



TOWN OF
VICTORIA PARK



Ordinary Council Meeting

Minutes – 21 July 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** was held at **6:30 pm** on **Tuesday 21 July 2020** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
24 July 2020

Table of contents

Item	Page no
1 Declaration of opening	4
2 Announcements from the Presiding Member	5
3 Attendance.....	9
3.1 Apologies.....	11
3.2 Approved leave of absence.....	12
4 Declarations of interest.....	13
5 Public question time	15
5.1 Response to public questions taken on notice at the Agenda Briefing Forum held on 7 July 2020.....	15
5.2 Public question time	17
6 Public statement time	20
7 Confirmation of minutes and receipt of notes from any agenda briefing forum	21
8 Presentation of minutes from external bodies.....	23
9 Presentations	23
10 Method of dealing with agenda business.....	26
11 Chief Executive Officer reports	28
11.1 Quarterly reporting - July 2020.....	28
12 Chief Community Planner reports.....	41
12.1 Scheme Amendment to rezone lots 5 and 6 Temple street.....	41
12.2 Residential Character Study Area Scheme Amendment.....	57
12.3 Amendment No. 56 to Town Planning Scheme No. 1 - Advocacy Efforts to WAPC and Development of Town-owned Properties in Carlisle for Public Open Space	76
12.4 Use of Lathlain Park for playing of competitive football matches.....	93
12.5 Reconciliation Action Plan Reflect extension	99
12.6 Community Funding Panel.....	110

12.7 Re-establish Aboriginal Engagement Advisory Group and Access and Inclusion Advisory Group.....	127
13 Chief Operations Officer reports	136
13.1 Request for road dedication and subsequent closure and amalgamation of portion of ROW 54	136
13.2 Naming of ROW 33.....	142
13.3 Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group Community Participants.....	146
14 Chief Financial Officer reports	155
14.1 Schedule of Accounts for May 2020	155
14.2 Financial Statements for the month ending 31 May 2020	161
15 Committee Reports.....	165
15.1 External audit plan for the year ending 30 June 2020.....	165
15.2 Financial Management Review 2019-2020	168
15.3 Proposed Internal Audit Program FY 20/21	175
15.4 Process for reporting significant compliance issues	183
15.5 Review of Policy 212 Graffiti Removal Management.....	187
15.6 Review of Policy 255 Street Trees.....	191
16 Applications for leave of absence.....	199
17 Motion of which previous notice has been given	201
17.1 Investigation of lockers for people living with homelessness.....	201
18 Questions from members without notice.....	204
19 New business of an urgent nature introduced by decision of the meeting	205
20 Public question time.....	206
21 Public statement time.....	208
22 Meeting closed to the public.....	209
22.1 Matters for which the meeting may be closed	209
22.2 Public reading of resolutions which may be made public.....	209
23 Closure.....	210

1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6.30pm.

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

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

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

2.2 Public question time and public statement time

There are guidelines that need to be adhered to in our Council meetings and during question and

statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

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

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

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

2.3 No adverse reflection

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

2.5 Mayor's report

Congratulations to the winners of the Vic Park Business Awards 2020 announced last Thursday evening:

Hall of fame	Swancare
Business of the year	Archer Street Physiotherapy Centre
Runner up business of the year	Urban Revolution
New business of the year	Next Practice GP
Hospitality and tourism	Social Manna Cafe
Commendation (hospitality)	Sage Cafe
Community connection award	Archer Street Physiotherapy Centre

Access and inclusion	Archer Street Physiotherapy Centre
Marketing	Archer Street Physiotherapy Centre
Digital innovation	Galactic Co-operative
People's choice	Social Manna Cafe

Further congratulations to Swancare as their new \$20 million leisure precinct won the Urban Design Award at the 2020 WA Architecture Awards on 26 June, as well as a commendation for public architecture and lighting. Designed by architects Iredale Pedersen Hook, the leisure precinct has transformed the heart of Swancare Bentley, spanning approximately 8,400m² and including new club rooms, a function centre, library, gardens with sound and light features, exercise park, heated indoor swimming pool, wellness hub, gymnasium and outdoor bowling green. The precinct will be eligible for the National Architecture Awards.

The Town's first Old Places New Spaces upgrade project ROW52 (IGA Laneway) is a finalist in the Australian Institute of Landscape Architects WA Awards. Winners will be announced on 31 July.

Tonight we say farewell to Danielle Uniza, the Town's Manager Governance and Strategy, who leaves us after two years to take up a new opportunity. On behalf of the Council, I would like to thank Ms Uniza for her guidance and assistance to elected members, and all her work to improve the Town's governance practices, and we wish her every success in her future endeavors.

On 17 June, I attended a post-OCM meeting debrief with the CEO and Manager Governance and Strategy to discuss issues arising from the OCM and improvements to the meeting process.

On 18 June, I filmed the Vic Park 2020 Business Awards, followed by a meeting with the CEO, Chief Community Planner and Manager Stakeholder Relations to discuss the Town's Metronet advocacy about the removal of the Mint Street, Oats Street and Welshpool Road rail level crossings.

That afternoon, along with Deputy Mayor Ife and Cr Lisandro, I attended a meeting of the COVID-19 Recovery Working Group.

On 22 June, I attended my weekly meeting with the Acting CEO. That afternoon I met with the Mayor of the City of Canning to discuss how we can work together in the future. I had the opportunity to view the latest upgrades at the Kent Street Weir, and the progress on the Wharf Street Basin Next Generation Community Park, which involves the transformation of a disused Water Corporation sump into a smart technology park.

That evening I attended a meeting of the Audit Committee, where we met the Town's new auditors, KPMG.

On 23 June, I met with the Manager Technical Services and City of Stirling staff to discuss waste management issues.

On 24 June, the Acting CEO, the Place Manager and I attended a meeting with the Minister for Transport and Planning, to discuss the Town's concerns about the WA Government's decision to announce their

preferred option for elevated rail to replace the level rail crossings at Mint Street, Oats Street and Welshpool Road.

That evening, I attended my first WALGA South East Metropolitan Zone Meeting at the City of Gosnells, with Deputy Mayor Ife, who is the zone chairperson.

On 26 June, I met with the Manager Technical Services to discuss the agenda for the next Mindarie Regional Council Meeting for 2 July. Later that afternoon, the Deputy Mayor and I had our monthly meeting with the Place Manager to discuss updates on the Town's key place planning projects, including McMillan Precinct Master Plan, Higgins Park Master Plan and Archer Street/Mint Street Streetscape Improvement Plan.

On 27 June, I joined the Victoria Park Xavier Hockey Club at Fletcher Park to mark the start of the junior hockey season.

On 29 June, I had my weekly meeting with the CEO. This was followed by a meeting with the Mayors of Canning and Gosnells, and the Town's CEO to further our discussions towards establishing a strategic alliance with our neighbours.

That afternoon, together with the Town's Acting Chief Operations Officer, I met with The Recycling Hub, which has been approved as the Refund Point Operator for our Town in the Containers for Change scheme, to discuss opportunities for the Town to collaborate with The Recycling Hub.

On 30 June, I filmed an interview in the Jirdarup Bushland Precinct for a future episode of the ABC TV show, Gardening Australia, to promote the Town's Urban Forest Strategy and celebrate the work of our committed local community members in driving this important initiative.

On 1 July, I had my fortnightly meeting with the Chief Financial Officer to discuss the budgeting process. The CEO and I then attended our bi-monthly meeting with the Federal Member for Swan where we discussed the Commonwealth government's COVID-19 infrastructure stimulus funding, of which the Town has received \$829,000, comprising \$602,000 in accelerated financial assistance grants and \$274,000 in additional funding for local roads and community infrastructure projects that can be delivered within the next 12 months. We also discussed the Metronet level crossings removal program, which has significant federal government funding.

On 2 July, the CEO and I had a meeting to finalise our advocacy plans for the next six months. As per the 2020 Advocacy Priorities, the focus will continue to be on funding for major projects like Edward Millen House and park redevelopment, Zone 1 Community sport and recreation facility at Lathlain Precinct Redevelopment, and McCallum Park Active Park Zone.

That night I attended a meeting of Mindarie Regional Council, where I was elected deputy chair.

On 3 July, the Deputy Mayor and I had our monthly meeting. Later that day, the Deputy Mayor and I met with representatives of the recently formed community group, Friends of Higgins Park, to discuss the Higgins Park Master Plan process.

On 4 July I attended the Council depot to support the Town's Urban Forest at Home collection day, where Town residents collected trees and shrubs they had pre-ordered online in the four weeks previously. There was a great community atmosphere and everyone I spoke to was very enthusiastic and appreciative of the program. A huge thank you to the Town's Urban Forest team led by Pierre Quesnel, for all their hard work to deliver this Urban Forest Strategy initiative.

On 6 July, I attended my weekly meeting with the CEO, followed by the fortnightly meeting with the Manager Stakeholder Relations to discuss the communication plans for the week.

On 8 July, the CEO, Town staff and I met with an engineer to discuss the Metronet rail crossings removal program. Later that day I met with the Manager Community and the Town's Librarian to discuss activities to promote library services and events. This was followed by my fortnightly meeting with the Manager Governance and Strategy.

On 9 July, I put on my best PJs and joined local children at the Library for PJ Storytime and sand art creations.

On 13 July, I attended my weekly meeting with the CEO, followed by a meeting with the Chairperson and CEO of Mindarie Regional Council.

On 14 July, I attended a presentation by Metronet staff for elected members about the proposal for elevated rail to replace the level crossings in the Town.

On 15 July, I caught up with the Mayor of South Perth to discuss issues in common and explore opportunities for us to work together in the future.

On 16 July, I filmed a video for the Town's citizenship ceremonies. That was followed by a meeting of the COVID-19 Response Working Group, together with Deputy Mayor Ife and Cr Anderson.

On 17 July, I met with representatives of the Victoria Park Xavier Hockey Club to discuss the progress of the Higgins Park Masterplan process. Later that day, I held the first monthly Share with the Mayor since COVID-19 restrictions commenced in March. On 18 July, I held a further Share with the Mayor at the library. The topics raised by local residents were Metronet and the Higgins Park Masterplan.

On 19 July, I did some further filming for the Town's video collection.

On 20 July, I had my weekly meeting with the Acting CEO. That evening I attended the Macmillan Precinct Masterplan public workshop via Zoom to hear an update on the community consultation to date about the proposed options for the future of this area.

On 21 July, the Acting CEO and I met with the Federal Member for Swan to discuss Commonwealth government funding for infrastructure, and the Metronet level crossings program.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Cr Claire Anderson

Cr Ronhhda Potter

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarraah Ward

Deputy Mayor Bronwyn Ife

Cr Brian Oliver

Cr Jesvin Karimi

A/Chief Executive Officer

Mr Michael Cole

Chief Operations Officer

Mr Ben Killigrew

A/Chief Financial Officer

Mr Luke Ellis

Chief Community Planner

Ms Natalie Martin Goode

Manager Development Services

Mr Robert Cruickshank

Manager Governance and Strategy

Ms Danielle Uniza

Secretary

Ms Amy Noon

Assistant

Ms Alison Podmore

Public

10

3.1 Apologies

Chief Executive Officer

Mr Anthony Vuleta

Jarraah Ward

Cr Vicki Potter

3.2 Approved leave of absence

Nil.

4 Declarations of interest

Declaration of financial interest

Name/Position	Cr Luana Lisandro
Item No/Subject	12.2 - Residential Character Study Area Scheme Amendment
Nature of interest	Financial
Extent of interest	Administers the financial affairs as an administrator and enduring power of attorney for a family property that sits within the Resident Character Study Area Scheme Amendment.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Name/Position	Cr Luana Lisandro
Item No/Subject	12.2 - Residential Character Study Area Scheme Amendment
Nature of interest	Impartiality
Extent of interest	Administers the financial affairs as an administrator and enduring power of attorney for a family property that sits within the Resident Character Study Area Scheme Amendment.

Name/Position	Deputy Mayor Bronwyn Ife
Item No/Subject	12.2 - Residential Character Study Area Scheme Amendment
Nature of interest	Impartiality
Extent of interest	Owns a character house in the character study area.

Name/Position	Cr Claire Anderson
Item No/Subject	12.2 - Residential Character Study Area Scheme Amendment
Nature of interest	Impartiality
Extent of interest	Owns a character property in the character study area.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.2 - Residential Character Study Area Scheme Amendment
Nature of interest	Impartiality
Extent of interest	Owner of property within the proposed special control area in the residential character study area, that is a character house or original dwelling.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.6 - Community Funding Panel
Nature of interest	Impartiality
Extent of interest	Committee member of Harold Hawthorne Community Centre and member of the Rotary Club of Victoria Park

5 Public question time

5.1 Response to public questions taken on notice at the Agenda Briefing Forum held on 7 July 2020

Mike Lanternier

1. *What is the rateable figure for the Camfield?*

The Camfield's rateable figure for the 2019/2020 financial year is \$142,729.60.

Vince Maxwell

1. *The Town's Enterprise Bargaining Agreement (EBA) salary range for level 12 is between \$119,000 and \$132,000. Recently the Town advertised for a Manager Community with a salary range of \$127,000 to \$140,000 plus a vehicle allowance, 13.5% super and a bunch of other things. What level is this position?*

The Manager Community is a level 12 (Manager Band). The reason the salary range is higher than what is specified in the Enterprise Agreement is due to annual increases that are specified in the agreement Clause 27.1.

2. *In relation to subsidised commuter vehicles, how many senior officers does the Town have?*

There are three employees at Manager level that have Town vehicles.

3. *How many light fleet vehicles does the Town have in total?*

The Town currently has 52 light vehicles. This includes vehicles that have an operational purpose such as Rangers, Parking and building inspection vehicles.

4. *Why was Mr L Bubrick paid \$750 for the Security Incentive Scheme on 13 February?*

This payment was for a CCTV grant and the standard description for that particular payment was incorrect.

5. *Did the Council change its policy so that staff and their families can't access grants?*

Employees' family are ineligible to receive any funding as per Policy 114 Community Funding.

6. *The Town may need to look at all payments of \$750 for the Security Incentive Scheme.*

The Town provided 10 CCTV partnership program payments within May and all are accurately described within the report. There are zero payments noted as Security Incentive Scheme for the month of May.

7. *Is there cap on Security Incentive Scheme rebates?*

The total budget for 2019/2020 for the security incentive scheme was \$9,800. The cap for individual payments is \$200 or \$250 for a pension concession, per financial year.

Sam Zammit

1. What are the cages around street trees on building sites for?

Builders are required to protect the street trees from any building or construction works on adjacent properties.

In most cases they will put up temporary fencing panels to keep vehicles and personnel away from the street trees to protect the roots trunk and lower branches.

Staff inspected 70 Alvah Street on the morning of 9 July 2020. There was no cage around the street tree at 70 Alvah Street, or anywhere else in Alvah Street.

5.2 Public question time

Chris Broom

1. If a fenced synthetic hockey turf gets the go ahead at Higgins Park, who would 'own' the turf facility and be responsible for its maintenance and replacement, the hockey club or the Town of Victoria Park and what are the expected ongoing costs to the club and ratepayers?

The Chief Community Planner advised that should the Town select a master plan option that includes a synthetic hockey turf, a number of informing actions will then be commenced. This arrangement would detail the ownership, management and maintenance of a synthetic hockey turf. Costs would need to be determined.

2. Who would 'run' and control access to a fenced synthetic hockey pitch at Higgins, the hockey club or the Town of Victoria Park?

The Chief Community Planner advised that this would require a discussion between the Town and the hockey club.

3. The hockey club has suggested the community would have access to the fenced synthetic hockey turf. Would the community be charged rates similar to those of the Southern River Hockey Club facility in Sutherlands Park (City of Gosnells) being \$75-\$250 per hour?

The Chief Community Planner advised that it would be an agreement between the Town and the hockey club.

Michelle Francki

1. The hockey club have publically indicated they have explored and ruled out other potentially more suitable locations and partnerships for a fenced synthetic hockey turf facility. Has the Town of Victoria Park been involved in these negotiations or been provided evidence which has allowed the Town to be satisfied that the current proposal, which would result in a considerable loss of green public open space, is justified?

The Chief Community Planner advised that the Town has been kept up to date of the hockey club's investigations into alternative locations for synthetic hockey turfs. The Town have also undertaken our own investigations in to alternative locations within the Town. This will form part of the Higgins Park master plan.

2. Does the Victoria Park Hockey Club's proposed fenced synthetic hockey turf need to be in the Town of Victoria Park or can other locations be considered?

The Chief Community Planner advised that the Town has investigated other possible locations in neighbouring local governments, including the City of Canning and the City of Belmont, without success at this point in time. Given this, the Town is satisfied that it is necessary to explore whether Higgins Park has the potential to accommodate a synthetic turf.

3. The Wesley and South Perth Hockey Club (WASPs) are undertaking a feasibility study for the development of a synthetic hockey turf in Collier Reserve South Perth which is next to both the golf course and City of South Perth Operations Centre. They have also identified Victoria Park Hockey Club as a 'partnership opportunity'. Could you please advise the status of any discussions the Victoria Park Hockey Club and/or the Town of Victoria Park have been involved in regarding this proposal?

The Chief Community Planner advised that Town staff have been in regular communication with the City of South Perth. The status of this discussion is ongoing as the WASP's hockey club are in the feasibility stage.

The Town understand that the Victoria Park Xavier Hockey Club has also been in regular communication with the WASPs. Specific questions on this matter should be directed to the Victoria Park Xavier Hockey Club.

Vince Maxwell

1. Is it wise for the Council to be committing to the Residential Character Study Area scheme amendment when only part of the detail is provided?

The Manager Development Services advised that he was not aware of why it is suggested that only part of the detail is provided as the recommendations from the consultant are included in the report.

2. Not all of the items included in the May resolution of Council have been provided with the recommendation for the scheme amendment. Is it wise for Council to consider the scheme amendment when they don't have those details?

The Manager Development Services advised that the May report presented recommendations from Element. The Council resolution was that separate actions occur at separate times. This recommendation is as per that resolution. Reports are being presented for other items in the future. They are important reports but tonight's decision is not contingent on those items. They are not a precursor for Council to consider whether an amendment should be initiated.

3. If the amendment is initiated tonight and Council then changes their mind, can it be stopped or can the Minister still approve it even if Council decide they don't want to proceed?

The Manager Development Services advised that once a scheme amendment is initiated, state processes need to be followed through to presenting the amendment to the Minister for a decision. If approved tonight, the scheme amendment will be released for public comment and public submissions. Regardless of Council's position, the amendment will still need to go to the Minister for Planning to determine. There is that risk with every scheme amendment proposed.

4. Would Council consider an opt out clause in the amendment so that individual owners can be excluded from the special control area?

The Manager Development Services advised that if the amendment is initiated tonight, there is a required statutory consultation process. Members of public can put forward submissions to be considered. The idea of the special control area is about maintaining integrity and cohesion of the streetscape of original dwellings. If owners could opt out, this wouldn't be achieved.

Sam Zammit

1. What is the criteria for the Town to name a building after a living person, as it is understood a person needs to be deceased for a building to be named after them?

The Chief Community Planner advised that the Commemorative Recognition Policy was adopted in April 2020. This requires a person to be deceased. A building has been named after a living person in the past but this happened prior to the policy being adopted.

Mayor Karen Vernon clarified that it is a requirement that a person is deceased but this wasn't the case before the policy was adopted.

2. Who pays for the plaques put on the buildings?

Mayor Karen Vernon advised that before having the policy, it would have been case-by-case. The new policy requires the applicant to pay for the costs of plaques.

The Chief Community Planner confirmed Mayor Vernon's response.

3. Is that recent?

Mayor Karen Vernon advised that it is.

4. If an application has gone in before, what would that come under?

Mayor Karen Vernon advised that if an application had gone in before, it should have been dealt with by now.

5. Why wasn't I advised that I had to pay for the bench or the plaque for the application for Peter Stewart that was lodged two years ago?

Mayor Karen Vernon advised that she was unable to comment on an application made two years ago. A letter was presented from the Member for Victoria Park at either the May or June meeting this year. An application made at this time would have been dealt with under the new policy.

6. Is the Town expecting a ratepayer, that is recognising a man like Peter Stewart and his work for the Town, to pay for the recognition?

Mayor Karen Vernon advised that is the case under the current policy and asked the Chief Community Planner if she had any knowledge of an application being made two years ago.

The Chief Community Planner advised that she was not aware of an application.

The Acting Chief Financial Officer, Mr Luke Ellis, left the meeting at 7.06pm.

Mary Davies

1. Why were only people in the immediate vicinity told of the proposal for a retirement home on the corner of Duncan Street?

The Manager Development Services took the question on notice but advised that the Town's consultation policy guides how the Town consults. The Town does have some concerns about the application but the decision will be made by the Joint Development Assessment Panel.

The Acting Chief Financial Officer, Mr Luke Ellis, returned to the meeting at 7.08pm.

6 Public statement time

Eleanor Grincer

1. Made a statement in support for the officer recommendation for item 13.2 and thanked the Town for their prompt response to the issues. Asked Council to approve the naming as a matter of priority.

Vince Maxwell

1. Made a statement against the officer recommendation for item 12.2 and asked Council to reject the amendment.

Sam Zammit

1. Made a statement about the need for the town to take photos of the Archives Centre that is in the process of being demolished.

2. Made a statement about laneways being governed by the Town and not Main Roads.

3. Made a statement about businesses shutting down on the strip and the need for Councillors to listen and reduce rates.

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

COUNCIL RESOLUTION (446/2020):

Moved: Cr Claire Anderson

Seconded: Cr Luana Lisandro

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 16 June 2020.
2. Confirms the minutes of the Special Council Meeting held on 22 June 2020.
3. Confirms the minutes of the Special Council Meeting held on 25 June 2020.
4. Receives the notes of the Agenda Briefing Forum held on 7 July 2020.
5. Receives the notes of the COVID-19 Response Working Group meeting held on 18 June 2020.
6. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 22 June 2020.

CARRIED (8 - 0)

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

Against: nil

8 Presentation of minutes from external bodies

COUNCIL RESOLUTION (447/2020):

Moved: Cr Bronwyn Ife

Seconded: Cr Ronhhda Potter

That Council:

1. Receives the minutes of the Tamala Park Regional Council meeting held on 18 June 2020.
2. Receives the minutes of the WALGA South-East Metropolitan Zone meeting held on 24 June 2020.
3. Receives the minutes of the Mindarie Regional Council meeting held on 2 July 2020.

CARRIED (8 - 0)

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

Against: nil

9 Presentations

9.1 Petitions

Nil.

9.2 Presentations

Nil.

9.3 Deputations

Nil.

10 Method of dealing with agenda business

COUNCIL RESOLUTION (448/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Claire Anderson

That items 11.1, 12.4, 12.5, 12.6, 12.7, 14.1, 15.1, 15.2, 15.3, 15.4 and 15.5 be adopted by exception resolution and the remaining items be dealt with separately.

CARRIED (8 - 0)

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

Against: nil

COUNCIL RESOLUTION (450/2020):

Moved: Cr Brian Oliver

Seconded: Cr Luana Lisandro

That item 16 – Applications for leave of absence be brought forward to be dealt with before item 11 – Chief Executive Officer reports.

CARRIED (8 - 0)

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

Against: nil

11 Chief Executive Officer reports

11.1 Quarterly reporting - July 2020

Location	Town-wide
Reporting officer	Joshua Norris
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Corporate Business Plan Report [11.1.1 - 66 pages]2. Town of Victoria Park Annual Disability Access and Inclusion Plan Progress Report 1 July 2019 to 30 J [11.1.2 - 9 pages]3. Strategic Projects Summary 19-20 [11.1.3 - 1 page]4. DRAFT - Capital Works Program [11.1.4 - 5 pages]5. Capital Projects 19-20 [11.1.5 - 7 pages]6. EDS Quarterly Reporting Table- Appendix- July 2020 [11.1.6 - 13 pages]7. UFS July 2020 Quarterly Reporting Table [11.1.7 - 14 pages]

Recommendation

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

1. Corporate Business Plan
2. 2019/2020 Annual Strategic Project Plan
3. Five-year capital works program
4. Economic Development Strategy 2018-2023
5. Urban Forest Strategy
6. Reconciliation Action Plan
7. Disability Access and Inclusion Plan

Purpose

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

In brief

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

Background

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

That Council requests that the Chief Executive Officer:

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town’s following plans and strategies:*
 - a. *Corporate Business Plan*
 - b. *2019/2020 Annual Strategic Project Summary*
 - c. *5 Year Capital Works Program*
 - d. *Economic Development Strategy 2018 – 2023*
 - e. *Urban Forest Strategy*
 - f. *Reconciliation Action Plan*
 - g. *Disability Access and Inclusion Plan*

2. The quarterly written progress reports were requested to enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions, and be able to take action to address any issues that arise. They were also requested to give Council and the community a higher level of transparency and accountability relating to strategic actions, plans and projects.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Council are provided with the information that they have requested in the way they determined is best

	for them.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The community are regularly informed of progress on projects, plans and strategies undertaken by the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2019/2020 Annual Strategic Project Summary and Five Year Capital Works Program.
Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Place Planning	Place Planning coordinate the progress reports for the Economic Development Strategy 2018 – 2023 and Urban Forest Strategy.
Community Development	Community Development coordinate the progress reports for the Reconciliation Action Plan and Disability Access and Inclusion Plan.

Legal compliance

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

Risk management consideration

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

Financial implications

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

Analysis

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

Corporate Business Plan

- The Corporate Business Plan (CBP) spans from 2017-2022 and contains specific corporate actions for delivery by the Town.

6. The overall status of actions from the CBP are as follows:

Social	26	8	13	5
Environment	61	14	37	10
Economic	18	7	7	4
Civic Leadership	101	25	45	31

7. The status of actions within the Corporate Business Plan are now available in the Performance scorecard on the Town’s website.

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

[State Underground Power Project – Victoria Park West](#)

8. Preliminary activities locating of utilities started on 7 February and were completed by 25 March 2020. Construction in Zone 1 commenced on 26 March and is expected to be completed by 15 July 2020. Construction in Zone 2 was estimated to commence on 6 May and be completed by 17 September. Based on information provided in the May progress report, the project is currently on track.

[State Underground Power Project – Carlisle North](#)

9. Preliminary activities including locating of utilities started on 10 February and were completed on 27 March 2020. Construction in Zone 1 commenced on 30 March and is expected to be completed by 4 September 2020. Construction in Zone 2 was estimated to commence on 7 May and be completed by 2 October 2020. Based on information provided in the May progress report, the project is currently on track.

[State Underground Power Project – Victoria Park East](#)

10. Project is not due to commence until 22 October 2020.

[Public Open Space Strategy](#)

11. The Public Open Space Strategy (POSS) is currently being implemented with master planning and concept design having been completed or underway for Edward Millen Park, McCallum Park Active Area, Higgins Park and Playfield Reserve, with detailed design to follow. Several projects for upgrades to other reserves are underway or planned for 20/21, including a proposal to investigate revegetation and conversion of existing sump sites in Carlisle to address the current shortfall of POS in this area.

Town of Victoria Park Place Plans

12. The Place Plans have now been completed and were endorsed to proceed to advertising at the 16 June OCM. Advertising of the Place Plans has now commenced after which refined versions of the Place Plans will be presented to Council for final approval.

Higgins Park Master plan

13. The Town, the consultant team, Place Laboratory and ABV Leisure Consultant, and the Design Reference Group are continuing to collaborate on the design process for the Higgins Park and Playfield Reserve Masterplan. Stage 1 saw the project team workshop the opportunities and key themes of the site. Stage 2 was undertaken online and interrogated the spatial configurations of the various sporting options. Stage 3 sees the team returning to a workshop environment on 24th June to develop the community uses and landscape elements of the sites. The three Masterplan options will be presented to Elected Members in the July Concept Forum.

Local Planning Strategy

14. The draft Local Planning Strategy is being assessed by the Dept for Planning, Lands and Heritage and pending 'certification' by the WA Planning Commission for public advertising. Project planning for Local Planning Scheme No.2 has commenced.

Zone 2 & 2X and associated Zone 7 Car Parking Construction

15. We are 6 months out from practical completion and the two parks areas and new car parking has seen a lot of community use. Minor issues have been addressed as part of the twelve-month contract defects rectification period and the twenty-four month landscaping maintenance period is ongoing.
16. A footpath pedestrian ramp and pedestrian median refuge at the "T" junction of Planet Street and Roberts Road is done, as is the removal and make good of redundant crossovers about the site and surrounding footpath make-good has been completed. Similarly, the stormwater drainage connection under Roberts Road into the Zone 2X eco buffer zone basin is complete and operational. Finalisation of Zone 2X basin landscaping in this quarantined area will commence in July 2020. Maintenance to existing trees has been undertaken, made more urgent by storm damage.
17. Surrounding street parking signage for Z2X to make existing restrictions more easily understood was installed.
18. The noise issue from basketball backboard impacts was addressed (constraint of use was additionally affected by COVID19 measures). The hoops remain removed from those backboards. Alternative backboard materials are to be benchmarked to be able to maintain a basketball use on the courts (which use has proved to be strongly supported by the local community). Light spill from court floodlights was assessed and found to be within Australian Standard tolerances for allowable use times (pre-11:00pm curfew). The Town have initially set a 9:00pm curfew.

LAOS – Edward Millen Heritage Adaptive Re-Use Redevelopment

19. Detailed design for the Landscape Masterplan is currently underway. The upgrades of this expansive reserve will complement the Expression of Interest process for the Heritage Redevelopment and will aim to attract interested private sector groups. The Expression of Interest will seek a balance between community and cultural aspirations for the building and the required level of capital and expertise in delivering a destination redevelopment.

Higgins Park Tennis Club

20. New hardcourts have been installed. New relocated cricket nets have been completed. Perimeter fencing has been extended. New grass courts installed and reticulation modified. Awaiting delivery of light towers, and marking up of the hardcourts to complete the entire job. Expected to be completed in the next 2 weeks.

Macmillan Precinct Masterplan

21. Following the cancellation of the Place Design Forum as a result of COVID-19, the project team has been working to complete the conversion of Stage 2 - Concept Development from a physical workshop environment to a fully online digital environment to ensure the project can continue.
22. The new online Place Design Forum program has been created to allow for a total of 8 workshop sessions ranging between 1 to 2.5 hours each session and will operate on weeknights between May and July. This new online format will be delivered by a range of webinars, online workshop exercises and forum discussions facilitated by Roberts Day. The new program schedule is aimed to allow for a greater variety of attendees than the Town would have originally anticipated due to the physical workshops being held over full days.
23. In early May the Macmillan Precinct Masterplan Working Group was established following the release of an EOI with the revised Place Design Forum format being wholly online. The Working Group consists of 20 community members, 11 key stakeholder representatives, project consultant Roberts Day as the head contractor and town staff forming the project team. On occasion other sub-contractors are brought in for technical input, these include some prominent figures in the industry like the Government Architect representing With Studio Architecture. Overall the working group consists of a group of representatives from the community and relevant industries with a balance of age, gender, residents, business owners, staff and technical experts.
24. Through the month of May three online workshops were hosted via Zoom. Roberts Day are facilitating all the sessions with the first session being hosted as a meet 'n' greet to allow the working group attendees a chance to meet the project team and other stakeholders, ask questions and test the system to iron out any technical issues before the workshops started on Monday 25 May.
25. The other two workshops included discussions relating to refining the Community Charter and exercises to identify the appropriate character and uses for the future of the site. All workshop sessions were accompanied with forum discussion by the Working Group Members on Your Thoughts.
26. These workshops and discussions will feed into the three more workshop sessions where the concept options will be developed prior to a Concept Forum presentation to Council in June.

McCallum Park Active Area

27. Following Council endorsement of the Taylor Reserve & McCallum Park Concept Plan in March 2018, the Town has now progressed to the next stage of the project, which is the refined concept design of the skate park and activity hub. This includes the redevelopment of the original skate park and creation of new recreational activity zones.
28. The Town has now progressed to the next element of the project, which is the refined concept design of the skate park and activity hub. This includes the redevelopment of the original skate park and creation of new recreational activity zones.

29. Emerge Associates, in association with Skate Sculpture and Newline Skate parks have been appointed by the Town to undertake the engagement and design concept.
30. 13 December 2019 → 10 January 2020 the Town sought community feedback on the first draft concept design. 504 people visited the project page and 107 people provided feedback online and at the Christmas pop up event.
31. 28 March 2020 → 12 April 2020 the public were able to provide comments on the final design report. 50 people provided a submission on the final draft design with 90% of those submissions indicating support for the project.
32. At the June 2020 Ordinary Council Meeting, Council resolved to approve the McCallum Park Active Area Concept Report and listed an indicative amount of \$1.6million of which is approximately one-third of the estimated project cost for consideration in the Councils revised long-term financial plan. Subject to budget approval in 2020/21 the project will proceed to detailed design.

Etwell Street Local Centre Revitalisation Project

33. The Etwell Street Revitalisation Project aims to transform the Etwell Street Local Centre into an important hub and local meeting place. The project was initiated by a self-forming group of local residents who joined with business owners, landowners, Town of Victoria Park staff and Elected Members to form a Design Reference Group that were guided through a design process to establish a shared vision for the desired future of the Etwell street Local Centre.
34. The Town is now progressing the project to the next stage of design, prior to a construction Request for Tender, to ensure sufficient detail is available for the Tender scope and budgeting process. Ecoscape Consultants have been appointed to deliver the detailed design and specification documentation.

Five Year Capital Works Program

35. The Five Year Capital Works Program is currently being reviewed and is now aligned with the recent three year program developed by the Strategic Asset Advisory Group in response to the COVID19 pandemic. A draft of the new program layout has been attached and will be further refined and updated following 2020/2021 budget setting process and also in alignment with the review of the Town's Asset Management Plans and Long Term Financial Plan. Also attached is a copy of 2019-2020 Capital Works progress for information.

Economic Development Strategy 2018 – 2023

Strategic outcome	Total actions	No. of actions in progress
Pathway 1: Leadership	4	4
Pathway 2: Identity	2	2
Pathway 3: Local to Global Connections	5	5
Pathway 4: Smart Town-Digital Innovation	7	5
Pathway 5: Creating an Enabling Business Environment	8	7
Pathway 6: High Value Precincts	6	5
Pathway 7: High Value Sectors	18	12
TOTAL	50	40

Urban Forest Strategy

36. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The summary table below represents the number of actions progressed since the adoption of the IAP and the commencement of the Place Leader – Urban Forest, who is tasked with coordinating the implementation of the UFS.

Strategic outcome	Total actions	No. of actions in progress
<p><u>Strategic Outcome 1</u></p> <p>Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.</p>	15	11
<p><u>Strategic Outcome 2</u></p> <p>Maximize community involvement and collaboration in its implementation.</p>	8	8

Strategic Outcome 3 Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife	3	2
Strategic Outcome 4 Maintain high standard of vegetation health	5	4
Strategic Outcome 5 Improve soil and water quality	3	2
Strategic Outcome 6 Improve urban ecosystems	5	2

37. A description of the progress for each action over the last quarter is included in the July 2020 UFS Quarterly Performance Report (Attachment 11.1.7).

Reconciliation Action Plan

38. The Town's Reconciliation Action Plan (RAP) is a document that outlines actions to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians.

39. The Town's Aboriginal Engagement Advisory Group continues its work to inform and advise on ways in which we can work together through the framework of the RAP and its continuing actions and outcomes.

Category	RAP Action	Deliverable (outputs)	Outcomes
Relationships	Establish a RAP working group	RAP working group to meet quarterly to support the development, implementation and ongoing management of the Town's ongoing RAP deliverables. Review and update the RAP working group to support the	1. The Towns Aboriginal Engagement Advisory Group re-convened meetings in May 2020 via Zoom after one quarterly meeting was cancelled due to COVID-19. The group agreed to meet fortnightly as an opportunity to review progress to date of each RAP deliverable. Four meetings have been held

		<p>development of our RAP, comprising of Aboriginal and Torres Strait Islander people and organisations, as well as decision-making staff from across our organisation (including the CEO and Mayor)</p>	<p>during this quarter.</p> <ol style="list-style-type: none"> 2. In May 2020 the Town established an internal working group through an internal expression of interest round. This group is made up of six Officers across various internal teams who have an interest in Reconciliation. This group will meet bi-monthly and act as internal champions to drive reconciliation activities and initiatives.
Relationships	Raise awareness of our RAP	Liaise with Reconciliation WA on implementing the RAP	<ol style="list-style-type: none"> 1. The Town sought advice from Reconciliation Australia in March 2020 relating to progressing to a Innovate RAP. Reconciliation Australia advised the Town to roll over its existing Reflect RAP for a further 12 months to ensure the Town had every opportunity to meet the remaining RAP deliverables. A report is being presented to Council at the July Ordinary Council Meeting regarding progression of the Towns RAP.
Respect	Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols	Develop and implement a plan to raise awareness and understand the meaning and significance behind	<ol style="list-style-type: none"> 1. The Aboriginal Engagement Advisory Group are working towards translating the Towns existing Acknowledgement of

		Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols)	Country into Noongar language. This will then be displayed on the Towns webpage as well as all agenda and meeting minutes.
Respect	Aboriginal and Torres Strait Islander signage and display	Investigate a Noongar name for Aboriginal Engagement Advisory Group in the Town	1. The Aboriginal Engagement Advisory Group have recommended the name Mindeera for the Advisory Group. Mindeera relates to Mindeera Springs a significant site within the Town. This name change will be presented to Council for consideration and endorsement at the July Ordinary Council Meeting.
Respect	Aboriginal and Torres Strait Islander signage and display	Investigate foyer acknowledgement plaques in Administration reception and out centers	1. The Aboriginal Engagement Advisory Group have recommended that once the Towns Acknowledgment of Country has been translated to Noongar language that is to be displayed at all out centers and meeting rooms. This has been designed in partnership with Communications and is awaiting translation to finalise this deliverable.
Respect	Investigate Aboriginal and Torres Strait Islander cultural learning and	Commence cultural awareness training for senior management,	1. Cultural Awareness training will be delivered to all Town Officers and Elected Members

development

Councillors and staff

between the 5th to 12th of October 2020. This will be delivered by Shaun Nannup and Auspire.

Disability Access and Inclusion Plan

40. It is a legislative requirement that Western Australian Local Government authorities have a Disability Access and Inclusion Plan (DAIP) and provide an annual progress report to the Department of Community Services.
41. The current Town of Victoria Park's DAIP 2017 – 2022 contains a total of 31 strategies under seven DAIP outcomes. Progress towards these deliverables during this quarter has been impacted by State Government COVID restrictions.

DAIP Outcome Area	Deliverables	Outcomes
Outcome 1: People with a disability have the same opportunities as other people to access the services of, and any events organised by the Town of Victoria Park	Create a Local Community Engagement Plan to increase the awareness of the needs of people with disabilities to participate in and contribute to community group activities and programs	The Town has applied to the McCusker Foundation Internship program to engage an intern to commence development of the Community Engagement Plan.
	Collaborative with key stakeholders to identify and facilitate accessible and inclusive services, programs and events	<p>The Town has been selected as one of nine Local Governments to launch the National Disability Service's My Bay Someone's Day campaign on December 3 2020.</p> <p>This campaign outlines the importance of ASCROD parking restrictions and aims to increase community's awareness and use of these bays.</p> <p>An Access and Inclusion Advisory Group Member Towns has been nominated as spokesperson for this campaign.</p>

	<p>Review and promote information on Town services that are available for people with a disability</p>	<p>In partnership with the South East Corridor National Disability Insurance Scheme provider Mission Australia the Town will provide NDIS Local Area Coordination services one day per week from the Library.</p> <p>This one on one personal service will ensure that NDIS participants can have their needs meet in a local context.</p>
<p>Outcome 3: People with disability receive information from the Town of Victoria Park in a format that will enable them to access the information as readily as other people are able to access it</p>	<p>Share information with community groups and business to improve their capacity to engage with people with a disability</p>	<p>In partnership with the South East Corridor National Disability Insurance Scheme provider Mission Australia the Town is scoping the development of an online information sharing tool that will promote accessible and inclusive businesses and community spaces within the Town as well as provide advice and guidance to local businesses on how they can improve access and inclusion.</p>

42. The Towns annual Disability Access and Inclusion Plan report (Attachment xx) outlines the Town progress towards its DAIP between 1 July 2019 to 30 June 2020. This report will be presented to the Disability Service Commission on the 30 July 2020.
43. As per the Council resolution, progress reports will be presented to Council on a quarterly basis, in October, February, April and July.

Relevant documents

[Corporate Business Plan](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

[Reconciliation Action Plan](#)

[Disability Access and Inclusion Plan](#)

COUNCIL RESOLUTION (449/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

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

1. Corporate Business Plan
2. 2019/2020 Annual Strategic Project Plan
3. Five-year capital works program
4. Economic Development Strategy 2018-2023
5. Urban Forest Strategy
6. Reconciliation Action Plan
7. Disability Access and Inclusion Plan

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

12 Chief Community Planner reports

12.1 Scheme Amendment to rezone lots 5 and 6 Temple street

Location	Victoria Park
Reporting officer	Charlotte McClure
Responsible officer	Robert Cruickshank
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none">1. Scheme Amendment Report2. Schedule of submissions

Landowner	Town of Victoria Park
Applicant	Harley Dykstra
Application date	24/03/2020
DA/BA or WAPC reference	PLA/6/86
MRS zoning	Urban Zone
TPS zoning	'Public Purpose – Civic Use' Reserve
R-Code density	Not applicable
TPS precinct	Precinct Plan P12 - East Victoria Park Precinct
Use class	Not applicable
Use permissibility	Not applicable
Lot area	1098m ² and 931m ²
Right-of-way (ROW)	Not applicable
Municipal heritage inventory	Not applicable

Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Residential development along Temple street, predominantly grouped dwelling development with retained original dwellings. Established commercial activities along Albany Highway included car sales yard and shop fronts addressing Albany Highway with rear loaded car parking.

Recommendation

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 86) to the Town of Victoria Park Planning Scheme No. 1 to reclassify No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential R60' zone and modify the Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' accordingly.
2. Classifies Amendment No. 86 to the *Town of Victoria Park Town Planning Scheme No. 1* as a 'standard amendment' in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) for the following reasons:
 - (i) it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
 - (ii) it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
3. Forwards Amendment No. 86 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
4. Advertises Amendment No. 86 for public comments for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to the Western Australian Planning Commission.

Purpose

To consider the Scheme Amendment prepared to amend the Town of Victoria Park Town Planning Scheme No. 1 (TPS1) to rezone No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential' R60'.

Council is required to assess the merits of amending TPS1 and if supported formally resolve to initiate a Scheme Amendment.

In brief

- The proposal seeks to amend the classification of No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to a 'Residential' R60' zoning.
- The land is owned by Town of Victoria Park and currently accommodates the Victoria Park Child Health Centre and Liddell Government Dental Clinic.
- In accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals', preliminary consultation on the proposal was undertaken with seven submissions being received.
- The submissions reveal a mixed community opinion for the proposal and generally reservations regarding the development form that may be permitted and the relocation of the community facilities and infrastructure on the site.
- The subject land sits within the Albany Highway Secondary Centre, which the Town's draft Local Planning Strategy (draft LPS) identifies as a strategic investigation area recommended to be the subject of comprehensive Activity Centre and/or Precinct Planning as per State Planning Policy 4.2 Activity Centres (SPP 4.2) and Draft State Planning Policy 7.2 - Precinct Design (Draft SPP 7.2).
- Therefore, prior to initiating the amendment the Department of Planning Lands & Heritage (DPLH) position was sought regarding the likely success of the proposed Amendment in the context of the progression of the Draft Local Planning Strategy and the other strategic work that is still to be completed by the Town.
- The feedback provided from DPLH is that the amendment of the subject land could be progressed prior to the completion of this work, provided that it was considered in the context of the draft LPS and would not compromise any strategic planning for the area. The Town would also need to be satisfied that the land is no longer required to be reserved for Public Purpose – Civic Use and or is surplus to the Town's current and future needs for accommodating Civic Infrastructure.
- The Urban Planning Unit is satisfied that the proposed rezoning will not prejudice any future strategic planning including the preparation of an activity centre and/or precinct plan. The rezoning would also be conducive to the existing community buildings remaining lawfully on the site.
- Given the strategic location of the site adjacent to the Albany Highway secondary centre it is recommended that Council initiate the amendment to rezone the land.
- Following the rezoning, a business case will be prepared and presented to Council providing various options for the future of the land.

Background

1. The Land Asset Optimisation Strategy (LAOS) is a priority project for the Town of Victoria Park and was approved at Council at the October 2013 Ordinary Council Meeting. The Project Plan was received and endorsed by the Finance and Audit Committee in March 2017.
2. The strategy was developed by the Town to determine if any opportunities are available on property and land assets owned or controlled by the Town. LAOS aims to deliver additional sources of revenue for the Town and in the long term, aims to reduce the Town's reliance on rates.
3. The proposed amendment was originally discussed with the Town's Place Planning, Statutory Planning and Property team during 2019. An R60 zoning was deemed to be appropriate and consistent with the zoning/coding of adjoining land. Harley Dykstra was engaged to prepare the Scheme Amendment for the Town.
4. No. 4 (Lot 5) and No. 6 (Lot 6) Temple Street is owned by the Town of Victoria Park and currently accommodates the Victoria Park Child Health Centre and Liddell Government Dental Clinic.
5. Given the significant age of the buildings on site, the ongoing maintenance costs, the context and characteristics of the site and strategic location of the site, the existing situation has been considered by the Town as not a long-term solution for either the land asset or the building assets.
6. The Town have commenced discussions with the operators of the existing facilities in relation to opportunities for relocation within the Town of Victoria Park.

Application summary

7. Scheme Amendment No. 86 seeks to amend the classification of No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential' R60'.
8. As per Local Planning Policy 37 'Community Consultation on Planning Proposals', the proposed rezoning of the site is not consistent with an approved Council strategy, in which case preliminary consultation has been undertaken with the community in order to inform the Council in deciding whether or not to initiate the Scheme Amendment.

Applicants submission

9. The Scheme Amendment and associated report was prepared and submitted by Harley Dykstra on behalf of the Town on 24 March 2020 (refer to attachment 1).
10. The following rationale for the Scheme Amendment was included in the report:

"It is considered that the rezoning of Lots 5 & 6 Temple Street, Victoria Park from "Public Purpose – Civic Use" reserve to "Residential R60" zone under the Town of Victoria Park Town Planning Scheme No. 1 is capable of approval and is an appropriate planning outcome, as outlined below:

The proposed development will facilitate the redevelopment of the subject site for higher density residential purposes, providing opportunities for increased density and dwelling choice in a high amenity location that affords a high level of services including commercial, high frequency public transport, employment and public open space.

By developing this site for residential purposes, it contributes to providing for increased infill development, relatively free from design constraints. The development of this site will contribute to the infill targets for the Town of Victoria Park, set out in Perth and Peel @ 3.5 Million.

This particular location, being directly adjacent the Albany Highway Urban Corridor, has been identified within the Central Sub-Regional Planning Framework as appropriately located for mid-rise residential redevelopment as an area of existing high amenity, with visualised revitalisation. The redevelopment of this site will contribute to the revitalisation of the corridor by increasing the activity and residential capacity on the subject site.

The proposed density (R60) is appropriate for the subject site and will provide for development of the land that is consistent with the type of residential development in this location, envisaged by State Planning Policy 4.2, Perth and Peel @ 3.5 Million and the Central Sub-Regional Planning Framework.

While the Precinct Plan for Victoria Park does prefer lower density residential development to the rear of retained character dwellings, it does also identify areas of R60 development on the land adjacent to the Albany Highway Precinct Plan. The proposed density coding for the site is therefore consistent with the Precinct Plan, and any future development of the site would require the design to be consistent with the provisions of this precinct plan.

The Town have begun discussions with the operators of the existing Infant Child Care Centre and Dental Clinic, currently located on the subject land. These ongoing discussions with the operators will provide the context of the operational details and clinical needs, to provide informed advice to the Town as to their eventual relocation to another facility in a more appropriate location."

Relevant planning framework

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

Legal compliance

Part 5 ‘Local Planning Schemes’ of the Planning and Development Act 2005 and the Planning and

Development (Local Planning Schemes) Regulations 2015, Regulations 50 and 51.

Planning and Development Act 2005

https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/pada2005236/

Planning and Development (Local Planning Schemes) Regulations 2015

https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_reg/padpsr2015527/

General matters to be considered

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

Strategic alignment

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

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	During earlier discussions in 2019, the Town's Urban Planning and Place

Planning teams were generally supportive of the proposed Amendment. When formally referred to the Place Planning team in 2020, and in view of the subsequent progression of the draft Local Planning Strategy, the Place Planning team expressed some concerns about an 'ad-hoc' rezoning of the land rezoned prior to the comprehensive and coordinated Activity Centre Planning, preparation of Local Planning Scheme No. 2 and the precinct planning for Albany Highway. This is discussed in more detail in the analysis section of report. It should be noted that in light of further advice from the Town's Property team and that recently from the Department of Planning, Lands and Heritage, the Town's Place Planning team are now satisfied that progression of the Amendment will not prejudice the future strategic planning work being undertaken.

External engagement

Stakeholders	Owners and occupiers surrounding the subject land
Period of engagement	Time period that engagement was undertaken, including dates.
Level of engagement	2. Consult
Methods of engagement	Written submissions and Your Thoughts (the Town's online engagement tool)
Advertising	Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties.
Submission summary	Seven submissions have been received, three supporting the proposal, one opposing the proposal and three not stating a position.
Key findings	<p>The submissions reveal a mixed community opinion for the proposal and generally reservations regarding the development form that may be permitted and the relocation of the community facilities and infrastructure on the site.</p> <p>See Attachment 2 for the full schedule of submissions.</p>

Other engagement

Stakeholder	Comments
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Department of Planning
Lands & Heritage (DPLH)

In contemplating initiating the Scheme Amendment, feedback and a position was sought from the Department of Planning Land and Heritage who are responsible for administering Scheme Amendments. This is discussed in more detail in the analysis section of report.

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p>Property</p> <p>The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may not support the approach and insist on finalisation of the draft Local Planning Strategy (LPS) and/or other strategic planning work to be completed and as such decide to refuse or modify the Amendment notwithstanding Council's resolution</p>	<p>Moderate</p>	<p>Unlikely</p>	<p>Moderate</p>	<p>Sought advice from the DPLH as to the likelihood of the amendment being supported who have indicated the amendment of the subject land could be progressed prior to the completion of strategic planning that is identified for this precinct, provided that it was considered in the context of the draft LPS and would not compromise any strategic planning for the area. The Town would also need to be satisfied that the land is no longer required to be reserved for Public Purpose – Civic Use and/or is surplus to the Town's current and future needs for accommodating</p>

				civic and community uses.
<p>Reputational</p> <p>That the land rezoning could result in the future displacement of the current dental service and child health service on the site.</p>	Minor	Possible	Moderate	<p>The Town would like to and aims to continue working with these services to retain the uses within the Town of Victoria Park. 'Community Purpose' is however a discretionary land use within the 'Residential' zone in which case the existing uses could continue to operate even if the land is rezoned to Residential.</p>
<p>Financial</p> <p>The rezoning of the land prior to the activity and/or precinct plans being developed may result in the proposed density of R60 being less than what could be realised for the site.</p>	Major	Likely	High	<p>If further strategic investigations and planning identifies the subject site as capable of accommodating a greater scale of development than what is currently proposed, a further scheme amendment could be progressed at this time if necessary.</p> <p>However even if this were to occur, the current Scheme</p>

				Amendment proposed will not compromise this process.
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Financial implications

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

Analysis

11. No. 4 (Lot 5) and No. 6 (Lot 6) Temple Street measure 1098m² and 931m² respectively. The north-eastern boundary of the site abuts a right-of-way and 'Commercial' and 'District Centre' zoned land to the north and north-west along Albany Highway with 'Residential (R60)' zoned land along Temple Street to the north-east and south.

12. The subject land currently accommodates two existing buildings and with a rear car parking area accessed by the adjacent right of way. These buildings accommodate an Infant Health Clinic and Dentistry Clinic. A crossover to Temple Street is located on the western portion of Lot 6 Temple Street, providing access to additional car parking spaces to service the facility. The site accommodates existing mature vegetation, generally concentrated to the front of the buildings.

Strategic Planning Framework

13. The planning, subdivision and development of land within the Albany Highway Precinct is guided by multiple State government strategies and policies. The subject site is not within the Albany Highway Precinct, but directly adjoins it.

Perth and Peel@3.5 Central Sub-Regional Planning Framework

14. The State Government's metropolitan planning strategy Perth and Peel @3.5million Central Sub-Regional Planning Framework designates land along Albany Highway as Activity Centre and Urban Corridor. Activity Centres are a key focal point for commercial and social activity and the delivery of services to residents. They will also be a major driver of new jobs located within communities. Urban Corridors integrate land use with high priority transit routes (all modes of transport not just private vehicles) and connect places of significance.
15. The Central Framework seeks to optimise the use of land in these locations close to existing public transport infrastructure through targeted increases in the density and diversity of housing, business activity, jobs and community activities.

State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2)

16. The Albany Highway centres are designated as a Secondary Centre (Victoria Park) and District Centre (East Victoria Park). Secondary centres are multipurpose, serving a population catchment up to 150,000 persons and supporting densities between 25-35 dwellings per hectare (gross). SPP 4.2 specifies the need to prepare activity centre structure plans for strategic metropolitan, secondary, district and specialised centres.

Local Planning Strategy

Albany Highway Secondary Activity Centre/Precinct Plan

17. At the Ordinary Council Meeting on the 21 April 2020 Council resolved to-
" ... endorse the draft Local Planning Strategy (April 2020) and Appendices for a public submission period of eight (8) weeks commencing after the Western Australian Planning Commission provides Certification in accordance with regulation 12 of the Planning and Development Act (Local Planning Schemes) Regulations 2015."
18. The subject land sits within the Albany Highway Secondary Centre, which the Town's draft Local Planning Strategy identifies as a defined strategic investigation area recommended to be the subject of comprehensive Activity Centre and/or Precinct Planning as per SPP 4.2 and Draft State Planning Policy 7.2 - Precinct Design.
19. It recommends that three Activity or Precinct Plans be developed for the Victoria Park, East Victoria Park and St James Town Centres located along the length of Albany Highway, which includes the linkages between the Town Centres and to major public transport nodes (i.e. Victoria Park train station). Council approval will be sought early in the financial year to commence this process which will then inform the drafting of the Town's Local Planning Scheme No. 2 (LPS2).
20. The proposed amendment was originally discussed with the Town's Place Planning, Urban Planning and Property team during 2019. An R60 zoning was deemed appropriate. Harley Dykstra was engaged to prepare the Scheme Amendment for the Town. Since then Place Planning and in view of the draft Local Planning Strategy now having been prepared, some concerns have been expressed by Place Planning about the rezoning of the land rezoned prior to the comprehensive and coordinated Activity Centre Planning, preparation of LPS2 and the precinct planning for Albany Highway.

21. In contemplating initiating the Scheme Amendment, feedback and a position was sought from the Department of Planning Land and Heritage who are responsible for administering Scheme Amendments. Specifically, advice was sought regarding the likely support from the Department for the amendment prior to the progression of the Draft Local Planning Strategy and other strategic work to be done. The Department provided the following:

"In considering a rezoning, further planning rationale would need to be provided specifically, why the site is no longer required to be reserved for Public Purpose: Civic Use and/or is surplus to the Town's current and future needs for accommodating Civic Infrastructure.

Regarding the status of the Draft Local Planning Strategy (the Draft Strategy), while it is not expected that the Town waits until the Draft Strategy is endorsed to proceed with amendments in these areas, it is considered appropriate that any proposed amendments in the interim are considered in the context of the Draft Strategy to ensure proposals do not compromise any strategic planning for the area.

Given the proposed amendment site is within an area designated as a Strategic Investigation Area consideration should be given to whether the proposed rezoning will preclude the area from inclusion in future investigations and subsequent planning. Alternatively, a discussion of investigative works which have already been undertaken, and form the basis for the proposed amendment, could be included."

22. As identified in the risk assessment, there is the possibility that the rezoning the land prior to the activity and/or precinct plans being developed may result in the proposed density of R60 being less than what could be realised for the site. For example, the strategic investigation and subsequent planning framework could identify this subject site and surrounding land as capable to accommodating a higher density code and/or scale of development. However even if this were to occur, the current Scheme Amendment proposed will not compromise this process and a further Scheme Amendment could be progressed at this time to reflect another zoning and/or density for the site.
23. As such, progressing the subject Scheme Amendment prior to the additional strategic planning being undertaken will not prejudice the further strategic planning that needs to occur for the activity corridor area. However, the future potential zoning for the site as a result of this work to be done may inform the business case which will be prepared and presented to Council's to determine the future of the site.

'Community Purpose' Land Use

24. During the preliminary consultation period several submissions raised concerns regarding the potential relocation of the dental and child health centre. It should be noted that whilst the age of the buildings are close to the end of their economic life and will begin to become an asset liability, the Town intends to continue working with these services to retain the uses within the Town of Victoria Park. 'Community Purpose' is however a discretionary land use within the 'Residential' zone in which case the existing uses could continue to operate even if the land is rezoned to Residential. An example of this occurring is the Keith Hayes Community Building in Lathlain which is zoned Residential 'R40'.
25. Notwithstanding this, the Town's Property Service Area has commenced discussions with the Dental Clinic who have agreed to progress their strategic relocation to a newer and more co-located clinic. The rezoning of the land would function as a catalyst to commence this process and the Dental Clinic could then seek funding within their departments to facilitate a relocation solution.

26. Continuing to wait for the additional strategic work to be undertaken could potentially create additional delay of several years depending on community consultations and budget requirements, during which time the buildings on site continue to require repairs and maintenance.
27. In the event that the land was rezoned and the services on site did relocate, under the current Town Planning Scheme, there are a number of zones within which a 'Community Purpose' use is a permitted or discretionary use and therefore does not rely on land which is reserved under the Scheme for Public Purposes.
28. In addition to private sector properties, Council and State owned land in the Town can accommodate further community services if there is a specific need to deliver that community facility. The Town's Urban Planning team are satisfied that rezoning this land will not compromise the Town's current and future needs for accommodating civic and/or community uses.

Development Potential

29. Whilst a business case will be prepared for Council to determine the future of the landholdings, the rezoning of the land would facilitate redevelopment of the site for residential purposes at a density of R60 as well as being able to accommodate land uses which are either 'P' (permitted) or 'AA' (discretionary) uses within the Residential Zone. These are highlighted in the following table:

Use Class	Residential
Child Care Premises	AA
Commercial Vehicle Parking	AA
Community Purpose	AA
Consulting Rooms	AA
Educational Establishment	AA
Family Day Care	AA
Grouped Dwelling	P
Home Occupation	AA
Home Store	AA
Hospital	AA
Multiple Dwelling	p ¹

Nursing Home	AA
Place of Worships	AA
Residential Building	AA
Serviced Apartment	AA
Single House	P

30. In the event that a business case were to determine that a residential development of Multiple Dwellings (apartments) on the site is appropriate, then the following default standards of the planning framework would apply :

Development Standards - R60	
Streetscape context and character	Medium – rise (Residential Design Codes) Volume 2 – Apartments
Plot Ratio	0.8
Height	8.6 metres
Minimum primary street setback	6m average
Minimum side setbacks	3 metres
Minimum rear setback	3 metres

31. Assuming an average plot ratio unit size of 65m², the site could accommodate approximately 25 units. However as the requirements of the R-Codes, Volume 2 are performance based, it is likely that additional dwelling yield may occur.
32. As outlined above, the proposed Scheme Amendment is consistent with the current planning framework, with the rezoning to Residential R60 being consistent with that of the adjoining residential properties. Whilst the land is located in an area which is subject to further strategic planning, the proposed rezoning to R60 would likely be an interim measure which will not compromise this work and does not prevent a further rezoning of the property in the future to be consistent with the outcomes of this strategic planning work. The existing community health services that are located could remain under a proposed residential zoning however rezoning the land provides Council with a number of options for the land which will be explored further as part of a business case and presented to Council should the rezoning be approved.

33. Should Council resolve to initiate the Amendment it is considered necessary for the report prepared by Harley Dykstra, on behalf of the Town, to be amended to provide further commentary on issues addressed in this report, namely the rezoning occurring ahead of further strategic planning work, and the accommodation of future community facilities and needs in the Town.

Relevant documents

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

Local Planning Policy 37 – Community Consultation on Planning Proposals -

[https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-](https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6)

6

Perth and Peel at 3.5 Million -

<https://www.dplh.wa.gov.au/perth-and-peel-@-3-5-million>

State Planning Policy 7.2 - Precinct Design

<https://www.dplh.wa.gov.au/designwa-precinct-design>

State Planning Policy 4.2 - Activity Centres for Perth and Peel

<https://www.dplh.wa.gov.au/spp4-2>

Draft Local Planning Strategy

21 April Ordinary Council Meeting Minutes

<https://www.victoriapark.wa.gov.au/About-Council/Council-meetings/Minutes-Agendas>

Further consideration

In response to questions raised at the Agenda Briefing Forum, the following information has been provided by the Town's Property team:

34. Can further information please be provided about:

a) the Town's current and future needs for accommodating future civic infrastructure and how that has been assessed;

b) why the Town is satisfied that the land is surplus to those needs.

The following paragraphs in the report intend to address the surplus requirement of the specific Civic zoning:

"5. Given the significant age of the buildings on site, the ongoing maintenance costs, the context and characteristics of the site and strategic location of the site, the existing situation has been considered by the Town as not a long-term solution for either the land asset or the building assets."

"28. In addition to private sector properties, Council and State owned land in the Town can accommodate further community services if there is a specific need to deliver that community facility. The Town's Urban Planning team are satisfied that rezoning this land will not compromise the Town's current and future needs for accommodating civic and/or community uses."

In addition, as civic or community infrastructure can be located on a variety of zonings, the requirement for a very specific zoning of Public Purpose – Civic Use is no longer necessary. A Dental Clinic and Infant Health Clinic can be considered in a number of commercial or community buildings and can be achieved on a range of zonings. The Temple Street Civic-Use zoning is therefore not specifically required and is surplus as a zoning. The land is not surplus but the zoning. Maintaining this zoning moving forward in perpetuity does not allow the effective management of the Town's land and building assets, it creates unnecessary limitations for options moving forward. The change in zoning allows not only the existing uses to continue but also a variety of options to occur into the future. The buildings currently on the land are close to reaching economic obsolescence. If either tenant decided to not continue their occupation of the buildings, the Town would have very limited opportunity to re-let and the maintenance costs would continue to burden rate payers. There exists numerous land holdings and the ability for those land holdings to accommodate a civic or community use throughout the Town so any current and future needs for civic or community uses can still be achieved. From a land ownership perspective, and in line with the effective management of the Town's land asset and Policy 221 the Town's preferred tenure model is to use vested reserves for on-ongoing community services in perpetuity.

The assessment of current and future civic and community infrastructure was undertaken with the Social Infrastructure Plan, which is going to undergo some further refinement. It is mainly based on population projections with key recommendations for civic and community services similar to those at Temple Street to be co-located in multipurpose community centres and not to be in standalone buildings. Accommodating future civic and community infrastructure will aim to follow this mantra where the location of the land holding is the driving factor to make sure the services are accessible to the majority of rate payers.

The rezoning of the site to Residential does not prevent the current uses or other like community uses from operating at the site. Rezoning of the site to Residential will open up a range of options for the future use of the site, and a Business Case will need to be presented to Council to determine which option to proceed with.

35. Is it proposed to relocate the current services into other Town owned buildings?

Yes. This has already proactively been attempted to relocate these services due to the impending cost burden and poor design of the existing buildings. The Infant Health Clinic and Dental Clinic are state owned agencies and have their own specific drivers for accommodation. A private owner free rent offer and 10 Kent Street were both opportunities presented to the Infant Health Clinic however neither were to their satisfaction. The Town will continue to work with the service providers as the preference is that they are to stay in the Town.

36. If so, how much will the Town have to spend to relocate the current tenants to other Town buildings?

This is not an exact known at this stage, this will be determined to inform the future Business Case in order to make an informed decision. However, the ongoing cost to maintain the existing buildings is equally not a long-term financial solution.

37. *What will happen if the Town cannot relocate the current tenants to another suitable Town building?*

The tenants will not be asked to relocate unless a suitable alternative location is found. The Town will continue to work with the tenants as the existing buildings are not a long-term solution, and the tenants will not be asked to relocate.

38. *How many Town buildings are currently ready and able to accommodate either or both of the dental clinic and child health service?*

A number of buildings have potential from the Town's perspective however these will need to be assessed by the respective Health department representatives from Infant and Dental Clinics.

COUNCIL RESOLUTION (451/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Bronwyn Ife

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 86) to the Town of Victoria Park Planning Scheme No. 1 to reclassify No. 4 –6 (Lots 5 and 6) Temple Street, Victoria Park from 'Public Purpose – Civic Use' reserve to 'Residential R60' zone and modify the Town Planning Scheme No. 1 Precinct Plan P12 'East Victoria Park Precinct' accordingly.
2. Classifies Amendment No. 86 to the *Town of Victoria Park Town Planning Scheme No. 1* as a 'standard amendment' in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for the following reasons:
 - (i) it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
 - (ii) it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
3. Forwards Amendment No. 86 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
4. Advertises Amendment No. 86 for public comments for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to the Western Australian Planning Commission.

CARRIED (8 - 0)

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

Against: nil

12.2 Residential Character Study Area Scheme Amendment

Location	Town-wide
Reporting officer	Michael Hancock
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment 1 - Ordinary Council Meeting May 2020 [12.2.1 - 15 pages]2. Attachment 2 - Ordinary Council Meeting Minutes Extract June 2016 [12.2.2 - 10 pages]3. Attachment 3 - Ordinary Council Meeting Minutes Extract September 2017 [12.2.3 - 36 pages]4. Attachment 4 - Minister Refusal [12.2.4 - 25 pages]5. Attachment 5 - Original Proposed Residential Character Study Area [12.2.5 - 1 page]6. Attachment 6 - Recommendations Report [12.2.6 - 93 pages]7. Attachment 7 - Draft Character Retention Guidelines [12.2.7 - 18 pages]8. Attachment 8 - Modified Proposed Residential Character Study Area [12.2.8 - 1 page]

Recommendation

That Council:

Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 87) to the Town of Victoria Park Town Planning Scheme No. 1 as follows:

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

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

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

25AC. Character Retention Area

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

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

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

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

Area No	Land Description	Purpose and Particular Requirements
		Purpose
		a) Retain and enhance the contribution made by original dwellings towards streetscape character; And To facilitate the consideration of streetscape character in development proposals.
		Particular requirements
CRA1	Land generally extending between the railway line and to around Berwick Street and Canning Highway to around Oats Street, and more specifically identified in the Precinct Plans with the designation 'CRA 1'.	1. In accordance with clause 61(3) of the deemed provisions, development approval is required for the following works, even if they would otherwise be exempt under clause 61(1) of the deemed provisions: The demolition of a dwelling constructed prior to 1 January 1946; or Works that : require development approval under deemed clause 60, unless specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i); or are of a kind identified in deemed clause 61(1)(c) or (d) of the deemed provisions, that are not specified as being exempt

from development approval under a local planning policy referred to in deemed clause 61(1)(i), and which if implemented could be wholly or partially seen from a street and is either:

situated wholly or partially within 12m of the subject lot's boundary to the street; or

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

For the purposes of this clause:

1. In ascertaining whether a development, if implemented, could be wholly or partially seen from a street:
 - i. account is not to be taken of existing or proposed fencing, landscaping or other impediments to visibility; but
 - ii. account may be taken of existing (pre-implementation of the proposed development) heights within of the site, provided that the development is not proposed to change the existing topography in a way that would render the development visible.
2. "Street" means a public street,

		<p>whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.</p>
		<p>2. All development for which development approval is required (including by virtue of this Schedule E) shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area.</p>

1.4 Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A and B by including in the legend a heading ‘Land Use and Development Controls’ and then underneath a black border and number CRA1 within the boundaries of the border described as ‘Character Retention Area – refer to clause 25AC and Schedule E of the Scheme Text’.

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

1.6 The amendment is considered complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

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

Purpose

At Ordinary Council Meeting held 19 May 2020 Council resolved to receive the Review of Residential Character Study Area and Local Planning Policy 25 ‘Streetscape’ – Stage 4 Final Conclusions and Recommendations Report’, with a report to be presented to the July 2020 Ordinary Council Meeting relating to a Town Planning Scheme Amendment to identify the Residential Character Study Area as a Special Control Area. An extract of the Minutes of the Ordinary Council Meeting of 19 May 2020 is contained at Attachment 1.

In brief

- In June 2016, Council initiated Amendment 73 to Town Planning Scheme No. 1 (TPS 1) to designate the Residential Character Study Area as a Special Control Area, with provisions requiring development approval to be obtained for demolition and/or development within the area (see Attachment 2). The intent was to reintroduce controls to provide a greater level of protection for the original dwellings in the area and ensure that new development was compatible with the existing character of the area.
- At its meeting in September 2017, the Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 (see Attachment 3).
- The Minister subsequently refused the Scheme Amendment in 2018 (see Attachment 4)

- At the September 2017 Ordinary Council Meeting, the Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area,
- Based on the community sentiment, Element prepared a Recommendations Report and draft Local Planning Policy – Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting.
- The Recommendations Report recommends that the Town undertake a Scheme Amendment to designate the Residential Character Study Area as a Special Control Area. Attachment 5 contains a map showing the area of the Town over which a Special Control Area is proposed.
- This report seeks for Council to initiate the Scheme Amendment and proceed to community consultation and external referrals.

Background

1. The Town first implemented the Residential Character Study Area (RCSA) in 2003 following a study being undertaken. The study recommended that the Town *"give priority to, and actively encourage, the retention and conservation of residential character for the longer term benefit of the community and the owners of properties"*.
2. The RCSA identified that the 'original dwellings' within the area (dwellings generally constructed before 1945) form a unique and identifiable character worthy of retention.
3. Prior to 2015 all development relating to a single house or grouped dwelling, including demolition of an 'original dwelling', required development approval from the Town.
4. In 2015 the State Government introduced the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) which removed the need to obtain development approval to demolish single houses (including 'original dwellings') and development approval for new works where compliant with the requirements of the Residential Design Codes.
5. As a result of the Regulations, the level of protection for 'original dwellings' and maintenance of residential character was eroded.
6. Prior to the adoption of the Regulations the Town would often refuse applications that sought to demolish an identified 'original dwelling', on the basis that demolition of the dwelling would have a negative impact on the streetscape character.
7. The Town drafted Scheme Amendment 73 to TPS1, which sought to reinstate many of the provisions removed by the adoption of the Regulations through the designation of the RCSA as a Special Control Area (SCA).
8. Consultation on Scheme Amendment 73 resulted in a total of 69 submissions during the consultation period.
9. Council ultimately resolved to modify Amendment 73 by removing the proposed planning controls.
10. Ultimately, Scheme Amendment 73 was refused by the Minister for Planning for the following reasons:
 - a. The amendment does not include any planning controls to implement the objectives proposed to be inserted;
 - b. Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and
 - c. The Regulations provide appropriate heritage controls.
11. The Town engaged Element to undertake an independent review of the RCSA in September 2018.

12. At the 19 May 2020 Ordinary Council Meeting (Attachment 5), Council resolved to acknowledge and receive the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report and receive a future report for consideration of a Scheme Amendment as outlined in the Recommendations Report.

Relevant planning framework

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

General matters to be considered

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

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

Precinct Plan 12 – East Victoria Park

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

Strategic alignment

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

Social	
Strategic outcome	Intended public value outcome or impact

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

EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Community consultation undertaken through this project has demonstrated a desire to retain and improve the built form of the Residential Character Study Area. The proposed recommendation will enhance the Town's distinct character.
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Engagement

13. Formal engagement specifically in relation to the proposed Scheme Amendment will occur in accordance with the Regulations and Local Planning Policy 37 – Community Consultation on Planning Proposals in the event the proposed Scheme Amendment is initiated by Council.
14. Consultation to applicable external agencies will occur should the proposed Scheme Amendment be initiated by Council.
15. The following consultation occurred and was considered in developing the Recommendations Report completed by Element. It is important to note the consultation outcomes informed the content of the recommendations report and does not necessarily reflect the community's opinion on the proposed Scheme Amendment.

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

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

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

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

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

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town if the strong positive sentiment expressed by the community does not result in changes to the planning framework	Moderate	Likely	High	Adoption of the recommendations prepared by Element, which in the case would mean the initiation of the Scheme Amendment.
Heritage If Council does not	Moderate	Likely	High	Adoption of the recommendation to initiate a Scheme

<p>progress with the establishment of a SCA the possible further erosion of the Town's heritage will continue. This may lead to loss of character and identify that was outlined in community consultation.</p>				<p>Amendment will progress the process to have planning control over development within the area and retain its character. If the Scheme Amendment is not initiated then the character of the area is open to being eroded.</p>
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Financial implications

<p>Current budget impact</p>	<p>Nil.</p>
<p>Future budget impact</p>	<p>Nil.</p>

Analysis

Scheme Amendment 73

18. As outlined above, the previous mechanisms for maintaining the essence of the RCSA has been significantly diluted with the introduction of the Regulations in 2015. The changes to the regulations prompted the Town to propose Scheme Amendment 73.
19. As indicated above, the Town previously considered a similar Scheme Amendment, being Scheme Amendment 73, which was ultimately refused by the Minister for Planning.
20. In brief, Scheme Amendment 73 proposed:

Introducing the need for development approval for:

- Demolition of 'original dwellings'
- All forms of development, other than those listed as exempt under a local planning policy.

Requiring development to conform with:

- The objectives of the RCSA
- The future Local Planning Policy specific to the RCSA
- Requirements for demolition, namely that demolition of dwellings not being permitted except where:
 - The dwelling is determined by Council to be structurally unsound; or
 - The dwelling is wholly clad in fibro or asbestos wall cladding; or
 - Council considers that the dwelling does not make a positive contribution to the character of the area as a result of it having had significant external alterations.

Powers for the Town to issue a Conservation Notice requiring a landowner to undertake repairs/improvements to a property if it is considered by the Town that the property is not being properly maintained.

21. The Town undertook community consultation on the proposed Scheme Amendment, distributing over 5,000 letters to affected properties.
22. Scheme Amendment 73 received a total of 69 submissions during the community consultation process, which was a proportionately small number given that around 5000 letters were sent inviting the public to comment on the Amendment. The submissions received consisted of the following :
 - 51 objections (74% of submissions);
 - 12 supporting submissions (17% of submissions);
 - 3 submissions of partial support (4% of submissions);
 - 2 submissions without a stated position (3% of submissions); and
 - 1 submission requesting a halt to any decision (1% of submissions).
23. The Scheme provisions relating to conservation notices generated a degree of community concern, with the majority of objections specifically citing this as a concern.
24. The following relevant comments were contained in the Council report :

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

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

Community Expectations for Increased Engagement and Participation

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

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

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

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

Community Engagement Opportunity

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

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

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

- Identify potential town planning scheme and local planning policy measures to promote, incentivise or require the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area;
- Undertake a review of the original dwellings within the Residential Character Study Area to identify those dwellings or groups of dwellings worthy of formal heritage protection either individually or collectively; and
- Review and provide a list of recommendations to the Council to amend Town Planning Scheme No. 1 and/or amend Local Planning Policy 25 'Streetscape', having regard to the outcomes of the community engagement process, and arriving at a recommended series of statutory and/or policy framework measures that is:
 - aligned with the values of the community and the Council;
 - can be easily understand by the community;
 - is relatively simple to administer; and
 - minimises the need to impose additional levels of regulation contrary to the intent of the Planning and Development (Local Planning Schemes) Regulations 2015.

27. Ultimately the Scheme Amendment was refused by the Minister for Planning on the basis that:

The amendment does not include any planning controls to implement the objectives proposed to be inserted; Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and

The Regulations provide appropriate heritage controls.

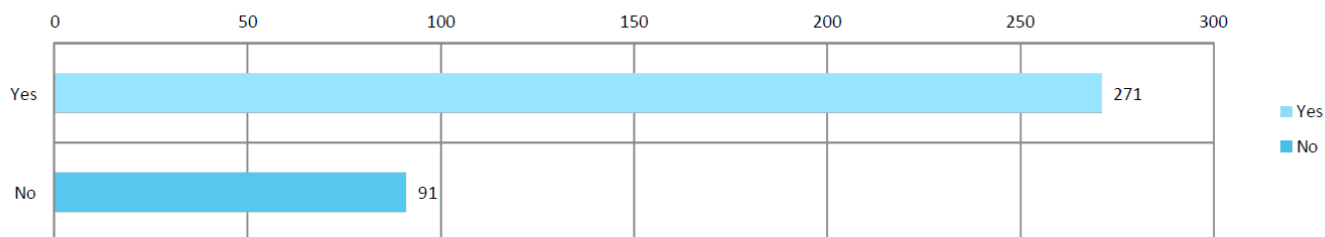
Scheme Amendment 87

28. Consistent with the September 2017 Council resolution, the Town engaged Element to undertake an independent review of the Town's planning framework for the RCSA and engage the community. The Stage 1 consultation comprised a survey seeking feedback of residents attitudes towards residential character, which attracted 357 submissions.

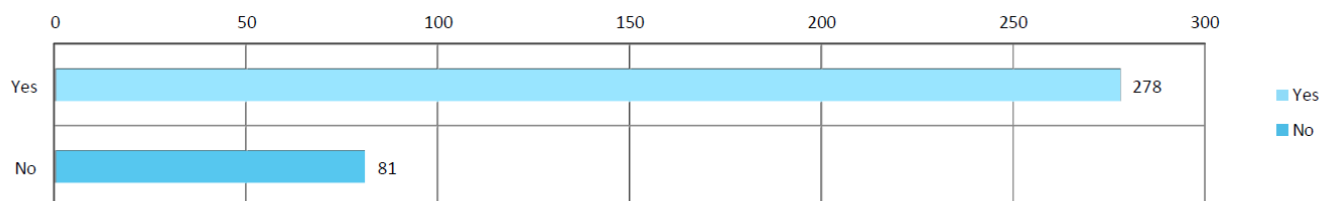
29. As noted above at paragraph 16, the majority of respondents recognised that the character of the area deserves protection, and there is a clear desire from respondents to retain original dwellings.

30. The following graphs provide a summary of the responses to some key questions :

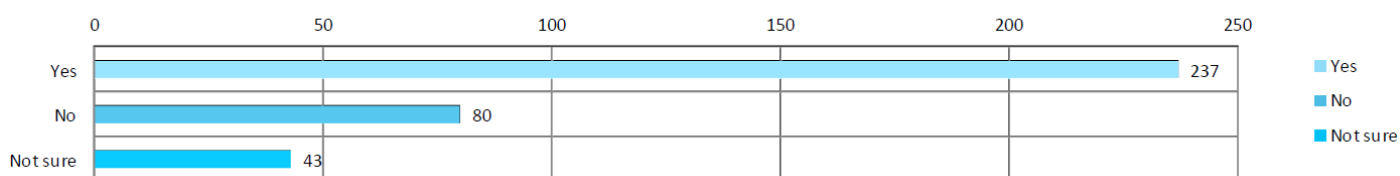
Do you believe the character within the area that you live deserves protection?



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



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



31. Based on the community feedback received, the Recommendations Report (Attachment 5) determined a Scheme Amendment to establish a Special Control Area (SCA) over the RCSA remains the most desirable option for character retention. The objectives of the SCA will be supported by a new Local Planning Policy – Character Retention Guidelines (guidelines) (Attachment 6).

32. The Recommendations Report prepared by Element contains draft wording for the Scheme Amendment resolution, including provisions that for properties within the SCA:

Development approval is required for the following works :

The demolition of a single house constructed prior to 1 January 1946; or

Any development “visible from the street”, defined as being situated within 12m of a primary street boundary and/or exceeding 5m above the nature ground level of the street boundary as determined by the local government.

All development shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area (CRA).

33. Upon internal discussion, the Town recommends as part of this report that the definition of “visible from the street” be altered to:

Visible from the street means development which can be seen from a public street and is either:

- *situated within 12m of the street boundary; or*
- *located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary (as determined by the Town) but does not include single storey works.*

For the purposes of this clause, “public street” does not include a right-of-way or a communal street.

34. Recognising the previous community concerns relating to the inclusion of Scheme provisions providing power to issue Conservation Notices, no such provision is proposed as part of the current Scheme Amendment 87.
35. As described in the original RCSA report, the area contains a significant number of 'original dwellings', which are defined as:
 36. *"The first dwelling to be constructed on the site that's considered to make a positive contribution to the streetscape due to its period of construction, architectural style and inherent character."*
37. The presence of "original dwellings" located within the older established areas of the Town (located generally between Berwick Street and the railway line) contribute to a unique, identifiable streetscape character that should be protected and maintained. A large proportion of submissions indicated character retention to be important.
38. It is proposed that development in the SCA will require development approval in the circumstances described in paragraph 31 (a). The need to obtain development approval gives the Town the ability to assess the merits of a proposal, and approve development that will not negatively impact upon the streetscape character. Without the introduction of such provisions, there will be no power for the Town to receive an application, and importantly assess whether or not a proposed development is acceptable within its streetscape context. In such a situation, demolition of original dwellings will be permitted regardless of the streetscape outcome and incompatible development that does not respect the streetscape could occur as the development may otherwise be exempt from needing development approval.
39. In considering development applications within the SCA, regard needs to be given to the proposed Character Retention Area Guidelines (see Attachment 7). These Guidelines are proposed to apply to development within the RCSA instead of the Town's Local Planning Policy 25 'Streetscape'.
40. Acknowledging the community feedback on the current Local Planning Policy 'Streetscape', the draft Character Retention Guidelines have been written to be performance based rather than prescriptive. This is intended to provide scope for innovative and creative design solutions, and sustainable and contemporary developments where appropriate.
41. Development that is not "visible from the street", as this term is defined, will not be subject to the draft Character Retention Guidelines, therefore giving landowners complete freedom to deliver innovative, contemporary designs in these situations.
42. The draft Character Retention Area Guidelines are provided at Attachment 7 and are discussed in this report in order to inform Elected Members of the greater design flexibility that is proposed for developments within the RCSA in the future, and to allay any concerns that initiation of the Scheme Amendment will unreasonably restrict development within the area. Formal consideration and adoption of the guidelines is not proposed as part of this report, and will instead form a report to the August Ordinary Council Meeting in accordance with Council Resolution (395/2020).
43. This Scheme Amendment is classified under the Regulations as 'complex' as:
 - The amendment is not addressed by any Local Planning Strategy
 - The amendment has the potential to result in significant environmental, social, economic or governance impacts on land in the scheme area.
44. At the time of writing this report legal advice is being received regarding the wording of the Scheme Amendment resolution. Should any modifications be recommended by the legal advice then appropriate amendments to the recommendation will be made for consideration at the Ordinary Council Meeting.
45. It should be noted that upon review of the map prepared by Element (see Attachment 5) indicating the land to be part of the Special Control Area, it has been determined that there are some areas which are not considered to have a significant concentration of 'original dwellings' so as to warrant being retained within the Residential Character Area. This particularly relates to parts of the Town with a density coding of R40 or greater within which

Multiple Dwellings (apartments) can be constructed. Multiple Dwellings are of a distinctly different appearance from 'original dwellings' due to their form, height and scale. In this regard it is considered unreasonable to include properties within the Residential Character Area which are able to be developed with Multiple Dwellings, where there is not a strong presence of 'original dwellings'. Furthermore to retain such properties within the Residential Character Area would require the development of sites in these areas with Multiple Dwellings to be assessed against the Character Retention Guidelines, which would be unreasonable given their differing form and scale. Accordingly, an amended map appears at Attachment 8 showing the proposed modified boundaries for the Residential Character Area and Special Control Area.

Addressing Ministers Refusal

46. Noting that Amendment 73 previously proposed the creation of a SCA over the same area, and that this was refused by the Minister, it would be reasonable to question why Amendment 87 again proposes the creation of a SCA and why this has any greater prospect of being approved. The below table outlines the differences between the refused SCA and the SCA the subject of this Report (Scheme Amendment 87).

Ministers reason for refusal of Amendment 73	Scheme Amendment 87 context
<p>The amendment does not include any planning controls to implement the objectives proposed to be inserted.</p>	<p>Proposed Scheme Amendment 87 stipulates planning controls within the SCA. These are:</p> <ol style="list-style-type: none"> 1. Development approval is required for the following works: <ul style="list-style-type: none"> • the demolition of a dwelling constructed prior to 1 January 1946; or • any development visible from the street, defined as being situated within 12m of a primary street boundary and/or exceeding 5m above the nature ground level of the street boundary as determined by the local government. 2. All development shall be designed with due regard for any relevant local planning policy adopted for the CRA. <p>The planning controls are considered to be effective in delivering the objectives of the proposed SCA and providing for character retention.</p> <p>It is considered that the previously stated reason for refusal has now been addressed as part of Amendment 87.</p>
<p>Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character.</p>	<p>The draft Character Retention Guidelines have been developed to be a local planning policy which relates to design and streetscape character. A subsequent report to Council will formally introduce the guidelines to Council for consideration (Attachment 7).</p>

	<p>It is considered that the previously stated reason for refusal has now been addressed by the Town.</p>
<p>The Regulations provide appropriate heritage controls.</p>	<p>It is agreed that the Regulations have scope to provide heritage protection through the introduction of a statutory Heritage List or an identified Heritage Area. In this respect the Town has commenced work on prepared an updated Municipal Heritage Inventory, now known as a Local Heritage Survey, which will then inform the preparation of a Heritage List.</p> <p>However in this case, the issue is one of character, not heritage. The majority of dwellings in the RCSA do not individual heritage significance in their own right, but collectively they form a distinct and identifiable character.</p> <p>It is considered that the previously stated reason for refusal has been and will be further addressed by the Town.</p>

Contemporary Design and Planning

47. During the community consultation process a clear desire for a flexible approach to design emerged. The guidelines have been developed in response to this feedback, with a focus on performance outcomes.
48. It is noted the SCA itself does not specify design standards, instead Schedule E identifies a Local Planning Policy to outline the design standards.
49. The benefits of containing development standards within a policy as opposed to being contained as Scheme provisions is to ensure flexibility in the application and efficiency in reviewing and updating the guidelines.
50. The guidelines reflect a modern planning approach to character retention and orderly and proper planning for the character retention area.
51. Whilst the guidelines maintain deemed-to-comply provisions relating to maintaining character, the prescriptive nature of Local Planning Policy 25 – Streetscape has been significantly reduced.
52. Where variations to the guidelines are proposed a performance based approach is applicable. The variations are considered against the overall objectives of the guidelines, similarly this is the approach being implemented by the State Government in the Design WA suite of documents.
53. The guidelines focus on the preservation of critical streetscape matters, with in built flexibility, allowing the policy to respond to the unique nature of each streetscape on an individual application basis.
54. Regarding additions to original dwellings, the guidelines specifically encourage appropriate contemporarily designed additions. The guidelines state:
55. *Additions to original dwellings may be more contemporary in nature, while ensuring they are designed to respect the materiality, scale and form of the original dwelling and not overwhelm the streetscape presence of that dwelling.*

Contemporary Environmental Considerations

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

Relevant documents

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

Further consideration

61. As noted at paragraph 45 above, legal advice was being sought on the wording of the Officer's recommendation. Having received and considered this advice, the wording of the Officer's Recommendation has been amended specifically relating to recommendation 1.3. The amendments relate to wording, so as to ensure there are no unintended consequences or deficiencies, and do not change the intent of the recommendation included in the report to the Agenda Briefing Forum.

Cr Luana Lisandro left the meeting at 7.26 pm.

COUNCIL RESOLUTION (452/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Wilfred Hendriks

That Council:

Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 87) to the Town of Victoria Park Town Planning Scheme No. 1 as follows:

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

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

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

25AC. Character Retention Area

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

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

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

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

Area No	Land Description	Purpose and Particular Requirements
		Purpose
		a) Retain and enhance the contribution made by original dwellings towards streetscape character; And b) To facilitate the consideration of streetscape character in development proposals.
		Particular requirements
CRA1	Land generally extending between the railway line and to around Berwick Street and	1. In accordance with clause 61(3) of the deemed provisions, development

	<p>Canning Highway to around Oats Street, and more specifically identified in the Precinct Plans with the designation 'CRA 1'.</p>	<p>approval is required for the following works, even if they would otherwise be exempt under clause 61(1) of the deemed provisions:</p> <p>a) The demolition of a dwelling constructed prior to 1 January 1946; or</p> <p>b) Works that :</p> <p>(i) require development approval under deemed clause 60, unless specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i); or</p> <p>(ii) are of a kind identified in deemed clause 61(1)(c) or (d) of the deemed provisions, that are not specified as being exempt from development approval under a local planning policy referred to in deemed clause 61(1)(i), and which if implemented could be wholly or partially seen from a street and is either:</p> <p>(1) situated wholly or partially within 12m of the subject lot's boundary to the street; or</p>
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(2) wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary but does not include single storey works.

For the purposes of this clause:

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

2. All development for which development approval is

		<p>required (including by virtue of this Schedule E) shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area.</p>
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1.4 Amend Precinct Plans P5, P6, P10 – Sheet A and P12 – Sheets A and B by including in the legend a heading ‘Land Use and Development Controls’ and then underneath a black border and number CRA1 within the boundaries of the border described as ‘Character Retention Area – refer to clause 25AC and Schedule E of the Scheme Text’.

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

1.6 The amendment is considered complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

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

CARRIED (5 - 2)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Ronhhda Potter, Cr Brian Oliver, Cr Bronwyn Ife

Against: Cr Wilfred Hendriks, Cr Jesvin Karimi

Cr Luana Lisandro returned to the meeting at 7.46pm.

12.3 Amendment No. 56 to Town Planning Scheme No. 1 - Advocacy Efforts to WAPC and Development of Town-owned Properties in Carlisle for Public Open Space

Location	Carlisle East Victoria Park
Reporting officer	Leigh Parker and David Doy
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Ordinary Council Meeting Minutes of 21 April 2020 [12.3.1 - 17 pages] 2. TPS 1 Amendment No. 56 Report - Modified as per Minister's Decision dated 2 May 2017 [12.3.2 - 8 pages] 3. LPP 39 - Tree Planting and Retention [12.3.3 - 9 pages]

Recommendation

That Council:

1. Resolves, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to proceed with Scheme Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No.1, as modified by the Minister for Planning's decision dated 2 May 2017, subject to the following additional modifications:

- a) Amending the cadastral lot boundaries of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct to reflect the current lot boundaries of the land subject to the amendment; and
- b) Inserting the following subtitle and paragraph to the 'DEVELOPMENT STANDARDS' listed for the 'RESIDENTIAL ZONE' of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct:

"Former Miller's Crossing Open Space

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R30 zoned land formerly known as the Miller's Crossing Open Space, comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle. The Local Development Plan shall address issues of vehicular access, landscaping and building setbacks to maximize opportunities for the retention of mature trees on the land."

2. The Scheme Amendment Report documents being modified to reflect Part 1 of Council's resolution and include additional justification outlining the reasons for the further modification to Amendment No.56 as contained in the officer report.
3. The Western Australian Planning Commission being advised of the Council's decision.
4. Request the CEO to commission a site feature survey of Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street and Lot 1005 (No. 45) Bishopsgate Street, Carlisle.
5. Approves the implementation of a Carlisle Micro Parks program over a four (4) year period, with one (1) micro park to be created each year, funded by the Urban Forest Strategy Implementation budget.

Purpose

- To inform Council of the progress of advocacy efforts made to the Western Australian Planning Commission (WAPC), and a plan to develop 91 Planet Street, 76 Planet Street, 6 Paltridge Avenue and 30 Satellite Place, Carlisle as public open space (POS), as requested by elected members at the April Ordinary Council Meeting (OCM) in relation to Amendment No. 56 to Town Planning Scheme No. 1 (TPS 1).
- For Council to make a formal resolution in respect to supporting Amendment No. 56 to TPS 1 subject to the amendment being further modified to require a Local Development Plan to be adopted by the Town prior to subdivision or residential development of Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle occurring.

In brief

- At its OCM held in April 2020, the Council resolved not to purchase Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the WAPC.
- This decision was made following the consideration of five options for the future development and/or acquisition of the land for POS, which is the subject of Amendment No. 56 to TPS 1.
- This report details the Town's efforts to advocate to the WAPC for a Local Development Plan to be prepared for the land prior to any future subdivision or development occurring to ensure the retention of mature trees, as well as the potential transfer of ownership of a portion of Lot 1003 to the Town to enable retention of the significant tree located at the southwest corner of this lot.
- The WAPC has advised that it considers the requirement for a Local Development Plan to be unnecessary. Notwithstanding this advice, Council is required to make a formal resolution seeking a further modification to Amendment 56 to TPS 1 to include provisions requiring a Local Development Plan, to enable its formal consideration by the Minister for Planning.
- The requirement for a Local Development Plan is considered by Council Officers to maximise opportunities to retain mature trees as part of any subdivision and development of the land in future, by providing detailed level guidance on issues of access, building setbacks and landscaping, over and above the high level guidance provided by the Residential Design Codes and WAPC Development Control Policy 5.1.
- This report also outlines a proposed approach to develop four Town-owned properties in Carlisle as POS, and recommends branding this initiative as the Carlisle Micro Parks program.

Background

1. The land known as the Miller's Crossing open space is currently the subject of Amendment No. 56 to TPS 1, which has been the subject of protracted considerations by the WAPC as landowner of the lots, which it intends to sell in the medium to longer term for residential development.
2. Amendment No. 56, as originally initiated by the Council in November 2011, sought to reserve the entirety of the affected lots as 'Parks and Recreation' reserve given their continued maintenance by the Town and use by the community as passive public open space since the completion of the Miller's crossing overpass in 2004.

3. Following WAPC consideration of the original amendment, the Town received the decision of the Minister for Planning dated 2 May 2017 to modify Amendment No. 56 as follows:
 - a. Classifying No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park as Town of Victoria Park Scheme Reserve "Parks and Recreation".
 - b. Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct accordingly.
 - c. Nos. 6 & 7 (lots 1003 & 1004) Raleigh Street and No. 45 (lot 1005) Bishopsgate Street, Carlisle being transferred to the 'Residential' zone with a density coding of R30.
 - d. Modify the Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct accordingly.
4. The Town undertook further consultation with the community which indicated a strong level of objection to the decision of the Minister to require Lots 1003, 1004 and 1005 to be zoned Residential R30. Council reiterated its position to the WAPC that all of the lots be reserved as 'Parks and Recreation' and later secured several extensions of time from the Minister to enable the further consideration and evaluation of the land for POS purposes.
5. As part of these considerations the Town was provided with the opportunity to purchase Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the WAPC, subject to their market valuation for residential purposes. As part of its considerations, the Town undertook further community consultation in June 2018 in relation to five potential options for the acquisition and future development of the land as summarised below:

Option	Summary Description
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 linkage to green space area	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 which would otherwise result from not acquiring the lots.

6. The community consultation indicated an overwhelming level of support for Option 2 to acquire the land for public open space, however at the September 2018 OCM the Council determined to delay its decision regarding acquisition to allow consideration of the findings and recommendations of the Public Open Space Strategy that was then still in development.
7. The Public Open Space Strategy was adopted at the December 2019 OCM, which identified that an undersupply of locally accessible POS (within a 400m walkable catchment) does not exist in the area of the subject land and would not do so if the land was developed for residential purposes in future.
8. At its OCM held on 21 April 2020, the Council resolved the following:
 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.*
 4. *Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 detailing a plan, inclusive of costs and timing, for the Town to develop and deliver the following Town-owned properties for use as public open space:*
 - a. *91 Planet St, Carlisle*
 - b. *76 Planet St, Carlisle*
 - c. *6 Paltridge Avenue, Carlisle*
 - d. *30 Satellite Place, Carlisle*
 5. *Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 outlining the Town's efforts to advocate to the WAPC:*
 - a. *for the imposition of a condition on any subdivision requiring a Local Development Plan;*
 - b. *for the retention of all mature trees on the subject lots as a condition of any future subdivision of the lots for development; and/or*
 - c. *for consideration of the transfer of ownership of a sufficient portion of Lot 1003 to the Town to enable retention of the significant tree in the corner of that lot closest to the railway underpass, and for an indication of any associated costs thereof.*
 6. *Directs the Chief Executive Officer to continue to include an annual maintenance allowance for Miller's Crossing in the Town's budget until such time as the WAPC sells or subdivides the lots for development.*
9. Further details of the background leading up to Council's decision not to purchase the lots is detailed in Item 12.4 of the minutes of the OCM held on 21 April 2020.

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.	Advise elected members of potential costs and timing involved to develop four Town-owned properties for POS to improve its level of provision to the Carlisle community.
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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.	Advocating to the WAPC that any future subdivision of Lots 1003, 1004 and 1005 for residential purposes occurs in accordance with an adopted Local Development Plan to ensure the retention of mature trees that are valued by the community.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Investigating the development of Town-owned properties in Carlisle for the creation of new POS, as the suburb is identified as undersupplied by POS in the Town's Public Open Space Strategy.
EN07 - Increased vegetation and tree canopy.	The Millers Crossing open space contains mature trees that contribute to the Town's urban tree canopy and have been indicated through prior consultation to have a high level of value to the local community. The preparation of a Local development Plan that seeks the retention of mature trees as part of future residential subdivision of the land, as well as the investigation of new POS creation on Town-owned properties elsewhere in Carlisle may contribute to increased vegetation and tree canopy.

Legal compliance

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
Reputational Negative public perception towards the Town if WAPC/Minister for Planning does not support modification to Amendment 56 to	Moderate	Likely	High	Communication strategy outlining the reason for Council's decision not to purchase the lots, the efforts made to advocate for a Local Development Plan and retention of mature trees, and investigation of opportunities to

<p>TPS 1 to include the requirement for a LDP for the Miller's Crossing land before subdivision or development occurs.</p>	<p>develop Town-owned properties elsewhere to address the undersupply of POS in Carlisle.</p> <p>Local Planning Policy 39 'Tree Planting and Retention' will also be applicable to residential development of the land in future, which requires development approval from the Town. This policy incentivises the retention of mature trees (refer to discussion of LPP 39 below) although it is acknowledged that it is not applicable to fully R-Codes compliant Single Houses.</p>
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Financial implications

<p>Current budget impact</p>	<p>Available funds exist in the 20/21 budget to commission a site feature survey of Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street.</p>
<p>Future budget impact</p>	<p><u>Local Development Plan</u></p> <p>It is intended that an owner or developer involved in the future subdivision or development of the land be responsible for the preparation of a Local Development Plan prior to development or subdivision occurring.</p> <p><u>Carlisle Micro Parks</u></p> <p>The Town has proposed a budget of \$1,000,000 to implement the Urban Forest Strategy. In the 2020 and 2021 Financial Year an amount of \$100,000 has been forecast for 'Sump Revegetation' and this can include the Carlisle Micro Park Program (as explained in the Analysis section below).</p> <p>The program to complete each micro park is identified below:</p> <p>2020 & 2021 Financial Year</p> <ul style="list-style-type: none"> • 30 Satellite Place – complete front of drainage basin micro park, and weed suppression behind the fence (\$20,000) • 76 Planet Street – complete front of drainage basin micro park, and weed suppression behind the fence (\$30,000)

- 91 Planet Street - Community watering facility and additional plant supply, (\$5,000)
- 6 Paltridge Avenue – Site Preparation (\$5,000)

2021 & 2022 Financial Year

- 30 Satellite Place – revegetate drainage basin (\$70,000)
- 76 Planet Street – revegetate drainage basin (\$45,000)
- 91 Planet Street – improvement to micro park (furniture etc) (\$2,000)
- 6 Paltridge Street – complete front of drainage basin micro park (\$25,000)

2022 & 2023 Financial Year

- 6 Paltridge – revegetate drainage basin (\$45,000)

Analysis

Request for extension of final consideration of Amendment No. 56 to TPS 1

10. The Town has informed officers of the Department of Planning, Lands and Heritage (DPLH) of Council's resolution made at the 21 April 2020 OCM. This has included a request for DPLH officers to seek the Minister for Planning's approval for a further extension to the then current 30 June 2020 deadline to provide a final recommendation to the Minister in relation to Amendment 56 to TPS 1.
11. The Town has requested a three month extension, which is hoped will provide sufficient time to reach potential agreement with DPLH officers, including any need to incorporate an additional provision within Amendment 56 itself for Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street (the Millers Crossing land), to be the subject of an adopted Local Development Plan before residential subdivision can occur. The extension is also required to enable the Town's administration the ability to inform the Council at its July OCM of efforts made to advocate or reach agreement with the WAPC on the matters listed under part 5 of Council's resolution made at the 21 April 2020 OCM.
12. DPLH officers have confirmed that an extension has been sought and approved by the Minister, granting an extension until December 2020.

Advocacy efforts to WAPC for preparation of a Local Development Plan (LDP) and retention of mature trees

13. In terms of the optimal approach to require the preparation of a LDP for the Millers crossing land, it is considered appropriate that it be prepared prior to any subdivision (or development) occurring, rather than as a condition of subdivision approval. Accordingly, it has been requested that an additional provision be included within Amendment 56 to require the preparation of an LDP prior to any subdivision or development occurring. This would involve an additional provision being inserted into the Carlisle Precinct Plan (which forms part of TPS 1) to prescribe this requirement, and is included as Part 1 of the Officer recommendation.
14. The WAPC's agreement has also been sought in relation to the requirement that future subdivisions be subject to a condition requiring the retention of mature trees, in accordance with part 5(b) of Council's 21 April 2020 resolution.
15. In considering the above DPLH officers have advised the following:

- a. The WAPC's Local Development Plan Framework states that LDP's are to be used to guide and coordinate development outcomes, and are not generally to be used to inform subdivision layout.
 - b. With respect to access, landscaping and building envelope considerations, these matters are controlled via existing state planning policies (including the R-Codes and DC Policy 5.1), which would require access from the lower order roads, and specify setback and open space requirements.
 - c. Consideration of future subdivision and development applications provides for consideration of site conditions in the context of a subdivision or development plans. Conditions can be applied to future subdivision approvals having regard to the lot layout proposed in the application and comments provided by the Town.
16. Notwithstanding the advice of DPLH officers, it is considered by Council Officers that the requirement for a LDP for the Millers Crossing land is the optimal mechanism to maximise opportunities for the retention of mature trees as part of any subdivision or development of the land in future, as it would enable detailed level guidance on issues that may potentially impact the ability to retain trees including vehicular access, building setbacks and landscaping. The guidance on these matters provided by State Planning Policies such as the Residential Design Codes and WAPC Development Control Policy 5.1 are general in nature only and do not provide for the site-specific guidance that a LDP can provide.
17. There are two means by which the Town can require a LDP, namely:
- a. Through a provision in Town Planning Scheme No. 1; or
 - b. In agreement with the WAPC as per clause 47(d) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. In view of the advice of DPLH officers, it appears unlikely that the WAPC and/or Minister would support either of these options. Notwithstanding, a formal resolution of Council to further modify Amendment No. 56 to TPS 1 is required in order for (a) above to be formally considered by the Minister, which forms Part 1 of the Officer recommendation.
19. In relation to (b) above it is acknowledged that such agreement is unlikely, especially if it was to proceed a Ministerial determination of Amendment No. 56 that did not include an LDP requirement.
20. The current Scheme Amendment documentation states that Council does not support the Ministers decisions to zone the land Residential R30. However, given the April 2020 OCM decision to not acquire the land it would be counterproductive to advocate for a LDP requirement while also maintaining our position for the land to be reserved for 'Parks and Recreation'. Therefore Part 1 of the Officer recommendation includes the Council supporting Amendment No. 56 as modified by the Minister, subject to the requirement for a LDP.

Local Planning Policy 39 'Tree Planting and Retention' (LPP 39)

21. The Council adopted LPP 39 at the February 2020 OCM, which is to become effective from 1 July 2020. The policy is applicable to residential development requiring development approval from the Town, and therefore future potential residential development of the Miller's Crossing land. The policy is not applicable to Single Houses that are fully compliant with the Residential Design Codes which are exempt from the requirement for development approval.
22. LPP 39 incentivises the retention of 'trees worthy of retention' (as defined by LPP 39) by:

- a. Reducing the rate of new tree planting required on a residential property where a 'tree worthy of retention' is retained;
 - b. Allowing for discretion to be applied to development standards (e.g. building setbacks, wall height, etc.) in order to facilitate the retention of a 'tree worthy of retention'; and
 - c. The 'Tree Protection Zone' for a retained tree is able to be located within the primary outdoor living area of a dwelling and can encroach into an adjoining lot, whereas the 'Tree Growth Zone' for a new replacement tree cannot be located within the primary outdoor living area of a dwelling and cannot encroach into an adjoining lot.
23. The provisions of LPP 39 will apply to future residential development of the Millers Crossing land that requires development approval from the Town (if still adopted), and will incentivise retention of the existing mature trees that have been identified as having a high level of value to the community during the multiple rounds of community consultation that have occurred over the course of the Town's consideration of Amendment No. 56 to TPS 1.
24. However, LPP 39 will not require or necessitate tree retention, nor does it provide detailed site-specific guidance that only a LDP prepared for the land can provide. Its lack of applicability to fully R-Codes compliant Single Houses also represents a substantial risk for tree removal. Accordingly, Part 1 of the Officer recommendation maintains that Council resolve to seek a further modification to Amendment No. 56 for the requirement for a LDP for the Minister's consideration.

Acquisition of portion of Lot 1003 (No. 7) Bishopsgate Street

25. In relation to part 5(c) of Council's 21 April 2002 resolution, Town officers have also sought agreement and advice on the likely costs and process for any required land acquisition of a portion of Lot 1003 Bishopsgate Street to ensure the retention and ongoing management of this tree by the Town that is located in the vicinity of the southwest corner of this lot.
26. DPLH officers have responded by advising that if the tree referred to is not already located in the verge, the Town may wish to consider the purchase of the land and should discuss that option with the WAPC property team.
27. It is noted that the Town is not in possession of a current pegged survey of this lot and based on GIS information, historical aerial imagery, and other data it is unclear whether the subject tree in fact sits inside the property boundary of Lot 1003, straddles the property boundary or sits within the adjacent Town-controlled road reserve/verge area of Rutland Avenue.
28. It is likely that the provision of a corner lot truncation as a condition of any future subdivision of Lot 1003 would ensure that the subject tree would be entirely within the Rutland Avenue road reserve under the control of the Town, avoiding the need to enter into a formal land acquisition arrangement with the WAPC.
29. This has been presented to DPLH officers as an alternative and straightforward option for resolving this matter and ensuring the tree is within the control and care of the Town. However, truncations are typically required to improve visibility where two streets intersect and are generally required to be ceded free of cost where there is some nexus between the proposal and the need for a truncation. As Rutland Ave is a cul-de-sac the need to improve visibility for approaching cars is unlikely to be applicable. Therefore, a truncation at this corner is unlikely to be imposed at the time of future subdivision of Lot 1003.
30. The Town has also requested any information the WAPC may have as landowner of Lot 1003 that may assist in the precise locating of this tree in relation to the existing lot boundaries, however no additional information has been forthcoming from DPLH officers at this stage.
31. In view of the above, Part 4 of the officer recommendation requests the commissioning of a site feature survey of Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street to enable the Town to identify the location and number of trees within the boundaries of the lots. This will inform potential further discussions with the Western Australian Planning Commission to acquire a portion of Lot 1003, should the survey identify that the significant tree located at Lot 1003's southwest corner is located within its boundaries.
32. The survey will also inform other potential changes to the local planning framework that the Town could undertake in respect to the future development of the Millers Crossing land. This could include revising the Town's existing Local Planning Policies or creating a new site-specific Local Planning Policy.

Development of Town-owned properties for public open space in Carlisle

33. The properties listed below and in the April OCM Council Resolution currently function as drainage basins:
 - a. 91 Planet St, Carlisle
 - b. 76 Planet St, Carlisle

- c. 6 Paltridge Avenue, Carlisle
 - d. 30 Satellite Place, Carlisle
34. An investigation was undertaken to confirm the space available for public open space and the space that would need to be retained for the purpose of drainage.
35. A technical investigation into the capacity of the drainage basins at the above addresses revealed that three (3) of the drainage basin have constrained capacity and cannot be reduced in size. There is an opportunity to potentially reshape the drainage basin at 76 Planet Street to create a larger public open space area at the front of the lot. Should there be an opportunity to reshape this drainage basin then the associated costs would be allocated to the appropriate sump maintenance budget.
36. There is however an unutilised space at the front of each of these drainage basins to transition into small micro public spaces that include, landscaping, tree planting, furniture and opportunities for informal children's play.
37. Having now understood the extent to which the drainage basins must remain the Town can commit to planting the drainage basins with ground cover and sedge plants. There may be opportunities for larger trees to be planted on the flat perimeter surrounding the basin but this will be investigated in further detail for each of the above-mentioned properties.
38. Based upon this investigation the Town therefore recommends to commence a program in the 2020 and 2021 financial year called 'Carlisle Micro Parks' which will form a part of the overall Urban Forest Strategy Implementation Program.
39. There is sufficient budget in the Urban Forest Strategy (should it be approved as per the recommended amount listed in the 2020 and 2021 budget) to implement one Carlisle micro park each year.
40. Administration recommends delivering the Carlisle Micro Parks program in the following order:
- a. 76 Planet Street;
 - b. 30 Satellite Place;
 - c. 6 Paltridge Avenue;
 - d. 91 Planet Street.
41. An estimated cost to deliver these micro parks is outlined in the financial implications section above. It is proposed to implement the micro parks quickly and simply and therefore rigorous conceptual planning is not considered necessary.

Relevant documents

Not applicable.

Further considerations

The following question was asked at the 7 July Agenda Briefing Forum:

On Planet Street (76 Planet Street), can a hole be dug at the back of the sump to give more public open space at the front?

Answer: Yes. Paragraph 35 of the report states '*there is an opportunity to potentially reshape the drainage basin at 76 Planet Street to create a larger public open space area at the front of the lot. Should there be an opportunity to reshape this drainage basin then the associated costs would be allocated to the appropriate sump maintenance budget*'. This means that the Town will explore the extent to which the sump can be reshaped and pushed to the back of the lot and thereby enable a greater public open space area at the front. Reshaping of the drainage basin will be funded by the 2020 and 2021 sump maintenance budget, not the Urban Forest Strategy.

AMENDMENT:

Moved: Cr Brian Oliver

Seconder: Cr Jesvin Karimi

That the following amendments be made to the motion:

That point 5 of the officer's recommendation be re-worded to read:

5 (a) Approves the implementation of a Carlisle Micro Parks program over a two (2) year period, with two (2) micro parks to be created in the 2020/21 financial year and two (2) micro parks to be created in the 2021/22 financial year.

(b) Approves the Carlisle Micro Parks program to be funded by the Urban Forest Strategy Implementation budget, only in respect of those items that are covered by the Urban Forest Strategy.

(c) Requests the CEO to provide a further report to Council identifying alternative funding options for the delivery of the Carlisle Micro Parks program, only in respect of those items that are covered by the Urban Forest Strategy, should funds be exhausted in the Urban Forest Strategy Implementation budget.

CARRIED (8 - 0)

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

Against: nil

Reason:

To ensure that the delivery of new public open space in Carlisle is delivered in a timely manner and to ensure that financial resources do not constrain the implementation of the Carlisle Micro Parks program.

PROCEDURAL MOTION:

Moved: Cr Jesvin Karimi

Seconder: Cr Luana Lisandro

Suspend clause 50 of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

CARRIED (9 - 0)

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

Against: nil

AMENDMENT:

Moved: Cr Brian Oliver

Seconded: Cr Jesvin Karimi

That the following amendments be made to the motion:

That point 5 of the officer's recommendation be re-worded to read:

5 (a) Approves the implementation of a Carlisle Micro Parks program over a two (2) year period, with two (2) micro parks to be created in the 2020/21 financial year and two (2) micro parks to be created in the 2021/22 financial year.

(b) Approves the Carlisle Micro Parks program to be funded by the Urban Forest Strategy Implementation budget, only in respect of those items that are covered by the Urban Forest Strategy.

(c) Requests the CEO to provide a further report to Council identifying alternative funding options for the delivery of the Carlisle Micro Parks program, only in respect of those items that are covered by the Urban Forest Strategy, should funds be exhausted in the Urban Forest Strategy Implementation budget.

CARRIED (8 - 0)

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

Against: nil

Reason:

To ensure that the delivery of new public open space in Carlisle is delivered in a timely manner and to ensure that financial resources do not constrain the implementation of the Carlisle Micro Parks program.

COUNCIL RESOLUTION (453/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Jesvin Karimi

That Council:

1. Resolves, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to proceed with Scheme Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No.1, as modified by the Minister for Planning's decision dated 2 May 2017, subject to the following additional modifications:

- a) Amending the cadastral lot boundaries of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct to reflect the current lot boundaries of the land subject to the amendment; and
- b) Inserting the following subtitle and paragraph to the 'DEVELOPMENT STANDARDS' listed for the 'RESIDENTIAL ZONE' of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct:

"Former Miller's Crossing Open Space

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R30 zoned land formerly known as the Miller's Crossing Open Space, comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle. The Local Development Plan shall address issues of vehicular access, landscaping and building setbacks to maximize opportunities for the retention of mature trees on the land."

2. The Scheme Amendment Report documents being modified to reflect Part 1 of Council's resolution and include additional justification outlining the reasons for the further modification to Amendment No.56 as contained in the officer report.
3. The Western Australian Planning Commission being advised of the Council's decision.
4. Request the CEO to commission a site feature survey of Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street and Lot 1005 (No. 45) Bishopsgate Street, Carlisle.
5.
 - a) Approves the implementation of a Carlisle Micro Parks program over a two (2) year period, with two (2) micro parks to be created in the 2020/21 financial year and two (2) micro parks to be created in the 2021/22 financial year.
 - b) Approves the Carlisle Micro Parks program to be funded by the Urban Forest Strategy Implementation budget, only in respect of those items that are covered by the Urban Forest Strategy.
 - c) Requests the CEO to provide a further report to Council identifying alternative funding options for the delivery of the Carlisle Micro Parks program, only in respect of those items that are covered by the Urban Forest Strategy, should funds be exhausted in the Urban Forest Strategy Implementation budget.

CARRIED (8 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Ronhhda Potter, Cr Brian Oliver, Cr Luana Lisandro, Cr

Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

12.4 Use of Lathlain Park for playing of competitive football matches

Location	Lathlain
Reporting officer	Robert Cruickshank
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	1. West Coast Eagles - Development Application - Engagement and Communication Overview [12.4.1 - 5 pages]

Recommendation

That Council:

1. Notes the Communications and Engagement Overview contained at Attachment 1, to be implemented upon the receipt of a development application from Indian Pacific Limited (West Coast Eagles Football Club) for the playing of competitive football matches at Lathlain Park.
2. Requests that the Chief Executive Officer presents a further report to Council following the community consultation period to consider the public submissions received and its recommendation to the WAPC on the development application.
3. Notes the legal advice received.

Purpose

- The purpose of this report is to note the legal advice and advice from the Western Australian Planning Commission (WAPC) on the playing of competitive football matches at Lathlain Park, and for Council to note the intended actions arising from this.

In brief

- As a consequence of the 2020 Marsh Community Series preseason competition AFL game fixture at Mineral Resources Park on Thursday 27th February 2020, queries were raised by Elected Members and members of the community relating to the playing of competitive AFL football matches by the West Coast Eagles within their lease area at Lathlain Park (Mineral Resources Park, MRP).
- As background to this, advice from the West Coast Eagles prior to lease commencement, was that no AFL matches would be played at Lathlain Park.
- Legal advice was subsequently sought by the Town in respect to the (Indian Pacific Limited) lease permitted use provisions.
- The legal advice relates to football games that the West Coast Eagles host upon the ground/s within their lease area.
- The advice included that the Lease Definition of "Permitted Purpose (i)" provides for situations that were not originally contemplated or that may change (such as in this case) and in their consideration of a new or changed purpose, provides the Town some flexibility.
- Advice from the WAPC is that the playing of matches with significant crowds will require a development approval to be issued.

- A development application is yet to be submitted. A Communications and Engagement Overview has been prepared outlining the scope of community consultation for the development application.

Background - Ground Lease Related

1. Indian Pacific Limited, (the West Coast Eagles Football Club, West Coast Eagles, WCE), are the Lessee (Tenant) of land within Lathlain Park.
2. The Town of Victoria Park are the Lessor (Owner) of that land.
3. In 2020, AFLW football games, and an AFL Marsh Community Series pre-season AFL football game (between West Coast Eagles and Essendon Football Club) were scheduled and played at Mineral Resources Park.
4. The football ovals at Mineral Resources Park (MRP) are within the Indian Pacific Ltd (West Coast Eagles, WCE) Lathlain Park Ground Lease.
5. Any competitive game played on the ovals would come under the provisions of the WCE lease.
6. AFLW, WCE WAFL representation team and AFL Marsh Community Series football scheduled fixtures were not known or contemplated when the WCE lease agreement was being negotiated.
7. The lease provides for remedies (including litigation) for dealing with breaches of the lease.
8. The legal advice is that the playing of competitive football matches on those MRP football oval/s is not specified as a Permitted Purpose under the Lease.
9. The Town and the WCE, under the lease definition of Permitted Purpose item (i), would need to reach a separate agreement (in writing, under the lease) for this use.
10. A request for a Permitted Purpose agreement for this use has been received from WCE inclusive of the following :
 - Seek permission to host both AFLW matches and AFL pre-season community matches for a period of 5 years from 1 November 2020.
 - Anticipate a maximum of five AFLW and one community match per year.
 - Maximum attendance of 6500 persons per match.
11. A Permitted Purpose agreement reached between the Town and the WCE may be for a stipulated time (eg as a schedule of specified days in one season, or year, made annually).
12. The Town may stipulate conditions for each "agreement" year such as
 - a. requirements for or promotion of public transport in relation to the permitted purpose (use),
 - b. maximum spectator attendance limits,
 - c. responsibility for parking management, or
 - d. for enhanced traffic management by the responsible event/s organiser.
13. The playing of competitive football matches by Perth Football Club (PFC) and others on the WCE lease area football oval is similarly not a specified Permitted Purpose in the lease.
14. While it could be argued or construed that the playing of PFC WAFL games is implied in the lease agreement, this is a grey area. The construction of the lease makes provisions in the event of there being a PFC WAFL football competition and for other organised competitive football games on the WCE lease area MRP oval/s, rather than an unambiguous permission for that purpose.
15. Permission for the playing of those games will be made clear by including this "other clubs" competitive football use in an annual Permitted Purpose agreement.
16. As stakeholders, the Western Australian Football Commission, Perth Football Club, and other responsible football authorities may be required to be involved in the preparation of the Permitted Purpose agreement.

Background – Planning Related

17. The legal advice also outlined that prior to Council's consideration of a Permitted Purpose agreement, the following needs to be considered:
 - a. Lathlain Park is reserved under the Metropolitan Region Scheme as 'Parks and Recreation - Restricted Public Access'; and
 - b. the WAPC approved Lathlain Park Management Plan.
18. Western Australian Planning Commission advice was sought in respect to the playing of competitive football matches at Lathlain Park.
19. Lathlain Park land is reserved under the MRS as a 'Parks and Recreation Reserve – Restricted Public Access'.
20. Given the reservation of the land, the WAPC have planning responsibility for the land, including their prior involvement in the following planning matters:
 - a. WAPC approval of 15 August 2016 for forward works being modifications to existing oval, new oval and removal of vegetation.
 - b. JDAP approval of 16 December 2016 for construction of new administration, community and training facility for the West Coast Eagles (copy attached); and
 - c. WAPC approval of July 2017 for the Lathlain Park Management Plan (copy attached)
21. In relation to the abovementioned planning related approvals :
 - a. neither of the above development approvals include conditions expressly prohibiting the playing of games.
 - b. the Lathlain Park Management Plan did not contemplate the playing of matches by WCE at Lathlain Park.
22. The WAPC planning advice was sought having regard to the following matters:
 - a. The reservation of the land and the need for the WAPC to be satisfied that the land is being used for the purpose for which it is reserved under the Scheme;
 - b. WAPC Development Control Policy DC5.3 'Use of Land Reserved for Parks and Recreation Regional Open Space';
 - c. The Lathlain Park Management Plan, having regard to Part 6 and the need for the WAPC's approval for uses/purposes not described in section 6.1 – 6.3 of the Management Plan.
23. The Town sought to ascertain the WAPC's position in relation to the playing of matches, including the following specific matters:
 - a. whether they consider there to be any distinction between ticketed or un-ticketed matches (note AFLW matches are un-ticketed);
 - b. the playing of matches by WCE (inclusive of the AFLW team, the WAFL team, and pre-season matches by the AFL team);
 - c. the playing of matches by Perth Football Club and other clubs or organisations;
 - d. the approval process for the playing of matches – approval in writing, amended development approval or other?
24. Advice from the WAPC has confirmed:
 - a. that the Parks and Recreation reservation is consistent with other WAFL grounds around Perth where certain matches are ticketed.
 - b. the current Management Plan is very specific that football matches will only be played by Perth Football Club with an expected crowd of 1500-2000 people.
 - c. the playing of matches by WCE does not itself pose an issue, except for the crowd numbers these would attract.

- d. that currently the Management Plan does not provide for the playing of football matches by any club (such as the WCE) that would attract a crowd that would significantly exceed 2000 people.
 - e. whether matches are ticketed or not would not impact on the permissibility of the land use of playing football matches.
 - f. the MRS reservation and the classification "Restricted Public Access" lends itself to the interpretation that the site will be restricted to the public, be it through tickets to enter or other means.
25. WAPC noted that:
- a. if expected crowd numbers, for games by clubs/organisations other than the Perth Football Club, were the same or less, then this could potentially be considered an incidental land use under Section 6 of the Management Plan.
 - b. an amendment to the Management Plan to allow for the playing of football matches generally would alleviate any potential concerns.
26. A proposal that would increase the crowd capacity substantially, such as many WCE games, would warrant either
- a. a new Development Application, or
 - b. an amendment to the Management Plan as per clause 9.1 of the Management Plan.
27. In considering a development application, the principal matter to be addressed is the impact of the level of intensity of proposed crowds on the amenity of the locality (eg traffic and parking impacts). In this respect, the Town understands that WCE seek to accommodate up to 6500 patrons for a competitive match.
28. The need to obtain development approval for the playing of football matches is to be initiated by the user (WCE as Tenant) and be approved by the WAPC prior to any Permitted Purpose agreement being finalised by the Town for the playing of competitive football matches.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	To consider the evolving operational needs and viability requirements of WCE, associated commercial benefits to commerce within the Town and the impacts on amenity for immediately surrounding community members.

Engagement

The effected internal teams have been engaged in this matter.

Internal engagement	
C-Suite Executive	In respect to the provisions of the lease, and in reviewing the legal opinion.
Operations & Property	In respect to the provisions of the lease, and in reviewing the legal opinion.

Planning

In respect to the provisions of the MRS and in seeking advice from WAPC.

Legal compliance

29. As the land is reserved under the MRS, the application will be assessed in accordance with the provisions of the MRS, and will be determined by the WAPC.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town for not ensuring WCE is compliant with its lease and planning approval	Moderate	Likely	High	Ensure WCE is made aware when not compliant and what measures to take in accordance with the lease to deal with noncompliance or breach.
Reputational Negative perception from the community and WCE if the Town were to take other legal avenues to remedy the matter.	Moderate	Likely	High	For the Town to work collaboratively with WCE to resolve the matter, with community input.

Financial implications

Current budget impact	The cost of legal advice obtained was covered by existing budget funds. Operational Expenditure Funding may be required for further advice in respect to the preparation of the "Permitted Purpose Agreement".
Future budget impact	Property and Leasing will need to ensure their Legal Fees budget has adequate allocation for an annual legal advice in respect to the annual "Permitted Purpose Agreement".

Analysis

30. WCE have been advised by the Town of the need for a development application and a Permitted Purpose agreement to allow the playing of competitive football matches at Lathlain Park. At the time of writing this report, a development application has not been submitted by WCE.
31. It should be noted that as the WAPC is the responsible planning authority for development at Lathlain Park, that the WAPC will determine whether or not to approve the development application.
32. The Town's role will be to receive the development application and provide a recommendation to the WAPC.
33. It is considered important and necessary that the development application be the subject of community consultation, which will inform the Town's position on the development application and the Permitted Purpose agreement.
34. In this respect, a Communications and Engagement Overview (see Attachment) has been prepared outlining the Town's proposed approach to community consultation on the development application.
35. Elements of the Communications and Engagement Overview include consultation through the following methods, noting the consultation period will be for no less than 21 days:

Stage 1 - Engagement

- Town website
- Your Thoughts
- Southern Gazette
- Community public notice board
- Letter drop 500m radius of site location
- eNewsletters
 - Your Thoughts
 - e-Vibe
- Sounding board participant list
 - Carlisle/Lathlain
- Facebook/Twitter organic posts
- Digital advertising
 - Facebook
 - Instagram
 - Google
- Your Thoughts dedicated page, FAQ
- Posters A3

36. Following the conclusion of the community consultation period, a report will be presented to an Ordinary Council Meeting for Council to consider the public submissions received and its recommendation to the WAPC.

Relevant documents

- WAPC Approved Lathlain Park Management Plan 2017

COUNCIL RESOLUTION (454/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Notes the Communications and Engagement Overview contained at Attachment 1, to be implemented upon the receipt of a development application from Indian Pacific Limited (West Coast Eagles Football Club) for the playing of competitive football matches at Lathlain Park.
2. Requests that the Chief Executive Officer presents a further report to Council following the community consultation period to consider the public submissions received and its recommendation to the WAPC on the development application.
3. Notes the legal advice received.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

12.5 Reconciliation Action Plan Reflect extension

Location	Town-wide
Reporting officer	Alison Braun
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	1. Reconciliation Action Plan [12.5.1 - 20 pages] 2. Attachment Two - Reconciliation Action Plan Review [12.5.2 - 15 pages]

Recommendation

That Council:

1. Approves a 12-month extension to the Town's existing Reflect Reconciliation Action Plan 2018 – 2020.
2. Approves the resubmission of the Town's Reflect Reconciliation Action Plan 2018 – 2020 to Reconciliation Australia for endorsement.

Purpose

To inform Council of the current position of the Town's Reconciliation Action Plan (RAP) and to seek approval to submit the Town's existing Reflect Reconciliation Action Plan 2018 – 2020 to Reconciliation Australia for a further 12 months' extension.

In brief

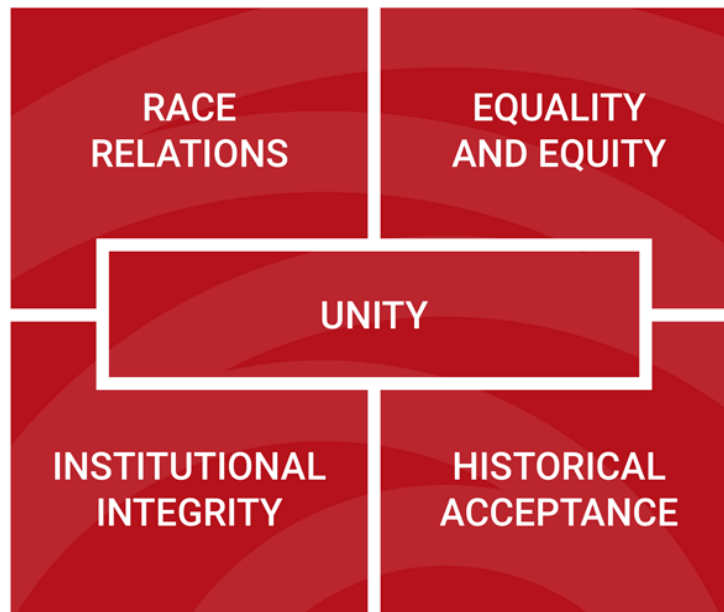
- The Town established an Aboriginal Engagement Strategy Group in 2013 to build relationships and respect between Australian and Aboriginal and Torres Strait Islander people.
- In 2016, the Aboriginal Engagement Strategy Group embarked on the development of the Town's first Reflect Reconciliation Action Plan (RAP) to provide a framework for the Town to build on respect, relationships and opportunities with its Aboriginal community.
- In September 2018 the group Aboriginal Engagement Strategy Group was endorsed as the Aboriginal Engagement Advisory Group, for a six-month tenure with the possibility of extension.
- At the 13 November 2018 Ordinary Council Meeting, Council endorsed the Town's Reflect RAP 2018–2020 after provisional approval was received from Reconciliation Australia.
- At the June 2020 AEAG meeting a review of the Town's progress towards each Reflect RAP deliverable was undertaken (Attachment one). The review concluded that of the 78 deliverables
 - a) 52 completed
 - b) 7 in progress
 - c) 19 not met

- Town Officers seeking endorsement to resubmit the current Reflect RAP to Reconciliation Australia for a further 12 months to complete the remaining 19 deliverables.

Background

1. A RAP is a strategic document that supports an organisation's business plan. It includes actions that will drive reconciliation both internally and in the community. The RAP Program contributes to advancing the five dimensions of reconciliation by supporting organisations to develop respectful relationships and create meaningful opportunities with Aboriginal and Torres Strait Islander peoples.

The 5 dimensions of reconciliation



2. Each of the four RAP types Reflect, Innovate, Stretch and Elevate set out the minimum elements required from an organisation to build strong relationships, respect and opportunities within an organisation and community.

Reflect - Scoping reconciliation

3. A Reflect RAP sets out the steps to prepare an organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows the organisation to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on the vision for reconciliation and exploring the sphere of influence, before committing to specific actions or initiatives. This process helps to produce future RAPs that are meaningful, mutually beneficial and sustainable.

Innovate - Implementing reconciliation

4. An Innovate RAP outlines actions that work towards achieving the organization's unique vision for reconciliation. Commitments within this RAP allow the organisation to be aspirational and innovative in order to gain a deeper understanding of its sphere of influence and establish the best approach to advance reconciliation. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.

Stretch - Embedding reconciliation

5. A Stretch RAP is when an organisation has developed strategies and established a strong approach towards advancing reconciliation internally and within the organisation's sphere of influence. This type of RAP is focused on implementing longer-term strategies and working towards defined measurable targets and goals. The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies to become 'business as usual'.

Elevate - Leadership in reconciliation

6. An Elevate RAP is for organisations that have embedding effective RAP initiatives in their organisation through their Stretch RAPs and are ready to take on a leadership position to advance national reconciliation. Elevate RAP organisations have a strong strategic relationship with Reconciliation Australia and actively champion initiatives to empower Aboriginal and Torres Strait Islander peoples and create societal change. Elevate RAP organisations also require greater transparency and accountability through independent assessment of their activities.
7. The Town established an Aboriginal Engagement Strategy Group in 2013 to build relationships and respect between Australian and Aboriginal and Torres Strait Islander people.
8. In 2016 the Aboriginal Engagement Strategy Group embarked on the development of the Towns first Reflect Reconciliation Action Plan (RAP) to provide a framework for the Town to build on respect, relationships and opportunities with its Aboriginal community.
9. The development included a workshop with Reconciliation Australia, participation in Evolve and an evaluation by Curtin University on the Town's Aboriginal Engagement Strategy.
10. This work culminated into a sub-group of the Aboriginal Engagement Strategy Group drafting key considerations for a RAP, which was presented to the wider community group for input and agreement. This document was submitted to Reconciliation Australia in 2017 with conditional approval received in early 2018.
11. On 5 February 2018 representatives of the Town's Aboriginal Engagement Strategy Group made a deputation to the Community Development Committee on the draft Reflect RAP.
12. In April 2018 the Community Development Committee accepted the Draft Reflect RAP, leading to the public comment period which took place between 28 May 2018 and 11 June 2018 through Your Thoughts and a pop-up stall at the Library during Reconciliation Week.
13. In September 2018 the group was endorsed as the Aboriginal Engagement Advisory Group, for a six-month tenure with the possibility of extension.
14. At the 13 November 2018 Ordinary Council Meeting, Council endorsed the Towns Reflect RAP after provisional approval was received from Reconciliation Australia.
15. The Towns Reflect RAP serves to underpin a range of strategies to ensure that Elected Members, Town officers and the community embrace and drive equality and sustainability in the community.
16. The Towns Reflect RAP is driven by the Community Development Team in partnership with the Towns Aboriginal Engagement Advisory Group (AEAG).

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Our community have knowledge and understanding of our RAP as well as contributions made by the Towns Aboriginal community to the overall fabric of the Town
S03 - An empowered community with a sense of pride, safety and belonging.	Through reconciliation our communities first nations people have a sense of pride in their culture leading to cultural safety and belonging
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Our community celebrates and acknowledges Aboriginal culture and heritage and is provided with opportunities to learn about Aboriginal culture and heritage

Engagement

Internal engagement	
Community Development	Consultation and completion of internal Reflect RAP review and deliverables
Aboriginal Engagement Advisory Group	Consultation and completion of internal Reflect RAP review and deliverables Consultation 12-month extension to the existing Reflect RAP
C Suite	Advice - extension to the existing Reflect RAP

Other engagement	
Reconciliation WA	Consultation on the Town's deliverables of the Reflect RAP Consultation on the extension of the Town's Reflect RAP
Reconciliation Australia	Consultation on the Town's Reflect RAP Consultation on extending Reflect RAP for a further 12 months. Consultation on seeking endorsement of the Town's Reflect RAP

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town should all agreed deliverables not be met	Moderate	Likely	High	A further 12-month extension to the existing Reflect RAP as an opportunity to meet all agreed deliverables
Reputational Negative public perception towards the Town from the AEAG should the Reflect RAP remain unendorsed by Reconciliation Australia	Moderate	Moderate	Low	Submission of the Towns existing Reflect RAP for endorsement by Reconciliation Australia

Financial implications

Current budget impact	Sufficient funds exist within the 19/20 budget.
Future budget impact	Funds have been requested for consideration in the 20/21 budgeting process.

Analysis

17. In February 2020 under the new appointment of Manager Community and Coordinator of Community Development a review was conducted of the Town's Reflect RAP. Town Officers met with Reconciliation Western Australia to discuss the Towns progress in its Reflect RAP and consulted on the current delivered actions and the remaining actions not yet delivered.

18. Reconciliation WA advised the Town's Officers an extension of the current Reflect RAP would be highly recommended. Reconciliation WA advised that a 12-month extension would provide an opportunity for the Town to embed cultural change and practice across the organization whilst providing an opportunity for all deliverables to be met providing a platform to begin developing the Town's Innovate RAP.
19. The Town met with Reconciliation Australia in March 2020 to discuss the Town progress towards its Reflect RAP and discussed the opportunity and process involved to extend the Town's Reflect RAP for a further 12 months. Reconciliation Australia advised the Town that their endorsement of the Town's Reflect RAP had lapsed and supported the Town extending their existing Reflect RAP for a further 12 months.
20. Reconciliation Australia advised for the Town's Reflect RAP to be endorsed the Town would be required to:
 - a. Submit the Reflect RAP to Reconciliation Australia, respond to feedback provided by Reconciliation Australia relating to deliverables and targets and resubmit the updated Reflect RAP for endorsement.
 - b. Reconciliation Australia advised the above process can take up to 3 months and there may be some changes to standard Reflect RAP deliverables that the Town would need to consider since the Town's original endorsement in 2018 however were in agreement the current RAP was suitable to be resubmitted.
21. Reconciliation Australia informed the Town it is common for organisations to remain at the Reflect tier of a RAP for several years, reiterating a RAP is about imbedding culture, building strong relationships and enhance respect between Aboriginal and Torres Strait Islander within our community and organisation.
22. The Town's Reflect RAP contains 78 deliverables separated into the following four categories;
 - a. Relationships
 - b. Respect
 - c. Opportunities
 - d. Tracking and Progress
23. At the June 2020 Aboriginal Engagement Advisory Group (AEAG) meeting a review was conducted with the group of the Town's progress towards each Reflect RAP deliverable (Attachment 1). The review concluded that of the 78 deliverables;
 - a. 52 completed
 - b. 7 in progress
 - c. 19 not met

24. The RAP deliverables are about embedding cultural change and building strong relationships, it is recognised by Reconciliation Australia that this change may not always follow a distinct timeline for RAP deliverables. At each level of RAP the timeline is considered a guideline for organisations, not a stringent deadline for completion. Outlined in the table below is an overview of the 19 Reflect RAP deliverables not yet met. These are by category, the key action, deliverable and responsible service areas to drive the action.

Relationships

Key Action	Deliverable	Responsibility
Build internal and external relationships	<ul style="list-style-type: none"> Develop a list of Aboriginal and Torres Strait Islander peoples, communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey 	<ul style="list-style-type: none"> Community Development AEAG
Build internal and external relationships	<ul style="list-style-type: none"> Develop a list of RAP organisations and other like-minded organization's that we could approach to connect with on our reconciliation journey 	<ul style="list-style-type: none"> Community Development AEAG
Build internal and external relationships	<ul style="list-style-type: none"> Conduct internal mini audit with the Towns senior management on current practices and opportunities for engaging Aboriginal and Torres Strait Islander people in Victoria Park 	<ul style="list-style-type: none"> Community Development AEAG
Raise awareness of our RAP	<ul style="list-style-type: none"> Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP 	<ul style="list-style-type: none"> Community Development AEAG
Raise awareness of our RAP	<ul style="list-style-type: none"> Develop and implement a plan to raise awareness among all staff across the organisation about our RAP commitments 	<ul style="list-style-type: none"> Community Development AEAG

Respect

Key Action	Deliverable	Responsibility
Consider and review 26 January as a day of celebration	<ul style="list-style-type: none"> Consider the conversation to amend the date Australia Day is celebrated within the Town of Victoria Park 	<ul style="list-style-type: none"> Council Elected Members CEO Senior Management Team Community Development AEAG
Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols	<ul style="list-style-type: none"> Explore who the traditional owners are of the lands and waters in our local area 	<ul style="list-style-type: none"> Community Development AEAG
	<ul style="list-style-type: none"> Scope and develop a list of local traditional owners of the lands and waters within the Town 	<ul style="list-style-type: none"> Community Development AEAG
Aboriginal and Torres Strait Islander signage and display	<ul style="list-style-type: none"> Investigate entry and exit art statement at Town borders (consider six seasons, including new Perth Stadium art installation) 	<ul style="list-style-type: none"> Community Development AEAG
Investigate Aboriginal and Torres Strait Islander cultural learning and development	<ul style="list-style-type: none"> Coordinate cultural awareness training for community 	<ul style="list-style-type: none"> Community Development AEAG
	<ul style="list-style-type: none"> Deliver lunch and learn opportunities for Town staff 	<ul style="list-style-type: none"> Community Development AEAG

Opportunities

Key Action	Deliverable	Responsibility
Investigate Aboriginal and	<ul style="list-style-type: none"> Collaborate with Project Management Office, Economic Development Officer 	<ul style="list-style-type: none"> AEAG

Torres Strait Islander Walking Trail in Victoria Park	and WA Tourism to identify school education and tourism opportunities	<ul style="list-style-type: none"> • Economic Development • Strategic Project Management
Investigate Aboriginal and Torres Strait Islander supplier diversity	<ul style="list-style-type: none"> • Liaise with Harlequin Business Training to explore business enterprise development training program in local schools 	<ul style="list-style-type: none"> • Human Resources • AEAG • Procurement Officer
Develop Aboriginal and Torres Strait Islander employment opportunities	<ul style="list-style-type: none"> • Explore and develop with the Towns HR team employment targets and recruitment strategies for Aboriginal and Torres Strait Islanders 	<ul style="list-style-type: none"> • Human Resources • AEAG • Project Management Office • Economic Development Officer
Conduct Aboriginal and Torres Strait Islander youth projects	<ul style="list-style-type: none"> • Investigate potential for Aboriginal Engagement Advisory Group to establish a school's sponsorship award 	<ul style="list-style-type: none"> • Community Development • AEAG
Conduct Aboriginal and Torres Strait Islander youth projects	<ul style="list-style-type: none"> • Foster YouthCAN awareness of needs for Aboriginal and Torres Strait Islander people at a local level 	<ul style="list-style-type: none"> • Community Development • AEAG
Conduct Aboriginal and Torres Strait Islander youth projects	<ul style="list-style-type: none"> • Explore early learning literacy program delivery (under five years of age) 	<ul style="list-style-type: none"> • Community Development • AEAG
Liaise with the Australian Indigenous Mentoring Experience (AIME) to facilitate provision of educational support for Aboriginal and Torres Strait Islander students	<ul style="list-style-type: none"> • Liaise with Curtin University and local schools on establishing mentoring opportunities for Aboriginal and Torres Strait Islander youth through AIME 	<ul style="list-style-type: none"> • Community Development • AEAG

where required

Tracking and Progress

Key Action	Deliverable	Responsibility
Review and refresh Reflect RAP	<ul style="list-style-type: none">Submit draft Innovate RAP to Reconciliation Australia for formal review and endorsement	<ul style="list-style-type: none">Community DevelopmentAEAG

25. If Council endorses the RAP to be re-submitted, Town Officers will submit the Town's Reflect RAP to Reconciliation Australia for review in July 2020. The Town will work with Reconciliation Australia to refine until endorsement by Reconciliation Australia is granted. Once endorsed by Reconciliation Australia the Town will have permission to publish the Towns RAP on Reconciliation Australia's website.

26. During the period required for endorsement with Reconciliation Australia Town Officers will re-establish the Aboriginal Engagement Advisory Groups criteria, purpose, objectives and group membership with a further report presented to council for endorsement of members. In preparation for the new working group members to begin working on the 19 actions once endorsed by Reconciliation Australia.

27. Due to a change in Mayoral appointments from when the Town's first RAP was endorsed there is an opportunity when re-submitting the current Reflect RAP to update the Mayor's message to reflect the current appointment.

28. To ensure the deliverables of the Towns RAP are met Town Officers have reviewed and implemented a new meeting structure and developed a new reporting structure to align with the review and re-submission of the Town's RAP. The revised reporting structure will provide council and community a more concise and transparent overview of the progression of the Town's RAP on a quarterly basis.

- Reflect RAP project plan that will be monitored and managed monthly through the Towns internal reporting system CAMMS which requires Town officers to provide a detailed monthly report
- Aboriginal Engagement Advisory Group - monthly meetings will action and develop the 19 deliverables
- Town's Internal RAP Working Group – Bi monthly meetings will action and deliver the 19 deliverables
- Quarterly reports to Council as per the current reporting schedule
- Addition to Quarterly Council reporting - The table within this report outlining the key actions, deliverables and responsible service areas as represented in the RAP will form the new quarterly reporting structure. This will provide quarterly reporting and progress on all 19 actions.

29. The Town's Officers will re-submit the current RAP as attached with a recommended amendment of the Mayors message if this is requested.
30. The Town's Officers will provide a report back to Council prior to July 2021 with an overview of the Town's completed Reflect RAP in preparation to submit Reconciliation Australia for review.
31. In November 2020 the Town will commence planning and consultation for the Towns tier two Innovate RAP which will be presented to Council for consideration and endorsement at the July 2021 Ordinary Council Meeting.
32. The Town is committed to transparency in all our actions to ensure we are imbedding the RAP within the Town's culture and our community to build stronger relationships and create meaningful opportunities to build trust and enhance respect between Aboriginal and Torres Strait Islander people.

Relevant documents

[Reconciliation Action Plan](#)

COUNCIL RESOLUTION (455/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Approves a 12-month extension to the Town's existing Reflect Reconciliation Action Plan 2018 – 2020.
2. Approves the resubmission of the Town's Reflect Reconciliation Action Plan 2018 – 2020 to Reconciliation Australia for endorsement.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

12.6 Community Funding Panel

3Location	Town-wide
Reporting officer	Alison Braun
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachemnt Two - Individual Donations criteria [12.6.1 - 7 pages]2. Attachment Three - School Donation criteria [12.6.2 - 4 pages]3. Attachment Four - Sponsorship Assessment Criteria Matrix [12.6.3 - 2 pages]4. Attachment Five - Operating Subsidy Assessment Matrix [12.6.4 - 4 pages]5. Attachmentt Six - Street Verge Guidelines [12.6.5 - 9 pages]6. Attachment Seven - CCTV Partnership Program conditions [12.6.6 - 5 pages]7. Attachment Eight - Security Incentive Scheme conditions [12.6.7 - 4 pages]8. Attachment Nine - Street Meet n Greet guidelines [12.6.8 - 1 page]9. Attachment One Community Grants - Assessment Matrix [12.6.9 - 18 pages]10. Policy 114 Community funding [12.6.10 - 10 pages]

Recommendation

That Council Amends Policy 114 Community Funding as follows:

- a. Delete Clause 13 and replace with "The CEO will be responsible for receiving community grants applications and making a recommendation to Council for consideration"
- b. Delete Clause 27 and replace with "The CEO will be responsible for receiving sponsorship applications and making a recommendation to Council for consideration"
- c. Delete Clause 10 and replace with "The CEO shall establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment Criteria."

Purpose

To request Council amended policy 114 Community Funding to represent proposed funding approval changes.

In brief

- The Town aims to ensure the success and prosperity of the Town's community while ensuring transparency of funding decisions and accountability of those parties receiving community grant funding
- Further to the adoption of *Policy 114 Community Funding* at the December 2019 Ordinary Council Meeting, Council resolved that *the Chief Executive Officer investigate*
 - a. the establishment of a panel for the assessment of applications for community funding to commence in July 2020; and*
 - b. future decision on community funding being reported to Council.*
- To enhance rigor, accountability and transparency it is recommended that a Community Funding Assessment Panel (CFAP) be established.
- To reflect funding approval, recommend amendments have been made for council endorsement to policy 114 Community Funding.

Background

1. At the December 2019 Ordinary Council Meeting item 14.5 Policy 114 Community Funding was adopted by Council.
2. Further to the adoption of Policy 114 Community Funding at the December 2019 Ordinary Council Meeting, Council resolved that
The Chief Executive Officer investigate
 - a. the establishment of a panel for the assessment of applications for community funding to commence in July 2020; and*
 - b. future decision on community funding being reported to Council.*
3. The Town's Policy 114 Community Funding applies to any eligible party seeking funding from the Town through the following programs:
 - a. Community grants program
 - b. Donations
 - c. Operating subsidies (including peppercorn lease)
 - d. Rebates
 - e. Sponsorship
4. The Town currently oversees the delivery of community funding programs, inclusive of assessments and allocation of funding, as per adopted annual budgets in line with officer's delegation.
5. The Town's community funding programs, assessment and approval processes are summarised as follows.

Community Grants Program

Program	<ul style="list-style-type: none">• Community grants• Community safety• Creative arts• Healthy communities• Town team grants; and• Urban forest strategy grants
Aim	<p>The aims of the Town's Community Grants Program are to:</p> <ul style="list-style-type: none">• Complement and achieve the Town of Victoria Park's strategic objectives• Provide financial assistance to the community to develop and implement projects, activities and programs that enhance the wellbeing of the community• Strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs and to plan, develop and implement innovative solutions• Facilitate fair, transparent and equitable distribution of community resources and programs through the Town• Increase participation and accessibility to a range of quality and innovative programs and activities for the residents of the Town
Eligibility	<p>Applicants will be eligible for a grant where the party is one of the following</p> <ul style="list-style-type: none">• An incorporated not-for-profit organisation• Community group or clubs• Artist• Resident Association• Town team/ place-based group• Parents and Citizen (P&C) and Parents and Friends (P&F) Associations• Schools (only for projects falling outside the Department of Education responsibilities)• Social Enterprise

	<ul style="list-style-type: none"> • An individual wishing to seek a grant through an auspice organisation
Frequency	<ul style="list-style-type: none"> • Community grants – one annual round • Community safety – one annual round • Creative arts – one annual round • Healthy communities – one annual round • Town team grants – annual open round, until funds are expended • Urban forest strategy grants – annual open round, until funds are expended
Approval Process	<ul style="list-style-type: none"> • The Chief Executive Officer is responsible for the operational management of the funding program • Applications are assessed by an internal panel of a minimum of four Town Officers against the Town’s Grant Assessment Matrix (Attachment One) • Approval of successful grants is made by the Chief Community Planner • Applications which exceed the capped value of grants program are referred to Council for determination where deemed appropriate by Administration, and dependent upon available funding as endorsed in the annual budget

Donations

Program	<ul style="list-style-type: none"> • Sporting Activities • Youth Leadership and Development • School Welfare
Aim	<p>The aims of the Town of Victoria Park’s Community Donations Program are</p> <ul style="list-style-type: none"> • To complement the Town of Victoria Park’s strategic objectives • The support the following three (3) categories through financial assistance <p>Sporting Activities</p>

	<ul style="list-style-type: none"> • To support local residents who reside within the Town aged between 12- 25 years to participate within their sporting discipline at a national or international level <p>Youth Leadership and Development</p> <ul style="list-style-type: none"> • To support individuals aged between 12-25 years nominated to undertake a youth leadership or development course delivered by a recognised organisation for personal and/or professional development <p>School Welfare</p> <ul style="list-style-type: none"> • Maximum of two applications per school, to support the welfare of students and families requiring assistance with educational fees or items
Eligibility	<ul style="list-style-type: none"> • Donations will be for the provision of charitable purposes or services; or to support individual or group achievement at a state, national or international level of competition
Frequency	<ul style="list-style-type: none"> • All donations are offered by one open annual round, until funds are expended
Approval Process	<ul style="list-style-type: none"> • The Chief Executive Officer is responsible for operationalising and administering the Donations program • Applications are assessed by the Town’s Grants and Sponsorship Officer against the Individual donations criteria (Attachment Two) and Schools donations criteria (Attachment Three) • Applicants who meet this criterion are approved by the Coordinator Community Development

Sponsorships

Program	<ul style="list-style-type: none">• Sponsorships
Aim	<p>The aims of the Sponsorship program are</p> <ul style="list-style-type: none">• To complement the Town's strategic objectives• To increase economic vibrancy by raising the profile of the Town/achieving the Town's marketing and communications objectives• To build relationships with key stakeholders
Eligibility	<p>The following parties are eligible to apply for Town Sponsorship</p> <ul style="list-style-type: none">• An established and solvent commercial business or operator• An established and solvent incorporated community group
Frequency	<ul style="list-style-type: none">• All Sponsorships are offered by one open annual round, until funds are expended
Approval Process	<ul style="list-style-type: none">• The Chief Executive Officer is responsible for operationalising and administering the Sponsorship program• Applications are assessed by an internal panel of a minimum of four Town Officers against the Towns Sponsorship Assessment Matrix (Attachment Four)• Approval of successful Sponsorships are made by the Chief Community Planner

Operating Subsidies

Program	<ul style="list-style-type: none">• Operating Subsidies
Aim	<ul style="list-style-type: none">• To support the operating capacity of eligible parties to deliver meaningful interventions, programs and services to the community.
Eligibility	<p>Applicants must meet the following</p> <ul style="list-style-type: none">• Must be an established and solvent incorporated not-for-profit organisation or social enterprise• The mission/ purpose of the organisation or social enterprise must be of a sporting or recreational, cultural or community service focus• The mission / purpose will be stated in the organisation's constitution, details of incorporation or similar statement of purpose• Operating subsidy request is based upon industry benchmarked standard costs of operation• The impact of the operating subsidy upon competition and economic efficiency are minimised as far as practicable and evidenced by the applying party
Frequency	<ul style="list-style-type: none">• All Operating Subsidies are offered by one annual round
Approval Process	<ul style="list-style-type: none">• The Chief Executive Officer will be responsible for operationalising and administering the Operating subsidy program• Applications are assessed by an internal panel of a minimum of four Town Officers against the Towns Operating Subsidy Assessment Matrix (Attachment Five)• Town Officers are responsible for receiving operating subsidy applications and making a recommendation to Council for consideration at the next available Ordinary Council Meeting• In the instance where two or more applicants apply for an operating subsidy to deliver similar services, a cost-effectiveness analysis (CEA) will be undertaken to ensure the most efficient use of rate payers funds

Rebates

<p>Program</p>	<ul style="list-style-type: none"> • Adopt-a-verge • CCTV • Security Incentive scheme • Street Meet and Greet
<p>Aim</p>	<p>Adopt-a-verge</p> <ul style="list-style-type: none"> • Reduce water use • Increase Biodiversity • Promote aesthetically pleasing verges <p>CCTV</p> <ul style="list-style-type: none"> • To assist private residences, businesses or community groups to install an effective CCTV system and create a partnership between the applicant, WA Police Force, and the Town to address crime and safety problems through visual surveillance. <p>Security Incentive Scheme</p> <ul style="list-style-type: none"> • To support residents in taking an active role to deter burglaries <p>Street Meet and Greet</p> <ul style="list-style-type: none"> • To empower community members to deliver local street events throughout the Town
<p>Eligibility</p>	<p>Adopt-a-verge</p> <ul style="list-style-type: none"> • Local residents <p>CCTV</p> <ul style="list-style-type: none"> • Any property owner, resident, business or community group in the Town is eligible to apply for funding of half up of the total project cost, per project <p>Security Incentive Scheme</p> <ul style="list-style-type: none"> • Any local property owner, resident, business or community group in

	<p>the Town</p> <p>Street Meet and Greet</p> <ul style="list-style-type: none"> Any resident, business or community group in the Town is eligible to apply
Frequency	<ul style="list-style-type: none"> All Rebates are offered by one annual round, until funds are expended
Approval Process	<ul style="list-style-type: none"> The Chief Executive Officer is responsible for operationalising and administering the Rebates program Rebates are assessed against the categories Terms and Conditions - Adopt-a-verge Your Street Verge guidelines (Attachment 6), CCTV (Attachment 7), Security Incentive scheme (Attachment 8) Street Meet and Greet (Attachment 9) Approval is made by the responsible Town Officer Financial approval is made by the responsible Town Coordinator

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.	<p>Funds are managed with full, accurate and timely disclosure of financial information relating to Council.</p> <p>Town grant funds are maximized by seeking the greatest possible benefit to the community within the available monetary resources.</p>
CL09 - Appropriate devolution of decision-making and service provision to an empowered community	<p>Accountability to the local community for decisions, actions and services.</p> <p>Commitment to good governance and transparency of Town funds.</p>

Social	
Strategic outcome	Intended public value outcome or impact
S2 - An informed and knowledgeable community.	To provide community with access to resources, knowledge and technology in a transparent and timely manner.
S3 – An empowered community with a sense of pride, safety and belonging	People and community groups are empowered so that the community can benefit.

Engagement

Internal engagement

Community Development	Advice on current funding panel processes.
Records	Advice on Elected Members and general public accessing applications submitted to the Town.
Elected Members	The CFAP was presented at an Elected Member Concept Forum to seek feedback for Council report.

Other engagement

City of Perth	<p>Grant types</p> <ul style="list-style-type: none"> • Arts Grants (up to \$30,000) • Annual Arts Sponsorship (upwards of \$20,000) • Strategic Arts Sponsorship (applications invited on consultation) • Mobile Trading Support Grant (up to \$2,000) • Small Business Grant (up to \$5,000) • Community Enhancement Grants (up to \$15,000) • Strategic Event Sponsorship (applications invited on consultation) • Neighborhood Enhancement Grants (up to \$20,000) • Precinct Development Matched Funding Grants (above \$20,000) • Community Places (up to \$7,500) • Perth Town Hall (up to \$2,500)
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Officers on assessment panel

- Four Officers from various parts of the business

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

Delegation of Authority

- Applications under \$5,000 the Panel can approve
- Application over \$5,000 Panel provide recommendation report to Council for approval

City of Cockburn

Grant types

- Community grants (up to \$15,000)
- Art and Culture Grants (up to \$5,000)
- Sponsorship – Group (up to \$20,000)
- Sponsorship – Individual (up to \$1,000)
- Sponsorship – Small Events (up to \$3,000)
- Landowner Biodiversity Conservation Grants (up to \$3,000)
- Environmental Education for Schools Grant (up to \$1,000)

Officers on assessment panel

- Manager Community
- Grants Officer
- Two other Officers via nomination

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

Delegation of Authority

- Applications under \$20,000 the Panel can approve
- Application over \$20,000 Panel provide recommendation report to Council led Grants and Donations Committee (GADC) whose membership consists of the Mayor and three Elected Members, for review
- GADC present recommendation to Council for approval

City of Melville

Grant types

- Community Partnership Funding
 - Level One - NA
 - Level Two - up to \$5,000
 - Level Three - up to \$1,000
 - Non-monetary - up to \$500 (in-kind)
 - Youth Development Funding - up to \$500
- Friendly Neighborhoods Grants (up to \$200)
- Project Robin Hood (up to \$10,000)
- Youth Development Fund (up to \$500)
- Youth Sports Grants (individual up to \$500, Team up to \$1,000)

Officers on assessment panel

- Coordinator Customer Relations
- Community Development Administration Support Team

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

Delegation of Authority

- All applications approved by Panel

City of Wanneroo

Grant types

- Community Funding (up to \$3,000)
- Sponsorships
 - Regional/State (up to \$75 per individual)
 - National (up to \$200 per individual)
 - Team (up to \$600)
 - International (up to \$500 per individual and \$1,500 per team)

Officers on assessment panel

- Community Funding officer
- Manager Community and Planning
- Two Officers by nomination

Elected Members on assessment panel

- None

Assessment

- Assessment of applications is undertaken by the Community Funding Officer
- The recommendations are then included in a report for the Community Funding Working Group (CFWG). This working group is a Council working group comprising the Mayor and Elected Member representing each ward as well as the Director Community and Place.
- Feedback from the CFWG meeting is then incorporated into a recommendations report for Council approval

Delegation of Authority

- Funding requests under \$500 are approved by the Chief Executive Officer
- Funding requests over \$500 are approved by Council

Note: The City of Wanneroo is currently undertaking a review of its community

support and financial assistance programs including the above programs.

City of Belmont

Grant types

- Community Grants (up to \$5,000)
- Community Contribution Fund (up to \$5,000)
- Sporting Donations (up to \$400 per individual and up to \$800 per individual travelling internationally)

Officers on assessment panel

- 10-15 Officers appointed annually depending on the grant type

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

Delegation of Authority

- All applications approved by Panel

City of Canning

Grant types

- Can Do Grants (up to \$5,000)
- Young People Fly High (up to \$500)
- Small Grants (up to \$1,000)
- Digital Grants (up to \$2,500)

Officers on assessment panel

- Sport Officer
- Communities Officer
- Manager Community

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

Delegation of Authority

- All applications approved by Panel

City of Stirling

Grant types

- Junior Sports Grants (up to \$100)
- Youth Participation Grants (up to \$100)
- Capital Works Small Grants (up to \$50,000)
- Capital Works Annual Grants (up to \$166,666)
- Forward Planning Grants (up to \$4,000,000 over 4 years)
- Community Events Large Scale (up to \$50,000)
- Community Events and Arts Local (up to \$20,000)
- Community Arts and Culture (up to \$5,000)
- Community Grants – currently suspended
- Heritage Restoration Grants (up to 50% of total work costs)

Officers on assessment panel

- Manager Communities
- Coordinator Community Development
- One other Officer via nomination

Elected Members on assessment panel

- None

Assessment

- Internal panel meet and discuss scores prior to grants being finalized and awarded.

	<p>Delegation of Authority</p> <ul style="list-style-type: none">• Applications under \$50,000 the Panel can approve• Application over \$50,000 Panel provide recommendation report to Council for approval
Department of Local Government, Sport and Cultural Industries (DLGSC)	Advice in relation to legalities of Elected members involvement in funding decisions.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Grant applicants do not feel their application has been considered in a transparent process	Moderate	Likely	Low	CFAP Terms of Reference to be provided to community
Reputational Community are not advised of application outcome in a timely manner	Moderate	Moderate	Low	Approval timeframes to be advertised at commencement of each Community Funding round

Financial implications

Current budget impact	Not applicable
Future budget impact	Not applicable

Analysis

6. The Town acknowledges the important role it plays in supporting community through the provision of community grant, sponsorship, donation and rebate funding opportunities and the impact these opportunities can have on service providers, recipients and community members.
7. The Town aims to ensure the success and prosperity of the Town's community while ensuring transparency of funding decisions and accountability of those parties receiving community grant funding.
8. To improve efficiencies and transparency in December 2019 Town officers reviewed all funding round practices and procedures delivered by the Town. This review initiated a project to procure a funding platform to manage the Towns funding rounds.

9. In March 2020 the Town successfully procured the online grant funding platform SmartyGrants. The program is in the final stages of development and is likely to launch in July 2020. The implementation of this platform will improve the Town's governance, increase transparency and improve efficiencies within Town processes.

Town of Victoria Park Grants 2019/20

10. An overview of the 19/20 is provided in the below table stating the Grant, rounds, applicants and amount funded.

Type of Grant	Rounds	No of Applicants	Successful Applicants	Total Approved
Restart Community Grants	One	25	11	\$69,908
Community Grant	One	21	11	\$50,814
Sponsorship	One	15	13 [^]	\$95,676.44
Place Grant	One	5	5	\$15,417
Art Season Grant	One	34	12	\$30,993
Urban Forest Grant	One	3	3	\$23,412
CCTV Grant Program	One	90	90	\$58,885.93
Donations – School Welfare	One	6	6	\$2,400
Donations - Individual	One	9	6	\$1,400
Operating Subsidy	One	2	2	\$138,345
Street Meet and Greet	One	31	23	\$5,488.73
Security Incentive Scheme	One	123*	58	\$9,800
Adopt a verge	One	26	26	\$13,000
Total Funded				\$515,540.10

*65 Security incentive Scheme rebates on a waiting list.

[^] Includes 9 cash sponsorship and 4 in-kind sponsorship eg reduction in reserve fee hire and fee waivers

11. When reviewing the membership composition of the Town's Community Assessment Funding Panel Town officers sort advice from Department of Local Government, Sport and Cultural Industries (DLGSC) requesting the legalities of Elected Members holding membership. DLGSC informed Town officers It would not be appropriate for an Elected Member to sit on a community grants assessment funding panel. As it is an operational matter and creates a conflict of interest for the Elected Member.

12. Further advice was requested from the Towns Records service area in relation to community members holding membership on the Town's Community Assessment Funding Panel and Elected Members legal position to review grant applications submitted to Administration. Records advised Town officers individual applications submitted to the Administration are property of the Town. Elected members perform the Legislative function under the *Local Government Act 1995*. Elected Members and the general public do not have the same rights to access working corporate documents as employees. Consent would be required from all applicants to grant general public or Elected Members access or a Freedom of Information (FOI) request from each member of the Council or general public member wishing to access this information.

13. The purpose of the Community Funding Assessment Panel (CFAP) is to ensure the success and prosperity of the Town's community while ensuring transparency of funding decisions with the following outcomes;
 - a. Evaluating grant and subsidy funding applications
 - b. Report to Council recommendations for grant funding

14. The proposed composition of this group consists of details in the below table.

Membership	Reason
Chief and/or Manager	To provide advice and guidance ensuring Town officers are working towards the Town's strategic goals.
3 Town Officers	Membership for up to 3 Town officers from multiple service areas to ensure diversity in membership to deliver a whole Town transparent approach.

15. The table below is an overview of current process and a recommendation of the management and approval processes of the Towns grant programs.

Current Process	Recommended Process
<p>Community Grants, Arts Grants</p> <p>The current funding panel</p> <ol style="list-style-type: none"> Chief Community Planner Manager Community Manager Place Planning or Stakeholder Relations Manager (pending the Grant) Coordinator Community Development <ul style="list-style-type: none"> Panel assesses applicants against the Town’s outlined criteria Panel nominates and awards the successful applicants 	<p>Community Grants, Arts Grants</p> <p>Community Funding Assessment Panel (CFAP)</p> <ol style="list-style-type: none"> Chief and/or Manager Up to 3 Town Officers <ul style="list-style-type: none"> Panel assesses applicants against the Town’s outlined criteria Panel nominates successful applicants Manager Community presents a report to Council for the endorsement of nominated applicants at the next relevant Ordinary Council Meeting.
<p>Operating Subsidies</p> <p>The current funding panel</p> <ol style="list-style-type: none"> Chief Community Planner Manager Community Manager Place Planning Coordinator Community Development <ul style="list-style-type: none"> Panel assesses applicants against the Town’s outlined criteria Panel nominates successful applicants Presents a report to Council for the endorsement of nominated applicants at the next relevant Ordinary Council Meeting. 	<p>Operating Subsidies</p> <p>Community Funding Assessment Panel (CFAP)</p> <ol style="list-style-type: none"> Chief and/or Manager Up to 3 Town Officers <ul style="list-style-type: none"> Panel assesses applicants against the Town’s outlined criteria Panel nominates successful applicants Manager Community presents a report to Council for the endorsement of nominated applicants at the next relevant Ordinary Council Meeting
<p>Sponsorship</p> <p>The current funding panel</p> <ol style="list-style-type: none"> Chief Community Planner Manager Community Stakeholder Relations Manager 	<p>Sponsorship</p> <p>Community Funding Assessment Panel (CFAP)</p> <ol style="list-style-type: none"> Chief and/or Manager Up to 3 Town Officers

d. Coordinator Community Development

- Panel assesses applicants against the Town's outlined criteria
- Panel nominates and awards the successful applicants

- Panel nominates successful applicants
- Manager Stakeholder Relations presents a report to Council for endorsement of nominated applicants at the next relevant Ordinary Council Meeting

CTV Grant Program, Security Incentive Scheme, Street Meet and Greet, Security Incentive Scheme, Adopt a verge

Rebates are assessed against the categories Terms and Conditions

- Adopt-a-verge Your Street Verge guidelines (Attachment 6)
 - CCTV (Attachment 7)
 - Security Incentive scheme (Attachment 8)
 - Street Meet and Greet (Attachment 9)
- Small funding rounds
 - Rebate approval follows a simple process to ensure the funds are appropriately used.
 - Each program has terms and conditions that every application must meet in order to receive funding.
 - Programs are for specific purposes with specific outcomes.
 - Town officer implementing the program reviews applications against the terms and conditions
 - No discretion is permitted to the Officer to make decisions regarding the validity of applications, they are either compliant or they are not.
 - Selection and approval by the Town Officer
 - Financial approval by the Town Coordinator

CTV Grant Program, Security Incentive Scheme, Street Meet and Greet, Security Incentive Scheme, Adopt a verge

Rebates are assessed against the categories Terms and Conditions

- Adopt-a-verge Your Street Verge guidelines (Attachment 6)
 - CCTV (Attachment 7)
 - Security Incentive scheme (Attachment 8)
 - Street Meet and Greet (Attachment 9)
- Small funding rounds
 - Rebate approval follows a simple process to ensure the funds are appropriately used.
 - Each program has terms and conditions that every application must meet in order to receive funding.
 - Programs are for specific purposes with specific outcomes.
 - Town officer implementing the program reviews applications against the terms and conditions
 - No discretion is permitted to the Officer to make decisions regarding the validity of applications, they are either compliant or they are not
 - Officer to provide a report of eligible applicants to Manager Community and Coordinator Community Development for approval
 - Approval by -
 - Manager Community; and

	b. Coordinator Community Development
<p>Urban Forest Grant</p> <p>The current funding panel</p> <ol style="list-style-type: none"> a. Chief Community Planner b. Manager Community c. Manager Place Planning d. Place Planner <ul style="list-style-type: none"> • Panel assesses applicants against the Town’s outlined criteria • Panel nominates and awards the successful applicants 	<p>Urban Forest Grant</p> <p>Community Funding Assessment Panel (CFAP)</p> <ol style="list-style-type: none"> a. Chief and/or Manager b. Up to 3 Town Officers <ul style="list-style-type: none"> • Panel assesses applicants against the Town’s outlined criteria • Panel nominates successful applicants • Manager Place Planning presents a report to Council for the endorsement of nominated applicants at the next relevant Ordinary Council Meeting.
<p>Place Grants</p> <ul style="list-style-type: none"> • Small funding rounds • Town officer nominates applicants • Approval by the Manager Place Planning 	<p>Place Grants</p> <ul style="list-style-type: none"> • Small funding rounds • Town officer nominates applicants • Approval by the Manager Place Planning

16. In making a recommendation to Council the CFAP will provide the following information to ensure Council can make accurate, timely and transparent decisions
- a. Details of all applicants inclusive of title, project scope, amount of assistance applied for (ex GST), evaluation and score
 - b. Information provided will be inclusive of successful, unsuccessful and ineligible applications

17. To ensure that the CFAP continues to be fit-for-purpose and remain meaningfully engaged, the membership is recommended to consist of a range of town staff across multiple levels and service area with the term of the CFAP recommended for a period of 12 months. Membership for the panel positions will be advertised internally as an expression of interest (EOI) via the Town’s communication platform.

18. The Town will conduct a Grants Presentation Ceremony twice yearly following funding rounds to acknowledge successful Funding applicants.

Relevant documents

[Policy 114 Community Funding](#)

Further consideration

19. The table in paragraph 10 has been amended in relation to sponsorship applications to include the reference to 9 cash sponsorship and 4 in-kind sponsorship eg reduction in reserve fee hire and fee waivers.

COUNCIL RESOLUTION (456/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Claire Anderson

That Council Amends Policy 114 Community Funding as follows:

- a. Delete Clause 13 and replace with "The CEO will be responsible for receiving community grants applications and making a recommendation to Council for consideration"
- b. Delete Clause 27 and replace with "The CEO will be responsible for receiving sponsorship applications and making a recommendation to Council for consideration"
- c. Delete Clause 10 and replace with "The CEO shall establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment Criteria."

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

12.7 Re-establish Aboriginal Engagement Advisory Group and Access and Inclusion Advisory Group

Location	Town-wide
Reporting officer	Alison Braun
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments.	Nil

Recommendation

That Council

1. Establishes the Mindeera Advisory Group for the purpose of providing advice on the deliverables of the Town's Reconciliation Action Plan (RAP).
2. Establishes the Access and Inclusion Advisory Group for the purpose of providing advice on the deliverables of the Disability Access and Inclusion Plan (DAIP).
3. Endorses membership of the Mindeera Advisory Group and Access and Inclusion Advisory Groups to include the following:
 - 2 Elected Members
 - 10 community members
4. Endorse a term of 12-month membership for the Mindeera Advisory Group and Access and Inclusion Advisory Groups.
5. Advertises the establishment of the Mindeera Advisory Group and Access and Inclusion Advisory Groups, its 10 community member vacancies and seeks applications from candidates that meet the following criteria:

Mindeera Advisory Group criteria

- Embedding Aboriginal and Torres Strait Islander perspectives into Town wide operations and initiatives
- Experience in developing locally appropriate reconciliation initiatives
- Experience in policy development and community consultation
- Willingness to improve access and engagement for Aboriginal and Torres Strait Islander employees, clients and community members
- Resident of the Town of Victoria Park

Access and Inclusion Advisory Group criteria

- Embedding Disability, Access and Inclusion perspectives into Town wide operations and

initiatives

- Experience in developing locally appropriate access and inclusion initiatives
 - Experience in policy development and community consultation
 - Willingness to improve access and engagement for people with disability
 - Resident of the Town of Victoria Park
6. Request the Chief Executive Officer presents a further report back to Council by the August with a recommendation on community members appointments in line with point 3.

Purpose

To seek Council's approval to re-establish and advertise membership for the Mindeera Advisory Group and Access and Inclusion Advisory Group as per *Policy 101 Governance of Council advisory and working groups*.

In brief

- At the May 2020 Ordinary Council Meeting Council adopted *policy 101 Governance of Council advisory and working groups* and resolved that:
"the Chief Executive Officer provides a further report to Council to re-establish the Aboriginal Engagement Advisory Group and the Access and Inclusion Advisory Group in accordance with Policy 101 Governance of Council advisory and working groups"
- Membership of the Aboriginal Engagement and Access and Inclusion Advisory Group was established for a period of six months. In 2019, the Chief Executive Officer approved a 12-month extension of membership until 30 June 2020.
- Town Offices will seek an extension from the Chief Executive Officer of the Aboriginal Engagement and Access and Inclusion Advisory Group for a period of 2 months from the period of 30 June 2020 to 31 August 2020 whilst new membership is in the process of appointment.
- New membership to be established for the Aboriginal Engagement Advisory Group to be endorsed as Mindeera Advisory Group and Access and Inclusion Advisory Group will be made public through an Expression of Interest in July 2020. The round will close 2 weeks after its commencement date.
- Town Officers will assess expressions of interest applications against council endorsed criteria and provide a report to Council for membership recommendation and endorsement at the August 2020 Ordinary Council Meeting.
- The Aboriginal Engagement Advisory Group is recommended to be called the Mindeera Advisory Group in response to Reconciliation Action Plan deliverable - Respect: Aboriginal and Torres Strait Islander signage and display - Investigate a Noongar name for Aboriginal Engagement Advisory Group in the Town.

Background

1. The Town recognises the importance of engaging meaningfully with its community, ensuring that the community is able to participate in the Towns the decision-making process. The establishment of advisory groups are intended to give community members a formal avenue to advise Council on a specific matter, whilst empowering and supporting the community in delivering strategic outcomes in partnership with the Town.

2. In August 2018 the Aboriginal Engagement and Access and Inclusion Advisory Groups accepted the Terms of reference proposed by the Town.
3. Membership of the Aboriginal Engagement Advisory Group and the Access and Inclusion Advisory Group was for a period of six months. In August 2019 the Chief Executive Officer approved a 12-month extension of this membership until 30 June 2020.
4. At the May 2020 Ordinary Council Meeting Council adopted *policy 101 Governance of Council advisory and working groups* and resolved that:
"the Chief Executive Officer provides a further report to Council to re-establish the Aboriginal Engagement Advisory Group and the Access and Inclusion Advisory Group in accordance with Policy 101 Governance of Council advisory and working groups"
5. The Aboriginal Engagement Advisory Group provides strategic advice on the implementation of the Towns Reconciliation Action Plan 2019 – 2021.
6. The Access and Inclusion Advisory Group provides strategic advice on the implementation of the Towns Disability Access and Inclusion Plan 2017 – 2022 as well as act as a disability and seniors network that will be empowered to contribute advice for the Town to grow as an assessible and inclusive community.

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 have an opportunity to engage and provide expert advice on plans and strategies that have an impact on them and the broader community.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Town plans and strategies are community led and driven.
S03 - An empowered community with a sense of pride, safety and belonging.	Community members have an opportunity to actively participate in the delivery of Town plans and strategies.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Community members feel engaged and that their expert advice is trusted and acted upon.

Engagement

Internal engagement	
Community Development Team	Advice sought on the current practice and intention of the Aboriginal Engagement and Access and Inclusion Advisory Groups.
Aboriginal Engagement Advisory Group	Informed the group of expiring membership and the terms and process of re-establishment of the Advisory Group.
Access and Inclusion Advisory Group	Informed the group of expiring membership and the terms and process of re-establishment of the Advisory Group.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town should the agreed Terms of Reference not be adhered to	Moderate	Moderate	Moderate	Closure of the existing Terms of Reference for redesign by the newly appointed Advisory Groups
Reputational Negative public perception towards community should Policy 101 Governance of Council advisory and working groups not be implemented	Moderate	Likely	High	Endorsement by Council to re-establish the Mindeera Advisory Group and Access and Inclusion Advisory Groups
Reputational Negative Advisory Group perception should key members not be invited back to the Advisory Group	Moderate	Likely	High	<p>Clear communication with current Advisory Group members regarding the expression of interest and selection process.</p> <p>A clear, transparent and neutral expression of interest and selection process.</p>

Financial implications

Current budget impact	Nil
Future budget impact	Nil

Analysis

7. It is proposed that the Aboriginal Engagement Advisory Group to be reestablished as the Mindeera Advisory Group. Mindeera Springs is a triangle piece of land in proximity to the Monodelphus building at 59 Albany Highway, Victoria Park and is a cultural significance to our Aboriginal community.
 - a. At the 10 June 2020 Aboriginal Engagement Advisory Group meeting members resolved that the group should be called the Mindeera Advisory Group in response to Reconciliation Action Plan deliverable.
 - b. Respect: Aboriginal and Torres Strait Islander signage and display - Investigate a Noongar name for Aboriginal Engagement Advisory Group in the Town Mindeera relates to Mindeera Springs a significant cultural site located within the Town of Victoria Park.
8. It is proposed that the purpose Mindeera Advisory Group is to engage with the Town, the Aboriginal and Torres Strait community in delivering the Reconciliation Action Plan (RAP).
9. It is proposed that the purpose of the Access and Inclusion Advisory Group is re-established to provide advice in the delivery of the Town's Disability Access and Inclusion Plan (DAIP).
10. Town Offices will seek an extension from the Chief Executive Officer of the Aboriginal Engagement and Access and Inclusion Advisory Groups for a period of 2 months from 30 June 2020 to 31 August 2020 whilst new membership is in the process of appointment.

Establishment of Membership

11. Membership to the Mindeera Advisory Group and Access and Inclusion Advisory Group will be made public through an expression of interest round in July 2020.
12. The round will open for expression of interest for a period of 2 weeks advertised on the Town's website and social media platforms.
13. Town Officers will assess the suitability of applicants against the endorsed criteria and present a report to Council of suitable membership applicants to be endorsed.
14. Successful and non-successful applicants will be notified in writing by the Chief Executive Officer.
15. Successful applicants will be provided with an induction package consisting of:
 - a. Notice of yearly monthly meeting dates (12 per year)
 - b. Policy 101 Governance of Council advisory and working groups
 - c. The Town's Strategic Community Plan 2017 – 2032
 - d. The Town's Reconciliation Action Plan and or Disability Access and Inclusion Plan pending group membership
16. At the first monthly meeting of the appointed Advisory Groups, members will workshop and develop the groups Terms of Reference.
17. The Term of Reference for the Mindeera Advisory Group and Access and Inclusion Advisory Group will be present at the next available Ordinary Council Meeting for consideration and endorsement by Council.

Membership

18. Membership for both Advisory Groups will not exceed ten community members and two Elected members and with Elected Members not exceeding one-third of the total number of Elected Members holding office.
19. The term of appointment of members to the Mindeera Advisory Group and Access and Inclusion Advisory Group will be for a 12-month term.
20. The below table outlines criteria for Council endorsement for the membership of the Aboriginal Engagement Advisory Group to be endorsed as Mindeera Advisory Group and the Access and Inclusion Advisory Group. The criteria was developed from the Reconciliation Australia guidelines, consumer advisory groups, terms of reference and templates with key themes developed in line with the Towns strategic purpose.
21. The purpose of the criteria for the Mindeera Advisory Group and Access and Inclusion Advisory Group membership was developed to be in line with the of the group's deliverables and Towns desired outcomes.

Criteria	Score
Embedding Aboriginal and Torres Strait Islander perspectives into Town wide operations and initiatives	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in working with organisations to embed Aboriginal and Torres Strait Islander perspectives into operations and initiatives • Applicant can demonstrate a willingness to support the Town to embed Aboriginal and Torres Strait Islander perspectives into operations and initiatives
Experience in developing locally appropriate reconciliation initiatives	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in developing locally appropriate reconciliation initiatives within communities and organisations • Applicant can demonstrate a willingness to develop locally appropriate reconciliation initiatives within the community and Town
Experience in policy development and community consultation	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in policy development and community consultation • Applicant can demonstrate a willingness to work towards policy development and engaging in community consultation
Willingness to improve access and engagement for Aboriginal and Torres Strait Islander employees,	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in improving access and engagement for Aboriginal and Torres Strait Islander

clients and community members	<p>employees, clients and community members</p> <ul style="list-style-type: none"> • Applicant can demonstrate a willingness to work improving access and engagement for Aboriginal and Torres Strait Islander employees, clients and community members 	
Resident of the Town of Victoria Park	<ul style="list-style-type: none"> • Applicant is a resident of the Town of Victoria Park 	X /20
		TOTAL X /100

22. The below table outlines criteria for Council endorsement for the Access and Inclusion Advisory Group membership.

Criteria		Score
Embedding Disability, Access and Inclusion perspectives into Town wide operations and initiatives	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in working with organisations to embed Disability, Access and Inclusion perspectives into operations and initiatives • Applicant can demonstrate a willingness to support the Town to embed Disability, Access and Inclusion perspectives into operations and initiatives 	X / 20
Experience in developing locally appropriate access and inclusion initiatives	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in developing locally appropriate access and inclusion initiatives within communities and organisations • Applicant can demonstrate a willingness to develop locally appropriate access and inclusion initiatives within the community and Town 	X /20
Experience in policy development and community consultation	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in policy development and community consultation • Applicant can demonstrate a willingness to work towards policy development and engaging in community consultation 	X /20

Willingness to improve access and engagement for people with disability	<ul style="list-style-type: none"> • Applicant can demonstrate prior experience in improving access and engagement for people with disability • Applicant can demonstrate a willingness to work improving access and engagement for people with disability 	X /20
Resident of the Town of Victoria Park	<ul style="list-style-type: none"> • Applicant is a resident of the Town of Victoria Park 	X /20
		TOTAL X /100

Remuneration

23. Members of the Mindeera Advisory Group and Access and Inclusion Advisory Group will not be eligible for remuneration of any means for advice provided to the Town or for attendance at agreed Advisory Group meetings.

Operation

24. Members will provide advice relating to the relevant Town plans RAP and the Disability Access and Inclusion Plan to which they have become a member.
25. Members of either Advisory Group have no delegated authority to make any decisions for or on behalf of the Council or the Town.
26. Administration duties will be provided by Town Officers within the Community Development Team.
27. Both Advisory Groups will be chaired by the Coordinator Community Development who will be consulted for any day to day operations of the groups.

Reporting

28. The minutes of the Mindeera Advisory Group and Access and Inclusion Advisory Group will be publicly available via the Town's website within five business days after the sitting of the Advisory Group.
29. The minutes of the Mindeera Advisory Group and Access and Inclusion Advisory Group will be presented to Council for receiving at the next relevant Ordinary Council Meeting.
30. Any legislative reporting and administration required of the Town in relation to the Disability Access and Inclusion Plan or Reconciliation Action Plan will be completed by Town Officers.
31. The Town is committed to working with community to continue to empower and involve community in developing stronger relationships and create meaningful opportunities to build trust and enhance respect within Aboriginal Engagement and Access and Inclusion for the community of the Town of Victoria Park.

Relevant documents

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

COUNCIL RESOLUTION (457/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council

1. Establishes the Mindeera Advisory Group for the purpose of providing advice on the deliverables of the Town's Reconciliation Action Plan (RAP).
2. Establishes the Access and Inclusion Advisory Group for the purpose of providing advice on the deliverables of the Disability Access and Inclusion Plan (DAIP).
3. Endorses membership of the Mindeera Advisory Group and Access and Inclusion Advisory Groups to include the following:
 - 2 Elected Members
 - 10 community members
4. Endorse a term of 12-month membership for the Mindeera Advisory Group and Access and Inclusion Advisory Groups.
5. Advertises the establishment of the Mindeera Advisory Group and Access and Inclusion Advisory Groups, its 10 community member vacancies and seeks applications from candidates that meet the following criteria:

Mindeera Advisory Group criteria

- Embedding Aboriginal and Torres Strait Islander perspectives into Town wide operations and initiatives
- Experience in developing locally appropriate reconciliation initiatives
- Experience in policy development and community consultation
- Willingness to improve access and engagement for Aboriginal and Torres Strait Islander employees, clients and community members
- Resident of the Town of Victoria Park

Access and Inclusion Advisory Group criteria

- Embedding Disability, Access and Inclusion perspectives into Town wide operations and initiatives
 - Experience in developing locally appropriate access and inclusion initiatives
 - Experience in policy development and community consultation
 - Willingness to improve access and engagement for people with disability
 - Resident of the Town of Victoria Park
6. Request the Chief Executive Officer presents a further report back to Council by the August with a recommendation on community members appointments in line with point 3.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

13 Chief Operations Officer reports

13.1 Request for road dedication and subsequent closure and amalgamation of portion of ROW 54

Location	East Victoria Park
Reporting officer	Peter Scasserra
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. January 2000 Aerial - ROW 54 [13.1.1 - 1 page]2. November 2019 OCM Report and Minutes [13.1.2 - 16 pages]3. Road Dedication Map [13.1.3 - 1 page]

Recommendation

That Council:

1. Resolves to request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
2. Resolves to request the Minister for Lands (WA) to dedicate all of Lot 67 on Diagram 13701, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
3. Pursuant to section 56(4) of the *Land Administration Act 1997* indemnifies the Minister for Lands against any claim for compensation that may arise.
4. Gives notice and seek public submissions on a proposal to request the Minister for Lands (WA) to close and amalgamate a 445 m² portion of ROW 54, pursuant to section 58 and 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.
5. Requests the CEO provide a further report to the October Ordinary Council Meeting for Council to consider the closure of ROW 54 and any submissions received on the closure.

Purpose

The Town is seeking a resolution from Council to lodge a formal request to the Minister for Lands (WA) for the dedication of portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as a road, and to indemnify the Minister for Lands (WA) against any claim for compensation that may arise from dedicating portion of Lot 0 and all of Lot 67 as a road in order to progress the closure and amalgamation of a portion of ROW 54 into 355-357 Shepperton Road, East Victoria Park.

In brief

- At the Ordinary Council Meeting of 19 November 2019, the Council resolved to delegate the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with section 58 and section 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract of sale for 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
- Condition precedent 2.3(b) requires closing and amalgamating a 445m² portion of ROW 54 situated in between 355-357 Shepperton Road and land owned by Fabcot Pty Ltd on Albany Hwy, to facilitate a proposed development by Fabcot Pty Ltd.
- Subsequent advice received from the Department of Planning, Lands and Heritage, resulting from an investigation by a survey team, has identified an anomaly with Landgate's cadastral data which has erroneously depicted three land parcels comprised within ROW 54, being portion of Lot 0 on Plan 2609 (the two components of the formerly identified dedicated road) and all of Lot 67 on Diagram 13701 which is in the middle of these two lots, as dedicated road. Instead, the correct tenure identifies the land as a private road.
- To resolve the future tenure of the private road, the Town must request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56(1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, and indemnify the Minister for Lands (WA) against any claims for compensation that may arise.
- To progress the closure of the 445m² portion of ROW 54 and amalgamation into the adjoining land being 355-357 Shepperton Road, the Town must also resolve to request the Minister for Lands (WA) to close and amalgamate the subject portion of ROW 54 pursuant to section 58 and section 87 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*.
- Legal advice recommends the Town readvertise the proposed closure of the ROW under section 58 of the *Land Administration Act 1997* to reflect the updated land tenure.

Background

1. Council at its Ordinary Council meeting In November 2019 resolved to approve the contract of sale for land adjacent to ROW 54 being Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782 (355-357 Shepperton Road). The contract obligates the Town to satisfy conditions precedent before the sale can proceed.
2. Condition precedent 2.3(b) requires the Town to close and amalgamate a portion of dedicated road (known as ROW 54) into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.
3. ROW 54 is 230m in length and varies in width from 5m at the northern end to approximately 9m in some wider midblock sections. It is sealed with a thin layer of dense graded asphalt, approximately 25mm to 30mm thickness. The seal and pavement is likely to be more than 20 years old with some sections closer to Oats Street in fairly poor condition, the overall condition rating varies between 3 and 4.1 (0-5 scale with 5 being best) so is approaching warrants for r. The underlying formation is unknown.
4. ROW 54 was initially identified by Landgate as a dedicated road, however following an investigation by a survey team it was discovered that portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 are existing private roads that are privately owned.
5. Lot 0 on Plan 2609 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Alexander Joseph Monger, is deceased.

6. Lot 67 on Diagram 13701 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Charles Victor Hale, is deceased.
7. The public have had uninterrupted use of both Lots 0 and Lot 67 for more than 10 years which satisfies the Towns compliance with regulation 8(c) of the *Land Administration Regulations 1998* and section 56(1)(c) of the *Land Administration Act 1997* to dedicate private land as a road.
8. As a result of the survey the Town must request the Minister for Lands (WA) to dedicate the private road and ROW being portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56 (1)(c) of the Land Administration Act 1997 and regulation 8 of the *Land Administration Regulations 1998*, this requires a new Council Resolution and Indemnity.
9. In accordance with Council Resolution 244/2019, the Town previously advertised the proposed closure and amalgamation of the subject portion of ROW 54 for a period of 35 days to seek public comments, and engaged in consultation by writing to the adjoining landowners to seek further input.
10. The submission period concluded on 17 January 2020 and no submissions were received.

Strategic alignment

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

Engagement

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

External engagement

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

Legal compliance

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

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

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

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

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p>Legal Compliance</p> <p>The Minister for Lands (or as delegated) is ultimately responsible for determining requests for the dedication of land as a road.</p> <p>It is possible that the Minister may decide to refuse or modify the road dedication request notwithstanding Council's resolution.</p>	Moderate	Unlikely	Moderate	Provide the required information as per Regulation 8 of the Land Administration Regulations 1998 (WA) and sufficient justification for the road dedication request.

Financial implications

Current budget impact	<p>Sufficient funds exist within the annual budget to address this recommendation.</p> <p>The Town is in the process of satisfying its obligations in the contract of sale to Fabcot Pty Ltd as part of the delivery of 355-357 Shepperton Road East Victoria Park, which is in line with Council's previous resolution.</p>
Future budget impact	<p>Once Portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 is dedicated as road then closed and amalgamated in accordance with Council Resolution 244/2019, the Town would be formally responsible for the maintenance and repair of the dedicated road that remains open. The Town's Street Operations service area has advised that this is the 'status quo', and therefore this would not impact the existing Street Operations budget.</p>

Analysis

- The Council previously resolved at the Ordinary Council Meeting of 19 November 2019 to delegate the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with section 58 and section 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract of sale for 355-357 Shepperton Road, East Victoria Park.

12. Upon preparing the application for consideration by the Minister, advice received from the survey team confirmed that Landgate had assigned the incorrect land tenure details against the subject land parcels. As a result of the survey investigation, the Council needs to resolve to request the Minister for Lands to dedicate a section of ROW 54 identified as private road, being a portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56(1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, as they are unable to close a road that was never dedicated. This report is to formally resolve the request by The Department of Planning Lands and Heritage.
13. Presently, Lot 0 on Plan 2609 and Lot 67 on Diagram 13701 are privately owned by a deceased persons.
14. Lot 0 on Plan 2609 is held in freehold by 'Alexander Joseph Monger' on Certificate of Title volume 284 folio 116, registered on 15 September 1903.
15. Lot 67 on Diagram 13701 is held in freehold by 'Charles Victor Hale' on Certificate of Title volume 2783 folio 1, registered on 6 December 2011.
16. As both Lots are privately owned, the general public do not have any formal rights of access over the land. The Town is also limited in its ability to repair and/or improve the land. This process with resolve these ongoing issues.
17. Pursuant to section 56(1)(c) of the *Land Administration Act 1997*, provided it can be evidenced that the land comprises of the private road of which the public has had uninterrupted use for a period of not less than 10 years, the local government may request the Minister to dedicate that land as a road.
18. In compliance with regulation 8(c) of the *Land Administration Regulations 1998*, the attached aerial image from January 2000 shows the land parcels comprised within ROW 54 were being used by the public as a road. This aerial image is deemed sufficient evidence to satisfy section 56(1)(c) of the *Land Administration Act 1997*.
19. Accordingly, this report recommends that Council resolves to commence the process to request the Minister for Lands to dedicate a portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as a road, and to indemnify the Minister against any claims for compensation.
20. Once the Department of Planning, Lands and Heritage have completed the road dedication, this report further recommends that Council resolves to request the Minister for Lands to close and amalgamate a portion of ROW 54 into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782. in accordance with Council Resolution 244/2019.
21. The Town acknowledges it will comply with section 56(2) of the *Land Administration Act 1997*, by preparing and delivering the request to the Minister in accordance with the regulations, and will provide the Minister with sufficient information in a plan of survey to describe the dimensions of the proposed road.

Relevant documents

Not applicable.

Further consideration

22. The Town has received a legal letter regarding the request for road dedication and subsequent closure and amalgamation of portion of ROW 54, and is seeking legal advice before providing a response.
23. Legal advice recommends the Town readvertise the proposed closure of ROW 54 under section 58 of the *Land Administration Act 1997* to reflect the updated land tenure.

COUNCIL RESOLUTION (458/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Luana Lisandro

That Council:

1. Receives the letter to elected members from Glen McLeod Legal dated 21 July 2020, as received and attached.
2. Requests the Chief Executive Officer to provide a report to the August Ordinary Council Meeting addressing the matters raised in the letter and containing the Town's recommendations accordingly.

CARRIED (8 - 0)

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

Against: nil

Reason:

To ensure that elected members have a proper opportunity to receive advice from the Town administration on the issues raised in the letter from Glen McLeod Legal to elected members and make an informed decision.

13.2 Naming of ROW 33

Location	Carlisle
Reporting officer	Peter Scasserra
Responsible officer	Ben Killigrew
Voting requirement	Absolute majority
Attachments	1. ROW 33 Map [13.2.1 - 1 page]

Recommendation

That Council requests the approval of the Geographic Names Committee to apply the name "Ceres Lane" to the Right of Way bounded by Archer Street, Bishopsgate Street, Lion Street and Raleigh Street, Carlisle (ROW 33).

Purpose

To endorse the name selected by the Town for the purpose of naming ROW 33.

In brief

- Following a Council resolution and several requests from community members, the Town has been investigating the requirements to name Rights of Way (ROW) throughout the Town upon request.
- A request has been submitted to the Town that the subject ROW be named.
- The name "Ceres Lane" is recommended as a preferred name for the subject ROW.
- The Town is required to undertake the Landgate process to name ROW to ensure the Standards of the Geographic Naming Policy are applied.
- Local Governments are responsible for the numbering process for ROW and may also propose names for ROWs, however the suggestions need to be submitted to the Geographic Names Committee at Landgate who approve the official name.

Background

1. Requests to assign names to the Town's ROW are received frequently from residents having difficulty directing visitors, delivery drivers, and tradespeople to a property facing a Right of Way. These requests have become more frequent due to the increase in urban density in new subdivisions. Consequently, urban development has resulted in many narrow short lanes and Rights of Way requiring names for addressing purposes.
2. It has been suggested that the subject ROW be named to facilitate mail delivery and identifiable emergency access for houses that already front ROW 33. It is understood that the matter is deemed urgent by residents fronting the laneway where visitors, delivery, and emergency services providers experience difficulty in trying to identify and locate the nameless laneway.
3. The subject ROW is privately owned by a deceased estate and is bounded by Archer Street, Bishopsgate Street, Lion Street, and Raleigh Street, Carlisle (ROW 33).

4. The Towns 2003 ROW Strategy acknowledged portions of the ROW off Archer Street and Lion Street as being sealed and utilised for access. The Strategy confirmed the ROW is essential for access and recommends the whole length of the ROW to remain open and ultimately be constructed to maximise access options for future development. The adjoining properties are zoned R30.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	A consistent approach to naming the ROW will provide efficiency by having a singular project methodology applied.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The methodology applied will ensure the correct legislative process is correctly followed and the name is approved and registered appropriately.

Engagement

Internal engagement	
Property Team	Input into report and the process to undertake naming of ROWs, Parks and Reserves.

Legal compliance

Australian/New Zealand Standard – Rural and Urban Addressing AS/NZS 4819:2011

Landgate Policy and Standards for Geographical Naming in Western Australia 01:2017

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town may result if the ROW is not named and further inconveniences residents.	Minor	Possible	Moderate	Consistent approach to apply for naming of Rights of Way as requests are made to ensure inconveniences are minimised.
Compliance Non-	Major	Unlikely	Moderate	This approach will ensure the

compliance of names applied to ROWs, Parks and Reserves if proper process is not applied	correct process is undertaken and names are lodged and registered with the appropriate authorities.
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Financial implications

Current budget impact	The supply and installation cost of one street sign is \$320.00 ex GST, there are no applicable fees payable to Landgate. Previous initiatives to name ROWs have been funded from the Sign Maintenance Budget and it is proposed that this budget is utilised in this instance. Sufficient funds exist within this budget to fund the naming of the proposed ROW.
Future budget impact	Not applicable.

Analysis

5. A Local Government may submit an application to name a road provided the exact information as to the location, feature identification, and origin of the new name is supplied, and the proposal is being made in the best interests of the community for reasons of safety.
6. Any name proposed to be used in naming a Right of Way must be approved by the Geographic Names Committee. The Committee has produced a "Principles, Guidelines and Procedures" handbook for reference when considering names for roads. ROW, private roads, and parks. Laneways will normally only be named if a name is required for addressing purposes.
7. The handbook guidelines for selection of names require that name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10km from the existing duplication, and must have a different road type.
8. The selection of suitable names for use as laneway names can be quite difficult, as all the requirements of the Geographical Names Committee must be met. It can be quite difficult to find a name that is not already in use within 10km, is not already used multiple times within the metropolitan area, is the surname of a person who has given valuable community service, is not a given name, and is the surname of a person who has been deceased for two years or longer. Names of persons do not necessarily have to be used when naming ROW.
9. Suggestions for names to be put forward for the naming of ROW have in the past sometimes been provided by residents when requesting that a particular ROW be named. In this instance, the group of residents who nominated the naming of the subject ROW proposed that it be named "Ceres Lane".
10. Ceres is a minor or "dwarf" planet orbiting the Sun between Mars and Jupiter. It is named after the Roman goddess of the harvest. She is said to have taught humans how to grow, preserve, and prepare grain and corn. But more generally, she was responsible for keeping the land fertile. According to NASA, planet Ceres was discovered in 1801 but not internationally recognised until 2006.

11. The name 'Ceres' is considered appropriate as it is complementary to other planetary street names in the vicinity and complies with Landgates criteria for street names.
12. Although the name proposed in this report did not initially pass Landgate's preliminary validation assessment due to its proximity to a road with a similar name, a further assessment by the Location Data Maintenance and Intelligence Team at Landgate indicated the name would be accepted as the ROW is far enough away and the name is different enough to warrant the use of Ceres in the Town. Therefore, it is recommended that Council endorse the use of the name "Ceres Lane" and that the Geographic Names Committee be requested to approve the name "Ceres Lane" for the subject ROW.
13. Public advertising of the proposed name to the community before the submission to the Geographical Names Committee is not required by Landgate however the Town will notify the adjoining landowners by letter of the name including its origin and meaning.
14. Should the preferred name be endorsed by Council, the assignment of the name by Landgate, once submitted by the Town, will occur within 10 business days.
15. A map has been included as an Attachment displaying the location of ROW 33.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (459/2020):

Moved: Cr Jesvin Karimi

Seconded: Cr Luana Lisandro

That Council requests the approval of the Geographic Names Committee to apply the name "Ceres Lane" to the Right of Way bounded by Archer Street, Bishopsgate Street, Lion Street and Raleigh Street, Carlisle (ROW 33).

CARRIED BY ABSOLUTE MAJORITY (8 - 0)

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

Against: nil

13.3 Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group Community Participants

Location	Carlisle Lathlain
Reporting officer	Kevin Cunningham
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council appoints the following persons to the two available community member positions in the Project Advisory Group for the Lathlain Precinct Redevelopment Zone 1 project:

- (a) Mr Timothy Botica, of Lathlain, as a participating member representing the residents of Lathlain and Carlisle.
- (b) Mr Paul Kellick, of East Victoria Park, as a participating member representing residents of the Town.

Purpose

This update responds to the June 2020 Ordinary Council Meeting Item 13.4 resolution 431/2020 - point 5. in respect to the establishment of a Lathlain Precinct Zone 1 Community and Sport Facility Project Advisory Group;

“Requests that the Chief Executive Officer seeks further expressions of interests for the two community member vacancies to the Lathlain Precinct Redevelopment Project Zone 1 Community and Sporting Club Facility Project Advisory Group and presents a further report back to Council on recommended community member appointments by its July Ordinary Council”

The reason for the request was that the public expression of interest period in June 2020 did not result in a significant number of applicants for appointment to this group, and it was considered appropriate to give the community more time to express their interest. People that expressed their interest in June 2020 are to be considered with others that may do so in July 2020.

In brief

- This report is informed by the June 2020 Ordinary Council Meeting Report 13.4.
- In order to address Council Resolution 431/2020 (number 5), the time for the invitation of Expression of Interest from the community was extended to close on 10 July 2020. This is after the Agenda Briefing Forum for the July OCM on 7 July 2020 (so a recommendation is not available at that ABF date).
- Evaluation and recommendation of nominations for community members will be an attachment (confidential) to this report when presented to OCM and will be provided to Elected Members as soon as available prior to the OCM as a Confidential Item on the Elected Member Portal.
- Under Resolution 431/2020, Council have appointed Mayor Karen Vernon, Cr Brian Oliver, Russ Clark (as representative from Perth Football Club) and Josh Bowler (as representative to the Western Australian Football Commission), as participant members of the Lathlain Precinct Redevelopment Project Zone 1 Community and Sporting Club Facility Project Advisory Group.
- Council also resolved that all other Elected Members are appointed as deputies in the event that an Elected Member representative is unable to attend a meeting.

Background

1. The purpose and objective of the LPRP Zone 1 Project Advisory Group is "Supporting and advising the Council with the development of concept plans for the Community and Sport Club Facility by providing advice and guidance to Council through the Project Executive, for the preparation by the Project of the LPMP compliant Design Concept Plan for the staged development of the LPRP Zone 1 community and sports club facility."
2. The WAPC Approved Lathlain Park Management Plan July 2017 (LPMP) is a community-informed Planning document that will guide the LPRP Zone 1 project plan or Project Initiation Document (PID) and the preparation of a new concept plan.
3. For the preparation of the PID, a combined Project Advisory Group inclusive of Elected Member representation, members of the community, Town Officers and external stakeholders (Perth Football Club, WA Football Commission) is formed to guide the concept plan preparation.
4. The Project Advisory Group will ensure that the preparation of the revised concept plan is compliant with the LPMP.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact

CL03 - Well thought out and managed projects that are delivered successfully.	The mandated Project will be managed in accordance with the Towns PRINCE2 applied project principles and workflow
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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.	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.
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Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Property 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.
Reputational Negative public perception towards the Town may result from a structure related failure and personal injury in the existing grandstand	Moderate	Likely	High	Community consultation about the project. Community engagement workshops.
Reputational Negative public perception related to the expenditure of Town funds for required rectification works	Moderate	Likely	Moderate	Ongoing community engagement and communication of the requirements and potential outcomes.

Financial implications

Current budget impact	<p>Sufficient funds exist within the annual budget in respect to the creation of this Project Advisory Group.</p> <p>The residual of the 2019/20 Operational Budget carryover funding is \$375,000.</p>
Future budget impact	<p>The creation of the Project Advisory Group is not intended to impact Future Budget.</p>

Analysis

5. The establishment of this Project Advisory Group accords with the PRINCE2 Project Management methodology for Directing a Project and is informed by Town Policy 101. Establishment of this Group is resolved at Council, inclusive of endorsing its purpose and objective, participant composition and criteria for membership.

The Group is established as an advisory one only (Policy 101) and has no authority to direct, nor to make decisions (other than decisions in respect to its own operation), nor to approve or to instruct.

The Group, or any individual participative member, shall -

- a. Not commit or authorise the expenditure of any Town funds in respect to the Project;
 - b. Not correspond with any party in regard to their participation;
 - c. Not speak for or on behalf of the Town or Council;
 - d. Not issue any press release;
 - e. Not issue any instruction to Town staff.
6. Community members formally appointed to an advisory group are participating members of that Group.
 7. Should any community member be unable to fulfil their role on the Group Policy 101 procedures shall be followed.
 8. The CEO appointment of Officers will be at the discretion of the CEO. Participatory Officers appointed to the Group are to provide professional and technical advice relevant to the Project and conduct research in line with the group's purpose and objectives. The Group shall always be cognisant of the project scope and funding constraints in providing its advice.
 9. Group participation shall be on an individual basis and Group consensus, while welcome, need not be required.
 10. It is anticipated that there may be differing, conflicting or ambiguous feedback from respective members in relation to different participant imperatives.
 11. The Town shall record advisory information but Council shall receive it wholly at their discretion and are in no way compelled to accept or apply any feedback, opinion, comment or guidance from the Group participant membership.
 12. The Terms of Reference are effective upon endorsement by Council at OCM and continue until the endorsement by Council of a Design Concept Plan for the staged development of LPRP Zone 1 community and sports club facility.
 13. The life of this Group shall be from the date of the first meeting and shall cease from the date of Design Concept Plan endorsement, or as directed by Council.

14. The anticipated period for preparation and delivery of that Design Concept Plan is prior to 30 June 2021, and unless otherwise resolved by Council the Group will cease from that date.

15. The Group shall be comprised of:

Community Group Represented	Participant
Whole of Town of Victoria Park	Elected Member
Lathlain and Carlisle Locality (Banksia Ward)	Elected Member
Lathlain/ Carlisle Residents	Community member
Town Residents	Community member
Football Event Users	WA Football Commission representative
Perth Football Club User	PFC representative
Town Officer	Locality Planning Compliance
Town Officer	Asset Management Officer of the Town

16. The Officer participant members have been advised as:

Locality Planning Compliance	Manager Development Services
Town Asset Management	Manager Strategic Assets

17. Project ex-officio facilitation is from the Project Executive; the Project Manager for provision of information and presentations; and Project Administration for secretarial and governance support. The Project ex-officio non-participant Officers are advised as:

Project Executive	Chief Operations Officer
Project Manager	Strategic Project Manager
Project Administration	Executive Assistant COO

18. The Project Manager shall present and refer information to the Group and is the person the presiding member liaises with on the required preparations of the Group;

19. Project Administration shall arrange meeting times, prepare and distribute the agenda, take and share the minutes.

20. The Membership Criteria for respective Community participant membership shall be their evidence for their -

Membership Criteria	Weighting
<ul style="list-style-type: none"> Being a ratepayer and resident for a minimum of 5 years who has been part of the community group they will represent 	20%
<ul style="list-style-type: none"> Having a project relevant qualification and expertise (Planning, Architecture, Engineering 	15%

or similar)	
• Being able through experience, network or skill to broadly represent their relevant representation community group	25%
• Ability to work collaboratively with others holding differing opinions in a group	10%
• Willingness to equitably and fairly represent their relevant community group	30%

21. All memberships expire at the end of the Group's term.
22. No Remuneration - Members appointed to a Group are not entitled to a sitting fee, or any such type of remuneration.
23. Each member of the Group is responsible for attending meetings, reviewing relevant material to enable informed discussion and making timely progress for the objectives of the Group.
24. Each member shall abide by the Town's Code of Conduct, to have open and honest discussions and to treat each member with due courtesy and respect.
25. The specific roles for each membership type are as follows:

Elected members	Are responsible for ensuring that the Group adheres to the direction set by Council, contributing respectively from either a Town-wide or locality perspective, and ensure delivery of the Group's objective.
Community members	Are responsible for responding for their represented group and for the delivery of the Group's objectives within the scope of their skills, knowledge and capabilities.
Participating Officers	Are responsible for contributing for their professional and technical expertise to assist informed responses.
Non-participating Officers	Are responsible for facilitating, presenting and informing the Group, and receiving the Group members advice.

26. At the first meeting the Group will elect a presiding member and deputy presiding member. Council have noted the draft Terms of Reference, which will be considered by the Project Advisory Group in accordance with Policy 101 at that first meeting.
27. The presiding member will consult on the day-to-day operations of the Group (inclusive of ensuring adherence to the Group's endorsed Terms of Reference and to Policy 101) and work with the Project Manager in respect to project information, required preparations, the agenda, and the schedule of meetings.
28. The Group will meet as required, upon the calling of the meeting by the presiding member.
29. The Group may only make decisions in respect to its day-to-day operations and these are to be made by consensus (i.e. members being satisfied with a decision even though it may not be their first choice). If consensus is not possible, the presiding member can make the final decision.
30. The Group shall report to Council by way of its minutes.

Relevant documents

[Policy 101.](#)

ALTERNATE MOTION:

Moved: Mayor Karen Vernon

Seconded: Cr Wilfred Hendriks

That Council requests the Chief Executive Officer bring a report to the August Ordinary Council Meeting regarding the community appointments to the Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group, including a confidential attachment with the details of the nominee assessments.

Reason:

To ensure that there is proper transparency over the process that was undertaken to reach the recommendations for appointment to this group for those members of the community that nominated themselves to this group.

Cr Ronhhda Potter left the meeting at 8.31pm and returned at 8.33pm.

AMENDMENT:

Moved: Cr Brian Oliver

Seconder: Cr Luana Lisandro

That the alternate motion be amended to read:

That Council:

1. Resolves to hold a Special Council Meeting on 28 July 2020 at 6pm for the purpose of appointing persons to the community member positions on the Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group.
2. Requests that the Chief Executive Officer bring a report to the Special Council Meeting regarding the community appointments to the Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group, including a confidential attachment with the details of the nominee assessments.

CARRIED (8 - 0)

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

Against: nil

Reason:

To bring Council's attention to the fact that they resolved this in March and the delay will be five months. There will be a lag to establish the first meeting after the community members are appointed and decisions need to be made in a timely manner.

COUNCIL RESOLUTION (460/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Wilfred Hendriks

That Council:

1. Resolves to hold a Special Council Meeting on 28 July 2020 at 6pm for the purpose of appointing persons to the community member positions on the Lathlain Precinct Redevelopment Project Zone 1 Community

and Sport Club Facility Project Advisory Group.

2. Requests that the Chief Executive Officer bring a report to the Special Council Meeting regarding the community appointments to the Lathlain Precinct Redevelopment Project Zone 1 Community and Sport Club Facility Project Advisory Group, including a confidential attachment with the details of the nominee assessments.

CARRIED (8 - 0)

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

Against: nil

Reason:

To ensure that there is proper transparency over the process that was undertaken to reach the recommendations for appointment to this group for those members of the community that nominated themselves to this group.

14 Chief Financial Officer reports

14.1 Schedule of Accounts for May 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	1. Payment Summary Report - May 2020 [14.1.1 - 7 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 May 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 May 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.
3. 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
Municipal Account		
Automatic Cheques Drawn	608765 – 608768	20,261
Creditors – EFT Payments		6,094,834
Payroll		965,564
Bank Fees		2,184
Corporate MasterCard		14,943
		7,097,786

Strategic alignment

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

Legal compliance

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

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

Risk management consideration

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

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

Further consideration

Additional information was requested on the following payments noted in the Payment Summary Listing.

Cornerstone Legal Legal Services \$1,661 & \$9,158.51

This payment relates to legal advice provided for a variety of building, planning and environmental services items.

Curtin University Sponsorship \$6,500

This payment relates to the Town's sponsorship of 2 scholarships for the Curtin Ignition Program 2020.

DB Cunningham Construction Services \$454,252.15

This payment relates to progress claims for the Higgins Park Court Upgrades, as well as claim 8 for Lathlain Redevelopment project.

Data #3 Software & IT \$19,037.96

This payment relates to the Town's yearly license for our virtual server environment.

Disc Profiles Australia Training Services \$3,080

This payment relates to training and subsequent qualification for the Town's organisational development advisor in psychometric testing.

E & M Rosher Machinery Servicing & Parts \$96,677 & \$8,099

The transaction of \$96,677 is for the purchase of a Kubota Tractor and Loader. The \$8,099 transaction is for the purchase of a Karcher HDS pressure washer. Both purchases are as per approved capital program for 2020.

Exteria Furniture Supply & Repair \$6,226

This payment relates to 4 Vasse jarrah bench seats and 1 jarrah table setting for Charles Patterson Reserve. These purchases are as per approved capital program for 2020.

GHD Pty Ltd Engineering Design \$18,917

This payment relates to 2 invoices, both being for specialist structural supervision for the Seabiscuit bridge construction at Belmont Park.

Harold Hawthorne Qrtly Operational Subsidy \$750 - is this correct?

No. This payment relates to a CCTV subsidy provided to the centre. The description has been updated in order to accurately reflect the nature of the payment.

IPFX Communication services \$24,469

This payment relates to annual maintenance and support for our IPFX telecommunications system.

Gregory James Parsons Event Performance \$1,100

This relates to the event cinema, sound system, lighting, microphone and generator set up for the Pets in the Park event.

InterStream Media Services \$1,386

This payment relates to the monthly streaming services for online council meetings.

JAR Event Production Event performance \$715

This payment relates to video editing for the Twilight Series concert, Jazz in the Park.

Koori Kids Event performance \$1,190

This payment relates to 60 NAIDOC week polo shirts for staff (including elected members) with the incorporation of an indigenous design logo.

Lifskills Australia HR Services \$1,056, \$1,232 & \$528

These payments relate to the Employee Assistance Program.

LO GO Appointments Agency & Contract Staff \$2,647.59, \$3,678.51 & \$2,586.67

These payments relate to an agency member who is filling a position during extended leave within Building and Planning area.

McMillan Deli Flowers \$120

This payment relates to a wreath for ANZAC day.

Michael Page Agency & Contract Staff \$4,232.31, \$7,761.11 & \$4,232.31

These payments relate to agency members who are filling vacant positions within the finance and customer service areas.

Ms E Paull Event performance \$350

This payment relates to the provision of an online author talk for the library, including video editing).

Perth Cricket Club Facility Maintenance \$17,160 – is this the annual payment to them? If so, is this actually an operating subsidy?

No this is not an operating subsidy and the Town make no annual payment to the Perth Cricket Club. This is a monthly payment relating to the maintenance of Fletcher Park. Perth Cricket Club maintain the grounds at Fletcher Park as per successful tender contract CTVP/16/21.

Reverberate Consulting Noise Monitoring \$3,093

This payment is in relation to consultancy noise monitoring services and consultation in relation to Optus Stadium.

Redfish Technologies Software & IT \$26,192.46

This payment relates to technology upgrades at Aqualife and Leisurelife centre as per the capital works plan and contract number CTVP/19/23..

This payment relates to multiple purchases.

The \$225.00 payment relates to Coles Myer Gift cards purchased for youth week short story competition prizes. The \$107.00 payment relates to multiple purchases of milk, coffee and sanitation (wipes, hand sanitiser) amenities to the library and parking and ranger offices.

The \$35.00 payment relates to purchase of milk and coffee amenities for the parking and ranger offices.

COUNCIL RESOLUTION (461/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Confirms the accounts for 31 May 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.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

14.2 Financial Statements for the month ending 31 May 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Absolute majority
Attachments	1. Financial Statements for the month ending - May 2020 [14.2.1 - 41 pages]

Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 31 May 2020, as attached.
2. Approves the reallocation of \$110,000 in budget funds within the Lathlain Redevelopment Zone 2 project Parks from the Parks asset category into the Drainage asset category.

Purpose

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

In brief

- The financial activity statement report is presented for the month ending April 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) Regulations 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
 - (a) Revenue

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

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

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
 - (a) Period variation
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
 - (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.
2. The Lathlain Redevelopment Zone 2, project is complete and now requires the costs to be reallocated against the appropriate asset categories. As part of this process, it is requested \$110,000 from the Lathlain Redevelopment Zone 2 project be reallocated from the Parks asset category into the Drainage asset category.

Strategic alignment

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

Engagement

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

Legal compliance

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

[Local Government Act 1995 Section 6.8](#)

Risk management consideration

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

Financial implications

Current budget impact	<p>Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p> <p>As noted below, it is proposed to transfer \$110,000 relating to the renewal of drainage within this project be transferred from the Parks budget and moved into the Drainage asset classification. This is to ensure budgets and associated costs are recorded within its appropriate asset categories. There is no budget impact as this is a budget reallocation.</p>
Future budget impact	<p>Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p>

Analysis

- The Financial Activity Statement Report – 31 May 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 May 2020 be accepted.

4. The adopted budget relating to the Lathlain Redevelopment Zone 2 project currently sits with the Parks asset category. As part of capitalising assets into its respective asset categories – it is requested that \$110,000 relating to the renewal of drainage within this project be transferred from the Parks budget and moved into the Drainage asset classification. This is to ensure budgets and associated costs are recorded within its appropriate asset categories. There is no budget impact as this is a budget reallocation.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (462/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Ronhhda Potter

That Council:

1. Accepts the Financial Activity Statement Report – 31 May 2020, as attached.
2. Approves the reallocation of \$110,000 in budget funds within the Lathlain Redevelopment Zone 2 project Parks from the Parks asset category into the Drainage asset category.

CARRIED BY ABSOLUTE MAJORITY (8 - 0)

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

Against: nil

15 Committee Reports

15.1 External audit plan for the year ending 30 June 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Audit and Risk Committee

That Council receives the external audit plan for the year ending 30 June 2020 as attached, subject to the inclusion of areas of audit focus and planned audit procedures for 'Personnel costs and related liabilities.

Purpose

To introduce to the Audit Committee the external auditors appointed by the Office of Auditor General and present the Financial Audit plan for the year ending 30 June 2020.

In brief

- During the 2020 Financial year, the Office of Auditor General appointed KPMG to conduct the external financial audit for the Town of Victoria Park.
- This report is to present the Audit Committee with KPMG's audit plan for the financial year ending 30 June 2020.

Background

1. The Local Government Amendment (Auditing) Bill 2017 made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General. This Bill allowed the Auditor General to contract out some or all of the financial audits.
2. Audits that are contracted out are done under the supervision of the Auditor General and Office of the Auditor General.
3. For the 2020 financial year, KPMG has been appointed by the Auditor General as the Town's external auditors. The Town's previous auditors were Macri Partners.
4. The Audit plan (as attached), has been prepared by KPMG, and reviewed and agreed upon by the Management.

5. The Audit plan provides details of the audit approach, risk assessment and an overview of the audit focus areas.
6. The plan also provides details of the deliverables and timelines.

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 external audit plan is intended to provide all responsible parties details relating to methodologies and risk assessments that will be conducted along with deliverables and associated timelines for the audit.

Engagement

Internal engagement	
All Service areas	All Service areas that have an input into the financial management system will be engaged as part of the external audit.

Legal compliance

[Local Government Act 1995 Section 1.4](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance: Not accepting audit plan	Moderate	Unlikely	Moderate	Ensure audit plan and timelines are presented by the Auditor General to Audit Committee in person, to ensure any concerns are addressed and resolved.

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

7. The Audit plan provides clear guidelines on expectations, deliverables and timelines for the Annual financial audit for the year ending 30 June 2020.
8. KPMG will initially be conducting the interim audit where they assess risk and perform test of operating effectiveness of key financial controls.
9. The findings of the interim audit will then be presented to Management for review.
10. Management will review matters raised within the Interim audit management letter, provide comments and actions against each matter and present the findings and management's response to the Audit Committee for acceptance.

Relevant documents

Not applicable.

Further consideration

Following the Audit and Risk Committee meeting on 22 June 2020 the following additional information is provided.

11. The Committee considered the audit plan and identified testing in relation to personnel costs were not listed within the plan. This along with other minor changes have now been made. The revised plan is now attached.
12. The Audit plan identified 8 key areas of focus. These areas were considered high risk areas due to complexities in accounting treatments, significance in volume and inherent risk of fraud.
13. Trust accounts and cash and cash equivalents was identified as one of the key focus areas within the Audit plan. A position paper issued by the Office of Auditor General in July 2019 provided guidance on funds held in Trust within a Local Government. Changes required as part of this position paper were made and reflected within the Town's 2018-2019 Annual Financial Statements and will be maintained going forward. Controls around cash and cash equivalents were considered a high priority due to changes in working conditions due to COVID-19.
14. The Town engaged Moore Stephens WA Pty Ltd to conduct a review of the appropriateness and effectiveness of the financial management systems and procedures. The findings of this review were presented to the Committee. These findings will also be considered as part of the audit planning process by KPMG. Changes to the Audit plan due to findings from the Financial management review will be communicated to the Committee via management.
15. The Audit plan considered risks associated with the impact of COVID-19. The Town's expected credit loss calculation will take into consideration the impact of COVID-19 and the Financial Hardship policy which was recently adopted by Council.
16. The Audit plan was expected to be presented to Council in May 2020, however, was delayed due to unforeseen circumstances. The audit of the annual financial statements and the presentation to Council is not expected to be delayed and expected to meet the timelines as stated in the Audit plan.

COUNCIL RESOLUTION (463/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council receives the external audit plan for the year ending 30 June 2020 as attached, subject to the inclusion of areas of audit focus and planned audit procedures for 'Personnel costs and related liabilities.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

15.2 Financial Management Review 2019-2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Audit and Risk Committee

That Council:

1. Notes the auditor's report on the review of the Town's financial management systems and procedures.
2. Notes the Management responses to those comments and recommendations.

Purpose

To present to the Audit Committee the Auditor's report on the appropriateness and effectiveness of the financial management systems and procedures.

In brief

- A review of the appropriateness and effectiveness of the financial management systems and procedures of the Town must be undertaken ("Financial Management Review"), not less than once every three years. Moore Stephens (WA) Pty Ltd (external auditors) was engaged to conduct this review in accordance with Section 5(2)(c) of the Local Government (Financial Management) Regulations 1996 (as amended).

Background

1. The *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c), requires the Chief Executive Officer to undertake Financial Management Reviews regularly (and not less than once in every three years). The main purpose of a Financial Management Review (FMR) is to examine the appropriateness and effectiveness of the financial management systems and procedures of the Town.
2. Through a formal request for quote process, Moore Stephen (WA) Pty Ltd was appointed to undertake the financial management audit. The audit covered the period 1 July 2019 to 29 February 2020.

3. The Auditors report identified 10 matters of which 1 was considered to be significant, 6 were considered to be moderate issues and 3 were considered as minor issues.

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 Financial management review is conducted to provide assurance in the performance of the control environment of the financial management system of the Town.

Engagement

Internal engagement	
Customer Service	Interviewed by auditors – to review procedures and internal controls
Aqualife	Interviewed by auditors – to review procedures and internal controls
Leisure Life	Interviewed by auditors – to review procedures and internal controls
People and Culture	Interviewed by auditors – to review procedures and internal controls

Legal compliance

[Local Government \(Financial Management\) Regulations 1996 section 5\(2\)\(c\)](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Auditor recommendations not being accepted	Significant	Unlikely	Low	Auditor findings and recommendation have been discussed with the relevant service areas and actions have been identified to ensure recommendations are implemented.

Financial implications

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

Analysis

4. The review of the financial management systems and procedures identified 10 areas of improvement. Each matter that was identified has been discussed with the auditors and in turn with the relevant service areas. Actions identified will be implemented to ensure compliance going forward.
5. Matters raised by the Auditor, and management's response to each matter, are as follows:

(a) **Purchases, Payments and Payables (Rating – Moderate)**

During our testing of purchases we noted one instance, out of 10 tested, where a purchase order was raised after the date on the supplier invoice.

Recommendation:

To help ensure purchases have been appropriately authorised all authorising officers should be reminded of the requirement to ensure purchase orders are raised prior to the time of authorising work/services or ordering goods. This will also help to ensure budget responsibility.

Management Comments:

The purchase order identified relates to an annual website subscription. Management will ensure purchase orders for ongoing yearly subscriptions are raised and authorised prior to the end of the renewal period.

(b) **Payroll (Rating – Moderate)**

During our payroll testing we noted an instance where a department's timesheet, which is filled out by all staff members within that department, was not signed and approved by the department supervisor.

Recommendation:

To help ensure the accuracy and validity of payroll transactions, all timesheets should be independently reviewed and approved prior to processing.

Management Comments:

Payroll requires timesheets to be completed prior to payment processing date. The instances identified were mainly due to manager / supervisor being unavailable (due to leave) for authorisation. These timesheets have been reviewed by next senior officer, however not signed. Going forward, timesheets not signed will be returned to the next senior officer within the hierarchy for signatures prior to payment being processed.

(c) Payroll (Rating – Moderate)

Whilst the monthly reconciliations for payroll were performed on a regular basis as required, we noted they were not reviewed by a senior staff member independent of preparation.

Recommendation:

To help ensure the Town's payroll is completely and correctly posted into the general ledger, the reconciliations of the corresponding ledger control accounts should be independently reviewed and documented as such.

Management Comments:

Management notes the observations, and will ensure monthly payroll reconciliations are reviewed by a senior HR officer on an ongoing basis.

(d) Rates (Rating – Minor)

From review of the Town's rate notices we noted the valuation of the land and balance payable in the current financial year was not recorded on the instalment reminder notice as required by Local Government (Financial Management) Regulation 57(1)(c) and (e) respectively.

Recommendation:

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

Management Comments:

Management notes the observations and will ensure that future instalment notices include the land valuation and balance payable in the current financial.

(e) Bank Reconciliations (Rating – Moderate)

Whilst the monthly reconciliations for the reserve bank account were performed on a regular basis as required, we noted they were not reviewed by a senior staff member independent of preparation.

Recommendation:

Bank reconciliations are of primary control importance and are the catalyst for many transactions in other ledger accounts. To help ensure the Town's transactions are completely and correctly posted into the general ledger, the reserve bank reconciliations should be independently reviewed and documented as such

Management Comments:

Management notes the observation stated, and confirm that although all bank reconciliations were conducted and reviewed, there were few Reserve bank reconciliations that missed the signed documentation. Management will ensure that all reconciliations are signed and filed.

(f) Minutes and Meetings (Rating – Significant)

The Ordinary and Special Council meeting minutes, except for September 2019 and October 2019 were not signed at the meeting at which the minutes were confirmed as required by Local Government Act Section 5.22(3).

Recommendation:

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

Management Comments:

Management notes the observations. Going forward, a hard copy of the minutes will be printed for the presiding member to sign at the meeting in which those minutes are confirmed.

(g) Financial Reports (Rating – Moderate)

The monthly statement of financial activity for the month of November 2019 was not presented to the Council within 2 months of the end of the month to which the statement relates as required by Local Government (Financial Management) Regulation 34(3)(a).

Recommendation:

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

Management Comments:

The financial statements for the month of November was presented to the February Ordinary Council Meeting, as the Town did not hold a meeting in January (and have not in previous financial years).

Finance, in consultation with Governance will consider options on how compliance could be achieved.

(h) **Budget (Rating – Minor)**

The Annual Budget did not include an estimate of revenue and expenditure and an estimate of the assets and liabilities associated with major land transactions as required by Local Government (Financial Management) Regulation 27(k).

Recommendation:

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

Management Comments:

Management notes the observations as stated and will ensure details relating to any major land transactions are included within future budgets.

(i) **Fixed Assets (Rating – Moderate)**

Whilst a monthly reconciliation of current year asset transactions is performed, we noted the reconciliation between the Town's fixed asset register and the general ledger was not performed on a regular basis.

Recommendation:

To help ensure the Town's fixed assets are completely and correctly posted into the general ledger, a reconciliation between the asset register and the corresponding ledger control accounts should be completed on at least a quarterly basis. This reconciliation should also be independently reviewed and documented as such.

Management Comments:

A reconciliation between asset register and corresponding ledger accounts are completed monthly. However, a final reconciliation of general ledger asset classes against the asset register is only completed at the end of the financial year. This is predominantly due to the asset classification of major projects requiring to be adjusted once the project is completed. Management will review and implement a quarterly reconciliation process as recommended.

(j) Registers (Rating – Minor)

From review of the Town's Financial Interest Register we noted the following in relation to individual returns (the responsibility of which rests with the individual completing them):

- (i) eight instances where annual/primary returns contained sections which were left blank.
- (ii) the return period (i.e. 1 July 2018 to 30 June 2019) was not specified on the returns.

We also noted the returns completed by ex-employees and former councillors were not removed from the register as required by Local Government Act Section 5.88(3).

Recommendation:

To help ensure compliance with Departmental Circular 18-2005 and to help ensure returns submitted are not at risk of being amended, all sections should be completed. We note it is acceptable to record N/A, Nil or No Change or to rule a clear line through a N/A section whilst leaving sections blank is not recommended practice. The return period should also be clearly documented on the returns. Returns should also be checked for completeness before receipt of the return acknowledgements are issued.

Procedures should be put in place to ensure that returns of ex-employees and former councillors are removed from the register as soon as practicable after they cease to be person who is required to lodge a return.

Management Comments:

Management notes the observations stated and will ensure the recommendations are implemented to ensure compliance.

Relevant documents

Not applicable.

Further consideration

Following the meeting of the Audit and Risk Committee on 22 June 2020 the following additional information is provided:

6. The Audit working papers show of the eight instances where the return contained blank sections, six related to Elected Members and two related to staff.
7. Our procedures have been updated to include a review of all submitted returns to ensure completeness before the acknowledgement of the receipt of the return is sent. In addition, the returns of former employees and former elected members will be removed from the register after they cease.

COUNCIL RESOLUTION (464/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Notes the auditor's report on the review of the Town's financial management systems and procedures.
2. Notes the Management responses to those comments and recommendations.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

15.3 Proposed Internal Audit Program FY 20/21

Location	Town-wide
Reporting officer	Natalie Ong
Responsible officer	Danielle Uniza
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Audit and Risk Committee:

That Council:

1. Adopts the Internal Audit Program (the Program) to be undertaken in the 2020/2021 financial year and notes future internal audit scope proposals for 2021/2022 and 2022/2023, as included in attachment 1.
2. Considers allocating \$30,000 for the purpose of delivering the Internal Audit Program in the 2020/2021 Annual Budget.

Purpose

To present the Audit Committee with the proposed Internal Audit Program for the 2020-2021 Financial Year ("the Program") and recommendations, for review and recommendation to Council.

In brief

- At its meeting held on 21 April 2020, Council requested that the CEO present a report back to the Audit & Risk Committee with a proposed Internal Audit Program to be undertaken in the 2020/2021 financial year by July 2020.
- Under the Audit & Risk Committee's Terms of Reference, the Committee is responsible for reviewing the scope of internal audits and recommending an annual internal audit program to Council, in addition to reviewing the level of resources allocated to internal audit.
- The Internal Audit Program provides the Town with a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, internal controls, and governance processes.
- The Internal Audit Program for the 2020/2021 financial year takes a risk-based approach to determine the effectiveness of organisational controls and processes for managing the High-Risk Events of non-compliance and fraud and corruption identified in the Strategic Risk Register. It comprises a set of prioritised audits which cover compliance, fraud and corruption and other risks in selected high-risk

Focus Areas including: Conflicts of Interest, Gifts, Benefits & Hospitality, Misuse of Information, Information Security and Fraud & Corruption Reporting.

Background

1. At its meeting held on 17 September 2019, Council, at the Audit Committee’s recommendation, resolved to request the Chief Executive Officer (CEO) to investigate the establishment of a regular internal audit program and report back to the Audit Committee by March 2020.
2. In conducting the CEO’s review on systems and processes, in accordance with Regulation 17 of the Audit Regulations, the lack of an internal audit program has been highlighted as a ‘further action’ for improvement.
3. The Town, in its Risk Management Framework, records a low risk appetite for the “Financial”, “Legislative Compliance”, and “Reputation/Image” Impact Categories.
4. The Town’s Strategic Risk Register specifies the following Internal Audit-related risk treatment actions to address identified inherent high-risk events:

Inherent High Risk Event	Risk Treatment Action
Non-compliance with Council’s governance obligations under the Local Government Act	<ul style="list-style-type: none"> • Develop and implement internal audit on compliance and performance
Failure to prevent occurrences of fraud and corruption	<ul style="list-style-type: none"> • Conduct a regular internal audit on fraud and corruption • Conduct regular audits against findings by integrity bodies like the CCC, PSC and OAG

5. At its meeting held on 21 April 2020, Council, on the recommendation of the Audit Committee, requested that the CEO present a report back to the Audit & Risk Committee with a proposed Internal Audit Program to be undertaken in the 2020/2021 financial year by July 2020.
6. The Audit & Risk Committee’s Terms of Reference state the following governance and oversight responsibilities, in relation to Internal Audit:
 - (i) Help Council form an opinion on the local government’s audit requirements by recommending courses of action which ensure that internal audit processes are appropriate, accountable and transparent
 - (a) Review the scope of internal audits with input from the CEO and recommend an annual internal audit program to Council
 - (b) Review the appropriateness of special internal audit assignments undertaken by the internal auditor at the request of Council or the CEO
 - (c) Review the level of resources allocated to internal audit and the scope of its authority
 - (d) Review internal audit reports and make recommendations to Council on its results
 - (e) Oversee and monitor the implementation of internal audit recommendations

7. The Local Government Operational Guidelines on Audit in Local Government advocate internal auditing as an “independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations”, which enables the achievement of organisational objectives by bringing a “systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

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.	As internal audit is a key pillar of organisational governance, a robust internal audit program, with oversight from the Audit Committee, will enable the Town to have a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls, and governance processes. The business improvements that result from an effective internal audit program will ultimately add value to the way the Town runs its business.

Engagement

Internal engagement	
Stakeholder	Comments
Finance	Finance were advised of work being undertaken to develop the Internal Audit Program and asked to provide information on any internal or OAG audits undertaken in relation to Procurement and Accounts Payable to date.
IT	IT were advised of work being undertaken to develop the Internal Audit Program and asked to provide information on any recent cybersecurity or information security reviews conducted. Clarification and engagement to continue with the commencement of the new ICT Manager.
C-Suite	C-Suite were briefed about the development of the Internal Audit Program and its submission to the Audit and Risk Committee.

Legal compliance

[Section 7.1a of the Local Government Act 1995](#)

[Regulation 16 of the Local Government \(Audit\) Regulations 1996](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p>Legislative Compliance, Reputation/Image, Financial</p> <p>A poorly designed Internal Audit Program will make the Town vulnerable to non-compliance, fraud and corruption risks which adversely impact on the Town's reputation, finances and organisational morale, and subject the Council to dismissal and public censure.</p>	Severe	Possible	High	<ul style="list-style-type: none"> Implementing an independent Internal Audit Program which assures a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal control, and governance processes in line with Local Government operational guidelines for audit. Ensure that the Internal Audit role considers compliance and ethics risks in the development of the internal audit program and associated plans, and in the conduct of audit projects. Audit program design considers reports and findings from key state agencies and interstate counterparts as well as industry best practice.

Financial implications

Current budget impact	There is no impact on the current 2019/2020 financial year budget.
Future budget impact	As there is currently no allocated resource within the Town for the purpose of conducting internal audits, and there is a need for some audits to be conducted externally, it is recommended that Council consider allocating \$30,000 for the purpose of conducting the internal audit program in the 2020/2021 financial year.

Analysis

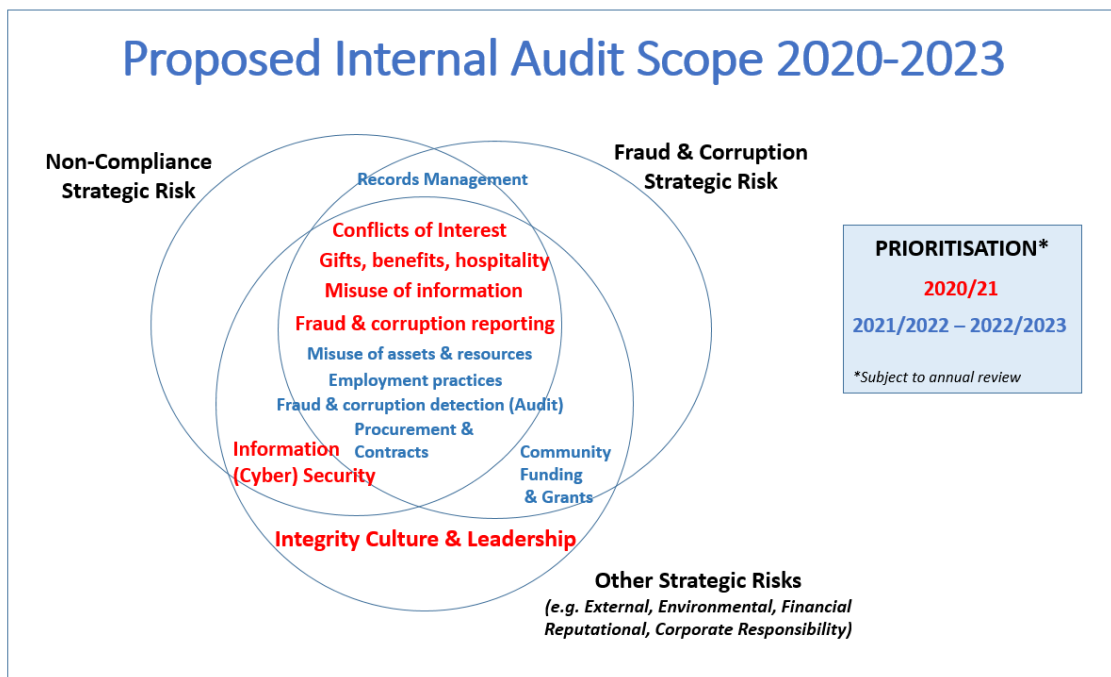
8. The Internal Audit Program for the 2020/2021 financial year takes a systematic risk-based approach to determine the effectiveness of organisational controls and processes for managing the High-Risk Events of non-compliance and fraud and corruption identified in the Strategic Risk Register. It is intended that the findings of this evaluation will inform improvements to the effectiveness of risk management, internal controls, and governance processes.
9. The Program comprises a set of prioritised audits which cover compliance, fraud and corruption and other risks in selected high-risk Focus Areas.
10. Focus Areas which make up the scope of the risk-based Internal Audit Program were identified from an analysis of the Town of Victoria Park's Strategic Risk Register (current as at June 2020), addressing the following elements of the Register:
 - a) Risk Events
 - b) Risk Impact Category
 - c) Inherent Risk Rating
 - d) Risk Treatment Actions

Inherent High Risk Event	Risk Treatment Action
Non-compliance with Council's governance obligations under the Local Government Act	<ul style="list-style-type: none"> • Develop and implement internal audit on compliance and performance
Failure to prevent occurrences of fraud and corruption	<ul style="list-style-type: none"> • Conduct a regular internal audit on fraud and corruption • Conduct regular audits against findings by integrity bodies like the CCC, PSC and OAG

11. The design and approach is based on extensive research, including, but not limited to, the following references:
 - a) WA Local Government Operational Guidelines: The operation, function and responsibilities of Audit Committees
 - b) Key Western Australian Office of Auditor General (OAG) reports on Fraud Prevention and Information Systems
 - c) Public Sector Commission (PSC) WA Integrity Framework
 - d) Corruption and Crime Commission (CCC) reports and findings (Western Australia and interstate counterparts)
 - e) Industry and international best practice standards, guidance material and articles
12. The scope of the Internal Audit Program specifies cross-functional audits to be undertaken in the following high-priority Focus Areas for the 2020-2021 financial year:
 - (a) Conflicts of Interest (November 2020)

- (b) Gifts, Benefits and Hospitality (November 2020)
- (c) Misuse of Information (February 2021)
- (d) Information Security (April 2021)
- (e) Reporting of Fraud and Corruption / Integrity Culture & Leadership (May 2021)

13. The Internal Audit Program proposes minimum Internal Audit Criteria for each Focus Area audit to enable evidence-based assessment of the extent to which the focus areas are being effectively managed by the Town, to meet compliance requirements and against best practice benchmarks.
14. A detailed Audit Plan will be developed for each Focus Area audit. The Internal Audit Criteria are subject to review and updates as part of detailed planning for each specific audit, taking into consideration emergent risks, internal and external trends and identified issues as they arise. A responsive, proactive and agile approach to audit planning will ensure currency and relevance, through environmental scanning, research and networking to keep abreast of industry and sector developments and changes in the regulatory environment.
15. In line with the Terms of Reference of the Audit and Risk Committee, the findings of each audit will be presented at the first Audit and Risk Committee meeting following the completion of the audit. Progress against internal audit recommendations will be tracked and a report presented to the Audit and Risk Committee at each quarterly meeting of the Committee.
16. As part of a strategic and ethical approach to the Internal Audit function, it is recommended for the Committee's consideration that:
 - (a) The Internal Audit Program includes an out-sourced independent internal audit of the Internal Audit function in future years, with funding to be made available for this purpose.
 - (b) Where it is identified that the performance of an internal audit would create a conflict of interest for the Internal Audit function, an out-sourced independent auditor be appointed.
 - (c) A multi-year view of internal audit programming be considered, with a rolling three-year program (reviewed annually) which proposes future Focus Areas for the second and third years, based on strategic assessments of the risk and threat environments undertaken through the risk management function. For instance:



17. It is intended that as the Town’s internal audit model matures, it will evolve in line with the contemporary view of internal audit as outlined in the Institute of Internal Audit’s factsheet “Evolution of Internal Audit”, developing accretionally from a compliance-based function to one that helps to drive enterprise-wide value.



Relevant documents

[Terms of Reference - Audit and Risk Committee](#)

[Strategic Risk Register](#)

[Risk Management Framework](#)

Public Sector Commission

- [Integrity Strategy for WA Public Authorities 2020-2023](#)
- [Integrity Snapshot Tool for WA Public Authorities](#)

WA Office of Auditor General (OAG)

- [Report on Fraud Prevention in Local Government, August 2019](#)
- [Information Systems Audit Report – State Government entities, April 2020](#)

WA Corruption and Crime Commission (CCC)

- [Report into misconduct risks with access to confidential information in the Office of the Auditor General, April 2020](#)
- [Review of an inadequate investigation by the Department of Communities into allegations of bribery, April 2020](#)
- [Review of recommendations made following unauthorised release of confidential information from the Public Transport Authority, February 2020](#)
- [Review of recommendations made to Department of Transport arising from three reports, October 2019](#)
- [Report into how conflicts of interest undermine good governance - A report on the Chief Executive Officer of the Shire of Halls Creek, August 2018](#)
- [Report into Allegations of Serious Misconduct by Councillors of the City of Perth between 21 and 24 October 2017](#)
- [Report on Matters of Serious Misconduct in the Shire of Exmouth. May 2017](#)
- [Report on a Matter of Governance at the Shire of Dowerin, October 2016](#)
- [Report on City of Perth Lord Mayor \(gifts and travel contributions\), October 2015](#)

[WA Local Government Accounting Manual – Section 7 Internal Control Framework](#)

[WA Local Government Operational Guidelines: The operation, function and responsibilities of Audit Committees](#)

[Internal Audit in Australia, Institute of Internal Auditors](#)

Victorian Independent Broad-based Anti-Corruption Commission (IBAC)

- [Local Government Integrity Frameworks Review March 2019](#)
- [Controlling fraud and corruption: a prevention checklist](#)

[Queensland Department of Local Government guidance on IA and Audit Committees](#)

[NSW Department of Premier and Cabinet Internal Audit Guidelines for Local Councils](#)

Institute of Internal Audit

- [Internal Audit in Australia](#)
- [Effective Internal Auditing in the Public Sector – A Good Practice Guide](#)
- [International Standards for the Professional Practice of Internal Auditing](#)
- [International Professional Practices Framework \(IPPF\)](#)

- [Factsheet: Evolution of Internal Audit](#)

KPMG

- [Top 10 Internal Audit considerations in 2020](#)
- [Internal Audit: Understanding the audit universe and the journey to risk maturity](#)
- [ICAS Risk Maturity Matrix with Audit Tests](#)

PWC

- [The 8 Attributes of Successful Internal Audit Functions](#)

Further consideration

Following the meeting of the Audit and Risk Committee on 22 June 2020 the following additional information is provided:

18. The requested \$30,000 budget consideration is to be used for both internal and external resources, as appropriate. Due to the nature of the audit program, there are instances where conducting the audit in-house may give rise to conflicts of interest.
19. The Committee discussed the proposed internal audit schedule and the whether cybersecurity should be audited sooner. Due to current on-going internal reviews, and the scope of various external audits extending to some aspects of cybersecurity, this area is suggested for audit at a later time, as per the proposed program. This approach is intended to result in a better use of limited funds and resources.

COUNCIL RESOLUTION (465/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Adopts the Internal Audit Program (the Program) to be undertaken in the 2020/2021 financial year and notes future internal audit scope proposals for 2021/2022 and 2022/2023, as included in attachment 1.
2. Considers allocating \$30,000 for the purpose of delivering the Internal Audit Program in the 2020/2021 Annual Budget.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

15.4 Process for reporting significant compliance issues

Location	Town-wide
Reporting officer	Michael Cole
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Audit and Risk Committee

That Council notes the process for reviewing, and reporting on, non-compliance issues raised by the Auditor.

Purpose

To receive an update on the process the Town has since implemented for reviewing, and reporting on, non-compliance issues raised by the Auditor.

In brief

- As part of their audit of the 2017/18 Annual Financial Statements, the Town's auditors issued their opinion on a significant adverse trend in the financial position of the Town relating to the Asset Sustainability Ratio.
- This adverse trend was not brought to the attention of the Council, in accordance with Section 7.12A(4) of the Local Government Act 1995 and required a subsequent report to Council.
- A similar finding was included in the audit of the 2018/19 Annual Financial Report and the action required to be taken under the Act was completed.
- The Audit Committee recommended that Council requests that the Chief Executive Officer provides further information relating to the development of a process in line with item 1.5 of the update on outstanding actions from regulation 17 review (attachment 7.2.1), along with updated status, to the audit committee at its June 2020 meeting.

Background

1. At its meeting of 23 March 2020, the Audit Committee considered the CEO's review of systems and procedures under regulation 17 of the Local Government (Audit) Regulations 1996.
- 2.
3. One matter in the review was the auditor's opinion from their audit of 2018/19 Annual Financial Report on a significant adverse trend in the financial position of the Town relating to the Asset Sustainability Ratio. A similar opinion was issued in 2017/18.
4. Section 7.12A(4) of the Local Government Act 1995 requires a local government to prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take concerning each of those matters. A copy of

that report is to be provided to the Minister within 3 months after the audit report is received by the local government and published on the local government's official website.

5. Due to an oversight in 2018, this did not occur and the Town was required to comply with section 7.12A(4) of the Act.
6. The regulation 17 review also noted that the Town has since implemented a process for reviewing, and reporting on, non-compliance issues raised.
7. The Audit Committee requested that the Chief Executive Officer provides further information relating to the development of the process along with updated status, to the Audit Committee at its June 2020 meeting.

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.	Responses to audit findings are considered by the Audit Committee and Council in a timely manner.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensures compliance with Regulation 17

Engagement

Internal engagement	
Stakeholder	Comments
Finance Team	Finance team have been consulted. All auditor opinions are reviewed and if any adverse findings are identified, the adverse finding and action being taken to address the finding are reported to Council. This is to be included in the report to Council to receive the auditor's opinion.

Legal compliance

[Section 7.12A\(4\) of the Local Government Act 1995](#)

[Regulation 17 of the Local Government \(Audit\) Regulations 1996](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public	Moderate	Likely	High	Responses to adverse findings addressed when Audit opinion

perception towards the Town may result if Audit findings not dealt with in a timely manner.

is received by the Audit Committee and Council.

Financial implications

Current budget impact

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

Future budget impact

Not applicable.

Analysis

8. Following concerns raised by the Audit Committee in 2019, a process has been put in place to review and report on non-compliance issues raised by the Auditor.
9. The Town's checklists have been updated to include the following process:
 - Upon receipt of the Auditor's opinion, the opinion is to be reviewed for any adverse findings.
 - In the event of an adverse finding, the report to the Audit and Risk Committee will include management responses to the adverse finding including action proposed.
 - A copy of the report is to be provided to the Minister
 - A copy of the finding and action taken is to be posted on the Town's official website.
10. This process was followed on receipt of the Auditor's opinion for the 2018/19 Annual Financial Report with the report to the Audit Committee noting:
 - The audit finding concerning the Asset Sustainability Ratio
 - The action the Town has taken with respect to the Asset Sustainability Ratio
 - A copy of that report was provided to the Minister immediately after the audit report was received by the local government and was also published on the Town's official website.

Relevant documents

Not applicable

Further consideration

Following the meeting of the Audit and Risk Committee on 22 June 2020 the following additional information is provided:

The committee discussed if there was a culture of raising noncompliance and the proposed process to address significant finding in the external audit. The Chief Financial Officer responded that in his view there

was a strong culture of compliance within the Finance Team. The process put in place was followed upon receipt of the Auditor's opinion for the 2018/19 Annual Financial Report as noted above.

COUNCIL RESOLUTION (466/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Claire Anderson

That Council notes the process for reviewing, and reporting on, non-compliance issues raised by the Auditor.

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

15.5 Review of Policy 212 Graffiti Removal Management

Location	Town-wide
Reporting officer	Denis Lau
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee

That Council:

1. Repeals existing Policy 212 Graffiti Removal Management as an attachment 1;
2. Adopts amended Policy 212 on Graffiti Removal Management as an attachment 3, inclusive of the following changes:
 - a. Clause 5 be removed.
 - b. That the sentence 'The Town will seek to apply any recourse available to its graffiti removal operations under the Graffiti Vandalism Act 2016' be removed from clause 4 and be created as the new clause 5.
 - c. That the following is added under the definition section of the policy:
"**graffiti** has the meaning given to it in the *Graffiti Vandalism Act 2016*."

Purpose

To repeal the existing Policy 212 Graffiti Removal Management and present the amended policy 212 on Graffiti Removal Management to the Policy Committee for a recommendation for Council adoption.

In brief

- The policy on Graffiti Removal Management, previously policy number ENG12, was last reviewed in August 2015. Since this review State Government legislation on graffiti removal management (the Graffiti Vandalism Act 2016 (GVA) has been passed.
- At its Policy Committee meeting of 18 March 2020 (subsequently confirmed through Council resolution 384/2020 of 21 April 2020), it was resolved to request a review of the policy on Graffiti Removal Management, now policy 212, by July 2020. This is part of the broader timetable for review of policies in the 2020/2021 financial year.
- Policy 212 on Graffiti Removal Management guides the principles that the Town will apply to ensure that graffiti is treated within acceptable timeframes through its resources.

Background

1. At its meeting of 18 March 2020, Council received a report relating to a minor review of the Town's policy manual. As part of this review, a timetable was proposed for a review of Council policies during the 2020/2021 financial year.
2. Policy 212 on Graffiti Removal Management is scheduled to be reviewed by July 2020.
3. Since the last review of the policy, the GVA has come into effect. The current review takes this into account, although changes to its policy on treatment remain essentially unaffected.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The policy aims to ensure that graffiti is managed on a timely basis so that it does not have a significant effect on commerce and tourism.
EC02 - A clean, safe and accessible place to visit.	The policy aims to ensure assets are well maintained so that the appearance of a property is kept to the standard expected from the community.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The policy aims to ensure assets are well maintained in accordance with the service levels expected from the community.

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	The policy aims to differentiate Murals/Street Arts from graffiti.

Engagement

Internal engagement

Stakeholder	Comments
Operations	Review and provide input to policy changes

Governance	Review and provide input to policy changes
Community Development	Review and provide a definition for Murals/Street Arts

Legal compliance

Not applicable

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational – the levels of graffiti in high visibility areas become of concern	Moderate	Unlikely	Moderate	Policy to ensure areas are treated in a timely basis.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget.
Future budget impact	There are not expected to be any budget implications for future years.

Analysis

- The policy has been reviewed for consistency of application against existing practice. Minor amendments have been made to clarify terminology and other requirements in providing the removal service.
- It is noted that the GVA has been legislated since the last policy review. This policy has also been reviewed to ensure that there are no inconsistencies against this new legislation.
- The GVA provides for various penalties to offenders. It also legislates the restitution that convicted offenders may be required by courts to pay to those bodies which have repaired such damage. This is consistent with previous practice by the courts and does not affect existing Town policy.
- The GVA also provides for local governments to issue and enforce notices to owners who have given consent to the application of unsightly or offensive graffiti on their property (and which is visible from a public place). The likelihood of the need for such notices is considered remote, however, the amended policy notes that the Town will have recourse available under the GVA to its graffiti removal operations.

Relevant documents

[Graffiti Vandalism Act 2016](#)

Further consideration

Following the meeting of the Policy Committee on 29 June 2020 the following additional information is provided:

Most of the public murals in the Town has an anti-graffiti coating. If a mural has been defaced, the graffiti shall be removed by pressure-water. If it cannot be removed, the Town will work with the artist to restore the mural.

The Town has removed the reference in engaging contractors under section 5(a) because it was under the heading where "The Town will not remove graffiti from...". The clause is contradictory as the Town will actually remove the graffiti – but only with a contractor. However as the committee has recommended the removal of the proposed clause 5 this is no longer relevant.

The version of the policy attached to this report has been updated to include the changes made by the Policy Committee.

COUNCIL RESOLUTION (467/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Claire Anderson

That Council:

1. Repeals existing Policy 212 Graffiti Removal Management as an attachment 1;
2. Adopts amended Policy 212 on Graffiti Removal Management as an attachment 3, inclusive of the following changes:
 - a. Clause 5 be removed.
 - b. That the sentence 'The Town will seek to apply any recourse available to its graffiti removal operations under the Graffiti Vandalism Act 2016' be removed from clause 4 and be created as the new clause 5.
 - c. That the following is added under the definition section of the policy:

"graffiti has the meaning given to it in the *Graffiti Vandalism Act 2016*."

CARRIED BY EXCEPTION RESOLUTION (8 - 0)

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

Against: nil

15.6 Review of Policy 255 Street Trees

Location	Town-wide
Reporting officer	Pierre Quesnel
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee

That Council:

1. Repeal Policy 255 Street Trees as attached at attachment 1
2. Adopts Policy 255 Trees as attached at attachment 3, inclusive of the following changes:
 - a. That 'road reserve' be removed from clause 13
 - b. That clause 34 be amended to read:

"Subject to clause 26(e), a tree that is clearly dead can be removed without community consultation, unless:

 - a. The tree has evidence of habitation or recent habitation of species that is classified as threatened or endangered; or
 - b. the tree is of cultural heritage significance as defined in the *State Heritage Act 2018*."
 - c. That clause 3 be amended to insert the word 'Town' before the word 'tree'.
 - d. That the words 'The cost of pruning a verge tree(s) necessitated by adjacent property development shall be the responsibility of the developer' be removed from clause 8(f) and be added as a new clause 9.
 - e. That clause 32(d) be amended to read "The tree causes allergy or health problems. The Town may consider removal of the tree, subject to appropriate evidence from a medical practitioner confirming that allergy or health problem."

Purpose

To amend the current Street Tree Policy to align with the strategic aims of the Urban Forest Strategy and to facilitate an increase in tree canopy coverage despite increased urban infill development.

In brief

- The existing Policy 255 Street Trees (the policy) guides tree planting, tree maintenance, tree removals, and disputes in the Town.
- Currently, the policy is described as relevant to Street Trees on road reserves however is generally used to guide tree planting, maintenance, and removals for all trees under Town management (eg. Parks and other public spaces).
- It is proposed this policy is amended to include all trees under Town management.
- It is also proposed the policy be updated to meet contemporary community expectations, industry best practice, and the objectives of the Urban Forest Strategy.
- Further updates are proposed to meet current procedures and reduce terminology that is open to broad interpretation

Background

1. At its meeting on 17th September 2019 Council adopted a work plan to complete the review of several policies. Policy 255 Street Tree Policy was one of the policies identified for review.
2. Policy 255 Street Trees is used to manage street trees throughout the Town.
3. The current policy is divided into the following sections:
 - () Policy
 - () Pruning and maintenance
 - (i) Planting of street trees
 - (ii) Street tree removal
 - (a) Procedure
 - () Pruning and maintenance
 - (i) Planting of street trees
 - (ii) Street tree removal
4. The Urban Forest Strategy adopted by Council in September 2018 sets the target of doubling the canopy cover in the Town from 10% (as measured in 2016) to a future 20%. Doubling the canopy coverage whilst increasing residential densities will lead to an emphasis on increasing tree canopy in the public realm.
5. The Urban Forest Strategy Implementation Action Plan includes Action 1C: *“Establish a policy to protect existing trees on public land and help new trees to reach maturity. Explore mechanisms including; a. effective street tree bonds, b. Tree impact assessments, c. appropriate penalties for tree removal or vandalism.”* The amendment to the current policy is recommended as encompassing this intent.
6. Amendment of this Policy is desired by the Town who face challenges applying the policy, particularly when it misaligns with strategic direction and when wording is ambiguous and open to interpretation and exploitation.
7. A comprehensive review of tree policies from metropolitan Perth local governments has been conducted by the Parks Technical Officer and has been drawn upon in these recommended amendments.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	This policy amendment recommends expansion of its scope to apply to all Town managed trees. Amending this policy will directly improve the ability to create and maintain and manage appropriate, inviting, and sustainable green spaces.
EN07 - Increased vegetation and tree canopy.	This policy amendment will provide the necessary support for tree planting programs that aim to increase the tree canopy coverage of the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Senior Parks and operations Team, Place Planning Team	The policy amendments were initially developed by Parks Technical Officer and Place Leader Urban Forest.
Senior Parks and operations Team, Place Planning Team	A workshop was then conducted with senior parks and operations staff to form a shared consensus on the amendments.
Senior Parks and operations Team, Place Planning Team	Following this, the final recommendations were circulated to Parks and Operations senior staff for final comments before the proposed amendments were finalised.
Urban Planning	The urban planning team were consulted on the policy. The policy was confirmed to align with the Local Planning Policy 39 Planting and Retention of Trees. Regarding the clause relating to the design of developments to accommodate street trees, the Urban Planning team confirmed that this is included in LPP39 clause 3 therefore enforceable via the Development Application process.

External engagement

Stakeholder	Comments
Urban Forest Strategy Implementation Working Group	<p>The Urban Forest Strategy Implementation Working Group have received a copy of the new Tree Policy for review and feedback. Feedback received was positive and support of the policy was expressed. Additional edits and structural changes were suggested which were included in the final version.</p> <p>Additional feedback and suggestion for consideration include:</p> <ul style="list-style-type: none"> Inclusion of a clause stating trees should not be pruned if an active bird nest is identified.

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
<p>Reputational</p> <p>Certain sections of the community have negative perceptions of trees in the public realm particularly near their own property.</p>	Minor	Likely	Moderate	Increase the education and awareness campaign associated with the UFS implementation.
<p>Economic</p> <p>Strong penalties and a requirement for development to be designed to accommodate existing street trees could restrict development opportunities within the Town.</p>	Minor	Possible	Moderate	<p>Clear communication with developers in the early design stages.</p> <p>Helliwell value system is proposed which provides lower values than comparative value systems.</p>

Financial implications

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

Analysis

8. The "track changes" version of the attached policy includes specific reasoning for each change.
9. The general reasons for the amendments include:
 - (l) Updating to contemporary terminology and removing references to superseded Tree Plan.
 - (a) Simplification of wording.
 - (b) Improved customer service for pruning works.
 - (c) Expansion and improved reasoning for tree pruning.
 - (d) Removal of impractical and ineffective clauses.
 - (e) Clarification of prosecution potential and relationship with local laws.
 - (f) Clarifying the priority of street tree provision over personal preference.
 - (g) Defines the financial implications for private development when a street tree is removed or damaged and clarifies that removal is only conducted when all other design options are exhausted.
 - (h) Expansion of the procedure for tree pruning and maintenance.
 - (i) Explanation of the intent for the town to conduct an annual tree-planting program and its process.
 - (j) Explanation of the Street Tree Request program.
 - (k) The ability of trees under 3m or "dead" to be removed without community consultation.
10. The amended policy will assist the parks and operations team in applying consistent, clear responses to resident requests for tree pruning, removal, planting, and other management considerations.
11. It will enable best practice management of the Town's urban forest to ensure tree health and longevity and a positive relationship between the community and the vital "living infrastructure" that is the Urban Forest.
12. The amended policy also facilitates mass tree planting on Town managed land to pursue the targets of the Urban Forest Strategy.

Relevant documents

- LPP39 Tree planting and Retention

Further consideration

Following the meeting of the Policy Committee on 29 June 2020 the following additional information is provided:

13. The Town wherever possible replaces any trees removed, during the following planting season. In most cases at the same location or nearby.
14. Western Power requirements relate to standard clearance of their infrastructure including poles transformers, high voltage and low voltage power lines. Clearances are required from private trees, but the property owner is responsible for clearing private vegetation, it is not done by the Town.
15. The Town's street trees are independently audited yearly and parks trees every 2 years. The tree contractor is provided this audit information for the precinct pruning list. All the contractors team leaders have Arboricultural qualifications. Their staff also require specific tickets to work near live wires, as well as use elevated work platforms. Yearly audit pruning is usually carried out in the same month each year, and the Streetscapes Supervisor carries out spot audits on each precinct as the pruning is underway. If any issue occurs, the Contractors Manager is requested to attend site with the Streetscape Supervisor. Any outcomes are documented via e-mail. The Town is required to manage over 16,000 verge trees and 5000 park trees. All are on the Town's database which is updated at each audit.
16. While the Town has a preference for planting native species, tree selection is based on a number of factors including soil type, vision and clearance requirements, existing species, potential for survival in proposed location, canopy spread, physical area available, and whether there is a theme for a particular area. Procurement of appropriate stock may also limit the choice of tree.
17. The version of the policy attached includes the changes made by the Policy Committee as well as other corrections of typographical errors.

AMENDMENT:

Moved: Cr Luana Lisandro

Seconder: Cr Claire Anderson

That the following amendments be made to the motion:

1. That the title of Policy 255 be changed to Tree Management.
2. That a further point be added to read:
 3. Requests that the Chief Executive Officer reviews Policy 255 Tree Management and presents a report to the Policy Committee by July 2022.
3. That point 2b be amended to read:

subject to clause 27(c) and 27(f).

CARRIED LOST (8 - 0)

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

Against: nil

Reason:

The title of the policy is too generic and further clarification is needed in order for it to be in line with its scope. A review in two years by the Policy Committee would be prudent in order to measure the effectiveness and make any changes to the policy at the time.

AMENDMENT:

Moved: Cr Luana Lisandro

Seconded: Cr Claire Anderson

That the following amendments be made to the motion:

1. That the title of Policy 255 be changed to Tree Management.
2. That a further point be added to read:
 3. Requests that the Chief Executive Officer reviews Policy 255 Tree Management and presents a report to the Policy Committee by July 2022.
3. That point 2b be amended to read:

subject to clause 27(c) and 27(f).

CARRIED (8 - 0)

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

Against: nil

Reason:

The title of the policy is too generic and further clarification is needed in order for it to be in line with its scope. A review in two years by the Policy Committee would be prudent in order to measure the effectiveness and make any changes to the policy at the time.

COUNCIL RESOLUTION (468/2020):

Moved: Cr Ronnhda Potter

Seconded: Mayor Karen Vernon

That Council:

1. Repeal Policy 255 Street Trees as attached at attachment 1
2. Adopts Policy 255 Tree Management as attached at attachment 3, inclusive of the following changes:
 - a. That 'road reserve' be removed from clause 13
 - b. That clause 34 be amended to read:

"Subject to clause 27(c) and 27(f), a tree that is clearly dead can be removed without community consultation, unless:

 - a. The tree has evidence of habitation or recent habitation of species that is classified as threatened or endangered; or
 - b. the tree is of cultural heritage significance as defined in the *State Heritage Act 2018*."
 - c. That clause 3 be amended to insert the word 'Town' before the word 'tree'.
 - d. That the words 'The cost of pruning a verge tree(s) necessitated by adjacent property development shall be the responsibility of the developer' be removed from clause 8(f) and be added as a new clause 9.
 - e. That clause 32(d) be amended to read "The tree causes allergy or health problems. The Town may consider removal of the tree, subject to appropriate evidence from a medical practitioner confirming that allergy or health problem."
3. Requests that the Chief Executive Officer reviews Policy 255 Tree Management and presents a report to the Policy Committee by July 2022.

CARRIED (8 - 0)

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

Against: nil

16 Applications for leave of absence

COUNCIL RESOLUTION (469/2020):

Moved: Cr Luana Lisandro

Seconded: Cr Jesvin Karimi

That Council approve a leave of absence for Cr Vicki Potter, from 21 July 2020 until 21 August 2020, inclusive.

CARRIED (8 - 0)

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

Against: nil

For the purposes of this meeting, Cr Vicki Potter is now recorded as being on a leave of absence from this point.

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 Meeting Procedures Local Law 2019*, Cr Ronhda 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, for 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 September 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 what is often perceived as litter within the Town.

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.

With the recent passing of our Homeless Policy and this issue being identified as something we as a Town can address throughout the engagement process on this policy 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

Civic Leadership	
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.

Economic	
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.
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Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	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.

Social	
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

Location	Town-wide
Reporting officer	Suzanne Caren
Responsible officer	Alison Braun
Voting requirement	Absolute majority
Attachments	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 September 2020 Ordinary Council Meeting.

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

Current budget impact

Nil.

Future budget impact

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

Relevant documents

Not applicable.

COUNCIL RESOLUTION (470/2020):

Moved: Cr Ronnhda Potter

Seconded: Cr Luana Lisandro

That Council:

1. Requests that the Chief Executive Officer investigates the provisions of public lockers, or alternative storage spaces, for people living with homelessness in the Town, including but not limited to the possible locations, costs and any security arrangements.
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 September 2020 Ordinary Council Meeting.

CARRIED (8 - 0)

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

Against: nil

18 Questions from members without notice

Cr Brian Oliver

1. Have the backboards been reinstated to the basketball rings at Zone 2X?

The Chief Operations Officer advised that they have not. Investigations have taken place following complaints about noise as the backboards that were in place produced more noise than allowable. The Town is trying to source and fund backboards that produce acceptable noise. The Town is also taking the opportunity to investigate whether the poles are in the right location as reports have been received from tennis players that they conflict with tennis games.

Mayor Karen Vernon

1. Can updates be provided on the completion of works at Higgins Park Tennis Club and the 50 metre outdoor pool at Aqualife?

The Chief Operations Officer advised that Higgins Park Tennis Club is 98% complete. The Town is still waiting on some lighting infrastructure from a supplier as it was held up due to COVID-19.

The 50 metre pool is largely complete and due to be filled in the coming week or two.

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

Nil.

20 Public question time

Mary Davies

1. Given the interest in the heritage value of 100 year old houses, will this have any impact on the development on the corner of Duncan Street and Albany Highway?

The Manager Development Services advised that the decision of Council was to start the process of initiating the scheme amendment. The process will take some time as we are at the early stages. The decision on the retirement home proposal will happen in the next couple of months. There is no certainty that the process initiated tonight will be approved or adopted. If the amendment was already approved, there would have been a level of protection for an old property in regards to the development. If the the Joint Development Assessment Panel approves the development, there will probably be a requirement for a dilapidation report for the adjoining properties.

Vince Maxwell

1. Why should we trust that this year will be any different in regards to any surplus?

The Acting Chief Executive Officer advised that the Town endeavors to complete capital works and projects. There are carry forwards of approx. \$5 million proposed for next financial year. There is also some underspend in some capital works projects. As at 30 June next year, the Town anticipates there to be no surplus.

2. When using the same modelling to create budgets, wouldn't you expect the same result?

The Acting Chief Executive Officer advised that the Town's best endeavors will be to have no surplus at the end of next year.

3. Did the Council vote to keep rates revenue the same as last year or did the State Government mandate this?

Mayor Karen Vernon advised that there was no mandate from the State Government but it was encouraged due to COVID-19. This Council moved quickly to hold a Special Council Meeting to resolve to request the Chief Executive Officer to present a budget with a 0% increase in rate revenue.

4. How can it be a rate freeze when there is almost a 2% increase proposed?

The Acting Chief Executive Officer advised that Council's resolution was taken into account when preparing the budget. Rate modelling is done each year at the end of April to take into account any growth in gross rental valuations or new properties added to the rate base. The 0% rate rise was framed on the rateable values of gross rental values as they stood at the end of April. Conversations have been had with the Mayor in relation to this matter and it would probably be an item that is discussed at the Special Agenda Briefing Forum.

5. Is a 2% rate increase a rate freeze?

The Acting Chief Executive Officer advised that 0% based on the Town's rate base as at the end of April 2020 is a 0% rate rise.

Mayor Karen Vernon advised that members of the community are welcome to attend the Special Agenda Briefing Forum to ask questions about the budget.

Sam Zammit

1. Someone has knocked off the button outside the front doors.

Mayor Karen Vernon advised that she was not aware of a button and the Town will investigate if someone has knocked off its button.

2. Is a car yard with two or three cars considered an empty car yard?

Mayor Karen Vernon advised that a car yard is not empty if it has a couple of cars in it.

3. Is the Town keeping an eye on empty car yards? Is the policy being policed and implemented?

Mayor Karen Vernon advised that she keeps an eye on them.

The Manager Development Services advised that there are non-conforming use rights under the Town Planning Scheme. The Town doesn't actively police or take note of time frames. Previous legal advice has been received that if a landowner is taking active steps to find a new tenant for the same purpose, non-conforming use continues. This presents difficulties for knowing time frames. If matters are brought to the Town's attention, it will be investigated.

4. Do you intend on removing the unlawful signs on Canterbury Terrace up to the laneway?

The Chief Operations Officer thanked Mr Zammit for donating his time to identify the signs. The Town has been investigating and the issue goes back to 1903, and changes in 1981 and 1985. The Town is engaging with surrounding landowners on the issue. There has been no resolution as yet.

21 Public statement time

Vince Maxwell

1. Made a statement about the proposed budget for the 2020/2021 financial year, the use of reserves and the Town's investments.

22 Meeting closed to the public

22.1 Matters for which the meeting may be closed

Nil.

22.2 Public reading of resolutions which may be made public

Nil.

23 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9.11pm.

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

Signed:

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Dated this:

Day of:

2020