.

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

### **2.3 No adverse reflection**

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

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

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

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

### **3 Attendance**

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Ronhhda Potter Cr Wilfred Hendriks Cr Luana Lisandro
<b>Jarrahdale Ward</b>	Deputy Mayor Bronwyn Ife Cr Vicki Potter Cr Brian Oliver Cr Jesvin Karimi
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b>	Mr Ben Killigrew
<b>Chief Financial Officer</b>	Mr Michael Cole
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Manager Development Services</b>	Mr Robert Cruickshank
<b>Manager Governance and Strategy</b>	Ms Danielle Uniza
<b>Secretary</b>	Ms Amy Noon

#### **3.1 Apologies**

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

Nil.

## **4      Declarations of interest**

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

### **Declaration of financial interests**

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

### **Declaration of proximity interest**

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

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

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

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

## **5 Public question time**

### **5.1 Response to public questions taken on notice at the Ordinary Council Meeting held on 18 February 2020**

#### **Mike Lanternier**

1. *When was the Council officially advised by the West Coast Eagles that they intended to host an AFL game at Lathlain Park this month?*

The organisers of the events are the Western Australian Football Commission, who advised the Town of their intent for a practice game and the two AFLW games at Lathlain Park in November 2019.

2. *At the last Agenda Briefing Forum, the Chief Operations Officer advised that the lease is silent on games being held on Lathlain Park. Has legal advice been sought to provide that interpretation?*

Legal advice has been requested.

3. *Has the Council received a traffic management plan for the West Coast Eagles?*

A traffic management plan has been received.

#### **Vince Maxwell**

1. *One of the questions from December in the agenda tonight is not an accurate representation of what was asked. When will the correct question be asked of staff, and be answered?*

The video recording has now been reviewed following the Council meeting. The question was recorded incorrectly in the unconfirmed minutes for December 2019 as:

*In relation to the Land Asset Optimisation Strategy, the Town has sold approximately \$7 million in land, how much other revenue is being generated?*

The correct question is now recorded as:

*In relation to the Land Asset Optimisation Strategy, the Town has said it has sold approximately \$7 million worth of land over the last 19 years. Other than bank interest, how much on-going revenue is being generated as a result of these sales?*

You have now been provided with an updated response to your question. The unconfirmed minutes for the December 2019 Council meeting will be amended to reflect the corrected question and its subsequent response. The unconfirmed minutes for December 2019 will be presented to Council for confirmation at its March 2020 Ordinary Council Meeting.

2. *Has no action been taken on this matter, following the information and request already being provided in writing?*

The matter has now been actioned as per the response provided above.

3. *Would be happy for copies of emails, included in the 320 contacts, to be given.*

The following is a summary of the emails and other correspondence received from or sent to you for the period from 22.10.2017 to 28.2.2019.

Please note, the search of our records was based on your known email addresses.

#### Email received from Vincent Maxwell

Date range	Number
22.10.2017 – 31.12.2017	3
01.1.2018 – 31.12.2018	40
01.1.2019 - 28.02.2019	0
22.10.2017 – 31.12.2017	23
01.01.2018 – 31.12.2018	57
01.01.2019 - 28.02.2019	0

#### Email sent to Vincent Maxwell

Date range	Number
22.10.2017 – 31.12.2017	1
01.01.2018 – 31.12.2018	41
01.01.2019 - 28.02.2019	0
22.10.2017 – 31.12.2017	67
01.01.2018 – 31.12.2018	199
01.01.2019 - 28.02.2019	4

The above may include duplicates in relation to the "To email address" statistics as we understand you often copied in your alternative email address when you sent an email to the Town.

If the staff member replying used the "Reply All" function this would result in both your email addresses receiving the reply. You may have also been copied in to replies to other Councillors.

Below are the statistics for physical mail which has been received from you and registered by the Information Management Team from 22.10.2017 to 28.2.2019.

## Physical Mail Received from Vincent Maxwell

Date range	Number
22.10.2017 – 31.12.2017	1
1.1.2018 – 31.12.2018	3
1.1.2019 - 28.2.2019	0

Given the volume of emails listed above, we're not prepared to divert the considerable resources required to provide copies of these emails. Particularly since you will already have access to these emails from your own email address inbox records.

You can apply under FOI for access to these records. We have attached the following documents:

- FOI – Application to Access Documents
- FOI – Information Sheet
- FOI – Fees and Charges
- Credit Card Authorisation

Please note that Town can recover the cost of providing this information but before proceeding would provide you with an estimate of the cost involved.

4. *In relation to the community benefits from the West Coast Eagles, will the Town be back paid to the time of practical completion for these things?*

The Community Benefit Strategy was finalised in December 2019. The Town reached agreement with West Coast Eagles and Wirrpanda Foundation to extend the date of completion of the strategy in order to achieve quality outcomes for our community. This did not prevent the WCE from delivering outcomes to the community in the interim period. Therefore, the Town will not be pursuing back pay. The community will now benefit from programs that engage local youth in constructive activities, assist in the prevention of domestic violence and provide support to our local community and sporting organisations. The Town is currently satisfied with the community benefits strategy.

5. *How is the 100 hours of player involvement recorded?*

The monitoring and review of the 100 hours of player involvement will be undertaken as a joint exercise between the Town and the West Coast Eagles. The West Coast Eagles will provide an annual report which will detail these activities. The hours dedicated in the first year will not only support the first four programs but be utilised in initiatives to support local business, environmental outcomes, cultural events, improving literacy and supporting community groups.

6. *Has the Town asked for the written details for how the minimum of 100 daylight hours for passive recreation are being provided to the community at large?*

The Town has made three formal requests for written details on how access to oval two will be provided to the community at large. The Town has also requested the contact details and the location of this information on the West Coast Eagles website. These requests were made on 12 September 2019, 18 September 2019 and 16 October 2019.

In the initial instance, the Town received a written reply indicating that the oval was undergoing grounds maintenance and would be available to the public in the coming week. Subsequent to this, the General Manager Infrastructure from the West Coast Eagles verbally advised the Town that:

1. The community can view booking details for Oval 2 online through the West Coast Eagles' website.
2. The West Coast Eagles have adopted a common sense approach during scheduled maintenance periods, for example if the operator is operating mechanical equipment at one end of the oval they will allow people to use the opposite end of the oval. If the operator is using chemicals then he will ask anyone using the oval to leave due to occupational health and safety issues.
3. The West Coast Eagles do not prohibit passive recreation as there is nothing stopping people from using oval two. Additionally, the West Coast Eagles confirmed oval two is available to the community all the time.
4. Local primary schools have been using oval two for school carnivals.
5. Clause 17 states that the West Coast Eagles have the ability to erect signage however, it isn't a compulsory requirement.
6. The West Coast Eagles' intention is to continue to cooperate with the community and the Town, and are happy to answer any additional queries regarding use of oval two.

## **5.2 Public question time**

## **6 Public statement time**

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

### **Recommendation**

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 17 December 2020.
2. Confirms the minutes of the Ordinary Council Meeting held on 18 February 2020.
3. Receives the notes of the Agenda Briefing Forum held on 3 March 2020.

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

### **Recommendation**

That Council receives the minutes of the:

1. Tamala Park Regional Council meeting held on 20 February 2020.
2. WALGA South East Metropolitan Zone meeting held on 26 February 2020.
3. Mindarie Regional Council meeting held on 27 February 2020.

## **9 Presentations**

### **9.1 Petitions**

### **9.2 Presentations**

### **9.3 Deputations**

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

### **Recommendation**

That items 11.2, 12.2, 12.3, 12.4, 12.6, 14.1, 14.2, 15.1, 15.2, 15.3 be adopted by exception resolution, and the remaining items be dealt with separately.

## **11 Chief Executive Officer reports**

### **11.1 Appointment of Elected Member to Council Committees and external bodies**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Amy Noon
<b>Responsible officer</b>	Danielle Uniza
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

#### **Recommendation**

That Council:

1. Appoints a deputy member to the Chief Executive Officer Recruitment and Performance Review Committee.
2. Appoints a member to the Policy Committee.
3. Considers appointing a member to be an ordinary member of Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association and advises the association of this decision.

#### **Purpose**

To appoint the newly elected member, following the Banksia Ward extraordinary election, to Council committees and external bodies with vacant positions, that the Town of Victoria Park has membership on.

#### **In brief**

- Council appointed elected members to Council Committees and external bodies at the Special Council Meeting held on 29 October 2019.
- An extraordinary election was held on 28 February 2020 to fill the vacant Banksia Ward seat.
- There is a vacant deputy member position on the Town's Chief Executive Officer Recruitment and Performance Review Committee, and a vacant position on the Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association.
- The Policy Committee is a whole-of-Council Committee.

#### **Background**

1. Following the extraordinary local government election held on 28 February 2020, consideration needs to be given to appointing the newly elected member to vacant positions on Council committees and external bodies that the Town is a member of.
2. Appointments to Council Committees and external bodies were made at the Special Council Meeting held on 29 October 2019, following the 2019 ordinary election.

3. There is a vacant deputy member position on the Town's Chief Executive Officer Recruitment and Performance Review Committee. The terms of reference for this Committee state that there is to be four deputy members appointed to the Committee.
4. As part of the Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association's constitution, the Town of Victoria Park is entitled to nominate up to two representatives to be members of the board. The Town's only current member is Cr Wilfred Hendriks, leaving one vacant position.
5. The Town's Policy Committee, established at the Special Council Meeting held on 29 October 2019, is a whole-of-Council Committee. The newly elected member needs to be appointed to this Committee to be able to participate.

## 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.	<p>Administering Council committees correctly demonstrates that the Council has sound and accountable governance.</p> <p>Having representation on external bodies ensures that Council has input into matters affecting the Town of Victoria Park and its community.</p>

## Legal compliance

[Part 15 – Establishment and Membership of Committees of the \*Meeting Procedures Local Law 2019\*](#)

[Sections 5.8, 5.9, 5.10, 5.11A and 5.11 of the \*Local Government Act 1995\*](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Failure to appoint members to the Council Committees results in an elected member not being able to participate in those meetings.	Moderate	Rare	Low	Elected members appoint members to these committees.

## Financial implications

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

## **Analysis**

6. The Council Committees and external body that the Town has membership on, with vacant positions, are all listed below. This information includes what each body does, how many elected members should be appointed, who is currently in the positions, any remuneration and the frequency of meetings.

### **Chief Executive Officer Recruitment and Performance Review Committee**

7. The Chief Executive Officer Recruitment and Performance Review Committee (CEORPR Committee) exists for the purpose of:
- (a) developing a process for the recruitment and selection of the Chief Executive Officer
  - (b) ensuring the selection process is in accordance with principles of merit and equity
  - (c) reviewing the Chief Executive Officer's performance on an annual basis
  - (d) reviewing the key performance indicators to be met by the Chief Executive Officer
  - (e) reviewing the Chief Executive Officer's employment contract and remuneration package
8. The CEORPR Committee does not have any delegated authority or authority to implement its recommendations without resolution of Council.
9. The committee comprises of five elected members being the Mayor and two elected member representatives from each of the Town's two wards, with four alternate deputy members in a hierachal order.

<b>Vacancies</b>	<b>Current members</b>	<b>Remuneration</b>	<b>Meeting frequency</b>
One deputy	Deputy Mayor Bronwyn Ife (Presiding member) Cr Vicki Potter Cr Jesvin Karimi Cr Claire Anderson Mayor Karen Vernon  Deputies: Cr Wilfred Hendriks Cr Ronhhda Potter Cr Brian Oliver	Not applicable	Subject to resolution of the committee

### **Policy Committee**

10. The Policy Committee exists to provide guidance and assistance to Council in fulfilling its legislative responsibilities in relation to the following key areas:
- a) Assist Council to deliver the Policy Review Work Plan for 2019-2020, as adopted by Council at its September 2019 meeting.
  - b) Making recommendations to Council on proposed policies as a result of the policy development, review or evaluation process.
  - c) Recommend to Council an annual work plan for policy review, development and/or evaluation in accordance with Policy 001 Policy Management and Development.

11. The Policy Committee does not have any delegated authority or authority to implement its recommendations without resolution of Council.
12. The committee comprises of all elected members.

#### **Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association**

13. Harold Hawthorne Senior Citizens' Centre and Homes Inc. is located in Carlisle. The objects of the association are:
  - a) to operate a community centre that promotes the well-being of seniors and people with disabilities, and to assist them to remain living independently within the District of the Town by conducting programs that encourage active participation and opportunities for social interaction.
  - b) to conduct home and community care support services for seniors and people with disabilities (and their carers) to help them to live independently.
  - c) to operate a meals on wheels service.
  - d) to provide seniors with independent living accommodation within the District of the Town.
  - e) to pursue objectives of a benevolent nature.
  - f) to promote and assist the general wellbeing of all seniors and people with disabilities in the District of the Town by assisting the work of statutory authorities and voluntary organisations engaged in respect of seniors and people living with disabilities by providing facilities for physical and mental and exists to support the independence, personal growth and wellbeing of seniors and younger people with disability in the local community.
14. As part of the board's constitution, the Town of Victoria Park is entitled to nominate up to two representatives to be members of the board.

<b>Vacancies</b>	<b>Current member</b>	<b>Remuneration</b>	<b>Meeting frequency</b>
One	Cr Wilfred Hendriks	Not applicable	Monthly

#### **Existing membership to Council Committees and external bodies**

Existing membership of Council on all committees and external bodies is provided below.

<b>Council Committee or external body</b>	<b>Membership</b>
<b>Audit Committee</b>	Cr Brian Oliver (Presiding member) Cr Jesvin Karimi Cr Wilfred Hendriks Mayor Karen Vernon
<b>Chief Executive Officer Recruitment and Performance Review Committee</b>	Deputy Mayor Bronwyn Ife (Presiding member) Cr Vicki Potter Cr Jesvin Karimi Cr Claire Anderson Mayor Karen Vernon
	Deputies: Cr Wilfred Hendriks Cr Ronhhda Potter Cr Brian Oliver
<b>Mindarie Regional Council</b>	Mayor Karen Vernon
<b>Tamala Park Regional Council</b>	Cr Claire Anderson
<b>Metro Central Joint Development Assessment Panel</b>	Cr Vicki Potter

	<p>Cr Ronhhda Potter</p> <p>Deputies:</p> <p>Cr Claire Anderson</p> <p>Cr Wilfred Hendriks</p>
<b>Canning College Board</b>	Cr Jesvin Karimi
<b>Perth Airports Municipalities Group Inc.</b>	<p>Cr Wilfred Hendriks</p> <p>Deputies:</p> <p>Chief Community Planner</p> <p>Mayor Karen Vernon</p>
<b>Western Australian Local Government Association South-East Zone</b>	<p>Deputy Mayor Bronwyn Ife</p> <p>Cr Ronhhda Potter</p> <p>Deputies:</p> <p>Cr Vicki Potter</p> <p>Cr Claire Anderson</p>
<b>South East Metropolitan Regional Road Sub-Group</b>	Mayor Karen Vernon
<b>Harold Hawthorne Senior Citizens' Centre and Homes Inc. Association</b>	Cr Wilfred Hendriks

## Relevant documents

Not applicable.

## 11.2 Workforce Plan 2020-2035

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Graham Olson
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. 10.2.1 Workforce Plan 2020 2035 [ <b>11.2.1</b> - 21 pages]

### Recommendation

That Council endorses the amended Workforce Plan 2020-2035 resulting from the review conducted in accordance with regulation 19DA of the Local Government (Administration) Regulations 1996.

### Purpose

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

### In brief

- In accordance with regulation 19DA (3C) of the Local Government (Administration) Regulations 1996, "develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning".
- The Town has conducted a review of the Workforce Plan and have made changes to the structure and content of the document.

### Background

1. The [Department of Local Government Sports and Communities \(DLGSC\) Integrated Planning and Reporting Framework and Guidelines](#) state that every two years, local governments are required to undertake a review of the Strategic Community Plan, alternating between a minor and major review. A minor review, according to the Departmental guidelines, is "primarily a desktop exercise and usually focuses on resetting the Workforce Plan.".
2. In June 2019, the Town endorsed a minor revision of the Strategic Community Plan 2017-2032. In line with the Departments Guidelines, the Town has reset the Workforce Plan to align with the reviewed Strategic Community Plan.
3. The Workforce Plan is an internal business planning tool that identifies the capacity and capability needs of the Town to deliver the projects mapped out in the Corporate Business Plan. The plan highlights workforce strategies that help shape the workforce to deliver services, operations, projects and initiatives for a local government within a defined period.
4. The Integrated Planning and Reporting Framework (IPRF), the overarching umbrella which encompasses the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and the Workforce Plan, is a set of strategic and operational documents that the Town is required by legislation to prepare to plan for the future of its community. These documents include:

Document	Purpose
Strategic Community Plan	The Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a 10 to 15-year period. The Town's Strategic Community Plan was last endorsed in June 2019.
Corporate Business Plan	The Corporate Business Plan is an operational document that activates the Strategic Community Plan over a four-year period. The Corporate Business Plan was last endorsed in September 2017.
Long-term Financial Plan	The Long-term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a 10-year period. The Long-term Financial Plan was last endorsed in September 2017. In accordance with DLGSC guidelines, the plan should be reviewed annually and through both the minor and major strategic reviews.
Asset Management Plan	Asset planning is intended to integrate the expected cost of looking after assets with long term financial planning. The Town's Asset Management Plan was last endorsed in June 2017. In accordance with DLGSC guidelines, the plan should be reviewed regularly.
<p>Workforce Plan</p> <p><b>This is the subject of review.</b></p>	Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works. The Town's Workforce Plan was last endorsed in June 2017. In accordance with DLGSC guidelines the plan should be reviewed regularly. This document is currently under review.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
<b>CL5</b> - Innovative, empowered and responsible organisational culture with the right people in the right jobs.	The Town's workforce is developed and equipped to be agile to the ever-changing needs of the community.

# Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Information was presented at the 25 February 2020 Concept Forum regarding the review of the Workforce Plan and potential changes to be made. A draft WFP and list of 'Strategic Initiatives', with the proposed minor amendments, were made available to elected members.
Staff	Internal workshops were held with staff to gather information on current and future projects, works and trends within their field that were to the base start of the future FTE projections.
IPRF Steering Group	The IPRF Steering Group (comprised of C-Suite and relevant managers and officers) was regularly consulted on the direction and process for review of the WFP, in addition to acting as a sounding board for proposed changes.

## Legal compliance

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

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town if there is no justification of FTE predictions.	Minor	Minor	Low	By seeking Council endorsement of the FTE predictions, this risk will be mitigated.
<b>Legislative</b> The Town will not be able to meet the requirement of completing a minor review.	Minor	Moderate	Low	By seeking Council endorsement of the minor changes, this risk will be mitigated.

## Financial implications

<b>Current budget impact</b>	Funds will have to be addressed and requested over the life of the Workforce Plan through the annual budget process.
<b>Future budget impact</b>	Not applicable, with the consideration that this report only addresses the review of the Workforce Plan.

## Analysis

5. The main changes made to the Workforce Plan are 1. Updated format, 2. FTE predictions for 1-5 years and for the 6-15 years 3. identification of key focus areas to help build the capacity and capability of the workforce moving forward.
6. Through consultation with the IPRF Steering Group and the C-Suite it was identified that the Workforce Plan needed to become a succinct document that is focused at the strategic level. An example of this change was to remove operational outcomes from previous plans. The format of the Workforce Plan was developed using the Department of Local Government, Sport and Cultural Industries' Workforce Plan toolkit.

### FTE Predictions

7. During the review of the Workforce Plan, it was identified that Managers and Service Area Leaders (SALT) are to participate in an activity as subject matter experts to identify Full Time Equivalent (FTE) predictions and justifications for the next 5 years to 2025 and then for the following 10 years to 2035.
8. Strategic initiatives are plans of action which Town will use to achieve the Strategic Objectives contained within the Strategic Community Plan. The FTE predictions allow for the successful completions of all the strategic initiatives within the Corporate Business Plan in a timely manner.
9. The FTE predictions once finalised by the Managers and SALTs were then interrogated and scrutinised by the respective Chiefs. This has led to published FTE requirements within the WFP. The FTE predictions within the WFP allow for alignment to the Strategic Outcomes of the current Strategic Community Plan.

### Strategic Initiatives

10. Through the review of the WFP, it was identified that there is a need for strategic initiatives to help develop and build the capabilities and capacity of the workforce. These initiatives were consulted with the Elected Members at the February Concept Forum and were adjusted through feedback.
11. The key focus areas include: Leadership Effectiveness Strategy, Cultural Optimisation Strategy, Communication, Investing in our people / employee recognition, Innovation, Attraction and commitment, Disability Access and Inclusion, Indigenous Australians, Youth and Females.

## Next steps

12. The Workforce Plan will be rebranded by the Communications and Engagement service area, bringing it in line with the Town's recent brand refresh.
13. The next step for the Town's IPRF is the commencement of a major review of the Strategic Community Plan through a robust community engagement process, much like Evolve, commencing mid-2020. This will include a minor reset of the Workforce Plan.

## Relevant documents

[DLGSC IPR Framework and Guidelines](#)

## 12 Chief Community Planner reports

### 12.1 Amendment No. 56 to Town Planning Scheme No. 1– Lots 1003-1005 on South-Eastern Side of Roberts Road and Miller Street Adjacent to Miller's Crossing, East Victoria Park and Carlisle – Option to Purchase Land

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Jess Gannaway
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Town of Victoria Park Public Open Space Strategy [12.1.1 - 1 page]</li><li>2. To VP POS Strategy - Appendix A [12.1.2 - 22 pages]</li><li>3. To VP POS Strategy Appendix B [12.1.3 - 35 pages]</li><li>4. To VP POS Strategy - Appendix C [12.1.4 - 73 pages]</li><li>5. Proposed Development Options Communication and Engagement Report June 2018 [12.1.5 - 54 pages]</li><li>6. Options Analysis [12.1.6 - 7 pages]</li></ol>

#### Recommendation

That Council:

1. Resolves to not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis.
2. Advises the Western Australian Planning Commission of the Town's intention to require a local development plan for the subject site to address access, landscaping and building envelopes.
3. Advises the Western Australian Planning Commission of the decision.

#### Purpose

For Council to consider all options relating to the potential purchase of the land known as Miller's Crossing, considering public engagement outcomes and the strategic direction provided by the Town's Public Open Space Strategy. Once Council has endorsed an option the Town will advise the Western Australian Planning Commission of its decision.

#### In brief

- The Town has been given the opportunity to purchase the three lots of land known as the Miller's Crossing Open Space from the Western Australian Planning Commission (WAPC).
- Council has been presented with five (5) options to consider relating to the purchase of the subject land.
- At its Ordinary Council Meeting in August 2018, Council decided to delay its decision until the Public Open Space Strategy was complete.
- Following the adoption of the completed Public Open Space Strategy in December 2019 the Town has prepared five (5) options, including a recommended option, for Council's consideration and determination.

- The Town recommends that Council resolve to not purchase the three lots of land known as the Millers Crossing Open Space as outlined below and in Attachment 5.

## Background

1. The lots the subject of this report (subject land) total 4,581m<sup>2</sup> in area as follows:
  - (a) Lot 1003 (No. 7) Raleigh Street, Carlisle – 2,081m<sup>2</sup>;
  - (b) Lot 1004 (No. 6) Raleigh Street, Carlisle – 1,343m<sup>2</sup>; and
  - (c) Lot 1005 (No. 45) Bishopsgate Street, Carlisle – 1,157m<sup>2</sup>.
2. The subject land is owned by the WAPC and was formerly part of the 'Other Regional Roads' reservation of Miller Street and Roberts Road. The land is surplus to the 'Other Regional Roads' reservation following construction of the Miller's crossing railway overpass.
3. The subject land is identified as partly No Zone and Residential R30 under the provisions of the Town Planning Scheme No.1 (TPS1). Despite its zoning, the land is used by the Town's residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller's crossing railway overpass in 2004. The subject land is known as Miller's Crossing open space.
4. Amendment 56 (as initiated by the Town in November 2011) proposed that the whole of Lots 1002, 1003, 1004 and 1005 (the land) be reserved for 'Parks and Recreation' under Town Planning Scheme No. 1, to ensure their continued use as a recreational corridor and passive open space for residents of the surrounding medium density residential area.
5. Between February and April 2012, the Amendment was advertised for 42 days with 5 submissions being received (3 supporting and 2 arguing in favour of a residential zoning of Lot 1004 by and on behalf of the owner of 8 Raleigh Street).
6. In April 2012, after considering submissions Council resolved to support the Amendment and the Amendment documents were subsequently forwarded to the WAPC for endorsement.
7. In February 2013, the WAPC requested further justification for Amendment 56 having regard to a number of matters that were considered by the Department to make the subject land preferable for Residential zoning.
8. In July 2013, Town planning staff provided the WAPC with detailed justification for the proposed "Parks and Recreation" reserve (please refer to *Appendix 4 - 14 November 2017 OCM Council Report* for details).
9. In May 2016 the Town received a letter from the WAPC advising that (summarised):
  - (a) As the landowner the WAPC plans to sell the land for infill development;
  - (b) The lots are not considered to have any public open space benefit;
  - (c) The WAPC will not donate the land to the Town for public open space and has an obligation to sell the land at market value;
  - (d) The WAPC will agree that Lot 1002 be reserved and that this lot be created a Crown Reserve to be placed under the management of the Town of Victoria Park to continue its use as part of John Bissett Park.
10. In June 2016 the Town provided the WAPC with data that indicated a lack of public open space in the Lathlain and Carlisle areas (6.65% and 5.58% respectively) and therefore the importance of the lots being retained as public open space.

11. In May 2017 the Town was advised that the Minister required modifications to the Amendment such that Lots 1003, 1004 and 1005 be rezoned Residential R30 and not reserved for "Parks and Recreation". This modification was then publicly re-advertised and a total of 97 submissions were received, with 96 of these objecting to the modified Amendment.
12. In November 2017 Council resolved to not support the Minister's request, and to reiterate Council's April 2012 resolution to rezone Lots 1003 – 1005 to "Parks and Recreation" and advised the WAPC accordingly.
13. In February 2018 the Towns' staff met with the WAPC with a view to obtaining an update on the status of the Amendment from the WAPC and to explore the option of the Town acquiring the lots from the WAPC. The WAPC advised that if the Town wanted to purchase the lots, they would need to do so at a value that represents the highest and best use of the land at Residential R30. The WAPC also provided preliminary estimated values for Lots 1003 – 1005 that ranged from approximately \$2.7 to \$2.9 million for the Town to consider.
14. In May 2018 Council resolved to:
  - (a) "Undertake a minimum of 21 days of public advertising regarding all five (5) Development Options as detailed in the appendices of this report."
  - (b) A report be presented to Council detailing the outcome of public consultation as undertaken in point one (1) above that also recommends a preferred development option.
  - (c) The Council resolution regarding point two above be communicated to the Western Australian Planning Commission.
  - (d) The above recommendation be forwarded to the Western Australian Planning Commission seeking a further extension of time for public consultation to occur and a report to be referred back to Council outlining the preferred development option."

The WAPC subsequently granted an extension of time in order to allow Council to consider the matter.

15. The five (5) options considered as part of the public advertising are summarised below. A detailed analysis of each of the five (5) development options is included as Attachment 6.

<b>Option</b>	<b>Summary Description</b>
Option 1: Do not acquire lots	Council does not acquire the three lots from the WAPC.
Option 2: Acquire all lots for public open space	All three lots are acquired from the WAPC with independent valuations and retained as public open space.
Option 3: Acquire only some lots for public open space	One to two of the lots are acquired from the WAPC rather than all three and retained as public open space.
Option 4: Acquire all lots and develop into 13 housing lots for sale	All three lots are acquired from the WAPC with independent valuations and developed for 13 housing lots.
Option 5: Acquire all lots and develop into 8 housing lots and maintain a reduced	The Town would acquire all lots and maintain a linkage to green space albeit a reduced area. This would help lower the cost burden whilst allowing the maintenance of a greater linkage to green space than that

linkage to green space area

which would otherwise result from not acquiring the lots.

16. The estimated value of the land provided by the WAPC in February 2018 is as detailed below. It is noted that these are estimated valuations only and would likely be the subject of change should the Town enter negotiations.

<b>Lot details</b>	<b>Estimated summary valuation range</b>
Lot 1003 (No. 7) Raleigh Street, Carlisle	R30; 6 Unit development potential, dual street frontage, close to rail and bridge. Estimated valuation range: <ul style="list-style-type: none"><li>• 2,081 sqm @ \$550/sqm = \$1,140,000</li><li>• 2,081 sqm @ \$575/sqm = \$1,200,000</li></ul>
Lot 1004 (No. 6) Raleigh Street, Carlisle	R30; 4 Unit development potential, close to bridge, busy road. Estimated valuation range: <ul style="list-style-type: none"><li>• 1,343 sqm @ \$600/sqm = \$805,000</li><li>• 1,343 sqm @ \$650/sqm = \$875,000</li></ul>
Lot 1005 (No. 45) Bishopsgate Street, Carlisle	R30; 3 Unit development potential, busy street. Estimated valuation range: <ul style="list-style-type: none"><li>• 1,157 sqm @ \$650/sqm = \$750,000</li><li>• 1,157 sqm @ \$700/sqm = \$810,000</li></ul>

17. The Town sought updated independent valuations to better inform its decision and was given the following valuations as at January 2020. The valuer provided valuations based on two scenarios as outlined below:

- Scenario 1 – wholly zoned at 'R30'
- Scenario 2 – wholly reserved as Parks and Recreation

Given the WAPC's letter from November 2016 Scenario 1 is the most likely scenario. These are independent valuations and purchase prices would need to be negotiated with the WAPC.

<b>Lot details</b>	<b>Estimated summary valuation range</b>
Lot 1003 (No. 7) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$1,020,000 Scenario 2 – wholly reserved as POS = \$105,000
Lot 1004 (No. 6) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$725,000 Scenario 2 – wholly reserved as POS = \$65,000

Lot 1005 (No. 45) Bishopsgate Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$625,00 Scenario 2 – wholly reserved as POS = \$60,000
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18. At its Ordinary Council Meeting in August 2018 Council was presented with the outcomes of the public consultation (which are further detailed within the Engagement section of this report) and resolved to request an extension of time from the WAPC to consider the purchase of Lots 1003-1005 until the completion of the Towns Public Open Space Strategy.
19. In December 2019, Council adopted the Public Open Space Strategy which is included as an attachment to this report (Attachment 1, 2, 3, and 4). In relation to Miller's Crossing, the Public Open Space Strategy outlines:
- (a) Background information
    - (i) The subject land is classified as a 'local park', being a small space that provides for the day to day recreation of the immediate residential population.
    - (ii) The subject land functions as passive open space with a traditional setting. This means that it is open space without organised sporting facilities and areas of open turf, trees, and places for respite.
    - (iii) That Carlisle as a whole suburb has gaps in the supply of accessible public open space (within a 400m walkable catchment) for its residents. The gaps in supply do not exist in the area of the subject land and would not be created in that area by removing the open space provided by the subject land. Section 3.0 and 4.5 of Appendix A of the Public Open Space Strategy outlines the current supply gaps.
    - (iv) Carlisle is currently undersupplied with public open space having 2ha of public open space per 1000 persons in lieu of the recommended 3.36ha per 1000 persons. It is forecast that this shortfall will increase to 0.5ha of public open space per 1000 persons by 2036.

(b) Overarching strategies

- (i) The focus of recommendations of the public open space strategy is to increase the supply of public open space appropriately, improve access to public open space and to improve the quality of the Town's public open space.
- (ii) In relation to increasing supply, the strategy focuses on addressing the gaps in supply in identified gaps, where residents currently have no accessible public open space. This can be achieved via the purchase of new land, transforming drainage infrastructure, creating new public open space as part of future development and advocating for the sinking of the railway line. The area in which the subject land sits does not have a gap in supply.

(c) Specific Recommendations

- (i) Appendix C of the Public Open Space Strategy provides a specific recommendation for the land at Millers Crossing. It states:

*"Millers Crossing was space retained by the state government for future road widening. This use is no longer required and has been offered for purchase to the Town. To assist with this decision the Public Open Space Strategy has considered the retention of this space as POS.*

*With the development of Tom Wright Park (Zone 2X) the community will continue to have pedestrian access to local parks, i.e. no additional gaps will occur. It is noted that utilising a population calculation Carlisle is undersupplied by POS.*

*Millers Crossing has some significant trees, circled on map adjacent, both native and exotic species, and a good quality embankment vegetation to the north of the space. Other than bench seats there is no significant infrastructure on site. It is strongly recommended that the Town work with the State Government to advocate for the requirement to retain all mature trees on this lot should it be developed into the future.*

*To date Millers Park has been considered Public Open Space by the community and maintained as such by the council. It should be noted that the community may oppose the development of this site."*

20. Should the Town not purchase the subject land, advice from the WAPC suggests that there are no immediate plans to sell it otherwise. It is however possible that at any time this matter may escalate in priority and the WAPC will have the right to dispose of the land in the timeframe and manner they see fit.
21. The Town can consider the implementation of a Local Development Plan (LDP) to guide future development of the site. A Local Development Plan (LDP) is a planning tool used to coordinate and facilitate the design of development on difficult lots and to streamline the development approval process. Given the subject site abuts an 'Other Regional Road' and the strong desire to ensure the retention of significant trees onsite the preparation of an LDP is well justified. Decision makers are to give 'due regard' to an approved LDP when making decisions in respect to the development of land. Once approved, an LDP is valid for a duration of ten (10) years.
22. The Town can prepare and approve an LDP once its requirement has been approved by the WAPC as part of any rezoning process, a structure plan, subdivision application or activity centre plan. The Town can also require a developer (such as a private developer) to prepare an LDP for the site under the same circumstances.
23. In this instance, it is possible to require an LDP at two stages within the planning framework. These are outlined in the table below.

<b>Stage of the planning process</b>	<b>Option Analysis</b>
Impose a requirement for an LDP when the land is rezoned	<p><i>How it would work</i></p> <p>Given that a significant portion of the land is un-zoned, it will be necessary for the land to undergo a rezoning through the Town Planning Scheme to allow for residential development to occur.</p> <p>The Town can build a requirement for an LDP into the rezoning approval.</p> <p><i>Risks</i></p> <p>The WAPC will need to support the need for an LDP for it to be required as part of the rezoning.</p> <p><i>Strengths</i></p> <p>Should the WAPC sell the land to a private developer they would be subject to the requirements of the scheme and therefore the need for an LDP.</p>

Impose a requirement for an LDP when the land is subdivided	<p><i>How it would work</i></p> <p>Should either the WAPC or a private developer apply for subdivision the Town could recommend a condition that requires the preparation of a LDP. Assuming that the WAPC implements the recommended condition, any subdivision could not occur without the preparation of a LDP.</p> <p><i>Risks</i></p> <p>The WAPC may not impose the recommended condition for a LDP.</p> <p><i>Strengths</i></p> <p>The land will not be able to be subdivided without the LDP being prepared and approved by the Town. This ensures that all relevant development applications will need to comply with the LDP.</p>
Impose a requirement for an LDP when a development application is made for the development of the site.	It is not possible to require an LDP at development application stage as no statutory mechanism exists to allow for this to occur. Additionally, should the development application be for a single house on a green title lot, it would be exempt from the requirement for a development application.

24. At the 18 February 2020 OCM Council resolved to defer a decision with relation to the subject land until the 17 March 2020 OCM. Council resolved that the decision should be deferred until the extraordinary election for the vacant Banksia Ward seat is filled.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL06 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Depending on which option is chosen, the purchase of subject land could have nil or significant financial impact on the Town.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Elected members have been provided with all relevant information to make their decision. This includes the Public Open Space Strategy, financial impact, community consultation outcomes and issue history.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Whilst not zoned as 'Parks and Recreation' the land known as Millers Crossing has been used as passive open space since 2004. The Public Open Space strategy does not identify a shortfall in the provision of public open space in the immediate area surrounding Millers Crossing but does identify a shortfall in Carlisle as a whole.
EN07 - Increased vegetation and tree canopy.	Millers Crossing contains significant trees that contribute to the Town's urban forest, with potential to increase this with appropriate planting if

the site is retained as public open space.

## Engagement

### Internal engagement

Financial services	Financial services reviewed the proposed options and the proposed actions to raise funds should the Council pursue the purchase of the land.
Property Development Manager	The Property Development Manager supported the preparation of this report and the prepared the overall option development that is presented.
Parks Operations	<p>It was reported by the Parks Operations team that the 2019/2020 budget for the maintenance of Miller's Crossing is \$25,000 of which approximately 50% has been spent.</p> <p>The maintenance budget in recent years is as follows:</p> <ul style="list-style-type: none"> <li>• 2018/19 financial we had a budget of \$26,000 and spent \$31,590 (121.5%)</li> <li>• 2017/18 financial we had a budget of \$25,500 and spent \$22,467.60 (88%)</li> <li>• 2016/17 financial we had a budget of \$27,000 and spent \$29,000 (107%)</li> </ul>
Urban Planning	Urban Planning reviewed and considered the information in the report relating to the statutory planning framework.

### External engagement

Stakeholders	<ul style="list-style-type: none"> <li>• Local residents and ratepayers</li> <li>• Local community members</li> </ul>
Period of engagement	28 May 2018 – 21 June 2018
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> <li>• Yourthoughts page including an online submission form (Miller's Crossing land zoning proposal)</li> <li>• Hard copy submission available at Town of Victoria Park Buildings</li> <li>• Pop up information session onsite</li> <li>• Flyer drop to adjacent residents</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• Emails to engaged and registered participants</li> <li>• On-site signage</li> <li>• Sponsored social media posts</li> <li>• Media release</li> <li>• Posters and flyers at local businesses and Town of Victoria Park</li> </ul>

	<p>buildings</p> <ul style="list-style-type: none"> <li>• Town of Victoria Park website</li> <li>• Your Thoughts online consultation hub</li> <li>• Southern Gazette advertising</li> <li>• Life in the Park Winter edition printed newsletter</li> <li>• Life in the Park eNewsletter</li> <li>• Your Thoughts eNewsletter</li> <li>• Adjacent resident's flyer drop</li> <li>• Pop-up onsite information session</li> </ul>
Submission summary	A total of 199 online submissions were received, 15 hard copy submissions and approximate 40 people attended the onsite pop up event.
Key findings	<p>Of the total 214 submissions received the preferred development option was Option 2 – Acquire all lots for public open space (148 submissions or 69.2%).</p> <p>The second preferred development option is Option 5 – Acquire all lots and develop into eight housing lots and maintain a reduced linkage to public space area (25 submissions or 11.7%).</p> <ul style="list-style-type: none"> <li>• Option 2 – Acquire all lots for public open space: 148 submissions</li> <li>• Option 5 - Acquire all lots and development into 8 housing lots for sale and maintain a reduced linkage to public open space: 25 submissions</li> <li>• Option 1 – Do nothing: 21 submissions</li> <li>• Option 3 – Acquire only some lots for public open space: 14 submissions</li> <li>• Option 4 – Acquire all lots and development into 13 housing lots for sale: 6 submissions</li> </ul> <p>Key themes mentioned in the submissions included:</p> <ul style="list-style-type: none"> <li>• Carlisle/Lathlain short of public open space</li> <li>• Perfect location for increasing housing density</li> <li>• Utilise the funds on Lathlain and Tom Wright</li> <li>• Increase of public open space</li> <li>• Green corridor and space</li> <li>• Cost to rate payers</li> <li>• Bird haven (cockatoos)</li> <li>• Maintain open space</li> <li>• Lot 1002 remained as parkland</li> <li>• Increase of tree canopy</li> </ul> <p>A detailed Community Engagement Report can be found in Attachment 5.</p> <p>In addition to the advertising of the public engagement that occurred in 2018, the Town has public advertised the progress of this report to council. This did not seek feedback from the community but intended to</p>

make the community aware that the matter was progressing.

## Legal compliance

Depending on the Option chosen by Council, consideration should be given to the following sections of the *Local Government Act 1995*:

- Section 6.8 – Expenditure from municipal fund not included in the annual budget;
- Section 6.11 – Reserve accounts; and
- Section 6.20 – Power to borrow.

*Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) - Schedule 2, Part 6 – Local development plans.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town about the perceived loss of public open space	Moderate	Likely	High	Community consultation about the project. Communications strategy to correct any misunderstandings of facts.
<b>Reputational</b> Negative public perception towards the Town about the spending of significant funds on the purchase of the subject site	Moderate	Likely	High	Community consultation about the project. Communications strategy to correct any misunderstandings of facts.

## Financial implications

### Current budget impact

The Option chosen by Council will determine the budget requirements, as shown below:

- (a) Option 1 – No cost to Council, estimated future annual rate revenue in the order of \$21,000 if the land is developed by the WAPC into 13 residential lots;
- (b) Option 2 – Land acquisition cost between \$2.37 million to \$2.9 million, continuation of annual maintenance expense (already budgeted);
- (c) Option 3 – Land acquisition cost between \$0.625 million to \$1.6 million, continuation of some annual maintenance expense (already budgeted) and future annual rate revenue (dependent on configuration of lots acquired);
- (d) Option 4 – Land acquisition cost between \$2.37 million to \$2.9 million, estimated initial profit of \$0.5 million, estimated future annual rate revenue in the order of \$21,000; and

- (e) Option 5 – Land acquisition cost between \$2.37 million to \$2.9 million, estimated initial profit of \$0.3 million, estimated future annual rate revenue (dependent on final design configuration).

Sufficient funds do not exist within the annual budget to undertake any of the land acquisition options. Depending on the Option chosen, Council would need to consider one, or more of the following actions:

Action	Comment
Reduce current budget allocations on other projects	One option is for service reduction/removal of (up to) \$2.9 million dollars which is a significant reduction. Another option is for a reduction in capital works which would have the impact of increasing Council's asset renewal gap.
Change the purpose of Reserve fund holdings	Council does not have a Reserve Fund specifically for this purchase (unless the purchase is for revenue generation i.e. development). Other options include a repurposing of Reserve Funds, which requires a one month advertising period during which time members of the community may be vocal of their level of support, or non-support, regarding the change of use of Reserve Funds.
Reducing transfers to Reserve Funds	Council could choose not to direct funds to Reserve and instead purchase this land.
Undertake borrowings loan	Interest rates are at the lowest they have ever been and would be fixed for the life of the loan. Council is already borrowing \$10 million this year for Underground Power, although these loans should not influence the Debt Ratio as they are non-municipal funded (i.e. paid for directly by benefiters of the Underground Power).
Increase in rates	\$2.9 million (worst case cost) represents an approximate six percent (6%) increase in rates. A Specified Area Rate could be applied if the likely benefiters/users of the land are able to be readily determined. This could be used to fund a loan over a number of years.
Crowd funding	One scenario for crowd funding could be that

	<p>2,900 people would need to contribute \$1,000 each. It is unclear whether this could be achieved, and Town staff do not have significant experience in the effectiveness of these schemes.</p>
Increased Revenue	<p>State, Federal, Lotterywest grants may be available. How quickly they can be sourced may present an issue.</p> <p>Philanthropic individuals may also be an option.</p> <p>Fees and charges – not an option.</p> <p>Service Charges – not an option.</p> <p>Asset Disposal – Council could sell a parcel/s of land to purchase this</p>
Deficit Budget	<p>Council could choose to operate a deficit budget for a period of time. Eventually though the budget should be returned to balance.</p>
Negotiate with WAPC on price	<p>There is the potential for the Town to enter into discussions with the WAPC over price. Having regard to the fact that the WAPC are gifting Lot 1002 to the Town which is over 5000m<sup>2</sup> in area, the Town is not in a strong negotiating position however the Town will certainly attempt to reduce the price and refer to the Town's maintenance costs of approximately \$300,000 over the last 12 years. The WAPC's approach is likely to be to maximise the amount they can sell the land for so there is no guarantee that the Town's attempts to negotiate a reduced price will be successful.</p> <p>Not unlike local government, it is likely that State Government would be required to undertake some process to allow the land to be sold below market price. This would be something staff would need to discuss with the WAPC once Council have formed a position.</p>
Other options exist, such as seeking developer / private business partnerships, however these are not readily within the control of Council at this time.	
<b>Future budget impact</b>	<p>The Option chosen by Council will determine the total asset management requirements, as shown below:</p> <p>(a) Option 1 – No additional asset management cost to Council (once fully developed, asset management costs will be reduced);</p>

- (b) Option 2 – Continuation of current annual asset management costs (already budgeted);
- (c) Option 3 – No additional asset management cost to Council (once developed, asset management costs will be reduced);
- (d) Option 4 – No additional asset management cost to Council (once fully developed, asset management costs will be reduced); and
- (e) Option 5 – No additional asset management cost to Council (once developed, asset management costs will be reduced).

Should Council resolve that the Town seek consent from the WAPC to prepare an LDP for the site an amount of \$20,000 would be required in the 2020 and 2021 budget to complete the LDP.

## **Analysis**

25. The Town recommends that Council do not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis.
26. Although it is identified that Carlisle has an overall shortfall in the provision of public open space the subject site is in an area of Carlisle that is very well serviced by public open space. The Town has recently invested a large amount of funding into public open space in this area with the delivery of the Lathlain Park Redevelopment Project.
27. The community has expressed a strong desire to acquire all lots for public open space. As part of the consultation program gaps in supply locations and population per hectare targets contained within the now completed Public Open Space Strategy were not available.
28. Based on the findings of the Public Open Space Strategy, it is considered that the identified gaps in supply in those areas of Carlisle where residents have no access to public open space (within a 400m walkable catchment) are a higher financial priority than the purchase of the subject land.
29. The community expressed very little desire to acquire the lots for redevelopment and sale (being Options 4 and 5). These options should therefore not be further pursued.
30. Should Council support the recommended Option One, the Town will again advocate to the WAPC to retain the land as public open space, notwithstanding the direction outlined in the WAPC's letter from November 2016.
31. On the basis of the Town not acquiring the lots, the recommendation of the Public Open Space Strategy to ensure the retention of the significant tree's on site, and the WAPC's direction outlined in their November 2016 letter, the Town would seek permission from the WAPC to prepare an LDP to support the retention of significant trees and design access to and through the site. The Town would seek permission to prepare an LDP immediately following any reaffirmation of the WAPC's intent to not re-zone the land for Parks and Recreation. If the WAPC were to consent to the preparation of an LDP, the Town would immediately commence work on that LDP subject to budget being made available in the 2020 and 2021 budget (see financial implications).
32. The Town will also commence investigations into potential implementation planning for the development of land for POS at the properties identified below in the Public Open Space Strategy, as well as the investigation of a Cash in Lieu of Public Open Space Scheme:
  - (a) 91 Planet Street, Carlisle;
  - (b) 76 Planet Street, Carlisle;

(c) 6 Paltridge Avenue, Carlisle; and

(d) 30 Satellite Place, Carlisle.

33. The Public Open Space Strategy identifies 71 Oats Street, Carlisle (the site) as having the potential to assist in addressing the gap in public open space identified in Carlisle near Oats Street Station. The site is identified on page 6 of Appendix B within the POSS, but is incorrectly categorised as a drainage basin (sump) instead of a Town-owned site with a former infant health centre. This is an error within the POSS and the site should not be considered for future public open space as it is identified in the Land Asset Optimisation Strategy (LAOS).

### Relevant documents

Not applicable.

### Further consideration

34. The following questions were asked at the Agenda Briefing Forum on 4 February 2020 and 3 March 2020 and were taken on notice. Answers are provided below:

Question	Answer			
	Asset ID	Location	Ownership	Identified by POSS for development
Does the Council own the land identified for acquisition/development in Carlisle in the Public Open Space Strategy?	There are 21 sums located in Carlisle. The ownership details of these sums are as follows:			
	SUMP_017	26 Raleigh Street	TOVP	
	SUMP_018	166 Rutland Avenue (rear)	TOVP	
	SUMP_021	91 Planet Street	TOVP	*
	SUMP_022	76 Planet Street	TOVP	*
	SUMP_023	140 Mars Street	TOVP	
	SUMP_049	8 Mars Street	TOVP	
	SUMP_050	28 Mars Street	TOVP	
	SUMP_051	27 O'Dea Street	TOVP	
	SUMP_052	6 Paltridge Avenue	TOVP	*
	SUMP_053	220 Orrong Road/30 Satellite place	TOVP	*
	SUMP_054	10-12	TOVP	

	Gemini Way		
SUMP_055	39 Marchamley Street	TOVP	
SUMP_056	3A Apollo Way	TOVP	
SUMP_057	64-68 Star Street	TOVP	
SUMP_058	53 Solar Way	TOVP	
SUMP_059	57 Asteroid Way	TOVP	
SUMP_060	45 Mercury Street	TOVP	
SUMP_WC 13793	188 Star Street	WATER CORPORATION	
SUMP_WC 13756	74 Jupiter Street	WATER CORPORATION	
SUMP_063	8 Lion Street	TOVP	
SUMP_WC 13757	91-97 Bishopsgate Street	WATER CORPORATION	

35. In addition to the above noted sumps, the POSS identifies 71 Oats Street for potential purchase/development. The site is identified on page 6 of Appendix B within the POSS, but is incorrectly categorised as a drainage basin (sump) instead of a Town-owned site with a former infant health centre. This is an error within the POSS and the site should not be considered for future public open space as it is identified in the LAOS.

Are there any implications if Council delay a decision on the item to the March 2020 meeting?

The WAPC has indicated that should the Council defer their decision to the March 17 Ordinary Council Meeting, that they would likely still have scope to meet the June 30 2020 deadline to present their report with the Towns recommendation on the purchase of the land to the Minister for Planning. Should the WAPC not have enough time to prepare their report, it is possible that they would seek a further extension in time from the Minister on behalf of the Town to provide their recommendation.

Whilst it would be in their rights to progress their decision on Amendment 56 without a recommendation from the Town on the Purchase of Miller's Crossing the WAPC have indicated that they would be unlikely to do so as they wish to have resolution from the Town on the matter.

36. A petition with 111 signatures was received by Council at the 18 February 2020 OCM to "retain and purchase the parcels of land within Carlisle known as Miller's Crossing from the Western Australian government for the expressed purposes of remaining for public open space (POS) and for passive recreational use".
37. Information regarding the mis-categoriation of 71 Oats Street in the POSS is provided in paragraph 33 of the report.
38. Information regarding the financial implications associated with the preparation of an LDP is provided in the 'future budget impact' section of the report.

## **12.2 Proposed Local Planning Policy No.41 - Exemption from Development Approval for Changes of Use within the Albany Highway Precinct**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Laura Sabitzer / Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft LPP 41 'Exemption from Development Approval for Changes of Use Within the Albany Highway Precinct' [12.2.1 - 5 pages]</li><li>2. Model Draft Local Planning Policy - Department of Planning, Lands &amp; Heritage recommended template [12.2.2 - 4 pages]</li></ol>

### **Recommendation**

That Council:

1. Agrees for the Town of Victoria Park to participate in the Department of Planning, Land and Heritage's 'Action Plan for Planning Reform' pilot program to test a fast track / exemption from development approval policy for small, low impact businesses.
2. Consents to advertising of draft Local Planning Policy 41 'Exemption from Development Approval for Changes of Use within the Albany Highway Precinct' (as contained within Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed Clause 4 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
3. Requests the Chief Executive Officer to provide a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether to adopt draft Local Planning 41 'Exemption from Development Approval for Changes of Use within the Albany Highway Precinct' with or without modifications.

### **Purpose**

The purpose of this report is:

- To consider the recommendation for the Town to participate in the 'Action Plan for Planning reform' pilot program to test a fast track/exemption from development approval policy (along with a number of other participating inner-city local governments); and
- To consent to public advertising of draft LPP 41, which has been tailored in its scope, application and range of exempt uses to apply to changes of use within the Albany Highway Precinct, with the additional benefit of incentivising improved access and facilities for people with disabilities for existing premises.

### **In brief**

- The Town of Victoria Park is part of the Inner-City Council Planning Working Group, which consists of representatives from planning services areas at the Town and the Cities of Perth, Subiaco, Vincent and South Perth.
- The Department of Planning, Lands & Heritage have selected the local governments of the Inner-City Council Planning Working Group to be involved with a pilot program to make it easier for small

businesses wishing to establish or expand into existing buildings in town centres and main street café/retail strips (activity corridors), such as Albany Highway.

- A draft model Local Planning Policy has been developed in partnership to provide a framework for exempting ‘change of use’ development applications in certain areas in inner-city Perth, for a 12-month trial period.
- The draft model policy has been further modified to apply to specified changes of use within the Albany Highway Precinct only, with additional provisions to provide clarity in relation to car parking requirements, the provision of accessible car parking bays and the upgrade of existing premises that may be required in order to satisfy National Construction Code and Disability Discrimination Act 1992 requirements that may be triggered through changes of use that result in a change of building classification.

## Background

1. In August 2019, the Department of Planning, Lands & Heritage (DPLH) released an Action Plan for Planning Reform, which has an overarching goal for a consistent and efficient planning system in Western Australia.
2. One of the initiatives to help achieve this goal is to make approvals easier for small businesses in commercial and mixed use centres. The intended outcome for this initiative is a streamlined and state-wide consistent ‘change of use’ development approval process for existing town centres, main streets and other commercial and mixed-use centres.
3. To help achieve this initiative and outcome the Inner-City Council Planning Working Group (the Town and the Cities of Perth, Subiaco, Vincent and South Perth), and the City of Fremantle have been selected by DPLH to develop and test a framework for change of use development applications in these areas.
4. The DPLH has advised that these local governments have been selected, “due to the established nature of their commercial areas and the fact that a number already have processes in place to streamline approval processes for changes of use in certain areas”.
5. The first component of this framework is the draft policy. The policy will be supported by an information package for those wishing to establish a business in the subject areas. This information package will be developed by the group in conjunction with the DPLH and include relevant information on what is required to establish a business, including all relevant approvals, when and how to undertake the necessary tasks.
6. The policy will be tested with the group for 12 months and the outcomes reviewed. The trial and its outcomes are important to inform any refinements to the framework and inform any regulatory changes that may be required to support its wider implementation.

## 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 and development of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Policies.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development of policies that encourage and incentivise improved access and facilities for people with disabilities, fostering increased opportunities for social and economic participation, employment and independence.
EC02 - A clean, safe and accessible place to visit.	

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning business unit	Have reviewed the draft policy and support its general intent and objectives. Further, additional engagement will occur during public advertising in relation to the range of exempt land uses to ensure an appropriate range and diversity of land uses are included. The process of having to obtain written verification of exemptions was noted as possibly being complicated for the average local business proprietor, however could potentially be overcome through education and information packages being provided during the trial implementation of the policy.
Building business unit	Have reviewed the draft policy and refined the provisions related to the change or expansion of land uses that may trigger legislative requirements to upgrade access and facilities (including car bays) for people with disabilities.
Community Development	Have reviewed the draft policy with reference to current standards for access and facilities for people with disabilities in accordance with the Building Act 2011 and Disability Discrimination Act 1992. Current design of disability access and inclusion business education information packages could assist in providing understanding of Building Act 2011 and requirements in the trial policy.

## Legal compliance

### Planning and Development (Local Planning Schemes) Regulations 2015

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> The policy is perceived to discriminate established businesses or result in excessive levels of competition resulting in the reduced viability of local businesses.	High	Moderate	Moderate	Proceed to public advertising of draft LPP 41, which will assist (and is required) for Council to approve a 12-month trial of the policy. If adopted, the outcomes of the policy trial will be evaluated and a further decision made by Council as to whether it will cease operating or if further changes are necessary to enable its ongoing adoption.
<b>Compliance</b> The policy results in the establishment of a large number of new and/or expanded businesses with significantly increased demand for car parking and traffic generation and associated adverse impacts.	High	Moderate	Moderate	Proceed to public advertising of draft LPP 41, which will assist (and is required) for Council to approve a 12-month trial of the policy. If adopted, the outcomes of the policy trial will be evaluated to determine if these or any other impacts have occurred and what possible measures can be undertaken to mitigate their impacts.

## Financial implications

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

The proposed policy will reduce the development application fees that would otherwise be received by the Town for those changes of use not currently exempt from the requirement for development approval, if adopted. Based upon previous years, it is estimated that development application fees would reduce by around \$4000 within a 12 month period. There will also be administrative costs in terms of staff time and resources used to administer the policy, providing confirmation of change of use exemptions in writing to business proprietors (requiring a level of assessment) and the input of exemption requests into the Town's electronic system as they are received and confirmed to ensure the Town has a method of tracking and analysing the outcomes of the policy trial and reporting this back to the Council and Inner-City Council Planning Working Group.

## **Analysis**

7. The draft policy, proposed for an initial 12 month trial, will serve as a significant incentive for the expansion and establishment of small businesses within the Albany Highway Precinct, and contribute to improved activation outcomes. It will also reduce the regulatory burden allowing for a timely transition in uses to occur, reducing the time and number of tenancies left vacant between changes or termination of leasing agreements. As the exemption from development approval will apply only to a range of land uses in existing buildings of up to 400 square metres net lettable area (NLA), they will most greatly support the establishment or expansion of small to medium sized businesses located in ground floor tenancies.
8. The range of exempt land uses proposed for inclusion under the draft policy have been reviewed by Council Officers having regard to their ability to attract customers/patrons, thereby contributing to an activated and vibrant public realm/streetscape. Employment generating uses (such as Offices) which support more active land uses (such as Shops and Restaurants) have also been included. A number of uses have not been included due to their potential to result in potentially very significant traffic generation, noise or other impacts, or to result in a reduced level of street activation contrary to the intent of the policy. These uses include Hotels, Taverns, Recreation – Private (gymnasiums) and Bulky Goods Showrooms.
9. The draft model policy has been further modified to apply to a range of specified land uses within the Albany Highway Precinct only, with additional provisions to provide clarity in relation to car parking requirements, the provision of accessible car parking bays and the upgrade of existing premises that may be required in order to satisfy current legislative requirements with respect to access and facilities for people with disabilities. The finalised version of the draft model policy template prepared by the Inner-City Council Planning Working Group is silent on these matters, likely owing to the complex legislative and regulatory framework they are governed by, which includes several Acts, Regulations and subordinate codes and standards.
10. In relation to car parking, a change to or expansion of the exempt land uses under draft LPP 41 (subject to a maximum floor area of 400 square metres NLA in existing buildings only) will not be required to provide any additional on-site car parking as would otherwise be required under Council's LPP 23 'Parking Policy'. This represents a significant incentive for existing and future business proprietors within the Albany Highway activity corridor, where car parking requirements can be a significant or insurmountable barrier to the expansion or establishment of new businesses.
11. Other additional provisions contained within the Town's draft LPP 41 will ensure businesses are aware of and incentivised to meet the access and facilities requirements for people with disabilities without compromising the intent of the policy to reduce planning regulatory requirements (redtape) by

removing the need to obtain development approval. These additional changes result in the potential for one car bay to be lost on sites that upgrade their premises to include an accessible on-site car bay through the conversion of two existing car bays. However, and in the spirit of encouraging increased legislative compliance and improved access for people with disabilities consistent with the objectives of Council's Strategic Community Plan and Disability Access and Inclusion Plan, it is considered on balance to be a positive, worthwhile and comparatively minor additional exemption to include as part of the policy.

12. Draft LPP 41 is considered to be a progressive, proactive policy measure, and if adopted by Council for an initial 12 month trial period, will help to inform the potential adoption of similar policy measures across the Perth metropolitan area as part of further work of the Inner-City Planning Working Group.
13. It is recommended that draft LPP 41 proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft revised policy, with or without modifications.

## **Relevant documents**

[Department of Planning, Land and Heritage's Action Plan for Planning Reform](#)

## 12.3 Higgins Park and Playfield Reserve Masterplan Update

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Ellie van Rhyn
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council receives the update on the Higgins Park and Playfield Reserve Masterplan, including information on the project and intended communication and engagement process, as requested in the June 2019 Ordinary Council Meeting.

### Purpose

As requested in the June 2019 OCM, this report is to provide the Elected Members with further information on the Higgins Park and Playfield Reserve Masterplan project and communications and engagement process.

### In brief

- In June 2019, in relation to the Higgins Park and Playfield Reserve Masterplan and Business Case Report, Council resolved to:
  1. *Receive the Higgins Park Master Plan Business Case.*
  2. *Endorse the preparation of a Master Plan as per option 1 of the Higgins Park Master Plan Business Case.*
  3. *Requests that the Chief Executive Officer presents a further report to Council by March 2020 that includes a Project Plan and Communications and Engagement Plan for the Higgins Park Masterplan.*
- Following Council endorsement of the business case in June 2019, and review of the Recreational Needs Assessment and masterplan scope endorsement in November 2019, the Town is proceeding with the creation of a masterplan for Higgins Park and Playfield Reserve.
- The project is planned to proceed through a co-design workshop process whereby the consultant will collaborate with the Design Reference Group (DRG) in the development of masterplan options for the site. These options align with the Council resolution from the December 2019 OCM and will be undertaken through the following stages:
  - Stage 1 – Analysis and Opportunity Identification
  - Stage 2 – Concept Exploration
  - Stage 3 – Draft Masterplan Options
  - Stage 4 – Public Comment and Council Resolution
- The Masterplan options developed by the consultant with the DRG will be presented to Council for final selection in Stage 4.

- The purpose of the engagement for the project is to create a masterplan that is designed with the community. To support this, the Town proposes a number of traditional and digital communication tactics to promote the opportunity through the following three distinct stages of engagement
  - Broad engagement - Community consultation promoted to all Town community members with options for online (digital survey) and face-to-face engagement. Expression of interest will be sought to nominate to be a part of the DRG.
  - Design Reference Group – Co-design model with community members, key stakeholder representatives and Town Officers attending three workshops. Broad engagement feedback will be reviewed by the DRG as part of the remit.
  - Public comment - Broad consultation promoted to all Town community members seeking public comment on the final masterplan.
- The RFQ for this project was released 9 January 2020, with submissions due 4 February 2020. Place Laboratory were selected as the preferred consultant and commenced Stage 1 in mid-February 2020.

## **Background**

1. Higgins Park, Fred Bell Drive and Playfield Reserve (the site) form an eight-hectare parcel of Public Open Space situated within residential East Victoria Park near its southern border with St James. The site is regarded as one of the Town's main formal sporting facilities as well as a key amenity for the local community.
2. Given Higgins Parks' large land size and key role as a home for formal sport and recreation in the Town, consideration is being given to the future direction of the Park, including the neighbouring Playfield Reserve and opportunities to maximise and modernise the recreational offering of the site.
3. In 2018, during the planning process for the Long-Term Financial Plan, Elected Members undertook a priority process to determine the future delivery of major projects by the Town. The 'Higgins Park Master Plan' project was identified in this process.
4. The 'Higgins Park Master Plan' project was included in the list of the top five Council priority projects. Each of these top five Council priority projects are required to have Business Cases submitted to Council for consideration by June 2019.
5. In June 2019, a Business Case outlining three options regarding the future planning and development of the site was put to the Elected Members. Council endorsed the option recommending the preparation of a Masterplan subject to a Recreational Needs Assessment (RNA) being prepared to inform the Masterplan scope.
6. At this OCM, it was requested that the Chief Executive Officer presents a further report on this project to Council by March 2020, which is the trigger for this report.
7. In November 2019, Council reviewed the RNA and endorsed the scope for the development of a Higgins Park and Playfield Reserve Masterplan.
8. In January 2020, a Request for Quotation (RFQ) for the Higgins Park and Playfield Reserve Masterplan, including the endorsed scope, was released. This RFQ included a design workshop process whereby the selected consultant would be required to work collaboratively with community and stakeholder members in order to create a number of masterplan options. These masterplan options will be presented to Council for final selection.
9. A communications and engagement plan has been created for this project and is summarised in the below report.

## Strategic alignment

Civic Leadership	Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them		Extensive, best practice and carefully designed communication will be undertaken to ensure community members, stakeholders and Elected Members are well informed throughout the project process.
CL02 - A community that is authentically engaged and informed in a timely manner.		Authentic engagement with key stakeholders especially sporting groups and local community.
CL03 - Well thought out and managed projects that are delivered successfully.		Allowing an improved outcome through a coordinated plan for the site rather than ad hoc facility upgrades.
CL04 - Appropriate information management that is easily accessible, accurate and reliable.		Correct, regular and up to date information provided to community members, stakeholders and Elected Members through various means.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.		Improved efficiency and optimised usage to ensure maximum social return and economic sustainability from this town asset.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.		Masterplan that follows the thorough Recreational Needs Assessment to ensure the project scope is based on contemporary, objective information.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.		The process of the project has been planned to involve community members and key stakeholders throughout the masterplan process and design options.

Economic	Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.		Higgins Park services district level formal recreational needs as well as informal local use and must be of a high quality to ensure positive visitor 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.		A successful masterplan will ensure efficiency and maximum recreational value is obtained from the resources dedicated to the facilities.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.		The masterplan outcome will look to create a Higgins Park that is a major attractor, playing a significant role in the lives of the community.
EN07 - Increased vegetation and tree canopy.		The masterplan will look to retain mature trees and identify opportunities to increase the current tree canopy.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The masterplan will guide the redevelopment of the site providing improved active and passive recreational opportunities.
S03 - An empowered community with a sense of pride, safety and belonging.	The community and sporting clubs will be involved in the design process to influence the design outcomes, creating a high-quality recreational precinct.

## Engagement

<b>Internal Engagement</b>	<b>Previous Internal Engagement</b>	<b>Internal Engagement proposed during masterplan process</b>
Communications and Engagement	<ul style="list-style-type: none"> <li>Awareness of project and input in to targeted engagement for project delivery.</li> </ul>	<ul style="list-style-type: none"> <li>Creation and delivery of a communications and engagement plan closely aligned with project deliverables.</li> </ul>
Community Development	<ul style="list-style-type: none"> <li>Active involvement in the preparation of the RNA, RNA final options and considerations informing the scope of the Masterplan.</li> </ul>	<ul style="list-style-type: none"> <li>Continual involvement during the masterplan options workshop process.</li> </ul>
Strategic Assets	<ul style="list-style-type: none"> <li>Active involvement in the preparation of the RNA, RNA final options and considerations informing the scope of the Masterplan.</li> </ul>	<ul style="list-style-type: none"> <li>Continual involvement during the masterplan options workshop process.</li> </ul>
Parks	<ul style="list-style-type: none"> <li>Active involvement in the preparation of the RNA, RNA final options and considerations informing the scope of the Masterplan.</li> </ul>	<ul style="list-style-type: none"> <li>Continual involvement during the masterplan options workshop process.</li> </ul>
Strategic Assets Advisory Group		<ul style="list-style-type: none"> <li>Presentation of Masterplan Concept Exploration Summary to Strategic Assets Advisory Group.</li> </ul>
C-Suite	<ul style="list-style-type: none"> <li>Presentation of RNA to gain support for outcome options and considerations.</li> </ul>	<ul style="list-style-type: none"> <li>Presentation of Masterplan Concept Exploration Summary to gain support for design options.</li> </ul>
Elected Members	<ul style="list-style-type: none"> <li>Presentation of RNA and</li> </ul>	<ul style="list-style-type: none"> <li>Presentation at Concept Forum</li> </ul>

	<p>specification of masterplan scope.</p>	<ul style="list-style-type: none"> <li>by key stakeholders to inform Elected Members of priorities.</li> <li>• Invitation to attend and view co-design workshops.</li> <li>• Presentation of final masterplan design options and selection of preferred option.</li> </ul>
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<b>External Engagement</b>	<b>Previous External Engagement</b>	<b>External Engagement proposed during masterplan process</b>
Stakeholders	<p>One on one engagement sessions with the following:</p> <ul style="list-style-type: none"> <li>- Higgins Park Tennis Club</li> <li>- Victoria Park Raiders Junior Football Club</li> <li>- South Perth Junior Cricket Club</li> <li>- Victoria Park Returned Services League</li> <li>- Victoria Park Croquet Club</li> <li>- Carlisle Windsor Cricket Club</li> <li>- Victoria Park Xavier Hockey Club</li> <li>- Victoria Park Carlisle Bowls Club</li> <li>- Millen Primary School</li> <li>- Area 5 Football</li> <li>- Perth Demons Football Club</li> <li>- West Coast Eagles Football Club</li> </ul>	<ul style="list-style-type: none"> <li>• Community Members</li> <li>• Local Residents</li> <li>• Key Stakeholders: <ul style="list-style-type: none"> <li>- Higgins Park Tennis Club</li> <li>- Victoria Park Croquet Club</li> <li>- Victoria Park Raiders Junior Football Club</li> <li>- South Perth Junior Cricket Club</li> <li>- Carlisle Cricket Club</li> <li>- Victoria Park Xavier Hockey Club</li> <li>- Victoria Park Returned Services League</li> <li>- Millen Primary School</li> </ul> </li> </ul>
Period of engagement	<p>One on one engagement sessions occurred between July and September 2019</p>	<ul style="list-style-type: none"> <li>• Broad engagement: February – March 2020</li> <li>• Design Reference Group: February – May 2020</li> <li>• Public comment: July – August 2020</li> </ul>
Level of engagement	Involve	4. Collaborate
Methods of engagement	<p>One on one engagement</p>	<p>Broad engagement:</p> <ul style="list-style-type: none"> <li>• Online (digital) survey</li> <li>• Pop up session</li> <li>• Public Life Study</li> <li>• Expression of Interest to nominate for DRG</li> </ul> <p>Design Reference Group: co-design process with community members, key stakeholder representatives and Town Officers. Elected Members invited.</p>

		Public comment: Broad consultation promoted to all Town community members seeking public comment on the final masterplan
Advertising	N/A	The Town proposes several traditional and digital communication tactics to promote the opportunity at all stages.
Submission summary	N/A	-
Key findings	Summary of information included in RNA.	N/A

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Concern and opposition from existing user groups and local community	Moderate	Possible	Moderate (9)	Significant levels of community engagement are required, and are proposed, throughout the master plan design process. This includes a co-design workshop process with community members and stakeholders.
<b>Reputational</b> That the Masterplan results in an option that does not have universal support	Moderate	Likely	High (12)	The Masterplan will be created following a rigorous process and strive for a balanced outcome. Masterplan options will be created to respond to three key situations, with the most viable being selected.
<b>Service Interruption</b> Delayed outputs of informing work delay this project.	Moderate	Possible	Moderate (9)	Rigorous project planning and reporting will be adhered to, to ensure the project runs to deadlines.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
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<b>Future budget impact</b>	The implementation of the final Masterplan will have an impact on the Town's Long-Term Financial Plan, although this level of impact will be dependent on the final masterplan. The final masterplan report will assist the Town in seek long term funding opportunities.
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## Analysis

10. The RFQ for the Higgins Park and Playfield Reserve Masterplan was released via Tenderlink on the 9 January 2020. An optional site visit was held on site on the 17 January 2020. Minutes of this site visit were shared as an addendum through Tenderlink for proponents who could not attend.
11. Eight submissions were received from suitable consultants by the closing time of 2.00pm on 4 February. All submissions were assessed, and Place Laboratory were selected as the preferred consultant. Place Laboratory were engaged and commenced work on the project in February 2020.
12. The RFQ for this project identified a co-design workshop process through which a series of masterplan options will be created in collaboration with a Design Reference Group (DRG). The selected consultant has agreed to this process.
13. These masterplan options are based on the resolution made by Council at the November 2019 OCM and are listed as follows:
  - Option 1 (Shared 1): Investigation of the development of a synthetic hockey turf on the Hillview Terrace side of Higgins Park (in addition to an Australian Rules Football Oval);
  - Option 2 (Shared 2): Consideration of adding two grass hockey pitches on the Hillview Terrace side of Higgins Park, in addition to the synthetic pitch.
  - Option 3 (Football Focus): The development of a second oval for a complete football focus should the synthetic hockey turf be considered unfeasible\*.

*\*unfeasible means that it is prohibitive spatially, financially or the impact on the community is considered unacceptable.*
14. The DRG will be composed of community members and stakeholders. Community members will be invited to join the DRG through an online expression of interest nomination. Each of the stakeholders listed below will be invited to nominate one representative to join the DRG:
  - Higgins Park Tennis Club
  - Victoria Park Croquet Club
  - Victoria Park Raiders Junior Football Club
  - South Perth Junior Cricket Club
  - Carlisle Cricket Club
  - Victoria Park Xavier Hockey Club
  - Victoria Park Returned Services League
  - Millen Primary School
15. The co-design workshop process includes three workshops across four stages, as listed below. DRG members will be asked to attend all the workshops. Elected Members will be invited to attend and observe the workshop proceedings however, are asked to limit their participation as they will be the final decision makers in the masterplan selection.

## Stage 1 – Analysis and Opportunity Identification

Workshop	Workshop 1 – Analysis and Opportunity Identification
External Engagement:	<ul style="list-style-type: none"> <li>• Broad engagement - Community consultation promoted to all Town community members with options for online (digital survey) and face-to-face engagement through a public life study and a pop-up session.</li> <li>• Broad engagement - Expressions of interest will be sought to nominate to be a part of the Design Reference Group</li> <li>• Design Reference Group – participation in Workshop 1 – Analysis and Opportunity Identification</li> </ul>
Internal Engagement:	<ul style="list-style-type: none"> <li>• Invitation to participate in Workshop 1 – Analysis and Opportunity Identification</li> </ul>
Deliverable:	<ul style="list-style-type: none"> <li>• Analysis and Opportunities Summary Report</li> <li>• Engagement Findings Report, including Public Life Study and Workshop 1 summary</li> </ul>

## Stage 2 – Concept Exploration

Workshop	Workshop 2 – Concept Exploration
External Engagement:	<ul style="list-style-type: none"> <li>• Design Reference Group – participation in Workshop 2 – Concept Exploration</li> </ul>
Internal Engagement:	<ul style="list-style-type: none"> <li>• Invitation to participate in Workshop 2 – Concept Exploration</li> <li>• Concept Forum presentation by key stakeholders</li> <li>• Presentation of Concept Exploration to SAAG</li> </ul>
Deliverable:	<ul style="list-style-type: none"> <li>• Concept Exploration Summary Report, including Workshop 2 summary</li> </ul>

## Stage 3 – Draft Masterplan Options

Workshop	Workshop 3 – Draft Masterplan Options
External Engagement:	<ul style="list-style-type: none"> <li>• Design Reference Group – participation in Workshop 3 – Draft Masterplan Options</li> </ul>
Internal Engagement:	<ul style="list-style-type: none"> <li>• Invitation to participate in Workshop 3 – Draft Masterplan Options</li> <li>• Presentation of Draft Masterplan Options to C-Suite</li> </ul>

Deliverable:	<ul style="list-style-type: none"> <li>• Master Plan Options Report, including Workshop 3 summary</li> <li>• Council Concept Forum presentation</li> </ul>
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#### Stage 4 – Public Comment and Council Resolution

External Engagement:	<ul style="list-style-type: none"> <li>• Broad consultation - promoted to all Town community members seeking public comment on the final concept.</li> </ul>
Internal Engagement:	<ul style="list-style-type: none"> <li>• OCM Presentation</li> </ul>
Deliverable:	<ul style="list-style-type: none"> <li>• Final Master Plan Options Report</li> </ul>

16. In addition to the exploration of the masterplan options, there are a number of Council approved core considerations that the consultant will explore in all options. These include:

- The addition of a play space at Playfield Reserve.
- The refurbishment of the Returned Services League Building and investigation into the inclusion of an additional permanent tenant.
- The creation of a multi-sport clubroom facility potentially accommodating the Higgins Park Tennis Club, Victoria Park Raiders Junior Football Club, Victoria Park Xavier Hockey Club and Victoria Park Croquet Club.
- The preservation of space for AusKick on Higgins Park or Playfield Reserve and formalising the use of Millen Primary School oval for that purpose if considered necessary and appropriate.
- Enhancements to oval(s) including the surface and lighting.
- The views, aspirations and user needs of the surrounding local community;
- The retention of mature trees, and opportunities to increase the current tree canopy.
- A universally accessible path network within and bounding Higgins Park and Playfield Reserve that integrates with the current and planned surrounding bicycle and pedestrian network.
- Introduction of all age's fitness equipment and/or personal training areas.
- Consolidation of play equipment.
- Water management initiatives (drainage and reticulation), such as a Smart Irrigation System.
- Car parking configuration and active transport opportunities; and
- The investigation of a possible closure of sections of Playfield Street.

In line with the POSS recommendations, the consultant will also consider:

- The inclusion of infrastructure such as safe bike locks, lighting, water fountains and shelter.
- The removal of turf from the sloped boundary areas and/or from under trees, replaced with locally native vegetation and garden beds.

17. Stages 1 to 3 will be completed by the end of the 2019 and 2020 financial year. This process will result in masterplan options that are developed in collaboration with the DRG and internal staff. Stage 4, which involves public comment and the final selection of the preferred option made by the Elected Members, will be completed by the first quarter of the 2020 and 2021 financial year.
18. The Higgins Park and Playfield Reserve project is based on a rigorous engagement process to ensure the project strategically aligns with the Town's commitments. The proposed co-design process will ensure key stakeholders are engaged and heard during the masterplan process and allows the feasibility of multiple options to be investigated, prior to a preferred option being selected by Council.

## **Relevant documents**

Town of Victoria Park – Draft Local Planning Strategy

Town of Victoria Park – Public Open Space Strategy

Town of Victoria Park – Town Planning Scheme No.1

## **12.4 Adoption of Draft Revised Local Planning Policy 28 'State Administrative Tribunal Applications for Review'**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Revised LPP 28 'State Administrative Tribunal Applications for Review' (as further modified by Council Officers) [<b>12.4.1</b> - 4 pages]</li><li>2. Existing LPP 28 'Independent Representation for Appeals Against Council Decisions on Applications for Planning Approval' [<b>12.4.2</b> - 1 page]</li><li>3. Report to 17 Dec 2019 Ordinary Council Meeting - Review of LPP 28 [<b>12.4.3</b> - 5 pages]</li></ol>

### **Recommendation**

That Council adopt draft revised Local Planning Policy 28 'State Administrative Tribunal Applications for Review, as modified and contained in Attachment 1.

### **Purpose**

To consider the outcomes of the community consultation carried out in relation to the draft revised Local Planning Policy (LPP) and determine whether to adopt the Policy with or without modifications.

### **In brief**

- Existing LPP 28 'Independent Representation for Appeals Against Council Decisions on Applications for Planning Approval' has been retitled and revised to broaden its scope and outline the Town's general approach and consideration of applications for review by the State Administrative Tribunal.
- The proposed changes to LPP 28 have been advertised for public comment. No submissions were received during the consultation period.
- It is recommended that Draft Revised LPP 28 (as modified) be adopted by the Council.

### **Background**

1. Council's Urban Planning service area are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The LPPs are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
2. A review of LPP 28 has been undertaken by Council Officers, which has included consideration of:
  - (a) the effectiveness of the current policy including any issues of interpretation, application and gaps or deficiencies;
  - (c) like policies of other local governments;
  - (d) alignment with relevant State legislation, policy and/or guidelines (where applicable);
  - (e) greater clarity in the objectives of the policy; and
  - (f) improving the presentation of the policy.
3. The review of LPP 28 and breakdown of recommended changes is detailed in the Minutes of the Ordinary Council Meeting held on 17 December 2019, where consent to publicly advertise the recommended changes to the LPP was granted by the Council.

## 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.		Preparation of policies that clearly outline the circumstances in which legal and other forms of independent representation will be sought by the Town, to ensure responsible, consistent and transparent use of Council resources.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.		Preparation and review of policies to ensure consistency, impartiality and transparency in decision-making.
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 the State Planning Framework.

## Engagement

External engagement	
Stakeholders	Residents, property owners, general community
Period of engagement	21 days (16 January to 6 February 2020)
Level of engagement	2. Consult
Methods of engagement	Publication of notices in the Southern Gazette on 16, 23 and 30 January 2020; Hard copy displays at Council's Library and Administration Building; and Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub.
Advertising	As above.
Submission summary	No submissions received. Your Thoughts page activity - 7 page visits by 5 visitors; 8 document downloads.
Key findings	The proposed policy changes did not raise any community concerns.

## Legal compliance

### Planning and Development (Local Planning Schemes) Regulations 2015

The amendment of an LPP is to be undertaken in accordance with deemed clauses 4 and 5 of the Regulations, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

As per deemed clause 4(5) and clause 6(b(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
Compliance Application of policies which could contain clearer and more comprehensive provisions in order to more effectively achieve their intent and objectives.	Moderate	Likely	Low	Adopt draft revised LPP 28.
Compliance Application of practices and procedures which are not underpinned by a local planning policy or other adopted instrument within the Town's local planning framework to ensure consistency and transparency in decision making.	Moderate	Likely	Low	Adopt draft revised LPP 28.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the budget to address this recommendation.
<b>Future budget impact</b>	The engagement of legal and other consultants to represent the Town in SAT proceedings does have budget implications, however there will be no additional budget impact relative to the current situation.

## Analysis

4. Draft revised LPP 28 provides an important outline of the manner in which the Town will consider applications for review by the SAT, addressing the level of involvement and expectations of the various parties that may be involved and helping to ensure consistency, impartiality and transparency.
5. Final changes have been made to address minor grammatical and formatting issues to ensure it is in a form ready for adoption.
6. It is recommended that Council formally adopt draft revised LPP 28, as modified and contained in Attachment 1 to this report.

## **Relevant documents**

Existing Local Planning Policy 28 – Independent Representation for Appeals Against Council Decisions on Applications for Planning Approval

## **12.5 Adoption of Draft Revised Local Planning Policy 7 'Development and Vehicle Access to Properties via a Right-of-Way'**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Revised LPP 7 'Development and Vehicle Access to Properties Via a Right-of-Way (as further modified by Council Officers) [12.5.1 - 9 pages]</li><li>2. Report to 19 November 2019 Ordinary Council Meeting - Review of LPP 7 [12.5.2 - 6 pages]</li><li>3. Existing LPP 7 'Vehicle Access to Properties Via a Right-of- Way' [12.5.3 - 1 page]</li></ol>

### **Recommendation**

That Council adopt revised Local Planning Policy 7 'Development and Vehicle Access to Properties via a Right-of-Way', as modified and contained in Attachment 1.

### **Purpose**

To consider the outcomes of the community consultation carried out in relation to the draft revised Local Planning Policy (LPP) and determine whether to adopt the Policy with or without modifications.

### **In brief**

- Existing LPP 7 'Development and Vehicle Access to Properties via a Right-of-Way' has been retitled and revised to improve its format and structure, and introduce new provisions for development abutting rights-of-way including building setbacks, surveillance, landscaping, lighting and fencing.
- The proposed changes to LPP 7 have been advertised for public comment. No submissions were received during the consultation period.
- It is recommended that Draft Revised LPP 7 (as modified) be adopted by the Council.

### **Background**

1. Council's Urban Planning service area are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The LPPs are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
2. A review of LPP 28 has been undertaken by Council Officers, which has included consideration of:
  - (a) the effectiveness of the current policy including any issues of interpretation, application and gaps or deficiencies;
    - (i) like policies of other local governments;
    - (ii) alignment with relevant State legislation, policy and/or guidelines (where applicable);
    - (iii) greater clarity in the objectives of the policy; and
    - (iv) improving the presentation of the policy.
3. The review of LPP 7 and breakdown of recommended changes is detailed in the Minutes of the Ordinary Council Meeting held on 19 November 2019, where consent to publicly advertise the recommended changes to the LPP was granted by the Council.

## 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 LPP37 '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 Policies.

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 appropriate development and subdivision of properties abutting rights-of-way and the widening and upgrading of underwidth rights-of-way can contribute to greater housing choice and diversity to meet existing and future community needs.
	EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The widening and upgrading of the Town's rights-of-way through the development and subdivision process can help relieve pressures and congestion on public streets, allow for more efficient use of land and contribute to the overall improvement of the road transport network.

## Engagement

External engagement	
Stakeholders	Residents, property owners, general community
Period of engagement	21 days (16 January to 6 February 2020)
Level of engagement	2. Consult
Methods of engagement	Publication of notices in the Southern Gazette on 16, 23 and 30 January 2020; Hard copy displays at Council's Library and Administration Building; and Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub.
Advertising	As above.
Submission summary	No submissions received. Your Thoughts page activity - 14 page visits by 8 visitors; 15 document downloads.

## Key findings

The proposed policy changes did not raise any community concerns.

## Legal compliance

### Planning and Development (Local Planning Schemes) Regulations 2015

The amendment of a LPP is to be undertaken in accordance with deemed clauses 4 and 5 of the Regulations, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Application of Policies which could contain clearer and more comprehensive provisions in order to more effectively achieve their intent and objectives.	Moderate	Likely	Low	Adopt draft revised LPP 7.
Application of practices and procedures which are not underpinned by a local planning policy or other adopted instrument within the Town's local planning framework to ensure consistency and transparency in decision making.	Moderate	Likely	Low	Adopt draft revised LPP 7.

## Financial implications

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

## Analysis

4. The proposed changes to existing LPP 7 draw together and provide a policy basis for a wide range of Town requirements applicable to development and subdivision of properties abutting rights-of-way.
5. It is considered that the revised policy will benefit and provide clarity to property owners, developers, and the general community. It will also assist Council Officers to explain and refer community members to the applicable requirements of the Town as they are a) currently set out across a number of policies, b) are not documented within a policy and/or c) are State Government recommended provisions.

6. Final changes have been made to address minor grammatical and formatting issues to ensure it is in a form ready for adoption.
7. It is recommended that Council formally adopt draft revised LPP 7, as modified and contained in Attachment 1 to this report.

## **Relevant documents**

Existing Local Planning Policy 7 – Vehicle Access to Properties via a Right-of-Way

[WAPC Planning Bulletin 33/2017 'Rights-of-way or laneways in established areas'](#)

## **Further consideration**

8. In response to a question raised at the Agenda Briefing Forum on 3 March 2020, the following information is provided in relation to vehicle crash data within rights-of-way within the Town :

The Town currently has 144 ROW's or laneways (some are joined together).

- Most of the ROWs are privately owned.
- 13 of the laneways are dedicated road reserves.
- 17 of the laneways are owned by the Town.

Main Roads WA's database recorded over the last 5 years (1 Jan 2014 to 31 Dec 2018) shows a total of 22 crashes that occurred on ROWs within the Town.

- 12 crashes related to intersections abutting a ROW and other road.
- 10 midblock crashes where a vehicle was travelling along the laneway.
- 3 crashes required medical intervention. All others were property damage.

## **12.6 Adoption of Draft Revised Local Planning Policy 29 'Public Art Private Developer Contribution'**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft Revised LPP 29 'Public Art Private Developer Contribution' [12.6.1 - 7 pages]</li><li>2. Schedule of Submissions [12.6.2 - 9 pages]</li><li>3. Report to 19 November 2019 Ordinary Council Meeting - Review of LPP 29 [12.6.3 - 9 pages]</li><li>4. Draft Revised LPP 29 'Public Art Private Developer Contribution' (advertised version) [12.6.4 - 7 pages]</li><li>5. Existing LPP 29 'Public Art Private Developer Contribution' [12.6.5 - 7 pages]</li></ol>

### **Recommendation**

That Council adopt revised Local Planning Policy 29 'Public Art Private Developer Contribution', as modified and contained in Attachment 1.

### **Purpose**

To consider the outcomes of the community consultation carried out in relation to draft revised Local Planning Policy (LPP) 29 and determine whether to adopt the Policy with or without modifications.

### **In brief**

- Existing LPP 29 'Public Art Private Developer Contribution' has been reviewed and revised to improve the number, quality and process of public artworks facilitated through the private development process.
- The proposed changes to LPP 29 have been advertised for public comment. Three submissions were received during the consultation period (2 supporting statements requesting amendments, and 1 objection).
- The submissions received have been considered and comprehensively responded to by Council Officers, with minor changes being recommended to address one of the submissions.
- Additional minor modifications have been made in Part 4 of the revised policy, in respect to the timing of when the land owner/developer is required to enter into a contract with the professional artist to undertake the detailed design, fabrication and delivery of the artworks.
- It is recommended that Draft Revised LPP 29 (as further modified by Council Officers) be adopted by the Council.

## Background

1. Council's Urban Planning service area are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The LPPs are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
2. A review of LPP 28 has been undertaken by Council Officers, which has included consideration of:
  - (a)the effectiveness of the current policy 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 policy; and
  - (e)improving the presentation of the policy.
3. The review of LPP 29 and breakdown of recommended changes is detailed in the Minutes of the Ordinary Council Meeting held on 19 November 2019, where consent to publicly advertise the recommended changes to the LPP was granted by the Council.

## Strategic alignment

Civic Leadership	Intended public value outcome or impact
Strategic outcome 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 Policies.

Environment	Intended public value outcome or impact
Strategic outcome 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.	Enhanced sense of place, visual amenity and enjoyment of the public domain.

Social	Intended public value outcome or impact
Strategic outcome S04 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The increased provision, enjoyment and appreciation of public artwork projects within the community.

# Engagement

## Internal engagement

Stakeholder	Comments
Community Development - Community Arts Officer	Supports the revised policy and has contributed to the refinement of its provision throughout the drafting and internal review process.
Place Planning	Have reviewed the draft policy and support the broadening of its application throughout the Town. Additional engagement with Place Planning Officers (one of whom has expertise in public art consultancy) has led to further changes to the artworks approval stage provisions, to ensure a smoother and less complex process for all parties involved (refer to Analysis section below).

## External engagement

Stakeholders	General community; Direct invitations to review and provide comments were sent to the following stakeholder groups: <ul style="list-style-type: none"><li>• Major landholders/developers (Mirvac, Hawaiian, Golden Group, Curtin University, Swancare and Juniper Group);</li><li>• Development/property industry groups (UDIA, HIA, Property Council of Australia);</li><li>• Professional artists, public art consultants and arts organisations (15);</li><li>• Metropolitan LG arts officers/service areas (13 local governments);</li><li>• Department of Local Government, Sport and Cultural Industries (Arts and Culture Division); and</li><li>• WALGA</li></ul>
Period of engagement	21 days
Level of engagement	2. Consult
Methods of engagement	Publication of notices in the Southern Gazette on 16, 23 and 30 January 2020; 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 Direct email invitations sent to above-listed stakeholder groups.
Advertising	As above
Submission summary	3 submissions received (1 of support with suggested improvements, 1 of support requesting amendments and/or exclusions; 1 objection)

Key findings	The revised policy provisions have not raised significant concerns within the general community. The Property Council of Australia and Mirvac submissions have been considered and responded to in detail but have not been found to warrant changes to the draft revised policy. Refer to the Schedule of Submissions for details of the submissions received and the response of Council Officers, contained in Attachment 2 of this report, as well as the Analysis section below.
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Other engagement	
Stakeholder	Comments
Public Art Advisory Group	Supports the revised policy and the broadening of its scope and application throughout the Town.

## Legal compliance

### Planning and Development (Local Planning Schemes) Regulations 2015

The amendment of a LPP is to be undertaken in accordance with deemed clauses 4 and 5 of the Regulations, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Application of Policies which could contain clearer and more comprehensive provisions in order to more effectively achieve their intent and objectives.	Moderate	Likely	Low	Adopt draft revised LPP 29, as further modified by Council Officers.
<b>Compliance</b> Application of standardised practices and procedures which	Moderate	Likely	Low	Adopt draft revised LPP 29, as further modified by Council Officers.

are not underpinned by a Local Planning Policy or other adopted instrument within the Town's local planning framework.				
<b>Compliance and Reputational</b> Application of policies in an inconsistent or perceptibly unfair or inequitable manner	Moderate	High	Moderate	Adopt draft revised LPP 29, as further modified by Council Officers.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	If Council adopts the draft revised policy, it will result in a greater number of developments being required to provide a public art contribution (refer to Analysis section of Officer report of 19 November 2019 contained in Attachment 3 for anticipated increase in number of applicable developments based on application data since 2013), resulting in increased staff administration time during the artworks approval and delivery stages. This would be partially offset by the decreased administrative resources used to review and enter into legal agreements with developers for the provision of public art, given this is proposed to no longer be a requirement under the draft changes to the existing policy. The revised policy may also result in increased contributions for public art being paid to the Town, should an applicant elect to pay a contribution in lieu of the commissioning of public artworks.

## Analysis

4. Direct invitations seeking comment on the proposed changes to existing LPP 29 was sent to a range of stakeholder groups, with only three (3) submissions being received. These groups included:
  - (a) Major landholders/developers (Mirvac, Hawaiian, Golden Group, Curtin University, Swancare and Juniper Group);
  - (b) Development/property industry groups (Urban Development Institute of Australia, Housing Industry Association, and Property Council of Australia);
  - (c) Professional artists, public art consultants and arts organisations (15);
  - (d) Metropolitan local government public arts officers/service areas (13 local governments);
  - (e) Department of Local Government, Sport and Cultural Industries (Arts and Culture Division); and
  - (f) WALGA
5. Of the three submissions received (1 objection, 2 of support requesting changes and/or exclusion) it was only the submission from Curtin University to include reference to consultation with relevant indigenous groups/traditional owners for relevant public artwork proposals that considered to warrant further

modifications to the draft revised policy. The draft revised policy has been further modified to include consultation with the Town's Aboriginal Engagement Advisory Group (and/or other relevant indigenous groups or organisations) for artwork proposals that have themes, or are located on sites, of indigenous cultural significance (refer Cl. 4.1(c)).

6. The submissions received from the Property Council of Australia and Mirvac have been responded to in detail by Council Officers (refer to Schedule of Submission contained in Attachment 2 to this report) and were not considered to warrant additional changes to the draft revised policy.
7. Mirvac's requested exclusion of the policy from its landholdings within the Burswood Lakes Structure Plan area is not considered appropriate at this time in the interests of fairness, equity and consistent application of the policy throughout the Town. The existing Burswood Lakes Structure Plan does not contain alternative (or any) requirements for the provision of public art, and to date, the Town is not aware of the number, quality or value of artworks delivered by Mirvac as part of its delivery of a high quality public realm and public open spaces within the structure plan area.
8. Council Officers are open to consideration of alternative public art provisions specific to the Burswood Lakes Structure Plan area prepared by Mirvac for possible adoption by Council, as provided for under the draft revised policy provisions of LPP 29 (refer Cl. 1.2(a)), should they believe there is a demonstrable case for doing so. This may include a breakdown of the number, type and value of public artworks delivered prior to and since the adoption of LPP 29, with details of the professional artists involved in their design and fabrication, as well as a draft of the proposed alternative provisions for Council to consider for adoption. These could take a variety of forms, including a private developer public art masterplan for developments within the Burswood Lakes Structure Plan area secured through a Memorandum of Understanding and agreement on development approval conditions for forthcoming development approvals, or provisions within a new or revised Local Planning Policy. Alternatively, Mirvac could prepare and submit an application to amend the existing Burswood Lakes Structure Plan to include specific requirements for the provision of public art within the structure plan area.
9. Notwithstanding the above, any alternate mechanism presented to Council would not necessitate any changes to the existing wording of the provisions contained in draft revised LPP 29. Accordingly, it is not considered necessary that the adoption of revised LPP 29 be delayed until such time as any alternate mechanism is prepared by Mirvac and presented to Council for possible consideration.
10. Additional engagement with Place Planning Officers (one of whom has expertise in public art consultancy) has led to further changes to the artworks approval stage provisions (Part 4) in respect to the timing of when the land owner/developer is required to enter into a contract with the professional artist to undertake the detailed design, fabrication and delivery of the artworks. The advertised version referred to a contract being entered into prior to approval of the artwork concept being granted by the Town, which could become problematic if the Town's approval is not able to be obtained, negotiations between the professional artist and developer break down, or the developer wishes to explore alternative artwork concepts with a different professional artist. Accordingly, the need to enter into a contract with a professional artist to deliver the Town approved artwork concept has been moved to after the Town approval of the artwork concept has been granted (refer to Cl. 4.1(c) to 4.1(e)).
11. The review and proposed revision of existing LPP 29 has been the subject of significant internal review and analysis, informed by legal advice and liaison with the Town's Public Art Advisory Group, as well as the submissions received during public advertising of the proposed revisions. The proposed changes are considered to substantially enhance the existing policy, provide it with a well-substantiated justification, improve its application and ultimately result in significantly increased potential to facilitate the delivery of public artwork through the private development process, along with its associated amenity benefits.
12. In view of the above, it is recommended that Council formally adopt draft revised LPP 29, as further modified by Council Officers, and contained in Attachment 1 to this report.

## **Relevant documents**

[Town of Victoria Park – Developers Public Art Handbook](#)

[Town of Victoria Park Public Art Strategy 2018-2023](#)

[State Government's Percent for Art Scheme](#)

## 12.7 Talk Bike Program

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Suzanne Caren
<b>Responsible officer</b>	Alison Braun
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Petition Drake [12.7.1 - 4 pages] 2. 1- Policy-114- Community-funding [12.7.2 - 10 pages]

### Recommendation

That Council acknowledge the receipt of the "Talk Bike" program petition and refer petitioners to the Towns Community Funding Policy 114.

### Purpose

To determine the Town's options to provide funding for a "Talk Bike" program taking into consideration policy and budget in response to a petition.

### In brief

- At the December 2019 Ordinary Council Meeting Council were presented with a petition from community members seeking support through funding and other administrative assistance for a pop-up chat room in the form of a branded gazebo, to enable encouragement of the use of bicycles for journeys around the Town and beyond.
- The petition requested the Talk Bike pop up initiative be community owned and community managed to be used by the community group at suitable events.
- Under the Town's Community Funding Policy 114 community groups that meet the below eligibility criteria can apply for funding for programs that benefit the local community
  - a) an incorporated nor-for-profit organisation
  - b) community group or clubs
  - c) artists
  - d) resident association
  - e) town team/ place-based group
  - f) parents and citizen (P&C) and parents and friends (P&F) associations
  - g) schools (only for projects falling outside the Department of Education responsibilities)
  - h) social enterprise; and
  - i) an individual wishing to seek a grant through an auspice organisation.

### Background

1. At the December 2019 Ordinary Council Meeting Council were presented with a petition from community members seeking support through funding and other administrative assistance for a pop-up chat room in the form of a branded gazebo, to enable encouragement of the use of bicycles for journeys around the Town and beyond.
2. Council resolved at the February 2020 Ordinary Council Meeting:

- *"That the Chief Executive Officer provide options on how the 'Talk Bike' program, an initiative that was subject of a petition received by Council at its 17 December 2019 Ordinary Council Meeting, can be funded by the Town, taking into consideration relevant Council policies and budget requirements; and*
  - *Requests that the Chief Executive Officer presents a report back to Council on the options investigated by its March 2020 Ordinary Council Meeting."*
- Petitioners requested that these resources be community managed and owned to be deployed at suitable community events, to allow people to discuss with volunteers the opportunities and impediments in their lives to the use of a bicycle.
  - The petition contains signatures of 21 community members, 17 of these are electors of the Town.

## Strategic alignment

Civic Leadership	Intended public value outcome or impact
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Community receives information on their ability to cycle within and outside of the Town through a community led initiative at local and town wide events
CL02 - A community that is authentically engaged and informed in a timely manner.	An initiative that is volunteer led to provide peer-based information and engagement opportunities that empower community to increase their use of Town cycle facilities

Social	Intended public value outcome or impact
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Community are informed and encouraged to consider their transportation options to include cycling leading to healthier travel alternatives and a healthier more active community
S02 - An informed and knowledgeable community.	Community members are informed and knowledgeable on cycle routes available within and outside of the Town and are able to make an informed decision as to whether these are a viable transportation option for them
S03 - An empowered community with a sense of pride, safety and belonging.	An initiative that promotes community belonging through peer-based facilitation

# Engagement

## Internal engagement

Place Planning	Information sought relating to the Town's prior engagement and involvement and costs to deliver the 'Talk Bike' program under the TravelSmart initiative
Community Development	Information sought regarding prior Community Funding applications made relating to the "Talk Bike" program.
Healthy Community	Sort information and costings for an internal program delivery

## External engagement

Community	Petition submission received outlining the purpose of the program and support of 21 signatories
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## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Capacity of Town to deliver this initiative internally on an ongoing basis	Moderate	Likely	Moderate	Town will provide the initiative during business hours to mitigate additional costs associated overtime
<b>Reputational</b> Negative public perception towards the Town funding an initiative that is supported by 21 residents as a result of a petition.	Moderate	Likely	Moderate	Promotion of volunteer led initiative by Town that aligns to the Town's Strategic Outcomes

## Financial implications

Current budget impact	Nil
Future budget	Petitioners do not meet the eligibility requirements for grants under the Towns

\$7,500 - \$10,000 per annum should the Town deliver this program internally.

## Analysis

5. The Town recognises the community benefit of the Talk Bike program in providing the community with information on cycling options in the Town to increase community knowledge on alternative transportation options and promoting physical and mental health.
6. The Town has reviewed the option to fund the Talk Bike program through the Town's TravelSmart initiative or under the Healthy Community initiatives however this would require the program to be Town led and managed. The submitted petition requested the Talk Bike Program to be managed and delivered by the community for the community.
7. To deliver the Talk Bike program through the TravelSmart initiative or under a Healthy Community initiative the cost would be approximately \$6,000 to \$8,000 annually in staffing and overtime cost to manage and deliver the program and \$1500 - \$2000 for the branded portable gazebo giving a total cost of approximately \$7,500 - \$10,000 annually.
8. The Town recognizes there is significant risk in disempowering a community group by developing a Town led initiative against the community's request.
9. Under the Town's Community Funding Policy 114 community groups that meet the below eligibility criteria can apply for funding for programs that benefit the local community
  - a. an incorporated nor-for-profit organisation
  - b. community group or clubs
  - c. artists
  - d. resident association
  - e. town team/ place-based group
  - f. parents and citizen (P&C) and parents and friends (P&F) associations
  - g. schools (only for projects falling outside the Department of Education responsibilities)
  - h. social enterprise; and
  - i. an individual wishing to seek a grant through an auspice organisation.
10. The Town recognises there is considerable reputational risk should funding for this project be provided outside of the Towns Community Funding Policy 114.
11. The Town recommends that Council acknowledge the receipt of the "Talk Bike" program petition and refer petitioners to the Towns Community Funding Policy 114.

## Relevant documents

Not applicable.

## Further consideration

12. The following further consideration was requested at the Agenda Briefing Forum on 3 March 2020.

Q: Include whether the petitioner could apply for a community grant under the Town's policy, as an

Individual.

In accordance with the Towns Community Funding Policy 114 applicants will be eligible for a grant where the party is one of the following

- a. an incorporated nor-for-profit organisation
- b. community group or clubs
- c. artist
- d. resident association
- e. town team/ place-based group
- f. parents and citizen (P&C) and parents and friends (P&F) associations.
- g. schools (only for projects falling outside the Department of Education responsibilities)
- h. social-enterprise; or
- i. an individual wishing to seek a grant through an auspice organization.

Individuals are unable to apply for a community grant however it is a relatively straightforward process to become a community group. To create a community group petitioner would only require more than one member and public liability insurance. This would be recommended if the petitioners were seeking to deliver the Bike Talk initiative as volunteers within the community.

## 12.8 Community Safety Roundtable

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Mathew Owens
<b>Responsible officer</b>	Alison Braun
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council approve a budget variation for \$8,000 to deliver a Community Safety Forum prior to the end of the 2019/20 financial year.

### Purpose

To provide council with information relating to the cost and scope of providing a Community Safety Forum and to seek approval to overspend in the Safer Neighbourhoods Service Area to facilitate the delivery of the forum.

### In brief

- Council resolution from a Notice of Motion at the February 2020 Ordinary Council Meeting requested the CEO to hold a Community Safety Forum by June 2020 and requested a report to Council be provided at the March 2020 Ordinary Council Meeting including the details and any costs associated with the event
- Although crime and antisocial behavior within the Town has reduced there remains a public perception that crime and antisocial behavior is increasing.
- The Community Development Safer Neighbourhoods Officer is collaborating with the WA Police Force, Place Planning Team and Neighborhood Watch Committees to provide individual education and information seminars across six suburbs within the Town through the Suburb Safety Session initiative.

### Background

1. At the February Ordinary Council Meeting Council resolution requests, the Chief Executive Officer to:
  - *"Hold a public Community Safety Forum by 30 June 2020, for the purpose of allowing the community to discuss their concerns and ideas for improving community safety in the Town."*
  - *Invite key stakeholders to the Community Safety Forum, including, but not limited to:*
    - i. WA Police Minister;*
    - ii. Kensington Police;*
    - iii Victoria Park MLA Ben Wyatt; and*
    - iv. Neighbourhood Watch WA.*
  - *Provide a report to Council in March outlining details of the proposed event, and any costs that may require a variation to the 2019/20 Annual Budget.*
  - *Provide a report to Council within 60 days of the holding of the Forum."*
2. The Town has experienced an increase in concerns raised by community regarding crime and antisocial behavior related to rough sleeping and homelessness.

3. Through data obtained through the WA Police, crime and antisocial behavior within the Town has decreased however community perceptions on these issues have increased.
4. The Town has implemented the Suburb Safety Sessions initiative in partnership with the WA Police, Place Planning and Neighborhood watch teams. These sessions are provided in small community place-based sessions providing education and resources on ways to reduce crime and antisocial behavior within their communities.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	A community that has access to practical information and resources to assist in the reduction of crime and antisocial behavior
<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The delivery of evidence-based initiatives and community forums that result in the community feeling heard and safe
<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	A community that understands the issues of crime and antisocial behavior in a broader community context and has the tools and resources to manage their own personal safety
S03 - An empowered community with a sense of pride, safety and belonging.	A community that is heard, understood and actively involved in decision making processes that directly impact their wellbeing and safety

## Engagement

<b>Internal engagement</b>	
Community Engagement	Information sought on current trends in crime and antisocial behavior across the Town, current initiatives and feedback on the provision of a Community Safety Forum.
<b>Other engagement</b>	

Kensington Police Station	Information and support sought. Kensington Police advised they require high level internal approval before attending a public event with State Government Elected Members.
Office of the Minister of Police, the Hon Michelle Roberts MLA	Information and support sought. The office of the Minister of Police advised that a formal invitation with complete details is required before a formal response could be issued. Office of the Minister of Police, the Hon Michelle Roberts MLA raised concerns regarding the forum model and potential risk of disruptive behavior.
Office of the Hon Ben Wyatt MLA	Information and support sought. The office has advised they have held a community forum previously, but not regarding such an emotive topic. The office of Hon Ben Wyatt Will stated the proposal will be considered when a request with full details is submitted.
Neighborhood Watch WA State Coordinator	Advised will attend the forum to discuss the new Neighborhood Watch model and answer any relevant questions.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational Risk:</b> The Community Safety Forum is dominated by a minority of individuals	Moderate	Likely	High	The facilitator of the Forum needs to establish rules of engagement at the beginning of the Forum.
<b>Service Interruption</b> A high-profile event with State Elected Members attending will require resources to implement effectively	Moderate	Likely	Low	Additional resources can be allocated to ensure the smooth delivery of regular services during the implementation of this new initiative.
<b>Financial Impact</b> The funds spent on this initiative may be considered excessive due to the nature of a generic community	Likely	Moderate	Moderate	Ensure the project is delivered successfully with clear deliverables and outcomes

## Financial implications

<b>Current budget impact</b>	<p>Based on previous forums the Town has implemented an estimate cost to facilitate a forum would be \$8,000. This estimate is inclusive of:</p> <ul style="list-style-type: none"> <li>• Venue - \$500</li> <li>• Facilitator - \$5,000</li> <li>• Security - \$500</li> <li>• Marketing and Promotion -\$500</li> <li>• First Aid - \$1,000</li> <li>• Officer overtime \$500</li> </ul> <p>There is no budget available in the current 2019/20 budget.</p> <p>Budget is expected to be overspent in Safer Neighborhood service area by \$8,000.</p> <p>It is expected the overspend can be absorbed by savings found throughout the organisation. The required budget variation will be addressed in the February monthly financial statement report to Council.</p>
<b>Future budget impact</b>	Not applicable.

## Analysis

5. The Town has experienced an increase in the number of concerns raised by community regarding crime and antisocial behavior particularly related to begging, rough sleepers and homelessness.
6. Through Western Australian Police Force crime statistics are provided to the Town, these statistics reveal crime and antisocial behavior within the Town have reduced not increased however there remains a public perception that crime and antisocial behavior is increasing.
7. The Town understands the value of providing community with an opportunity to discuss safety, crime and antisocial behavior in an open forum. The Town's Safety Officers research has indicated this format of community forum can be ineffective in crime and antisocial behavior reduction and can potentially pose a reputational risk, to the Town.
8. The Community Development Safer Neighborhoods Officer is currently working in partnership with the WA Police, Place Planning Team and Neighborhood Watch Committees delivering individual education and information seminars across six suburbs within the Town through the Suburb Safety Session initiative budgeted within the 19/20 budget.

9. The Town sought information and support for the facilitation of a public community safety forum from various external stakeholders. The office of the Minister of Police, the Hon Michelle Roberts MLA and Office of the Hon Ben Wyatt MLA voiced concerns over the model of delivery requesting an invitation with all event details before a response would be considered.
10. The Towns Safety Officer was informed the Minister of Police and operational Police Officers such as Kensington Police are not permitted to attend a public forum together. For the Minister of Police and Operational staff to attend a public forum together high-level internal approval would be required.
11. Due to the emotive subject and potential risk it is recommended an experienced external facilitator facilitates the public Community Safety Forum.
12. The total estimate cost of a Community Safety Forum is approximately \$8,000 which would require overspend approval to the 2019/20 budget.

## Relevant documents

Not applicable.

## Further consideration

The following information was requested at the Agenda Briefing Forum on 3 March 2020.

QUESTION	COMMENT
a. Include the role that the Town's Safer Neighborhoods Officer plays with the crime and safety Facebook pages in the Town.	The Town has established an account in a variety of the social media-based crime prevention groups. This account shares community safety related Town content to the groups, answers any direct questions asked of the Town, and most recently has been used to reach out to these groups to organise the Suburb Safety Sessions project.
b. Include the criteria for engaging first aid services for events.	<p>To ensure the Town manages events responsibly ensuring the safety of all attendees the Town uses the Department of Health <i>Guidelines for concerts, events and organized gatherings</i> as a guide. This document is considered best practice. Whether first aid services are recommended or not for an event is based on an analysis some of the following criteria (but not limited to):</p> <ul style="list-style-type: none"> <li>1. Number of attendees</li> <li>2. Event type (eg music, family, sport, festival)</li> <li>3. Type of attendees (eg families, fans, internationals, competitors, VIPs)</li> <li>4. Age group</li> <li>5. Location (eg inside, outside, crowded space)</li> <li>6. Proximity of medical support (eg near hospital)</li> <li>7. Duration of event</li> <li>8. Time of event</li> <li>9. Season</li> </ul> <p>The analysis of the above criteria then results on a score which indicates risk as follows:</p>

Low < 13  
 Medium 14 – 49  
 High 50 - 85  
 Extreme 86 +

Based on an assessment of the criteria the proposed public Community Safety Forum is a medium risk. The guidelines recommend the following actions for events based on risk:

Planning Required	Level Of Risk			
	Low	Medium	High	Extreme
Notify local SJA of event	Yes	Yes	Yes	Yes
Notify local hospital / health care provider	Yes	Yes	Yes	Yes
Notify DPMU	No	Yes	Yes	Yes
Minimal notification period to all agencies	4 weeks	10 weeks	20 weeks	28 weeks
Provision of transport arrangement	Yes	Yes	Yes	Yes
Provision of first aiders	Yes	Yes	Yes	Yes
Provision of first aid centres	Yes	Yes	Yes	Yes
Provision of qualified paramedics	No	No	Yes	Yes
Provision of adequately equipped medical centres	No	No	Yes	Yes
Provision of on site medical teams	No	No	No	Yes
Public information and health notices	No	Yes	Yes	Yes
Medical Plan required	No	Yes	Yes	Yes
Health risks included in Risk Management Plan	Yes	Yes	Yes	Yes

The Town's primary focus is on best practice and duty of care to all community members attending Town events.

- c. Include the time period the Town used to say anti-social behavior has decreased but community perception has increased.

Increased perceptions of crime has been noted by the Town over the last 12-18 months, however there is no data or accurate recording reporting of self-reported perceptions of crime or safety.

- d. Include what the \$500 estimated for security includes.

Security will be engaged to monitor surrounds and any anti-social behavior or public distribution at the event.

The rate of this service is \$65.00 + GST per hour per guard per hour  
2 guards for 3 hours = \$429

Guard's Duties include, but not limited to:

- Customer Service
- Maintain a door register with patron numbers any refusals /evictions as per RGL license (where an event is held at a licensed venue)
- Providing general information to visitors
- ID checks (if required) and Access control to the Event
- Direction of visitors to the right person within an organisation
- General safety/protection of the goods/items
- Emergency situations handling (e.g. fire, flood, terrorism threats, evacuations, etc.)

- Contacting with State Emergency Services (if required)
- Any other duties requested by the management

## **13 Chief Operations Officer reports**

### **13.1 Request from The Recycle Hub to lease a portion of the Town's Operations Depot**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Jonathan Horne
<b>Responsible officer</b>	Jon Morellini/Gregor Wilson/John Wong
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

#### **Recommendation**

That Council reject the unsolicited leasing request from Sense & Tenability Pty Ltd ABN 39 636 707 321 as trustee for The Recycle Hub unit trust (TRH) for a portion of the Town's Depot at 199 Star Street, Welshpool.

#### **Purpose**

For Council to consider the Town's assessment of the unsolicited request from The Recycle Hub (TRH) to lease a portion of the Town's Operations Depot at 199 Star Street, Welshpool WA 6106.

#### **In brief**

- In January 2020 the Town received a request from TRH to provide in-principle support for a lease on a portion of the Town's Operations Depot. This would allow it to progress with its application to the Container Deposit Scheme (CDS) coordinator WA Return Recycle Renew Ltd (WARRRL) to operate a refund collection point within the Town by 2 June 2020. TRH is a commercial business and any dealings on the Town's land would require a formal land disposition (lease) process of public advertising and submissions period prior to a formal resolution by Council.
- Following discussions initially in October 2019 and then again in January and February 2020, TRH was requested to provide, and duly presented, a business case (Confidential attachment 1) to support their proposal.
- The business case highlighted the advantages of having a refund collection point location within the Town and the intent of the business to contribute to social and environmental outcomes (including community and employment benefits). It also noted a requirement for Council to have a lease in place by 30 April 2020 to allow TRH to provide assurance to WARRRL on its capability.
- TRH's preference is for a subsidized lease, but understands that as a business, a commercial lease may have been a likely outcome.
- Following clarification on the scope of TRH's requirement in terms of laydown area, storage facility area and initial infrastructure requirements, an external valuation assessment of market value was sought. This valuation indicated a fair market value of \$30,000 net per annum exclusive of GST and outgoings (Confidential attachment 2) and doesn't include initial start-up costs such as infrastructure (e.g. fencing, dividing wall in shed, security, utilities etc) or the relocation of the Town's existing operations and storage material from the shed (potentially to an off-site storage facility at a further cost).
- The Town had previously requested advice from WARRRL relating to the nature of TRH as a monopoly service provider in the region but WARRRL had been unable to advise due to commercial

in confidence reasons. However, the Town more recently received a letter from WARRRL (Confidential attachment 3) informing the Town that TRH is indeed the sole appointed refund point operator for the Town of Victoria Park and City of South Perth.

- This report aims to provide Elected Members with an assessment of TRH's proposal and the benefits/risks associated with proceeding with a formal lease to TRH. Based on the review of the business case, statutory requirements, land optimisation potential and tight timeframes involved, it is not recommended that Council accept the proposal from TRH.

## Background

1. The CDS (now referred to as a "Containers for Change" scheme) allows for refunds of eligible containers delivered to refund points covering many beverage containers between 150ml and 3L in volume, including plastics, glass and metal containers. To achieve the orderly administration of the CDS, a scheme coordinator (WARRRL) was tasked with the establishment of a collection network through contracts with refund point operators, transporters and processors on a not for profit basis; as well as ensuring that containers on which refunds have been claimed or paid are recycled or reused and not disposed to landfill. The operations of the CDS are to be supported by State government regulations as from 2 June 2020.
2. As part of its overall task, in late 2019, WARRRL invited submissions from interested parties to operate collection refund points. Such refund collection point operators are to receive a handling fee, currently set at 6 cents per container.
3. Following submissions closure, WARRRL has given conditional approval under contract to various organisations to proceed with the establishment of these refund collection points. TRH was awarded the refund collection point for the Town of Victoria Park and City of South Perth; and sought to progress meeting its WARRRL conditions through the Town by proposing to lease in the Welshpool industrial area, potentially by leasing part of the Town's Operation Depot but also possibly on a private landholding nearby.
4. The Town understands that TRH has until 2 June 2020 to be operational or else it will be in breach of its contract with WARRRL.
5. There are other potential opportunities for the Town that could be accommodated at the depot site and any lease to TRH is likely to hinder an outcome in this respect.
  - (i)

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The Land Asset Optimisation Strategy aims to deliver well thought out projects and ultimately deliver them successfully.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To put in place value for money and sustainable contracts and leases, as amended to incorporate new operational benefits where warranted.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective	With a Business Case provided exploring multiple options the unsolicited bid achieves several critical

decision-making.	outcomes. All options are presented for consideration by Council, allowing it to undertake objective decision making.
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Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	TRH is a small, local business and provided a business case with a vision to employ people with disability and members of the Aboriginal and Torres Strait Islander community and will commit to key performance indicators in this regard.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	The aim of the CDS is to increase recycling from landfill and reduce litter.

## Engagement

Internal engagement	
Stakeholder	Comments
Planning, building and property development management	Relevant comments have been incorporated into the analysis

External engagement	
Stakeholder	Comments
WARRRL	Supportive of the proposal
WALGA	Supportive of the proposal
TRH	Further works required

## Legal compliance

### Section 3.58 of the Local Government Act 1995.

Any disposition of Council owned land, either by lease or sale, is required to be carried out in accordance with Section 3.58 of the Local Government Act 1995.

Section 3.58 of the Local Government Act 1995 requires that a proposal to dispose of property by lease must be advertised for no less than two weeks before a local government agrees to lease the property. The

local public notice of the proposed disposition must contain a description of the property, the details (consideration) of the proposed disposition and an invitation for submissions to be made to the local government before a date specified in the notice.

In addition to this, legal advice on the format and content of any leasing agreement would be required.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result from any apparent lack of involvement with the CDS	Moderate	Possible	Medium	Assessment of proposals presented to review the benefits and disadvantages arising from these proposals.
<b>Financial Impact</b> Potential loss from acceptance of proposed leasing arrangements	Moderate	Possible	Medium	Consider options available under proposals.
<b>Service Delivery Interruption</b> Alternate access to the Operations depot for staff, new storage depot and during hazardous waste collection days.	Moderate	Likely	High	Operations truck will only have access to the Operations Depot from Star Street entrance and limited access to the storage bins. A separate storage area might have to be leased to accommodate. Communicate to the public in the change of address for the hazardous waste collection.
<b>Reputational</b> The lease agreement not able to be formalised before the WARRRL due date	Major	Likely	High	The governance process involving LG Act Section 3.58 and Planning related requirements will take time and a formal report back to Council by April 2020 may not be possible. An in principle support to be provided prior to end of April would be possible should Council endorse such an approach. WARRRL accepts in principle support from Council as being sufficient.
<b>Reputational/Financial</b> Town entering a lease with a private entity without suitable due diligence	Major	Likely	High	Officer's proposal in this report to reject unsolicited offer and/or undertake suitable due diligence

and negotiations with proper resourcing and timelines.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address the officer's recommendation. An alternative recommendation would likely require budget.
<b>Future budget impact</b>	Not applicable for the officer's recommendation. Any alternative recommendation would require budget amendment for future costs.

## Analysis

6. The Town considers that there may be four options that should be considered when looking at the unsolicited request. These are:

**Option 1.** Business as Usual.

In this option the Town maintains the depot for its operations. There are no timing, costs or other budget implications for this option.

**Option 2.** Enter a commercial lease with TRH (or provide in principle assurance of consideration and engagement in a lease arrangement) by April 2020. It is noted that WARRRL approved TRH as a monopoly provider as part of its CDS submission process, and this effectively precludes the option of the Town seeking refund collection point operators in any Expression of Interest process at this stage.

**Option 3.** Complete a LAOS (Land Asset Optimization Strategy) review. LAOS aims to deliver revenue diversification and generation opportunities, whilst enabling redevelopment proposals, and acts as a catalyst for regeneration or redevelopment of the Town's land assets. The depot land is owned in Freehold by the Town and is captured in LAOS with the recommendation for the Depot site: "That the Council give consideration to the development or lease of a portion of this property to return an income stream" Due to the time constraints with this issue the development potential cannot be reviewed in any detail, and has not been examined further.

**Option 4.** Lease for other purposes/uses. Due to the time constraints with this issue, it has also not been examined further.

7. The business case presented by TRH specifies a number of interim steps prior to the formal sign off on a lease on 30 April 2020 (and exclusive use of the site areas from then onwards). These include the formal council decision and agreement of contract terms, segregation of the storage area by 20 March 2020; fencing of the designated area by 10 April 2020; and development approvals by 21 April 2020. These proposed timelines are deemed to be inadequate for Operations staff to prepare reporting, execute the lease, find and potentially pay for alternate storage facilities to store the Town's assets and vacate the proposed lease area
8. The TRH business case requests the Town make available a portion of the Depot for laydown area (about 650m<sup>2</sup>), a storage shed (portion of) area (about 477m<sup>2</sup>) and exclusive access from a gate on

- Planet Street. In addition to the resulting infrastructure changes required (segregation of the storage shed area and any associated headworks for electrical/plumbing etc., as well as fencing for the laydown areas), the Town would have to consider alternative storage arrangements for the materials currently kept at the site area. Detailed estimates of alternative storage costs are unknown at this stage but potentially reflective of the valuation of the site requested by TRH i.e. circa \$30,000+GST plus outgoings per annum. Any headworks and additional capital items would be at the expense of TRH and these are not able to be assessed at this stage due to time and resource constraints.
9. The TRH business case in general is considered basic and does not provide detailed information on the operations of the proposed facility such as the expected numbers of containers eligible for the 6 cent handling fee due to refund collection point operators; initial and ongoing costs/cash flows for equipment, plant required and staffing levels/workforce strategy. This lack of detail does not provide the Town with a high level of confidence that TRH will be able to operate successfully or on a sustainable basis.
  10. From a planning perspective, the Town has elected not to prepare or adopt a Local Planning Policy to deal with Container Deposit Scheme infrastructure as only one applicant has been approved for the Town of Victoria Park/City of South Perth, and given that the State Government now proposes deemed provisions in Regulations to exempt development from approval. The proposed use of the site would be dealt with under the current provisions of the Town Planning Scheme No. 1 being a 'Light Industry', with the proposed works requiring development approval.
  11. On review of the historic plans for the current storage building proposed for CDS operations, it appears that the existing use and classification for the structure is a Building Code of Australia (BCA) class 7b warehouse/store. The proposed recycling centre involves a change of use, and dependent on the exact nature of operations, may involve a change of classification to a BCA class 8.
  12. From a building perspective, to progress the application, a Private Certifier needs to be engaged prior to agreement on any leasing arrangement. The certification will need to determine the compliance of the existing building for the newly proposed use, and dependent on the findings of the Private Certifier, and the type /amount of building work that may be proposed, a building permit may also be required. As a minimum, a new occupancy permit would be required.
  13. It is anticipated that the necessary development approval and building permit process may take between 4 to 8 weeks to finalise.
  14. Legal implications also need to be considered. Any disposition of Council owned land, either by lease or sale, needs to be carried out in accordance with Section 3.58 of the Local Government Act 1995. Section 3.58 of the Local Government Act 1995 requires that a proposal to dispose of property by lease must be advertised for no less than two weeks before a local government agrees to lease the property. The local public notice of the proposed disposition must contain a description of the property, the details (consideration) of the proposed disposition and an invitation for submissions to be made to the local government before a date specified in the notice. In addition to this, legal advice on the format and content of any leasing agreement would be required.
  15. Budget considerations would also need to be reviewed as there is currently no budget to cover the costs of making any investment to support the proposed leasing arrangement. These would need to be assessed at the time of making any formal Council decision(s) on the other issues noted.
  16. Based on the above analysis, there are a number planning, building, legal and budget issues for consideration; as well as Council approvals that are required prior to any agreement of terms for a

leasing arrangement of part of the Town's Operations Depot. These are on top of any physical changes that are required to be made to the storage building structure and laydown areas. In addition, based on the details of the current business plan supporting the proposal, the Town does not have a high degree of confidence for continued sustainability of TRH for the CDS operation. It therefore does not support the proposed leasing arrangement.

17. While noting this, the Town backs the concept of the CDS as noted in the September 2019 Council item on CDS; and is supportive of attempts to incorporate it within the Town municipal area. To this end, the Town would support TRH operations in expediting planning and building considerations if it was able to secure alternative leasing arrangements.
18. If Council is to consider the proposal for leasing on the basis that the location of a refund collection point within the Town provides sufficient advantage (in terms of strategic alignment with the CDS, such as environmental, community and employment benefits) then it is recommended that suitable financial guarantees and other arrangements (e.g. payment for initial costs, shorter leasing period) be put in place to protect the Town's position.

## Relevant documents

Town of Victoria Park Strategic Waste Management Plan (SWMP)

Waste Avoidance and Resource Recovery Strategy 2030 (The Waste Authority Strategy)

Council resolutions within the minutes of the Town's Ordinary Council Meeting held on 17 September 2019- item 12.3 Review of Container Deposit Scheme

Land Asset Optimisation Strategy October 2013

## Further consideration

19. Subsequent to the presentation by TRH at the Agenda Briefing Session of 3 March 2020, it has provided additional information on the leasing proposal in email form (Confidential attachment 4) and during subsequent discussions with Officers.
20. Subsequent to the aforementioned presentation, Officers have sought further information from WALGA and WARRRL, both of whom are supportive of TRH setting a refund point within the Town's light industrial area.
21. Further information provided by TRH included the various benefits to be contributed in kind by TRH such as the facilitation of waste and recycling related workshops, joint effort in the implementation of certain environmental sustainability initiatives beyond that of CDS program, sharing of his expertise environmental health and waste management skills and provision of advice associated with some of the Town's Strategic Waste Management Plan action items.
22. There was insufficient time and resource to undertake the required due diligence in order to make a final determination on the request from TRH. It is recognised that Council may seek to further progress to lease arrangements. If this is the case, then officer guidance on the wording for an alternative recommendation on the proposal are as follows:
  1. Council gives its in-principle support to the proposal from Sense & Tenability Pty Ltd ABN 39 636 707 321 as trustee for The Recycle Hub unit trust (TRH) to lease a portion of the Town's Operations Depot.
  2. That the CEO undertake all necessary preparatory steps for a lease to be negotiated; including advertising the lease as a public notice under section 3.58 of the Local Government Act, ensure accordance with planning and building requirements, apportionment of any

relevant required expenditure to TRH; and obtain written confirmation from WARRRL that the proposed course of action is acceptable for TRH to comply with its contractual obligations to WARRRL.

3. That the CEO prepare lease documentation for a term of (*term to be determined*) in accordance with Leasing Policy 310.
4. That the CEO prepare a report to the June Ordinary Council Meeting for Council to consider the lease and incorporating suitable arrangements and budget considerations to protect the Town's financial position and its operational requirements.

## 13.2 LPRP Zone 1 Community and Sport Club Facility Proposal Mandate

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Kevin Cunningham
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Endorse a Project Mandate for a staged development of the Lathlain Precinct Redevelopment Zone 1 (Perth Football Club facilities).
2. Endorse the Town finalising a Funding Agreement for Lathlain Precinct Redevelopment Project Stage 1, with the Department of Infrastructure, Transport, Cities and Regional Development's Community Development Grants Program and proceed in accordance with their requirements, for the grant amount of \$4,000,000.

### Purpose

For Council to be provided with information to endorse a project mandate to proceed and to describe the requirements of the Federal Government Community Development Grant Program for the finalising of that funding contribution towards that project. The information comprises background and current status.

### In brief

1. The Lathlain Precinct Redevelopment Zone 1 Community and Sports Facility development (LPRP Zone 1) has been in "Pre-project" phase, with officers undertaking due diligence to prepare a project mandate for Councilors to endorse.
2. A mandated proposal for a project is required to initiate it as a "project". Given the likely investment value, the size of the development, its profile within the community and the lapse of time since this Zone 1 Development was first activated, it is appropriate for a project mandate be endorsed by Council to ensure the Town proceeds in line with that mandate.
3. The mandated project will include the preparation of a project steering group with agreed terms of reference. A project steering group is recommended to include Councilor, Officer, club and community stakeholder representatives. The Steering Group will provide development guidance for the revised scope and staging.
4. The proposal is grounded on a "paused" project (2016) which has an existing Operational Expenditure budget. It is also informed by a previous, more "football centric" business case (2015), and revised cost estimate advice based upon that earlier business case.
5. External capital funding is required to be able to undertake this development. A Perth Football Club (PFC) advocated Federal Government funding commitment (\$4m) has been granted through the Town, towards the development of a new grandstand facility and club facilities. The funding agreement has requirements for what, how and when the grant can be expended and acquitted.

6. Advocacy for required State funding will form part of the project.
7. Unexpended Town capital carryover funding from another Lathlain Precinct project - LPRP Zone 2/2X will be nominated to be placed in reserve and reallocated towards the Towns LPRP Zone 1 as part of the Town's development contribution.
8. The aged and dilapidated structural condition of the existing grandstand and function facility is a considerable risk to the Town and is a major driver for this development.
9. Evolution of the concept -
  - Lathlain Precinct Redevelopment Project (LPRP) has been the "parent" project since 2014, with seven of the eight "child" projects all complete or substantially completed except for Zone 1.
  - A full development proposal was prepared for the then defined PFC needs, aimed at replicating the existing grandstand and club facilities. This proposal failed to obtain support or funding.
  - The proposal for mandate outlined in this report for Zone 1 was created due to -
    - existing facilities considered to have outlived their useful and structural lives and functional requirements, and
    - changed community and club needs and constraints, since that 2015 development proposal.
  - The new proposal will be guided by the community informed and WAPC approved Lathlain Park Management Plan (LPMP). The approved LPMP for Zone 1 guides multi-purpose shared spaces in this development.



Zone 1 - Perth Football Club		Preliminary Principles
Community Uses		<ul style="list-style-type: none"> <li>• Opportunities for the provision of multi-purpose/shared spaces that can accommodate community events, activities and/or programs are encouraged.</li> <li>• Ensure public access is designed to accommodate a range of users and incorporates universal access design principles.</li> <li>• Ensure the connection between development and the streetscape in terms of pedestrian access, views and vistas to the existing stadium is enhanced.</li> <li>• Integration of servicing infrastructure within landscaped and/or public art for the area is encouraged.</li> </ul>
Built Form		<ul style="list-style-type: none"> <li>• Facilitate the interpretation of the heritage values of Lathlain Park.</li> <li>• New development shall be designed to orientate around the oval and articulated to ensure building bulk is minimised when viewed from the street.</li> <li>• Provide for the shared use of facilities where possible.</li> <li>• Enhanced public and spectator amenities to Oval 1.</li> </ul>
Public Realm & Landscaping		<ul style="list-style-type: none"> <li>• Landscaping shall ensure the retention of existing mature trees where possible.</li> <li>• Landscaping treatments to be of a high quality (incorporating hard and soft landscaping elements) and incorporate water wise principles / native plant species.</li> <li>• Landscaping elements (e.g. public art) themed on cultural heritage is encouraged.</li> <li>• Reciprocal (Perth FC/public) use of formal car parking.</li> </ul>

10. This will be a Town development, on Town land, requiring Town investment and the outcome needs to satisfy the Strategic Community Plan. The full LPRP Zone 1 development will be created as a community facility anchored by the Perth Football Club.

## Background

1. PFC have been an occupant and lessee on this site since its original development in 1958. It is intended that they be an anchor Lessee within a new Zone 1 development.
2. The PFC occupancy in the existing Lathlain Park grandstand and associated facilities were the catalyst in 2012 for the LPRP. This Zone 1 was the first of the eight LPRP Zones. It is the only zone not to get development traction.
3. The PFC lease is "rent free". A new lease is similarly intended to be peppercorn. In lieu of a financial rental PFC will need to satisfy social dividends for the Town. The PFC also receives an operating subsidy as outlined below.
4. Funding contributions exist to support the PFC occupancy from a West Coast Eagles ground lease contribution and from a Federal Government funding commitment.

5. It is intended for there to be community facility users and potentially other Lessee's (with the investigation for some commercial opportunities) within the development.
6. LPRP Zone 1 PFC Grandstand -
  - o The grandstand was constructed in 1958, with its first WANFL season in 1959. This main structure is sixty plus years old. The adjoining function facility was constructed after 1966.
  - o Over a long period of time, due to constrained club funding and the size of the facility, building maintenance by the club (and the Town) was ad-hoc.
  - o There are recognised structural issues in the grandstand. The Town have been monitoring the structural condition and safety of the existing grandstand. This includes whether they remain fit for purpose, the remaining structural life of the facility and recommended options for its ongoing operations.
  - o In the independent structural engineer's report from January 2019 they recommended the structure to be "adequate to suit the current usage based on short term consideration of 1 to 2 years." The structures are recognised as being close to the end of their useful life and will require increased and more significant capital and maintenance expenditure in future years.
  - o An annual update evaluation and structural engineers report is being undertaken currently.
7. Current Status -
  - o The football-focused concept development proposal and business case prepared in 2015 was done prior to the community informed drafting of the Lathlain Park Management Plan.
  - o That 2015 proposal was not successful in securing external funding as it was football club specific and was "paused" in 2016.
  - o This "Zone 1 project" has remained dormant while the Town and PFC have advocated for required external funding. The other funded LPRP zones have all subsequently proceeded to completion.
  - o Operational Funding for project initiation, legal requirements, consultancy and design development has carried over for this Zone 1 since 2016.
  - o This proposal is to be mandated as a new project, grounded on the previous work and subsequent accomplishments.
8. Current Occupancy Arrangements -
  - o PFC are holding over on a month to month basis on the residual of a 2005 lease (and receives \$50,000 per Financial Year financial subsidy support from the Town tied to this lease, towards facility and grounds maintenance).
  - o Telstra have a Cell Tower Lease on the grandstand roof dating from 2004 with final term expiring 30 June 2024.
  - o Vodafone have a Cell Tower Lease on the grandstand roof dating from 2005 with final term expiring 30 June 2025.

## Funding

9. Full development Financial contributions - Target Development Project Budget remains \$15m including grandstand demolition. This will be reviewed with the new concept plan preparation.
10. The funding "split" has notionally been a third from each of the Federal Government, the State Government and the Town.
11. The West Coast Eagles Lathlain Park lease commits them to a capital contribution of \$1m towards PFC facility requirements in the Zone 1 development. This is part of WCE contributions "in lieu" of a financial ground rental to the Town. This had been considered as a portion of the Towns nominal proportional contribution.

12. The Town are also contributing the notional value of the land to the development.

13. The contributions status is -

- o Federal Government - \$4m - Committed, but not finalised.
- o West Coast Eagles specified Lease payment \$1m – Committed.
- o State Government - \$5m required – Not committed – ongoing/ project advocacy required.
- o Town of Victoria Park financial contribution \$5m – Not committed (**but recognised/need to be modified in Long Term Financial Plan**).

14. Funding contributions have been considered as notionally aligned to -

- Federal + WCE = PFC functional space.
- State = Multiuse functional use space.
- Town = Community Functional use space.

### Federal funding commitment – constraints and requirements

15. Federal Department grant funding requires defined deliverables and a prescribed timetable. This is to be addressed by staging the project. The first stage will contain the Federal funding deliverables.

16. The \$4m Federal Government funding commitment was advocated for by the PFC. Local Federal Member of Parliament, Steve Irons supported the bid and played a central role in obtaining the commitment.

17. The grant is administered by the Federal Department of Infrastructure Community Development Grants Program. The grant stipulates part of the deliverable will be a grandstand with weather protected tiered seating.

18. The grant deliverables also comprise football operations functional spaces.

19. The grant is required by the Federal agency to be defined, prescribed and expended in the short to medium term, not as a general funding package contribution.

20. This can be achieved in a first stage, contained within the area north of the existing grandstand (allowing continued use of the existing grandstand while that stage 1 proceeds). Note that the demolition of the existing grandstand would be part of stage 1 and undertaken upon the completion of the facility/ies in stage 1.



Indicative potential Stage 1 area delineated in red

Indicative potential Stage 2 area delineated in blue

21. Stage 1 would be complete and usable (allowing football operations to relocate across from the existing grandstand) to facilitate commencement of Stage 2 (on the site of the demolished grandstand).
22. The Federal Grant will be acquitted against the completed and useable Stage 1.
23. Stage 2, primarily funded by the Town and State, would include construction of the community uses together football club exclusive use administration accommodation, club members facilities and the remaining shared spaces.
24. The Federal Department await Town advice of endorsement of their requirements and a staged approach before proceeding to funding documentation.

### Scope

25. A new mandated proposal establishes a new project, albeit grounded and prepared on previous work and accomplishments (the funding commitments). The full proposal requires re-scoping for a multiuse community facility.
26. The 1958 grandstand comprises multiple space uses for events, club members food and beverage, administration offices, ablutions, football operations including change rooms and gymnasium, and so on. Sitting on top of these spaces is non universal access compliant spectator seating and it is the intent of the project to ensure accessibility is a key focus.
27. The need to accommodate women's football and sporting teams and associated infrastructure will be a key consideration.
28. In preparing the new scope the Town need to determine what "community uses" are required in the development.
29. A Project Initiation Document (PID) with a structured plan and business case will be prepared after the project is mandated. The PID will assist in advocacy for the required State funding.
30. All the relevant functional space uses will be included in the new development where possible.
31. Functional Space Uses - In 2019 PFC were asked to define their needs which with the assistance of independent consultants, they have done and shared. The outcome is indicatively summarised as-
  - o Community
    - Local services hub/ start up space
  - o Community/ Commercial
    - Not for Profit lessee's/ occupiers, commercial tenants
  - o Town uses
    - Town service unit function space occupancy options
  - o Common areas
    - Entry foyer
    - Building Toilets General
    - Building Universal Access Toilets
    - External Toilets General
    - External Universal Access Toilets
    - Corridors, fire exits and walkways
    - Building services areas/ waste management
  - o Community/ shared use
    - Function space "Members" lounge
    - Function space "Presidents" room
    - Meeting space "Board" room
    - Meeting space meeting rooms
    - Gathering space theatrette

- Gathering space "Vision" room
- Gathering space Community Hall/ function room
- Off street parking
- Event seating
- Football Operations
  - Away men's change/ warmup
  - Away coach's area/ office
  - Away men's showers/ toilet
  - Home men's change/ warmup
  - Home men's coach area/ office
  - Home men's football store
  - Home men's shower/ toilets
  - Medical testing room
  - Umpire's change and warmup
  - Umpire's Female toilet/ Male toilet
  - Coaches boxes
  - Away women's change/ warmup
  - Away women's Coach's room/office
  - Away women's toilets/ shower
  - Home women's change/ warmup
  - Home women's Coach's room/office
  - Home women's toilets/ shower
  - Home women's football Store
- Football club use (sustainability)
  - gymnasium (concession)
- Football administration
  - Reception/ merchandise/ club museum
  - PFC admin area
  - Office shared use media/ stats
  - Foyer club café/ internal kiosk concession
- Football membership
  - Licensed area - club bar area/store
  - Licensed area - club bar servery
  - Licensed area - club bar cold store
  - Licensed area - club bar food and beverage dry store area
  - Licensed area - club bar food and beverage preparation (kitchen)
- Football sustainability
  - External kiosk/ food/ beverage licence/concession

32. Project timing - The mandated project needs to align with the committed and likely "funding stream" over three plus financial years (2020/21, 2021/22, 2022/23).

- a. Stage 1 – Federal Government stipulated deliverables – New grandstand structure with football operational requirements to the extent of that funding amount (including WCE Lease commitment contribution).
 

This comprises –

  - full concept design during Stage 1, approximately three to five months.
  - approximately six to eight months in stage 1 detail design.

- approximately twelve to sixteen months in demolition and site preparation and Stage 1 construction.
  - relocate current occupants from the existing grandstand into temporary accommodation.
  - demolish existing grandstand.
- b. Stage 2 – construct community and multiuse facilities together with other sporting club use spaces (such as administration offices, members facilities, food and beverage).
- This comprises –
- Detail design (for tender/ for construction) from secured funding, approximately six to eight months (provisional for program timing overlap with Stage 1 works).
  - site preparation, and construction -approximately twelve to sixteen months construction.

### 33. Statement of Intent – memorandum of understanding (MOU)

- a. As part of the project, the Town and the primary facility user, PFC, need a common understanding of what the development is intended to be. This statement of intent prepared by the Town is not intended to be exhaustive.
- b. It will capture the base requirements and provide a representation of the intentions of each party, to avoid misunderstanding, incorrect assumptions and unnecessary effort and work.
- c. As for a “memorandum of understanding”, this will not be a legally binding document.
- d. It will acknowledge willingness and encourage cooperation to progress a joint line of action for the development, based upon an open relationship, common framework and shared understanding.
- e. It is not to be construed as creating a legal relationship nor create rights, obligations or duties.
- f. Most importantly, it will describe the Town's expectation of the PFC of the “in kind” contribution and social dividend PFC will provide in consideration of their use of the space (Revised Policy 310 Leasing).
- g. It will not affect any other agreement/s which may exist between the parties.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The proposal will be mandated as a Project and managed in accordance with the Town's PRINCE2 applied project principles and workflow.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	External funding will contribute to the development and the required Town funding will be recognised in the LTFP, distributed over successive financial years and be focused on multiuse and the community functional spaces.

## Economic

Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development will replace an obsolete, dilapidated, high maintenance, no longer fit for purpose structure and provide accommodation that will support community groups and broader activation of the locality.
EC02 - A clean, safe and accessible place to visit.	The existing aged, dilapidated and obsolete structure is not DAIP compliant. A new structure will address universal access and facilities.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The development supports sporting activity at multiple levels within the Town.

## Engagement

34. The LPRP was community informed with broad community engagement at the consult, involve and inform levels. A part of the outcome from that community engagement was the WAPC Approved Lathlain Park Management Plan July 2017 (LPMP). This document will guide the LPRP Zone 1 project plan (PID) and the preparation of a new concept plan.
35. As part of a mandated project, the preparation of the PID will incorporate additional community engagement to test that the revised concept plan has been guided by the LPMP.
36. Project concept preparation will include both internal and external engagement. The table below anticipates the engagement this will require.
37. The PID will include a schedule of gateway milestones for Council update and any necessary direction.
38. The PID will form a combined Project Steering Group, inclusive of Elected Member representation, Town Executive, Town Officers and external stakeholder representatives (PFC, the community) to guide concept plan preparation and project progress. The Project Steering Group will have defined and agreed Terms of Reference and a fixed period of operation (Policy 101).

Internal engagement	
Elected Members	As part of a Project Steering Group (to be convened with Terms of Reference and in accordance with Governance direction), to provide guidance
Stakeholder Relation Team	Advice on advocacy, communications and engagement
Governance Team	Direction for Policy compliance, Steering Group selection process, preparation of Terms of Reference
Community Team	For input on the community uses for the development, DAIP, application of

	relevant policy, compliance and the ongoing management of community uses
Assets Team	As the responsible manager of the existing buildings and the future completed development
Planning Team	For application of the LPMP, compliance with planning guidelines and the LPS
Property Team	For the leasing and licensing of spaces within the development, and the ongoing management of those leases
Finance Team	For the direction and management of development funding

## External engagement

Stakeholders	Subject to Stakeholder Analysis - propose PFC, immediately adjacent local residents, community group facility users and current or future lessee's (eg Telco's)
Period of engagement	The engagement plan (for both Internal and External) will form part of the PID
Level of engagement	To be determined.

## Legal compliance

*Not applicable*

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Property</b> Further deterioration of the existing Structures (Grandstand). The buildings becoming unsafe for use and occupation.	Moderate	Likely	High	Continue annual engineering structural audits and recommendations; ongoing repairs in accordance with recommendations; Building condemned and no longer accessible for accommodation or by the public.
<b>Reputational</b> Negative public perception towards the Town may result from a structure related failure and	Moderate	Likely	High	Community consultation about the project. Community engagement workshops.

personal injury in the existing grandstand				
<b>Reputational</b> Negative public perception related to the expenditure of Town funds for required rectification works	Moderate	Possible	Moderate	Ongoing community engagement and communication of the requirements and potential outcomes.

## Financial implications

<b>Current budget impact</b>	<p>Sufficient funds exist within the annual budget to address a first "project workflow milestone" being the PID (the project plan) and the engagement of the necessary consultants for the delivery of the concept plan.</p> <p>The residual of the current Operational Budget carryover funding is \$375,000.</p>
<b>Future budget impact</b>	<p>Other current funding sources include:</p> <p>External Funding Commitment from the Federal Government in the Amount of \$4m administered by the Department of Infrastructure and claimed/ acquitted in appears.</p> <p>WCE Ground Lease contribution of \$1m payable in arrears. This project will occur over a number of Financial Years. The Long Term Financial Plan will need to be modified to reflect the revised staging.</p> <p>The completed project will require facility and lease management, and related annual operation budget.</p> <p>It is proposed to extinguish the operating subsidy to the PFC (\$50k/y) following relocation to a new facility, this would be an operating budget saving.</p>

## Analysis

39. While this Zone 1 redevelopment was the first catalyst to initiate the LPRP it did not achieve traction. This has been due to its defined need not securing funding support.
40. The deteriorating condition of the structures has become a major driver in the necessity for urgent action by the Town who is responsible for the structure.
41. A Zone 1 broader community use has been better defined through previous community engagement. The WAPC Approved LPMP provides that guidance to those needs.
42. A proportion of the external funding has been committed by the Federal Government.
43. A staged approach satisfies those available external funding requirements, and proactively addresses the condition and potential life of the existing structures.

44. This recommendation is to formally create (mandate) the project where the detail will be progressed with stakeholder involvement, and to finalise that Federal Funding agreement.

## **Relevant documents**

WAPC Approved Lathlain Park Management Plan July 2017 (LPMP).

Policy 101 - Working groups and project teams - appointment of (under review)

Policy 310 – Leasing

Policy 114 – Community Funding

## **14 Chief Financial Officer reports**

### **14.1 Schedule of Accounts for January 2020**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Graham Patrick
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Listing - January 2020 [14.1.1 - 9 pages]

#### **Recommendation**

That Council:

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

#### **Purpose**

To present the payments made from the municipal fund and the trust fund for the month ended 31 January 2020.

#### **In brief**

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

#### **Background**

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

payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608715 – 308738	37,192
Creditors – EFT Payments		4,791,041
Payroll		1,003,624
Bank Fees		1,750
Corporate MasterCard		2,753
		<b>5,836,360</b>

## Strategic alignment

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

## Legal compliance

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

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

## Risk management consideration

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

Schedule of Accounts				
<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

## Financial implications

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

## Analysis

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

## Relevant documents

[Procurement Policy](#)

## **14.2 Financial statements for the month ending 31 January 2020**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Graham Patrick
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements for the month ending January 2020 [14.2.1 - 39 pages]

### **Recommendation**

That Council accepts the Financial Activity Statement Report – 31 January 2020, as attached.

### **Purpose**

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

### **In brief**

- The financial activity statement report is presented for the month ending 31 January 2020.
- 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.

## 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
<b>Financial impact</b> Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.

<b>Compliance</b> Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Internal review of monthly financial activity statement. External audits of monthly financial statements.
<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

## Financial implications

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

## Analysis

1. The Financial Activity Statement Report – 31 January 2020 complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Activity Statement Report – 31 January 2020 be accepted.

## Relevant documents

Not applicable.

## 14.3 2019-2020 Annual Budget Review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Graham Patrick
<b>Responsible officer</b>	Mike Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Annual Budget Review 2019-2020 Report [<b>14.3.1</b> - 73 pages]</li><li>2. Annual Budget Review 2019-2020 Report - variance report [<b>14.3.2</b> - 3 pages]</li></ol>

### Recommendation

That Council:

1. Adopts the actual opening position for the 2019-2020 financial year as \$8,061,247 (being \$1,642,385 better than the estimated opening position) noting that the determination of the allocation of those funds is contained within the 2019-2020 Annual Budget Review, pursuant to Regulation 31 of the Local Government (Financial Management) Regulations 1996.
2. Adopts the 2019-2020 Annual Budget Review as contained within the attachments, pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996.
3. Approves the amendments to the 2019-2020 Annual Budget, detailed in the 2019-2020 Annual Budget Review as contained within attachments, pursuant to Section 6.8 of the *Local Government Act 1995*.

### Purpose

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

### In brief

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

### Background

1. The Local Government (Financial Management) Regulations 1996 require that between 1 January and 31 March in each year, a local government is to carry out a review of its annual budget for that year.
2. The review of the forecast based on the financial statements to 31 December last year has identified areas where revenue and expense budgets will not be met by 30 June this year. Suitable expense savings and/or additional revenue sources have been identified to balance out variations. Funding sources are identified from savings or revenue (in excess of budget) projected to 30 June this year.
3. Additional works and/or services have also been identified and included within the review.

4. Material variances are identified and outlined where, for the period and management area being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000.
5. Presented is the Annual Budget Review for the current financial year (as contained within the attachments).

## Strategic alignment

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

## Engagement

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

## Legal compliance

[Regulation 31 of the Local Government \(Financial Management\) Regulations 1996](#)

[Regulation 33A of the Local Government \(Financial Management\) Regulations 1996](#)

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

[Section 6.8 \(1\) of the Local Government Act 1995](#)

## Risk management consideration

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

<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.
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## Financial implications

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

## Analysis

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

11. Accordingly, it is therefore recommended that the review be accepted and the associated budgetary changes be approved.

## **Relevant documents**

Not applicable.

## **14.4 Participatory Budget Pilot – Options**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Michael Cole
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Concept Forum Participatory Budget - February [14.4.1 - 16 pages]

### **Recommendation**

That Council:

1. Endorses option 1A for the proposed Participatory Budget Pilot project for the 2020/21 budget process
2. Notes the project will be funded from within existing internal resources.

### **Purpose**

To seek Council endorsement of the preferred option for the proposed participatory budget pilot, to inform the 2020/21 Annual Budget process.

### **In brief**

Elected members undertook participatory budgeting exercises throughout the 2019/20 annual budget process.

In addition to undertaking these exercises again with Elected Members and in preparation for the 2020/21 draft budget, the Town is also proposing a pilot participatory budget project with our community.

The outcomes of the participatory budget pilot will help inform the Town's engagement for the major review of the Strategic Community Plan, which will commence in the latter part of 2020.

### **Background**

1. The Town proposes to undertake a participatory budgeting pilot project as part of the development of the 2020/21 Annual Budget.
2. The concept has been presented to Elected Members and was considered by Council at the Ordinary Council meeting of February 2020.
3. At that meeting, Council resolved as follows:
  3. 1 supports the delivery of a participatory budget pilot project for the 2020/2021 budget process
  3. 2 requests the Chief Executive Officer to present options for the delivery of the pilot project, using internal resources, for Council's consideration, at the March Ordinary Council Meeting.
4. Further options were presented to the Elected Members Concept Forum held on 25 February and these are listed below in the analysis section of this report.
5. It is now recommended Council endorse option 1a as outlined below.

## 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 members of the panel will be engaged in consideration of projects and their feedback will assist Council in their deliberations of the draft 2020/21 Annual Budget.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Community members of the panel will assist in informing the Draft 2020/21 Draft Annual Budget.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Feedback from the Community Panel will inform Elected Members in their deliberations of the Draft 2020/21 Annual Budget.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Options for conducting a participatory budget pilot project have been workshopped with Elected Members.
Communications and Engagement	The Town's Community Engagement Officer has been consulted about the process for appointing panel members and engaging with the community.
Finance Services	Finance team members have been engaged in the development of options for Council to consider.

External engagement	
Stakeholders	Comments
Stakeholders	It is proposed to engage with a panel of community members selected from the Community Sounding Board
Period of engagement	During March/April 2020
Level of engagement	Consultation
Methods of engagement	Facilitated workshops with Community Sounding Board members and broad engagement with community via Your Thoughts project page.
Advertising	Not applicable
Submission summary	Outcomes of the pilot will be presented to Elected Members.
Key findings	To be advised

## Other engagement

Stakeholder	Comments
City of Bayswater	Officers from the City of Bayswater were consulted on their participatory budget process for 2019/20 Annual Budget.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result if the pilot project proceeds without their knowledge.	Moderate	Likely	High	Community consultation about the project.

## Financial implications

<b>Current budget impact</b>	The participatory budget pilot project will be undertaken using existing internal resources.
<b>Future budget impact</b>	Not applicable.

## Analysis

1. Following Council's resolution at February OCM, the Town has proposed 4 options for the participatory budget pilot project.
2. These options were presented to Concept Forum held on 25 February 2020 (as attached).
3. Option 1 – Based on results from the Community Perception Survey and areas in which the community wanted the Town to focus on; safety and security, parking management, streetscapes, lighting (streets and public places) and development on Albany Hwy. This option was broken down into two sub-options as follows:

3. 1 A - One theme, several projects.

Theme: "Community Safety"

Projects: security upgrades to facilities, PCYC program, CCTV rebates to community, Youth Engagement Plan and increased ranger patrols.

3. 2 B - Several themes, but fewer projects per theme.

Community safety projects nominated: CCTV on Town facilities, Community rebates.

Other project suggestions: parking management, streetscapes, lighting and development on Albany Highway.

4. Option 2 – Selected discretionary budget items identified by managers.
5. Option 3 – Projects to be identified over coming weeks from draft budget preparation workshops. The budget modelling tool that was developed and used to inform the 2019/20 Annual Budget will be updated with proposed projects and initiatives for 2020/21 and will again be presented to Elected Members as part of the 2020/21 annual budget process. For this option it was proposed to identify a select number of these projects and initiatives.
6. Following feedback from the February Concept Forum, it is recommended Council endorse option 1A for the participatory budget pilot project.
7. Feedback from the participatory budget pilot project will be presented to Elected Members to assist in their deliberations of the draft 2020/21 Annual Budget.

## **Relevant documents**

Not applicable.

## 15 Committee Reports

### 15.1 Water Conservation Policy Review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Brendan Nock
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

#### Recommendation from the Policy Committee

That Council adopts the amended Policy 253 - Water Conservation, as attached

#### Purpose

Following from a resolution of Council made at its meeting on 17 September 2019 to review several of the Town of Victoria Park's policies, the purpose of this report is for Council to adopt the amended Water Conservation Policy.

#### In brief

1. Policy 253 – Water Conservation was one of the policies identified for review as part of Council's adoption of a plan to review several policies at the 17<sup>th</sup> September 2019 Council meeting.
2. Policy 253 – Water Conservation has been internally reviewed.
3. The principles of the Department of Water and Environmental Regulation's Water Conservation/Efficiency Plan are proposed to be included within the Water Conservation Policy.

#### Background

##### *Review of policy for amendment or repeal*

4. With potable water scarcity being experienced from time to time in Perth, it is necessary for the Town and the community to closely consider the ways in which water is used and managed. In response, the Administration developed the Water Conservation Policy. This Policy was adopted by Council on 12<sup>th</sup> September 2017 with a review by the Town's Governance and Environment teams occurred on 20th August 2019.
5. In response to the 17 September 2019 Council resolution, Policy 253 – Water Conservation has been internally reviewed. As part of the policy review, the Town investigated policies implemented by State Agencies and other Local Governments to inform changes recommended to the Town's policy.

## Strategic alignment

Environment	Strategic outcome	Intended public value outcome or impact
	EN4 - A clean place where everyone knows the value of waste, water and energy.	<p>Environmental benefits to the sustainable use and management of our water resources include:</p> <ul style="list-style-type: none"> <li>• Protection and enhancement surface and groundwater resources to achieve a high quality of natural water resources;</li> <li>• Reducing the pressure on existing freshwater sources;</li> <li>• Reducing the impacts associated with development of new water sources such as desalination plants, and associated running impacts;</li> <li>• Increasing groundwater recharge;</li> <li>• Ensuring that stormwater is managed effectively; and</li> <li>• Conducting community awareness programs to ensure sustainable water usage.</li> </ul>
	EN5 Appropriate and sustainable facilities for everyone that are well-built, well maintained and well managed	With respect to facilities, this Policy commits the own to the incorporation of high-performance water efficiency measures in future buildings and other infrastructure design and introduction of water efficient retrofits when renewing or upgrading these facilities.
	EN6 Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Under this Policy and associated Management practice, the Town will commit to minimising ground water extraction and maximising water use efficiency in our green spaces.

## Engagement

Internal engagement	
Stakeholder	Comments
Town "Water Team"	Reviewed the proposed Policy content.

6. The development of the Water Conservation Policy in 2017 underwent extensive consultation with the Town's Water Team namely:

- Acting Business Unit Manager Parks;
- Acting Business Unit Manager Assets;
- Senior Environmental Health Officer;
- Aqualife Manager;
- Leisurelife Manager; and
- Executive Manager Built Life.

- Other staff
7. At its meeting of Wednesday 17 May 2017, the Future Planning Committee was presented the draft Water Conservation Policy, and resolved:
- That the Future Planning Committee supports the draft Water Conservation Policy and endorses its release for community consultation.*
8. The Water Conservation Policy was released for community comment from 14 – 30<sup>th</sup> June 2017. No comments were received from the community.
9. Given that the community had been already been consulted when the Water Conservation Policy was first developed, together with the only minor amendments proposed to the policy, the Town was of the view that full community consultation was not necessary.

## Section 2.7 of the Local Government Act 1995

### Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Capital budgets required to achieve outcomes are unable to be funded	Minor	Almost Certain	High	Prioritisation of capital works items to consider importance of water efficiency as outlined in this policy

### Financial implications

<b>Current budget impact</b>	None
<b>Future budget impact</b>	<p>The design of and budget for future projects and initiatives will be influenced by the amended policy. Capex/opex requirements will be assessed and approved during the usual budget setting process.</p> <p>As part of the ongoing business of the Town in accordance with the Water Conservation Policy as part of the Water Quality and Conservation program and the Waterwise Council program, the Town will continue to incur a cost for elements such as the development of community education and engagement materials, facility retrofits etc. This required budget will be requested as part of the annual Water Projects budget.</p>

### Analysis

10. The Department of Water and Environmental Regulation is the State agency that assumes responsibility for all environment and water regulation, any water-related policy of Local Government must adhere to the policies of

DWER. DWER has a policy on Water Conservation/Efficiency Plan. The Policy Principles contained within this policy were reviewed relative to the Town's Water Conservation Policy. The following principles are proposed to be included within the Water Conservation Policy:

- *In accordance with the Department of Water and Environmental Regulation Policy: Water Conservation/Efficiency Plan, consideration will be given to the water conservation hierarchy:*
    1. *avoid use options not requiring water where possible*
    2. *reduce: use suitable equipment, technology and systems to reduce the amount of water used*
    3. *recycle: recycle water to minimise the need to use more water*
    4. *fit-for-purpose: use lower quality water that is 'fit-for-purpose' where Possible.*
  - *Consideration of water use efficiency and Water Sensitive Urban Design (WSUD) at all project stages: planning, design, construction, operation and maintenance.*
11. This Policy was developed following the adoption of the Town's "Water Action Plan" (under the Water Quality and Conservation Program). The Water Action Plan remains current, to be reviewed in 2021. The development of the Water Conservation Policy has contributed to the Town achieving Waterwise Council status under the Waterwise Council Program (administered by Water Corporation and DWER). As such, the Town believes that the holistic intent of the Water Conservation Policy remains relevant.
12. It is the intention of the Town that the Policy and associated Management Practice be reviewed with the development of a new Water Action Plan in 2021. This will align with the setting of new Community and Corporate water conservation goals for the Town.

## **Relevant documents**

*Practice 253.1 Water Conservation.*

## 15.2 Review of Policy 003 Legal Advice

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Danielle Uniza
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### Recommendation from the Policy Committee

That Council:

1. Notes the review of Policy 003 Legal advice.
2. Resolves that there be no changes to Policy 003 Legal advice.

### Purpose

To present findings from the review of Policy 003 Legal Advice.

### In brief

- At its meeting held on 17 September 2019, Council requested a review of Policy 003 Legal Advice.
- It is recommended that the policy be rescinded as it is operational in nature, and is already addressed by the existing Procurement Policy.

### Background

1. At its meeting held on 17 September 2019, Council adopted a work plan to complete the review of several policies. Policy 003 Legal Advice was one of the policies identified for review.
2. Policy 003 was originally adopted in 2011 following a review of how legal services were utilised by the Town. This review comprehensively examined the potential options for managing legal advice. These included tendering the services out to a single provider, the employment of an in-house legal counsel or centralising legal advice requests.
3. This review came as a result of a significant increase in legal expenditure in the 2009-2010 financial year. As detailed by the report, the majority of this expenditure was due to an increase in appearances before the State Administrative Tribunal at the time. The intent of the policy was to control growth in legal costs by adding an additional layer of approval in seeking legal advice.
4. No substantive changes have been made to the Policy since its adoption in 2011.

### Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring appropriate policies are set is a demonstration of visionary leadership.
CL10 -	Legal advice is significant to the Town meeting its legislative responsibilities.

Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

## Engagement

Internal engagement	
Stakeholder	Comments
Senior Management Team	A presentation considering options for the review of the policy was provided to the Senior Management Team. Feedback received from the group was to rescind the policy.
Financial Services	Financial services was consulted in relation to the review and its procurement implications.

## Legal compliance

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Legal advice is sought multiple times on the same subject resulting in duplicated costs.	Minor	Possible	Moderate	Ensuring the maintenance of a register of legal advice or another form of appropriate records management for legal advice. As this is operational in nature, this can be captured in a management practice.
<b>Financial</b> Service areas independently seek legal advice on similar matters resulting in duplicated costs.	Minor	Possible	Moderate	Service areas communicate with each other about issues they face.

## Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
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**Future budget impact**

Not applicable.

## Analysis

5. In conducting the review, the Town has considered three key issues:
  - (a) Is the process effective;
  - (b) Is the policy setting strategic direction; and
  - (c) Is the policy the best way of achieving its original goal of controlling spending on legal advice.
6. In addition, the Town has also conducted a comparative review against other nearby local governments in the inner city. It was found that none of the other inner-city local governments (Perth, South Perth, Vincent and Subiaco) had a Council policy on legal advice.
7. In determining whether the process is effective, one of the main issues identified as part of the review was that the policy creates a separate process for procuring professional advice services, in addition to the Procurement Policy. This is inconsistent with the procurement of other, similar professional advice services, such as that which is used for the engagement of an external planner, architect, advisor or consultant. During discussion with the Senior Management Team, members of that group have highlighted that there is little benefit in the process outlined in the current policy, as each manager already has responsibility for procuring their own legal advice within their approved budgets, as with the procurement of any other professional service.
8. In determining whether the policy is aligned to setting a strategic direction, the second issue identified was the policy's operational nature. Council's role in policy making is defined in section 2.7 of the *Local Government Act 1995*. Council has expanded upon this in Policy 001 Policy Management and Development. Policy 001 defines a policy as "Strategic direction adopted by Council. This document is public and is intended for all those that live in, work for, or have dealings with the Town." As part of the minor review conducted in 2018, it was highlighted that many of the existing policies are operational and/or are too prescriptive in nature. As such type of policies do not align with Council's role in setting the strategic direction, and prevents the Town from being agile in its approach to policy implementation, it is recommended that this policy be rescinded. To ensure that relevant information and/or processes are captured, it is recommended instead that the relevant principles of this policy are captured within a Management Practice.
9. In determining whether the Legal Advice Policy is the best instrument in controlling expenditure on legal advice, it has been found that there has not been any expenditure in legal costs outside that which has been approved by Council as part of the Annual Budget.
10. The current costs associated with legal advice in recent years is as follows:

	2017-2018	2018-2019	2019-2020
Actual	\$133,356	\$132,787	\$126,064 (YTD Jan)
Budget	\$138,500	\$226,609	\$200,930

11. Council controls the expenditure of funds by the Town through its control of the annual budget. As can be seen in the above table, the Town has not exceeded its allocated budget in prior years. It would be

required that if the Town was to exceed the budget that the Town would seek an amendment to the budget by a Council resolution passed by an absolute majority.

12. Should the policy be repealed, the procurement of legal advice would be governed under the recently reviewed Policy 301 Procurement and the associated management practice. Internally the Town will prepare a management practice relating to legal advice and representation. This will include the maintenance of a register of previous advice and documentation relating to prosecutions and litigation.

## **Relevant documents**

[Policy 003 Legal advice](#)

[Policy 301 Procurement](#)

## **Further consideration**

Resulting from the Policy Committee meeting held on 19 February 2020, the following additional information is provided:

13. The Committee discussed the intent of the original policy and how elected members did not have direct oversight of legal expenses. It was suggested that due to the high costs of legal advice across local government as a whole, it is important for Council to ensure that there is an extra layer in the approval process of procuring legal advice.
14. The Committee discussed how lack of adherence to the current policy is a compliance matter.
15. The Committee discussed the operational nature of the Policy.

## 15.3 Review of ADM2 Long Service Leave

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Graham Olson
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### Recommendation from the Policy Committee

That Council:

1. Notes the review of ADM2 Long service leave;
2. Resolves that there be no changes to ADM2 Long service leave.

### Purpose

To review Policy ADM2 Long Service Leave.

### In brief

- In September 1999 Council created policy "ADM2 Long Service Leave" detailing conditions for the taking of long service leave entitlements by Town employees (See attachment 1).
- The obligation to provide Long Service Leave entitlements to Town employees is outlined in the *Local Government Act 1995*. The conditions of entitlement for receiving the benefits of long service leave are detailed in the *Local Government (Long Service Leave) Regulations*.
- As a condition of employment, the Town maintains Management Practice MP045 Long Service Leave to provide guidance to employees on the terms, conditions and processes necessary to receive this employment benefit (See Attachment 2).
- As the CEO is responsible for the administration of employment conditions within the Town, and long service leave is a legislated employment condition, it is considered unnecessary for the Council to maintain a policy for the management of this staff entitlement.

### Background

1. Council at its meeting on 20 August 2019 adopted a work plan to complete the review of several policies. Policy ADM2 Long Service Leave was one of the policies identified for review.
2. Long service leave is a paid leave entitlement for Town employees who have worked continuously within Local Government for a specified period. Full time, part time and casual employees are entitled to long service leave.
3. The Town's long service leave obligations are outlined in the *Local Government Act 1995 (Clause 5.48)*.
4. Long service leave benefits for Town employees are provided in accordance with the *Local Government (Long Service Leave) Regulations (As at 15 June 2001)*. The Town's employee's entitlement to these benefits are recognised in the *Town of Victoria Park Enterprise Agreement 2016 (Clause 24)*.

5. To administer these staff entitlements the Town maintains *Management Practice MP045 Long Service Leave* detailing the procedures and guidelines for the provision of these staff benefits.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL05 - Innovative, empowered and responsible organisational culture with the right people in the right jobs.	The Town is seen to maintain management practices and procedures that ensure employees are treated fairly regarding their entitlements.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The Town is seen as compliant to the legislative conditions governing the entitlement for long service leave.

## Engagement

No Engagement

## Legal compliance

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

[Section 5.48 of the Local Government Act 1995](#)

[Local Government \(Long Service Leave\) Regulations](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Inconsistency in application of entitlements with various sources of guidance.	Minor	Possible	Minor	A management practice governing oversite of the process allows for easier application of legislative changes.
<b>Industrial Action</b> Inconsistency in application of entitlements with various sources of guidance	Minor	Possible	Minor	One source of guidance aligned to the legislative requirements of the relevant regulations.

## Financial implications

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

## Analysis

6. The CEO is responsible for the management of the day to day operations of the Town. As a staff entitlement the responsibility for the administration of the long service leave conditions and processes is considered an operational issue.
7. The Town contacted 32 other councils to determine whether they maintained a council policy or a management practice to administer long service leave provisions. The 7 responses received all confirmed they had a management practice. No council informed us that they had a council policy for long service leave provisions.
8. The Town's procedures that are outlined in *Management Practice MP045 Long Service Leave* have been developed in accordance with the *Local Government (Long Service Leave) Regulations*.
9. *Council Policy ADM2 Long Service Leave* deals specifically with the taking of accrued long service leave within a specified time, and the possible deferral of accrued long service leave to a later date. These provisions are currently in *Management Practice MP045 Long Service Leave*.
10. As a condition of employment, the administration of the benefits associated with long service leave provision is a responsibility of the Town's Chief Executive Officer.
11. On this basis, it is recommended that council policy ADM2 Long Service Leave be repealed.

## Relevant documents

7.4.1. *ADM2 – Taking of Long Service Leave (Attachment 1)*

7.4.2. *Management Practice MP045 Long Service Leave (Attachment 2)*

## Further consideration

12. The Policy Committee at its meeting on 19 February 2020 considered the following:
  - (a) The Committee discussed how the Town has had significant leave liability. It was suggested that if this policy was repealed and replaced with a Management Practice, then Council would have no oversight or control over when or how staff take leave.

## **15.4 Review of Policy 223 Private use of Town vehicles**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Brad Mclean/John Wong
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	{attachment-list-do-not-remove}

### **Recommendation from the Policy Committee**

That the Council requests that the Chief Executive Officer presents the proposed Policy 223 – Fleet Management, to the April 2020 Concept Forum.

## **Purpose**

The purpose of this report is to present the proposed amendments to Policy 223 - Private use of Town vehicles to Council for consideration.

## **In brief**

- Policy 223 - Private use of Town vehicles (formerly ADM1) has been amended to be the guiding Fleet Management operational policy for the Town's light fleet.
- The current Policy is mainly focused on private use of vehicles only.
- No changes to contribution rates or Private usage rules have been made as part of the migration from Policy to Management Practice.

## **Background**

1. The current Policy 223 (ADM1) Private use of Town vehicles Policy is being proposed to be revised to become the operational guidance document for Fleet Management. The new version outlines the requirements of owning and maintaining the Town's fleet including the purchasing and disposal methods required. All other operational matters pertaining to Fleet Management are documented in the Fleet Management Practice.
2. The original ADM1 private use of Town vehicles Policy was introduced and adopted on the 28/07/1998. It was implemented to change and document vehicle usage parameters for employees from limited private usage to full private usage and community usage to commute usage. The changes to full private usage enabled the Town to reduce its Fringe Benefit Tax liability at that time.
3. Private usage of Town vehicles was also used as a tool for attraction and retention of staff members. Private usage is considered a benefit and part of the affected staff members' employment contracts.

4. The Town has been actively reducing its light fleet and generally does not offer full private use of vehicles to new staff unless for operational purposes or attraction and retention of staff where deemed appropriate.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
CL5 – Innovative, empowered and responsible organisational culture with the right people in the right jobs. CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Assist in offering tools to help the organisation employ the best staff for the job. Ensure that the vehicles the Town uses are fit for purpose and offer the best value for money.

## Engagement

Internal engagement	
People & Culture (HR)	Reviewed the contractual obligations of vehicle private usage within staff employment contracts
Finance	Sought advice on Australian Tax Office – Fringe Benefits Tax (FBT) requirements and reviewed vs contribution rates.
C Suite	Reviewed Fleet Management Practice including private usage and contribution rates

Other engagement	
Other LGs	Sought advice on how other LG's document their contribution rates as well as to compare private usage rates
WALGA	Contacted through HR for advice on amending contribution rates

## Legal compliance

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

## Risk management consideration

Risk and	Consequence	Likelihood	Overall risk	Mitigation and actions
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consequence	rating	rating	analysis
Inequity between existing and new staff benefits relating to fleet	Moderate	Likely	High  Any proposed policy amendments should : <ul style="list-style-type: none"><li>• be cognisant of potential impacts to some of the Town's existing employment contracts,</li><li>• result in an equitable outcome for the affected staff and</li><li>• be implemented over time as new staff are contracted to the Town or as unusual or unique individual conditions are phased out where possible</li></ul>
The Town may be subject to breach of contract and open to litigation if the Town's current employment contracts and Enterprise Agreement (EA) conditions are affected	Moderate	Likely	High  Any proposed amendments to the policy to be cognisant of potential impacts to the Town's employment contracts and EA conditions

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	Budget savings in the future possible with a reduction in private usage of vehicles and reduction in light fleet

## Analysis

5. The revised Policy's objective is to identify the need for a fleet of motor vehicles essential for operational requirements to service the community. When used in conjunction with the Fleet Management Practice, it identifies the types of light vehicles that will be used and how they are chosen, as well as how they will be purchased and disposed of.

6. Private usage staff contribution rates are considered operational and are addressed in the Fleet Management Practice Document. The Management Practice also acknowledges that the salary package of certain roles will be complemented with a private usage component mainly for staff attraction and retention purposes. Any proposed changes to the policy need to be carefully considered as the changes may impact on employment contracts and could result in the Town being in breach of conditions within existing employment contracts, and hence liable to litigation.

## **Relevant documents**

Town of Victoria Park Enterprise Agreement 2019

Employment contracts of affected staff

## **Further consideration**

7. At its meeting on 19 February 2020 the Policy Committee considered the following:
  - a. The Committee discussed the rates staff entitlements relating to private use of Council vehicles, and the payment rates thereof.
  - b. The Committee discussed if private use vehicles should be phased out altogether.

## **16 Applications for leave of absence**

### **Recommendation**

That Council approve a leave of absence for Cr Wilfred Hendriks from 26 May 2020 to 8 June 2020.

## **17 Motion of which previous notice has been given**

### **17.1 Investigation of lockers for people living with homelessness**

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

#### **Motion**

That Council:

1. Requests that the Chief Executive Officer investigates the provisions of public lockers, or alternative storage spaces, to people living with homelessness in the Town, including but not limited to the possible locations, costs and any security arrangements.
2. Requests that the Chief Executive Officer presents a further report back to Council on the results of the investigation conducted, in line with point 1 above, by its June 2020 Ordinary Council Meeting.

#### **Reason**

Often a result of people living with homelessness is the loss and damage of their belongings and the perceived littering within the town of these belongings.

Providing a safe space for people to store their belongings will give people piece of mind and also remove the issue of items of importance being identified as litter.

When people experiencing homelessness loose or have their belongings damaged they then have to try and source more items and are having to replace basic items such as toiletries and clothing which can prove to be very difficult and has them being more reliant on not for profit and government agencies.

In 2017 The City of Bunbury installed 12 lockers as an initiative that was presented to them by a 12 year old resident who wanted to see a safe place for people experiencing homelessness to store their belongings as well as be treated with respect. They have also made these lockers available to shoppers and others travelling through Bunbury.

I believe that as a Local Government this is something we can do to offer practical support to those with these needs within our town.

#### **Strategic alignment**

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Liaising with The Haven will enable the project to be delivered in a well informed and collaborative way.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The removal of belongings within public spaces that may appear to be unattractive and the ability for items of value to be stored safely.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Lockers will be provide an appropriate space for those who do not have access to homes or storage.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The removal of belongings within public open spaces.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Removal of items that may be unsafe within the town and the protection of items from the elements.
S03 - An empowered community with a sense of pride, safety and belonging.	Acknowledging that all people within the town and their belongings deserve to be treated with respect.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Suzanne Caren
<b>Responsible officer</b>	Alison Braun
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

## Officer comment

1. During February 2020, the broader community was invited to take part in the Homelessness Policy review. The engagement included an online survey and community workshop, whereby the community provided their feedback on the draft policy principles as well as potential activities that may be undertaken by local governments around homelessness.
2. During the community workshop Town Offices documented suggested actions from participants in relation to homelessness. Amongst the suggestions was public lockers, or alternative storage spaces for those who may be rough sleepers or homeless. Suggestions were documented and in March 2020 research commenced on several options.
3. As per recommendations in the Notice of Motion the Town will provide a report back to Council on the results of the investigation conducted by its June 2020 Ordinary Council Meeting.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public feedback on placement.	Moderate	Likely	High	Community consultation about the project. Community Engagement workshops.
<b>Financial</b> Funds not budgeted for in 20/21 annual budget process	Moderate	Likely	High	Budget process to be amended to include estimate cost in 20/21 budget.

## Financial implications

<b>Current budget impact</b>	Nil.
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**Future budget impact**

Future budget considerations to be considered in 20/21 budgeting process.

**Relevant documents**

Not applicable.

- 18 Questions from members without notice**
- 19 New business of an urgent nature introduced by decision of the meeting**
- 20 Public question time**
- 21 Public statement time**
- 22 Meeting closed to the public**
  - 22.1 Matters for which the meeting may be closed**
    - 22.1 Closure of 2018/2019 CEO KPIs**
    - 22.2 CEO KPI 3 – CEO Leadership Development**
    - 22.3 CEO Interim Performance Review**
  - 22.2 Public reading of resolutions which may be made public**
- 23 Closure**