



TOWN OF
VICTORIA PARK



Agenda Briefing Forum Notes – 4 October 2022



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** was held at **6:30 PM** on **Tuesday 4 October 2022** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
6 October 2022

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1 About the Agenda Briefing Forum

The purpose of the Agenda Briefing Forum is to ask questions and seek clarity on the draft Ordinary Council Meeting agenda, in line with the Agenda Briefing, Concept Forum and Council Workshops Policy.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the *Local Government Act 1995*.

Members of the public that are directly impacted by an item on the agenda may participate in the meeting through a deputation. A deputation is a presentation made by one individual or a group up to five people affected (adversely or favourably) by a matter on the agenda. Deputations may not exceed 10 minutes. A [Deputation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

All others may participate in the meeting during the allotted Public Participation Time. While it is not required, members of the public are encouraged to submit their questions and statements in advance by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). Please note that questions and statements related to an agenda item will be considered first. All those dealing with matters of a general nature will be considered in the order in which they have been received.

For any questions regarding the Agenda Briefing Forum or any item presented in the draft agenda, please contact the Governance team at GovernanceVicPark@vicpark.wa.gov.au.

Disclaimer

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Any advice provided by an employee of the Town on the operation of written law, or the performance of a function by the Town, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Town. Any advice on a matter of law, or anything sought to be relied upon as representation by the Town, should be requested in writing.

Noting that the Agenda Briefing Forum is only for the purpose of seeking further information on the draft Ordinary Council Meeting Agenda, and does not constitute a decision-making forum, any person or entity who has an application or submission before the Town must not rely upon officer recommendations presented in the draft agenda. Written notice of the Council's decision, and any such accompanying conditions, will be provided to the relevant person or entity following the Ordinary Council Meeting.

2 Opening

Mayor Karen Vernon opened the meeting at 6.30pm.

3 Acknowledgement of country

Cr Vicki Potter read the Acknowledgment of Country.

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

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.

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

The purpose of this forum is to provide an opportunity for Elected Members to ask questions and obtain additional information on officer reports in the draft Ordinary Council Meeting agenda. It is not a decision-making forum, nor is it open for debate.

Members of the public that may be directly affected by an item on the agenda can make presentations, deputations, statements, and ask questions, prior to the matter being formally considered by Council at the next Ordinary Council Meeting.

4.2 Notice of recording and live-streaming

All participation in the meeting will be audio recorded and live-streamed on the Town's website. The live-stream will be archived and made available on the Town's website after the meeting.

4.3 Conduct of meeting

All those in attendance are expected to extend due courtesy and respect to the meeting by refraining from making any adverse or defamatory remarks regarding Council, the staff or any elected member. No one shall create a disturbance at a meeting by interrupting or interfering with the proceedings through expressing approval or dissent, by conversing, or by any other means.

All questions and statements made by members of the public are not to personalise any elected member or member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

4.4 Public participation time

There is an opportunity to ask questions and make statements at the beginning and end of the meeting. The opportunity to ask questions and make statements at the end of the meeting is limited to the following:

- Those items on the agenda and
- Those members of the public who did not participate in the first public participation time at this meeting.

Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

In line with the intended purpose of the Agenda Briefing Forum, questions and statements relating to an agenda item will be considered first. All others will be considered in the order in which they are received.

4.5 Questions taken on notice

Responses to questions taken on notice that relate to an agenda item will be presented in the officer report for the Ordinary Council Meeting agenda under the heading 'Further consideration'.

Responses to general matters taken on notice will be made available in the relevant Ordinary Council Meeting agenda under the section 'Responses to public questions taken on notice'.

5 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Deputy Mayor Claire Anderson Cr Peter Devereux Cr Wilfred Hendriks
Jarrah Ward	Cr Jesse Hamer Cr Bronwyn Ife Cr Jesvin Karimi Cr Vicki Potter
Chief Executive Officer	Mr Anthony Vuleta
A/Chief Operations Officer Chief Financial Officer Chief Community Planner	Mr Gregor Wilson Mr Duncan Olde Ms Natalie Martin Goode
Manager Governance and Strategy Manager Property Development and Leasing Strategic Projects Manager Secretary Public liaison	Ms Bana Brajanovic Mr Paul Denholm Mr Pierre Quesnel Ms Felicity Higham Ms Alison Podmore
Public	6

5.1 Apologies

Banksia Ward	Cr Luana Lisandro
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5.2 Approved leave of absence

Nil.

6 Declarations of interest

6.1 Declarations of financial interest

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Financial
Extent of interest	I am a member of the Rotary Club of Victoria Park which run the Vic Park Markets. I occasionally set up a stall for my naturopath business when there is a lack of stalls on a Sunday.

6.2 Declarations of proximity interest

Nil.

6.3 Declarations of interest affecting impartiality

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	<p>Has attended events hosted by/involving:</p> <ul style="list-style-type: none">• Victoria Park Community Centre Incorporated• Friends of Jirdarup Bushland• Vic Park Collective• Rotary Club of Victoria Park Western Australia Incorporated• Adrian Tilby – Vic Park Pride <p>Numerous applicants are known to me, being:</p> <ul style="list-style-type: none">• Rotary Club of Victoria Park Western Australia Incorporated• Victoria Park Primary School Parents and Citizens Association Incorporated• Curtin Victoria Park Cricket Club• Higgins Tennis Club• Adrian Tilby – Vic Park Pride• Umbrellas and Footprints Incorporated• Epilepsy Association of WA Incorporated

Name/Position	Cr Bronwyn Ife
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	A number of the organisations that have been recommended to receive grants are known to me. I have attended events at the invitation of the Victoria Park Community Centre, the Vic Park Collective, the Friends of Jirdarup Bushland, the Vic Park Junior Football club and Vic Park Pride. I had children who attended Victoria Park Primary and was actively involved in the P and C. Some of the coordinators of Umbrella and Footprints are acquaintances of mine. I have had discussions with residents around Eric Bell Park about their vision to have an artwork in that park dedicated to Eric Bell.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	Have attended events and meetings with governing bodies of Victoria Park Community Centre, Friends of Jirdarup Bushland, Rotary Club, Kensington PCYC, Vic Park Collective, Burswood Peninsula Neighbourhood Watch, Curtin Vic Park Cricket Club, Higgins Park Tennis Club, Perth Cricket Club, Victoria Park Junior Football Club and Vic Park Pride. I have had communications with the Friends of Jirdarup Bushland about their history project and Higgins Park Tennis Club about the LED light replacements.

Name/Position	Cr Peter Devereux
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	Has recently had discussions with Friends of Jirdarup at the Elected Members Sustainability Network meeting on October 1 when they gave Elected Members a tour of the bushland. Is a member of Higgins Park tennis club.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	<ol style="list-style-type: none"> 1. Friends of Jirdarup - attended events. 2. Vic Park Collective - attended events organised by the group. 3. The grant recipient for 3(d) is known to me.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	I am a member of the Rotary Club of Victoria Park which run the Vic Park Markets. I occasionally set up a stall for my naturopath business when there is a lack of stalls on a Sunday.

Name/Position	Cr Vicki Potter
Item No/Subject	12.1 – Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
Nature of interest	Impartiality
Extent of interest	I have attended events at The Victoria Park Community Centre I have a child at Victoria Park Primary School and am a past president of the P&C. I have a professional connection with Vic Park Pride and the recipient of the grant.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	I have attended events held by Perth Football Club and attended meetings with the Board of PFC to discuss this project.

Name/Position	Cr Vicki Potter
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended functions at Perth football club and Waalitj foundation.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Attended events with the Perth Football Club.

Name/Position	Cr Peter Devereux
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Attended events at the Perth Football Club.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Attended events with the Perth Football Club.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.2 – Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Attended events held by the Perth Football Club and Waalitj foundation.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.4 – Koolbardi Park – Future of Basketball Courts
Nature of interest	Impartiality
Extent of interest	Has held numerous discussions with residents about the basketball courts at Koolbardi Park.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.4 – Koolbardi Park – Future of Basketball Courts
Nature of interest	Impartiality
Extent of interest	I have had meetings and communications with community members affected by basketball noise at Koolbardi Park since 2020.

7 Public participation time

Graham Ferstat, Burswood

1. Where and what defines the boundaries between the administration and Memorial Park?

The Manager Property Development and Leasing advised that the Memorial Gardens boundary was defined by a licenced surveyor in 1907. The physical boundary is located immediately adjacent to the southwestern edge of the grey painted brick wall of the administration centre undercroft carpark.

2. Why are you spending \$53,000 a year to mow lawns around the administration building and \$47,000 a year for Memorial Park?

The A/Chief Operations Officer advised that it is not just mowing, it's maintaining the reticulation, lighting, footpaths and maintenance of garden beds.

3. Made a statement that it is a ridiculous amount for that.

4. Excluding events, what are the foot traffic numbers that use the gardens around the administration and Memorial Park and the walkway along the McCallum Park foreshore? The timeframes should be on a comparative basis?

Mayor Karen Vernon advised the question would be taken on notice.

5. What is the annual budget amount to maintain McCallum Park where the Town has attempted to redevelop?

The A/Chief Operations Officer took this question on notice and clarified the area in question is the revegetated section where the limestone rocks have been put as part of the reinstatement of soft riverbank wall.

6. Made a statement on his opinion of the Waste Local Law 2022.

Mayor Karen Vernon disallowed the statement as it cast an adverse reflection on a decision of the Council.

Sam Zammit, St James

1. When bins are cracked by the contractor why is the ratepayer or Town left to pay for the replacement?

The A/Chief Operations Officer advised the Town routinely replaces bins due to normal wear and tear, occasionally they get damage which is taken up with the contractor.

2. About four years ago a resolution was passed that the laneway between John Hughes and Shepperton Road would be retained for possible future development but has recently found out that it is now owned by the Hughes company. How did that come about, is there an explanation?

The Manager Property Development and Leasing took the question on notice.

3. *Is the Town having an early settlers morning tea?*

Mayor Karen Vernon advised this is now called The Town Faithful morning tea and is in the budget for his financial year but doesn't yet have a date.

The Chief Community Planner advised that this is a biannual event.

4. *There is a problem with abandoned trolleys, can the Town consider issuing fines for those who take trolleys away or abandon them as a way of addressing the issue?*

Mayor Karen Vernon advised that the Town has the option of dealing with trolleys as litter and already has powers to deal with this. The Town is proactive in contacting the companies and asking them to collect their trolleys.

The Chief Financial Officer took the question on notice but noted there is standard legislation in most Local Governments to deal with this issue.

5. *There are ongoing problems for citizens with traffic at the corner of Albany Highway and Balmoral Street, I met with the CEO and others about this?*

The Chief Executive Officer took the question on notice.

Amy Holdsworth, Burswood

1. *Is the Town aware of any unauthorised access or disclosure of private ratepayer/residents' information also known as a data breach over the past five years, and if so, when did it occur and what has Town done about it?*

The Chief Financial Officer took the question on notice.

2. *Has the Town ever notified the Office of the Australian Information Commissioner about any suspected or confirmed data breaches involving ratepayer/residents' private information held by the Town?*

The Chief Financial Officer took the question on notice.

3. *Did the Town adopt any of the changes to their cyber security systems resulting from the recommendations or findings made in the report titled 'Cyber security in Local Government' published by the Office of the Auditor General in November 2021?*

The Chief Financial Officer took the question on notice.

Mayor Karen Vernon confirmed that the Audit Committee minutes can be found on the Town's website.

John Gleeson, Carlisle

1. *Made a statement about facing the Australian flag and stated for God to bless Australia and residents of the Town of Victoria Park.*

2. *When did the Town receive the deposit for the land being sold to Woolworths?*

The Manager Property Development and Leasing took the question on notice.

3. *Recently you explained your job as Mayor, can you explain your job as Chairperson in this meeting?*

Mayor Karen Vernon stated that as Presiding Member the role is to ensure the Towns Meeting Procedures Local Law is adhered to.

4. *When the Town has special meeting's, the residents are asked to leave, this means we don't get a chance to speak with our representatives after the meeting.*

Mayor Karen Vernon advised that confidential items are dealt with towards the end of the meetings in accordance with the meeting procedure. Once the confidential component concludes the meeting resumes and is again open to the public. If the resident decides to leave, then they won't have the chance to speak with the elected members. However elected members are available and can be contacted on other days.

5. *Made a statement on why are we having so many confidential meetings that we can't ask questions on, so many new laws the Town is bringing in and we can hardly speak.*

Melanie Lund, East Victoria Park

1. *What is the purpose of confidential meetings?*

Mayor Karen Vernon advised a portion of a meeting can be deemed confidential under the Local Government Act and is identified in the agenda. This follows the Towns Meeting Procedure Local Law. Once a confidential item has been dealt with the meeting is re-opened to the public. Subjects which can be dealt with in a confidential meeting are identified in section 5.23 of the Local Government Act.

2. *Why is the public unable to view the minutes of these meetings?*

Mayor Karen Vernon advised that the Chief Executive Officer determines if an item is confidential then the associated reports and recommendations are confidential and dealt with by Council accordingly.

3. *If the subject matter is in the interest of the public, why can't they obtain the information?*

Mayor Karen Vernon advised that section 5.23 of the Local Government Act identifies topics that should not be shared with the public. An example of such an item is a matter affecting an employee or employees, as these are considered private and confidential.

8 Presentations

Nil.

9 Deputations

Nil.

10 Method of dealing with agenda business

Questions were received from elected members on the following items:

- 11.2 Quarterly reporting July 2022 to September 2022
- 11.4 Miller's Crossing Communications and Advocacy Outcomes related to Modified Amendment 56 to Town Planning Scheme No. 1
- 12.1 Vic Park Funding Program – Arts, Community, Sports and Sports Equipment Grants
- 12.2 Access and Inclusion Plan 2022 - 2027
- 13.2 Lathlain Park Redevelopment Project Zone 1 – Business Case
- 13.4 Koolbardi park – Future of Basketball Courts
- 14.1 Financial Statements - August 2022

11 Chief Executive Officer reports

11.1 2023 Council Meeting Dates

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Adopts the schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2023, with all meetings being held from 6.30pm in the Town of Victoria Park Council Chambers, 99 Shepperton Road, Victoria Park 6100.

Month	Agenda Briefing Forum	Ordinary Council Meeting
January	No meeting	No meeting
February	7 February 2023	21 February 2023
March	7 March 2023	21 March 2023
April	4 April 2023	18 April 2023
May	2 May 2023	16 May 2023
June	6 June 2023	20 June 2023
July	4 July 2023	18 July 2023
August	1 August 2023	15 August 2023
September	5 September 2023	19 September 2023
October	3 October 2023	17 October 2023
November	7 November 2023	21 November 2023
December	28 November 2023	12 December 2023

2. Gives local public notice of its meetings for the 2023 calendar year, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

Purpose

To set the meeting dates for Council meetings open to the public for the 2023 calendar year.

In brief

- The Town of Victoria Park Council has two meetings open to the public each month, the Agenda Briefing Forum and Ordinary Council Meeting.
- Council is required to set the dates for its public meetings and provide local public notice at least once each year.
- In 2022, the Agenda Briefing Forum was held on the first Tuesday of the month, and the Ordinary Council Meeting was held on the third Tuesday of the month.
- The schedule of meetings proposed for the 2023 calendar year follows a similar format that was adopted for 2022.

Background

1. Prior to 2018, Council held its briefing forum, known as the Elected Members' Briefing Session, and the Ordinary Council Meeting on the first and second Tuesday of the month respectively. This was changed to allow elected members more time to engage with the community before making decisions, and to allow the Town time to provide any further information requested to allow for informed decisions to be made.
2. At the Ordinary Council Meeting held on 13 November 2018, Council resolved to continue to hold a briefing forum, now known as the Agenda Briefing Forum, on the first Tuesday of the month and moved the Ordinary Council Meeting to the third Tuesday of the month.
3. The meeting schedule has followed this format since it was introduced for the 2019 calendar year.

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
CL2 Communication and engagement with community.	Whilst legislatively required, the setting and communicating of Council meeting dates provides the community with information on when decisions will be made and assists with planning their participation in meetings.

Engagement

Not applicable.

Legal compliance

[Section 5.3 of the Local Government Act 1995](#)

[Regulation 12 of the Local Government \(Administration\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Non-compliance with the statutory requirement to set and advertise Council meeting dates.	Minor	Unlikely	Low	Low	TREAT risk by adopting meeting dates for 2023 and public notice given prior to January 2023.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

4. The schedule of meetings proposed for the 2023 calendar year follows a similar format that was adopted for 2022. An Ordinary Council Meeting in April 2022 was moved a week earlier due to the Easter long weekend but as Easter falls after the proposed date for the Agenda Briefing Forum to be held in April there is no need to hold the Ordinary Council Meeting one week after the Agenda Briefing Forum.
5. It is noted that Agenda Briefing Forums to be held on 7 March and 6 June 2023 also follow a long weekend however, as this is a three-day long weekend moving the meeting was not felt to be necessary.
6. Both meeting dates proposed for October are in line with the local government elections occurring on Saturday 21 October.

7. Meetings dates proposed for December have been brought forward so they are further from the holiday period. This will mean that there will only be one week between the November Ordinary Council Meeting and December Agenda Briefing Forum.
8. It is recommended that Council set its meeting schedule for 2023 as detailed in the recommendation. Meetings will begin at 6.30pm on the listed date and be held in the Town of Victoria Park Council Chambers, 99 Shepperton Road, Victoria Park 6100.
9. The Town is required to provide local public notice of its Council meetings at least once each year, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*. To do this, Council must adopt its schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2023.
10. Following adoption of the meeting schedule, the Town will communicate all Council meeting dates through a public notice in the Perth Now Southern, on the Town's website, noticeboards and social media.

Relevant documents

[Policy 051 – Agenda Briefing Forum, Concept Forum and Workshops](#)

There were no questions asked or presentations made in relation to this item.

11.2 Quarterly reporting July 2022 – September 2022

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. CBP Quarterly progress report (July 2022 – September 2022) [11.2.1 - 64 pages]2. Quarterly Report Operations Five year capital works program Jul to Sep 2022 [11.2.2 - 13 pages]

Recommendation

That Council receives the quarterly written progress reports, for the period July - September 2022, relating to the:

- a) Corporate Business Plan
- b) Five-year capital works program, including the 2022/2023 Annual Strategic Project Plan
- c) Economic Development Strategy 2018-2023
- d) Urban Forest Strategy
- e) Reconciliation Action Plan
- f) Disability Access and Inclusion Plan
- g) Community Benefits Strategy
- h) Climate Emergency Plan

Purpose

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

In brief

- At the Ordinary Council Meeting on 16 July 2019, Council resolved that quarterly written progress reports be presented to Council on the Corporate Business Plan, Annual Strategic Project Summary, five-year capital works program, Economic Development Strategy and Urban Forest Strategy. A resolution in July 2021 requested that a progress report on the Climate Emergency Plan also be included.
- The progress reports were requested to enable Council to confidently oversee the Town's performance, allocation of finances and allocation of resources, as well as improve transparency and accountability to the Council and community.
- All progress reports for this quarter are attached to this report to be received by Council.

Background

2. 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*
3. 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.
4. At the Ordinary Council Meeting on 20 July 2021, Council resolved:

That Council:

1. *Receives the community consultation results for the draft Climate Emergency Plan.*
 2. *Endorses the Climate Emergency Plan 2021 – 2031.*
 3. *Instructs the Chief Executive Officer to include the Climate Emergency Plan in the Quarterly written progress Reports to Council, commencing in the next quarter for 2021.*
5. At the Ordinary Council Meeting on 12 October 2021, Council resolved to request quarterly progress reports on the programs within the Community Benefits Strategy 2019-2024.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 Communication and engagement with community	The community are regularly informed of progress on projects, plans and strategies undertaken by the Town.
CL3 Accountability and good governance	Council are provided with the information that they have requested in the way they determined is best for them.

Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2021/2022 Annual Strategic Project Summary, Climate Emergency Plan and Five-Year Capital Works Program.
Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Community Development	Community Development coordinate the progress reports for the Community Benefits Strategy.

Legal compliance

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

Risk management consideration

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

		Council and community to be informed of progress in a timely manner and potentially mitigate further progress delays.
Service delivery	Not applicable.	Medium

Financial implications

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

Analysis

6. 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 inform the community about the Town's progress concerning the plans and strategies.
7. 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.
8. The new Corporate Business Plan 2022-2027 was adopted by council at the Ordinary Council Meeting held 19 July 2022.
9. The format of attachment 11.2.1 CBP Quarterly progress report (July 2022 – September 2022) is different from the format previously provided to council because the Town is transitioning to a new corporate strategy system. As the system needs to go through the implementation process for this reporting period, the Administration used a word document. The new corporate strategy system should be implemented for the next reporting period resulting in a more presentable and advanced quarterly report update.

Corporate Business Plan

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

Community priorities	Total actions	No. of actions completed	No. of actions in progress
S1 - Helping people feel safe	7	0	7
S2 - Collaborating to ensure everyone has a place to call home	6	1	5

S3 - Facilitating an inclusive community that celebrates diversity	21	0	21
S4 - Improving access to arts, history, culture and education	15	0	15
EC1 - Facilitating a strong local economy	13	0	13
EC2 - Connecting businesses and people to our local activity centres through place planning and activation	8	0	8
EN1 – Protecting and enhancing the natural environment	24	3	21
EN2 - Facilitating the reduction of waste	3	0	3
EN3 - Increasing and improving public open spaces	9	0	9
EN4 - Providing facilities that are well-built and well-maintained	13	0	13
EN5 - Enhancing and enabling liveability through planning, urban design and development	19	0	19
EN6 - Improving how people get around the Town	19	1	18
CL1 - Effectively managing resources and performance	54	8	46
CL2 - Communication and engagement with community	10	0	10
CL3 - Accountability and good governance	12	1	11

11. Actions completed within the reporting quarter are as follows.

Completed actions
Deliver community awareness raising activity to promote understanding and support community-led action
Deliver the Urban Forest @ Home sub-program
Evaluate Policy 252 – Nuclear Free Zone
Deliver the Urban Eco-Systems sub-program
Deliver the Bus Stop Thankyou Gardens sub-program

Complete employment processes internal audit
Complete misuse of assets and resources internal audit
Investigate use of automated fraud management technology for more efficient and comprehensive detection and prevention of fraud to complement existing processes and methods
Implement actions from conflicts of interest and gifts internal audit
Conduct a review of Street Improvement's operations
Conduct of review of Street Operations' operations
Conduct a review of Waste Services' operations
Conduct a review of Environment's operations
Develop procedure for protection for whistleblowing/public interest disclosures

2021/2022 Annual Strategic Project Summary

12. The status of projects from the annual strategic project summary are as follows.

Total projects	No. of projects on track	No. of projects potentially delayed	No. of projects delayed
19	12		7

Five Year Capital Works Program

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

2022 – 2023

Total projects	Works in Progress	Not yet started	Complete
76	29	43	4

2023/2024

Total projects	Works in Progress	Not yet started	Complete
42		42	

2023/2024

Total projects	Works in Progress	Not yet started	Complete
27		27	

2025/2026

Details will be provided once the LTFP planning process is completed for 22/23.

2026/2027

Details will be provided once the LTFP planning process is completed for 22/23.

Deferred / Not nominated

Details will be provided once the LTFP planning process is completed for 22/23.

Economic Development Strategy 2018 – 2023

- The Economic Development Strategy 2018- 2023 (EDS) outlines 50 actions required to achieve the seven pathways for sustainable economic growth over the next five years. The EDS was adopted by Council in March 2019.
- All reporting of the EDS actions are now incorporated into the Corporate Business Plan reporting and not provided as an additional attachment.
- The summary table below represents the number of actions progressed and completed since the adoption of the EDS.

Outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Pathway 1: Leadership	4	2	2	0
Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	0	3	2
Pathway 4: Smart Town- Digital Innovation	7	0	5	2
Pathway 5: Creating an Enabling Business Environment	8	1	6	1

Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	16	1
Total	50	9	35	6

Urban Forest Strategy

17. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.
18. All reporting of the UFS actions are now incorporated into the Corporate Business Plan reporting and not provided as an additional attachment.
19. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

Outcome	No. of actions completed	No. of actions in progress	No. of actions not started
Strategic Outcome 1 Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	5	6	4
Strategic Outcome 2 Maximize community involvement and collaboration in its implementation.	1	8	0
Strategic Outcome 3 Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife.	1	1	1
Strategic Outcome 4 Maintain high standard of vegetation health.	3	2	1
Strategic Outcome 5 Improve soil and water quality.	1	1	1
Strategic Outcome 6 Improve urban ecosystems.	0	2	3

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

Reconciliation Action Plan

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

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
Relationships	14	3	1
Respect	31	4	1
Opportunities	13	4	3
Tracking and Progress	2	2	0

24. A summary of the progress for the RAP is included as part of the CBP quarter report, rather than a separate schedule.

Disability Access and Inclusion Plan

25. The Town's Disability Access and Inclusion Plan was adopted by Council in September 2017 and is a legislative requirement for all local governments. As this plan is currently being reviewed, this will likely be the last quarterly update for this version of the plan.
26. The status of actions from the Disability Access and Inclusion Plan 2017-2022 are as follows.

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

Employment	5	0	0
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27. A summary of the progress for the DAIP is included as part of the CBP quarter report, rather than a separate schedule.

Community Benefits Strategy

28. The Community Benefits Strategy (CBS) was launched on 2 December 2019.

29. The Town of Victoria Park, West Coast Eagles, Waalitj Foundation, and the Perth Football Club partnered in the design process of the CBS to collectively bring their own strengths to the partnership. The design process resulted in the creation of four programs, each program has a main delivery partner to ensure its success.

30. The status of actions from the CBS are as follows:

Program	No. of actions completed /ongoing	No. of actions progressing	No. of actions not started
Youth engagement program	3	0	0
Healthy relationship awareness	7	1	1
Supporting local community organisations	4	3	0
Recreational groups and sports club development	4	1	1

31. A summary of the progress for each of the actions from the CBS is attached in a separate schedule.

Climate Emergency Plan

32. The Town's Climate Emergency Plan (CEP) was adopted by Council on 20 July 2021.

33. The Climate Emergency Plan aims to:

- Achieve a zero-carbon target for emissions generated by the Town of Victoria Park by 2030. The timeframe of 2030 has been chosen because it is the timeframe needed to curb emissions and limit the seriousness of climate change impacts.
- Achieve at least 40% emissions reduction through direct action (i.e. not through carbon offsets).
- Support the community and businesses in working towards their own zero carbon target.
- Improve the resilience of the Town in responding to immediate climate change impacts.

34. The status of actions from the CEP are as follows.

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
1 Embed a low carbon culture	3	2	2
2 Reduce emissions of facilities and assets	3	7	
3 Reduce waste emissions	No 2021 actions		
4 Switch to low carbon and renewables		1	
5 Respond to immediate climate change impacts		5	2
6 Support and educate our community		7	1
7 Support and educate our businesses		5	2
8 Offset residual emissions	1		

35. This quarter, the key progress highlights of the Climate Emergency Plan included:

- Partnership with Climate Clever: workshop held for businesses on 10 February. Further workshop for schools and residents planned for Q4 2022. Roll out of the Climate Clever app to also occur.
- Planned educational workshops on the value of tree retention, urban farming, and sustainable landscaping, including biophilic design. A suite of workshop topics for 2022 include
 - Workshop 1 -Urban Farming / Sustainability at home: Tuesday 5 April
 - Workshop 2 -Climate proof cities – city design and transport: Wednesday 6 April
 - Workshop 3 - Green lab kid's event: Tuesday 12 April
 - Workshop 4- Biodiversity: Thursday 5 May
 - Continued sustainability-based incentives to business owners for utility and supply cost benefits, such as Rewards for Business: <https://www.switchyourthinking.com/our-projects/rewards-for-business/>

- Establishment of internal advisory group to oversee the implementation of the CEP. Draft Terms of Reference have been developed and currently going through internal approvals process.
- A proposal is being developed by a specialist consultant to deliver a guidance document to assist with the below. The scope has been determined and the proposal will be assessed accordingly.

Require the construction of future Council owned buildings and assets to meet either:

- *A minimum 5 Star Green Star for New Buildings certification from the Green Building Council of Australia (GBCA) or equivalent, or*
 - *Demonstrate that all minimum requirements under the Green Star for New Buildings Positive category from the GBCA have been met, or*
 - *A minimum 5 Star NABERS Energy and Waste rating for the commercial office space*
- In an effort to move to greater energy efficiency, there is a capital works item for replacement of light globes to LED in facilities – this year is for Vic Park Bowls; and the Town has purchased a new fridge and microwave for Ranger’s facility.
 - The Town has purchased a hybrid vehicle. The Town has also requested a budget increase for 2022/23 to allow the Town to purchase some electric vehicles.
 - In terms of sustainability-based incentives for residents, the Town has an Autumn Seed Service for residents through the Grow It Local program.
 - Terms of Reference have been drafted for a proposed Working Group and will considered by SMT for approval in March. It is proposed that this group would comprise relevant Service Area staff.
 - Overarching Health advice on heat stress management from Dept Health and Healthy WA has been communicated in weekly Facebook bulk posts until March 2022.

36. 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](#)

[Climate Emergency Plan](#)

[Community Benefits Strategy](#)

Questions and responses

Cr Peter Devereux

1. *Page 32 refers to the rollout of compost bins and worm farms, has there been consideration of highlighting advancing this as a proactive approach to the current GO and future FOGO rollout by the Town?*

The A/Chief Operations Officer advised that the Town has facilitated a number of workshops following the recent GO rollout and participation has been relatively high, with further workshops, home composting ideas and information is on the website, looking at rollout of composting, bins worm farms so hopefully not too far away.

2. *Is there a timing on the rollout of compost bins and worm farms?*

The A/Chief Operations Officer advised that the matter is being investigated and is expected to be rolled out, but no time frame yet.

3. *Page 34 of the report indicates the Town is working with the Metropolitan Regional Council to reduce landfill and address waste energy. How is this matter progressing.*

The A/Chief Operations Officer advised that the matter was discussed at the meeting on 29 September 2022 however the details of this matter are still confidential.

4. *Page 43 mentions the Integrated Transport Strategy (ITS). Is there social media strategy linked to this and active transport, similar to the road updates currently provided on social media?*

The Chief Community Planner advised that a communications plan is being developed for the ITS. The road renewal social media posts are independent of this. Ultimately it will all be rolled out under one ITS banner.

5. *Is there a contradiction in the current social media posts emphasis on road renewal projects instead of focusing on the Town's active transport and integrated transport strategy?*

The Chief Community Planner took the question on notice.

6. *Page 52 refers to mid-tier transit, has there been advocacy for mid-tier transit links between Albany Highway and any of the train stations within the Town.*

The Chief Community Planner advised that yes there was advocacy work to both the Carlisle and Oats Street stations in the work the trackless tram consortium undertook. There was also work by consultants on behalf of participating Local Governments however this doesn't mean that it can't be advocated for in the future if the State Government was to assign funding to that.

7. *Given that, would we only advocate for a link from Albany Highway to stations within the Town?*

The Chief Community Planner advised that it does not mean the Town cannot advocate for those links, when all Local Governments work together, they present a united front and there are primary and secondary considerations for advocacy. But as parts of the consortium, it's important to stick to primary points.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on whether there is a contradiction in the current social media posts emphasis on road renewal projects instead of focusing on the Town's active transport and integrated transport strategy?

11.3 Council resolutions status report - September 2022

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Outstanding Actions September [11.3.1 - 45 pages] 2. Completed CR Actions September [11.3.2 - 3 pages]

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the Outstanding Council Resolutions Report as shown in attachment 1. 2. Notes the Completed Council Resolutions Report as shown in attachment 2.

Purpose

To present Council with the Council resolutions status reports.

In brief

- On 17 August 2021, Council endorsed status reporting on the implementation of Council resolutions.
- The status reports are provided for Council's information.

Background

1. On 17 August 2021, Council resolved as follows:

That Council:

1. Endorse the inclusion of Council Resolutions Status Reports as follows:

a) Outstanding Items – all items outstanding; and

b) Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.

2. Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

Engagement

Internal engagement	
Stakeholder	Comments
All service areas	Relevant officers have provided comments on the progress of implementing Council resolutions.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
- The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 28 July 2022 to 30 September 2022. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

11.4 Miller's Crossing Communications and Advocacy Outcomes related to Modified Amendment 56 to Town Planning Scheme No. 1

Location	Carlisle East Victoria Park
Reporting officer	Manager Place Planning
Responsible officer	Manager Stakeholder Relations
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Amendment 56 Location Plan [11.4.1 - 1 page] 2. OCM Minutes - 19 July 2022 [11.4.2 - 6 pages] 3. OCM Minutes 12 April 2022 - Miller's Crossing Amendment 56 [11.4.3 - 16 pages] 4. Amendment 56 - Submissions Schedule - de-identified [11.4.4 - 19 pages] 5. Scheme Amendment 56 Report - modified as per Minister's decision of 2 Aug 2021 [11.4.5 - 8 pages] 6. Millers Crossing tree and site feature survey - October 2020 [11.4.6 - 4 pages]

Recommendation

That Council:

1. Note the progress regarding the actions taken to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation";
2. Resolve, consistent with the Officer Recommendation contained in the report to Council for the 12 April 2022 Ordinary Council Meeting (OCM), to:
 - a) Proceed with Scheme Amendment No. 56 to amend the Town of Victoria Park Town Planning Scheme No. 1 (TPS1), as modified by the Minister for Planning's decision dated 2 August 2021, pursuant to Section 75 of the *Planning and Development Act 2005* (the Act) and Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), subject to the following additional modification:

"6. 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:

"Residential R60 zoned area

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping, building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."
3. The Scheme Amendment Report documents being modified to reflect the decision of the Minister for Planning dated 2 August 2021 and being forwarded to the Western Australian Commission for final determination by the Minister.

Purpose

The purpose of this report is:

- To report the outcomes of the Town's advocacy efforts regarding the future of the Miller's Crossing land.
- For Council to provide a final, formal resolution in relation to modified Scheme Amendment No. 56 to Town Planning Scheme No. 1, as relates to the Minister for Planning decision to re-advertise a proposed increase the density from R30 to R60 and required by the Act and Regulations.

In brief

- Council resolved to undertake further advocacy efforts in relation to the retention of the Miller's Crossing open space as park land at the OCMs held on 21 April and 19 July 2022, with a further report to be provided on the outcomes of these efforts due by October 2022.
- The advocacy efforts relate to the Town's consideration of Amendment 56 to TPS1, as further modified in accordance with the Minister for Planning's decision to up-code the proposed residential density of the Miller's crossing lots from R30 to R60.
- Since 9 May 2022 the Town has supported the Mayor and CEO to advocate for Miller's Crossing to be reserved as "Parks and Recreation".
- While the advocacy efforts to date have reached significant number of community members, the response has been minimal.
- The Town's deadline to provide the WAPC with a final Council resolution in relation to modified Scheme Amendment 56 is 29th October 2022.
- In view of the minimal community response to the efforts of the Town to advocate for the retention of the Miller's Crossing land as park land, it is recommended that the Council formally resolve to support Amendment 56 as further modified by the Minister for Planning, consistent with the recommendation provided at the 12 April 2022 OCM.

Background

1. Amendment No. 56 to Town Planning Scheme No. 1 (TPS1) relates to the land known as 'Miller's Crossing' in Carlisle. This land is comprised of three lots being Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street.
2. The amendment also relates to one lot in East Victoria Park adjacent to John Bissett Reserve, which is used by the community and maintained by the Town as part of that reserve, being Lot 1002 (No. 2-8) Beatty Avenue.
3. Amendment 56 has been the subject of protracted considerations by the Western Australian Planning Commission (WAPC) in its roles both as advisory body to the Minister for Planning and landowner of the lots. The WAPC has indicated its intention to sell the Millers Crossing lots for residential development in the medium to longer term.
4. The decision by the Minister for Planning in August 2021 has required the Town to re-advertise and further modify Amendment 56 by increasing the proposed residential density of the Miller's Crossing lots from R30 to R60.

At the 12 April 2022 OCM Council resolved the following:

"That Council:

1. *Continues to support the original intention of Amendment No 56 for Lots 1003 and 1004 Raleigh Street, Carlisle and Lot 1005 Bishopsgate Street, Carlisle (known as Miller's Crossing) to be reserved as "Parks and Recreation";*
2. *Requests the Mayor and the Chief Executive Officer to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation";*
3. *Requests the Chief Executive Officer to report to Council by July 2022 as to the progress of that advocacy.*
4. *Should the Minister for Planning determine to proceed with the Residential R60 zone currently proposed to also support the following modification:*

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping (including replacement of trees lost), building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."

5. The reasoning provided for the above decision, which was an amendment to the Officer's Recommendation, can be summarised as follows:
 - Precedent set by a recent decision with respect to the City of Melville
 - The original intent of Amendment 56 to confirm additional public open space
 - A view that the local community has always supported and continues to support the site as becoming public open space
 - The need to undertake further advocacy to rezone the site to Parks and Recreation.
6. Further background information can be found in the 12 April 2022 OCM report.
7. A report on the progress of advocacy efforts was provided at the 19 July OCM, with Council resolving the following:
 1. *Notes the progress regarding the actions taken to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation".*
 2. *Requests the Chief Executive Officer to bring a further report to Council by October 2022 as to the progress of the advocacy efforts."*
8. Council is required to make a final, formal resolution in relation to Amendment No. 56 to Town Planning Scheme No. 1, as further modified by the Minister for Planning in accordance with the Act and Regulations.
9. The Town has secured two further extensions of time to provide the WAPC with a formal resolution in relation to Amendment 56 following the Council decisions of 14 April and 19 July 2022 to continue advocacy efforts. The deadline for this to occur is 29 October 2022.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The local community feels well informed that their concerns have been genuinely considered by the Town's administration and Elected Members as part of the decision-making process.

Engagement

External engagement (Advocacy efforts)	
Stakeholders	Residents who utilise the Millers Crossing space. Hannah Beazley MLA Rita Saffioti MLA
Period of engagement	Advocacy has been ongoing since 9 May 2022 – 28 September 2022
Level of engagement	1. Inform
Methods of engagement	Community engagement efforts have utilised the Town's social media channels, Your Thoughts website and Town e-newsletter (eVIBE). Advocacy efforts have been focused on meetings and request for meetings with Hannah Beazley MLA and Rita Saffioti MLA.
Advertising	The following communication and advertising tools have been used to drive the Town's advocacy efforts. <ul style="list-style-type: none"> • Mayor video filmed at Miller's Crossing. • Letter template to Hannah Beazley MLA created and made available online. • Original Your Thoughts page detailing scheme amendment was updated to include latest info, video and letter template. • Mayor video shared to Town's social media (Facebook and LinkedIn) . • Mayor video boosted as a paid Facebook advert for two weeks (\$56) • 2x organic Facebook posts (9 May, 26 May) and 1x organic LinkedIn post (10 May). • Feature story in June edition of the Town's e-newsletter (eVIBE) All advertising has directed to the Town's Your Thoughts project page for more information and to download the letter template.
Submission summary	The primary call to action is for community members to send a letter in support of retaining Miller's Crossing to the Member for Victoria Park using the template provided. Meetings with Hannah Beazley MLA confirmed that a request for a meeting had been submitted to Hon Rita Saffioti BBus MLA

Key findings	<p>Despite significant reach, the Town’s advocacy efforts have resulted in little community action, with a relatively small amount of people following through to the Your Thoughts page and very few downloads of the letter template.</p> <p>The full communication and engagement statistics from the Town’s advocacy efforts to date are detailed below.</p> <p>8 May 2022 – 28 September 2022</p> <p>Your Thoughts: 168 unique visitors, 183 total page visits, 23 letter template downloads, 4 Mayor video views</p> <p>2 x organic Facebook posts (combined totals): 5,497 people reached, 48 reactions, 7 comments, 8 shares, 80 link clicks</p> <p>Facebook advert: 4,703 people reached, 5 reactions, 1 comment, 1 share, 16 link clicks.</p> <p>Mayor video: 4,100 3-second views, 1,200 15-second views, 175 1-minute views</p> <p>LinkedIn: 763 people reached, 16 likes, 17 link clicks, 339 video views</p> <p>Feature in June eVIBE: 1,150 email opens, 32 link clicks</p>
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10. The outcomes of the formal engagement and public advertising of modified Amendment 56, including a summary of the submissions received (61 total), is contained in the Minutes of the 12 April 2022 OCM. The schedule of individual submissions received is also contained in the Attachments to this report.

Legal compliance

[S.75, S.76 and S.87 of the Planning and Development Act 2005](#)

[R 50\(3\) and R62 of the Planning and Development \(Local Planning Schemes\) Regulation 2015](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable	Nil	Nil	Nil	Low	Not applicable
Environmental	Potential loss of trees through	Moderate	Somewhat likely	Medium	Medium	Treat risk by supporting

	development or subdivision of Miller's Crossing land if Amendment 56 is approved.					modified Amendment 56 subject to the requirement for a Local Development Plan to encourage retention of mature trees.
Health and safety	Not applicable	Nil	Nil	Nil	Low	Not applicable
Infrastructure/ ICT systems/ utilities	Not applicable	Nil	Nil	Nil	Medium	Not applicable
Legislative compliance	Council not resolving a finalised resolution in respect to modified Amendment 56 to TPS1 prior to 29 October 2022 deadline.	Moderate	Somewhat likely	Low	Low	Treat risk by passing a formal resolution in relation to modified Amendment 56 that includes authorisation for the amendment documents to be modified and sent to the WAPC for the Minister's determination.
Reputation	Negative public perception if WAPC/Minister for Planning does not support requirement for a LDP.	Moderate	Likely	Medium	Low	Treat risk by developing a communication strategy outlining the reason for Council's decision and efforts made to advocate for a LDP and retention of mature trees.
Reputation	Community perception of lack of direct engagement with impacted community	Moderate	Likely	Medium	Low	Treat risk by communicating the activity taken and the relating outcome.
Service delivery	Not applicable	Nil	Nil	Nil	Medium	Not applicable

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>It is considered that the landowner be responsible for preparation of a LDP for the Miller's Crossing land prior to subdivision or development occurring, if Amendment 56 is approved subject to such a requirement as is recommended. This would then be subject to assessment and approval by the Town.</p> <p>The future development of the lots for residential purposes would generate additional rate revenue to the Town.</p> <p>The retention of the land as park land (if supported by the Minister) would continue to generate ongoing costs to the Town for its continued maintenance and/or any future investments in plantings, tree care or related park infrastructure.</p>

Analysis

11. The strategic position and recommendation of Administration remains consistent with that contained in the report presented to Council at the 12 April 2022 OCM, which is to support Amendment 56 as modified by the Minister for Planning, subject to the requirement for a Local Development Plan for the Miller's Crossing land prior to any subdivision or development occurring. Detailed commentary on the potential development outcomes and strategic planning rationale for this position are contained in the 12 April 2022 OCM report.
12. Department of Planning, Lands and Heritage (DPLH) officers have advised Place Planning officers that the most appropriate means for the Council to advocate its position regarding the future of the Miller's Crossing land is to make a final, formal resolution in relation to modified Amendment 56, notwithstanding that this may differ to the strategic position and recommendation of Administration provided in the report at the 12 April 2022 OCM.
13. Should Elected Members seek to adopt an alternative resolution that varies from the Administration recommendation of 12 April OCM to support the modified amendment, then Elected Members are requested to formulate the alternative resolution in a manner that:
 - a) Continues to satisfy the Town's applicable legislative obligations in respect to modified Amendment 56 ie. make a resolution relating to the proposed further modification by the Minister for the density to change from R30 to R60;
 - b) Provides an opportunity for Council to resolve a recommendation (prior to the 29 October 2022 deadline) requesting the WAPC's and Minister's inclusion of any additional or modified local planning scheme provisions to address previously raised issues or concerns ie. Support the inclusion of requirements for a Local Development Plan prior to any development or subdivision of the land; and
 - c) Provides certainty to the Town's officers as to how to proceed and finalise the administration/processing of Amendment 56, to facilitate its final determination, whatever the Minister for Planning's determination may be ie. comply with Regulation 62 to modify, execute and submit the executed documents.

14. In addressing the above matters, the following minimum components for any formal resolution in relation to Amendment 56 are requested, notwithstanding the administration's recommendation provided at the 12 April 2022 OCM:
- a) For Council to resolve, pursuant to Section 75 of the Act and Regulation 50(3) of the Regulations, to either:
 - i. Support Scheme Amendment 56 in accordance with the Minister's decision of 2 August 2021 (R60) with proposed modification to require an LDP as recommended by Administration; or
 - ii. Not support Scheme Amendment 56 as modified in accordance with the Minister's decision of 2 August 2021.
 - b) Authorisation for the Amendment 56 documents to be modified and executed by the CEO and Mayor in accordance with the Minister's decision and forwarded to the WAPC for final determination by the Minister for Planning.
15. In view of the minimal community response to the efforts of the Town to advocate for the retention of the Miller's Crossing land as park land since April 2022, it is recommended that the Council formally resolve to support Amendment 56 as further modified by the Minister for Planning, consistent with the officer recommendation provided at the 12 April OCM.

Relevant documents

[Public Open Space Strategy](#)

[Draft Medium Density Codes](#)

[Local Planning Policy 39 'Tree Planting and Retention'](#)

Questions and responses

Cr Wilfred Hendriks

1. *Is the Local Development Plan restrictive in that maintaining mature trees and setbacks will be restrictive to R60 developments?*

The Chief Community Planner advised that the Local Development Plan has been completed with R60 in mind and is not prohibitive to R60.

2. *What are the consequences of not approving this?*

The Chief Community Planner advised that if the Council makes no determination, then the Commission and Minister will not know what the Town's position is. The Minister will still make a determination so it's important the Town indicates if it supportive or not.

Mayor Karen Vernon

1. *Is the Town open to seeking a further extension of time beyond 29 October 2022.*

The Chief Community Planner advised the Town is open to seeking an extension.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12 Chief Community Planner reports

12.1 Vic Park Funding Program - Arts, Community, Sports and Sports Equipment Grants

Location	Town-wide
Reporting officer	Community Development Officer – Grants, Donations and Administration
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment One Community Grants 2022-232. Attachment Two Sport Grants 2022-233. Attachment Three Sport Equipment Grant 2022-234. Attachment Four Art Grants 2022-23

Recommendation

That Council endorse the following recommended Community, Sport, Sport Equipment and Art grant applications:

1. Community grants
 - a. Victoria Park Community Centre Incorporated - \$10,000.00
 - b. Audio Walks Western Australia - \$8,000.00
 - c. Friends of Jirdarup Bushland - \$10,000.00
 - d. Rotary Club of Victoria Park Western Australia Incorporated - \$4,616.00 (In-kind)
 - e. Western Australian Police and Community Youth Centre Incorporated - \$10,000.00
 - f. Vic Park Collective - \$2,200.00
 - g. Victoria Park Primary School Parents and Citizens Association Incorporated - \$5,400.00 and \$100.00 (In-Kind)
 - h. Disco Cantito Association Incorporation - \$9,666.25
 - i. Burswood Peninsula Neighbourhood Watch Group - \$5,160.00
2. Sports grants
 - a. Curtin Victoria Park Cricket Club - \$615.00
 - b. Higgins Tennis Club - \$10,000.00
3. Sport Equipment grants
 - a. Curtin University Rugby Union Football Club - \$918.65
 - b. Curtin Victoria Park Cricket Club - \$2,000.00
 - c. Perth Cricket Club - \$2,000.00
 - d. Curtin Football Club Incorporated - \$1,800.00
 - e. Victoria Park Junior Football Club - \$1,120.63
4. Art Grants
 - a. John Curtin Gallery – Curtin University - \$3,500.00
 - b. Victoria Park Community Centre - \$5,000.00
 - c. Susan Turner - \$4,240.00
 - d. Adrian Tilby – Vic Park Pride - \$5,000.00
 - e. Enneagon Movement - \$2,260.00

Purpose

To provide Council with oversight of the Town's Community, Sport, Sport Equipment and Art grants applications and assessments for Council endorsement.

In brief

- The Town's Vic Park Funding program increases opportunities for local collaboration and partnership between the Town and community to enhance the Town's strategic objectives.
- The Vic Park Funding – Community Grants, Sport, Sport Equipment and Art Grants funding program commenced on 4 July 2022 and closed on 12 August 2022.
- The Town received the following applications with a total requested of \$152,751.53 and \$12,516.00 (In-kind)
 - 12 Community grants - \$84,420.25 and \$11,416.00 (In-kind)
 - Four Sports grants - \$27,252.00 and \$1,100.00 (In-kind)
 - Five Sports Equipment grants - \$7,839.28
 - Eight Arts grants - \$33,240.00
- A review of applications by the Town's Community Funding Assessment Panels (CAFP) concluded the following number of grants sufficiently met the criteria and are recommended for Council endorsement with a *total funding request* of \$98,880.53 and \$4,716.00 (In-kind)
 - Nine Community grants – totaling \$60,426.25 and \$4,716.00 (In-kind)
 - Two Sports grants – totaling \$10,615.00
 - Five Sports Equipment grants – totaling \$7,839.28
 - Five Art grants – totaling \$20,000.00

Background

1. The Town acknowledges the significant role it plays in supporting the community through the provision of funding opportunities and the impact these opportunities can have within the community.
2. The Town aims to enhance the success and prosperity of the local community while ensuring transparency of funding decisions and accountability of those parties receiving community grant funding.
3. At the December 2019 Ordinary Council Meeting, item 14.5 Policy 114 Community Funding was adopted by Council (with subsequent amendments).
4. To improve efficiency and transparency in December 2019, Town officers reviewed all funding around practices and procedures delivered by the Town. This review initiated a project to procure a funding platform to manage the Town's funding.
5. In March 2020, the Town procured the online grant funding platform SmartyGrants. The implementation of this platform aims to improve the Town's governance, increase transparency, and improve efficiency within Town processes in relation to funding.
6. 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.

7. At the July 2020 Ordinary Council Meeting, Council endorsed the CEO to 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 and present a report to Council for endorsement.
8. 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 applications include title, project scope amount of assistance applied for (ex GST), evaluation and score.
 - b. The information provided will be inclusive of successful, unsuccessful, and ineligible applications.
9. To ensure that the CFAP continues to be fit-for-purpose and remains meaningfully engaged, membership for the panel positions were recruited via direct approach to ensure the appropriate skills, knowledge and experience could be applied to the assessment process.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 – Accountability and good governance	Funds are managed with full, accurate and timely disclosure of financial information relating to the Council. Town Grant funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Funds used for organisations to facilitate an inclusive community through local celebrations including food markets, local performances from culturally diverse artists, multicultural art exhibitions, sporting events and storytelling.
S4 - Improving access to arts, history, culture, and education.	To support local organisations and individuals to deliver services and initiatives that encourage awareness of arts, history, culture, and education.

Engagement

Internal engagement	
Stakeholder - Assessment Panels	Community Grant Funding Assessment Panel Sports and Sports Equipment Funding Assessment Panel Art Grants Funding Assessment Panel
Strategic Asset Advisory Group (SAAG)	The Sports Grant application for the <i>Higgins Park LED Lighting Upgrade Project</i> application was supported by SAAG.
Engagement	Consultation and management of grant administration Consultation and Panel evaluation

External engagement	
Stakeholders	All community
Period of engagement	4 July to 12 August 2022
Level of engagement	1. Inform
Methods of engagement	Town's website Town's social media platforms – Facebook and Town's e-newsletters Direct email Grants workshop
Advertising	Town's website Town's social media platforms – Facebook and Town's e-newsletters Digital Marketing Direct email
Submission summary	12 Community grant submissions were received Four Sport grant submissions were received Five Sport equipment grant submissions were received Eight Art grant submissions were received
Key findings	<p><u>Community grant program:</u> Nine submissions are recommended for Council endorsement Three Submissions are not recommended for Council endorsement</p> <p><u>Sport grant program:</u> Two submissions are recommended for Council endorsement Two Submissions are not recommended for Council endorsement</p> <p><u>Sport Equipment grant program:</u> Five submissions are recommended for Council endorsement Nil submissions are not recommended for Council endorsement</p> <p><u>Art grant program:</u> Five submissions are recommended for Council endorsement Three submissions are not recommended for Council endorsement</p>

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Loss of funds if successful programs/events are cancelled or do not deliver on intended purpose	Moderate	Unlikely	High	Low	TREAT – Acquittal process to be well organized and communicated to all successful participants.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					
Reputation	Negative public perception towards the Town should applications not be funded	Minor	Possible	Medium	Low	TREAT – Transparent approval process. Managed by an online platform and council endorsed Town funding panel.
Service delivery	Not applicable.					

Financial implications

Current budget impact	<p>The budget allocations for 2022/23 were:</p> <ul style="list-style-type: none"> • Sport and Sport Equipment grants - \$40,000 • Community grants - \$70,000 • Art grants - \$20,000
Future budget impact	Not applicable – allocated funds will be expended this financial year.

Analysis

10. The Community, Sport, Sport Equipment and Art Grants were promoted across various platforms to reach target audiences.

11. The Community, Sport, Sport Equipment and Art Grants were accessible to the community via SmartyGrants application platform on the Town's website.
12. The Town delivered a free grant writing workshop to the community on 7 July 2022. The workshop provided the community with information on the following:
 - a. An introduction to grants, including what they are, information on where to find them and an explanation of eligibility and assessment criteria
 - b. The process of best-practice project planning to prepare for grant success
 - c. Information on how to address grant criteria
 - d. An explanation of the grant writing approach; what are assessors looking for and how do you give them what they need?
 - e. Answers to specific grant writing questions the attendees may have.

Community Grants

13. The Community grant application form was aligned with the Town's Strategic Community Plan outcomes.
14. The Town's internal Community Grants Funding Assessment Panel consisted of Town officers:
 - a. Chief Community Planner
 - b. Coordinator Events, Arts and Funding
 - c. Youth Programs Officer – Community Development
 - d. Coordinator Project Support – Project Management
15. Applications were assessed individually and then reviewed with a formal panel meeting by the Community Grant panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding Program.
16. The Town's initial assessment questions are as follows:
 - a. Eligibility
 - b. Applicant details (organisation, auspice arrangements etc.)
 - c. Project details (brief description, risks, locations, dates etc.)
 - d. Assessment criteria questions
17. The Town's assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: The project/initiative aligns with the Town's Strategic Community Plan 2017-32 objectives and priorities (Town's Values and Mission)?	(Weighting 25%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
Question 2: Outline how the initiative is suitable and inclusive of all members of the community.	(Weighting 25%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
Question 3: How do you know the project is needed by the community? How many people will benefit?	(Weighting 25%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
Question 4: How does the initiative encourage employment of the Victoria Park community?	(Weighting 25%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available

Total weighting for four questions = 100%
Total score available = 80 points

18. The Community funding attracted 12 applications, with a total requested of \$84,420.25 and \$11,416.00 (In-kind).
19. It is recommended Council endorse nine of the 12 applications for a requested funding total of \$60,426.25 and \$4,716.00 (In-kind)
20. Evaluation summaries related to all Community grant applications, recommended, and not recommended, are provided in *Attachment One*.
21. The Town recommends the following tabled applications for endorsement by Council:

Community Grant Funding Recommendations

Applicants	Project	Amount	In-Kind
Victoria Park Community Centre Incorporated	30 th Anniversary Celebration – Victoria Park Community Centre	\$10,000.00	
Audio Walks Western Australia	Victoria Park Audiowalk	\$8,000.00	
Friends of Jirdarup Bushland	History of Jirdarup Bushland design and production	\$10,000.00	
Rotary Club of Western Australia Incorporated	Vic Park Markets		\$4,616.00
Western Australian Police and Community Youth Centre Incorporated	Staged and Ready – Kensington PCYC Drag Car	\$10,000.00	
Vic Park Collective	Launch of Vic Park's Mural	\$2,200.00	
Victoria Park Primary School Parents and Citizens Association Incorporated	State Street Community Party	\$5,400.00	\$100.00
Disco Cantito Association Incorporated	The Playground Takeover Project	\$9,666.25	
Burswood Peninsula Neighbourhood Watch Group	Burswood Peninsula NHW and Residents Association Community Fiesta	\$5,160.00	

Total	\$60,426.25	\$4,716.00
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22. The Town does not recommend the following tabled applications for endorsement by Council.

Community Grant Funding Not Recommended

Applicants	Project	Amount	In-Kind
Epilepsy Association of WA (Inc)	Purple Walk for Epilepsy WA	\$10,000.00	
Life's Little Treasures Foundation	Walk for Prems – Perth 2022	\$5,000.00	\$900.00
Umbrellas and Footprints Incorporated	It Starts With One – Empowering and connecting neighbours for prosocial communities	\$8,994.00	\$5,500.00
Total		\$23,994.00	\$6,400.00

Sports Grants

23. The Sports grant application form was aligned with the Town's Strategic Community Plan outcomes.
24. The Town's internal Sports Grant Funding Assessment Panel consisted of Town officers:
- Club Development Officer – Clubs, Events and Bookings
 - Manager, Infrastructure Operations
 - Customer Relations Officer – Customer Relations
 - Coordinator, Health and Fitness – Aqualife
25. Applications were assessed individually and then reviewed with a formal panel meeting by the Town's Sports Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding program.
26. The Town's initial assessment questions are as follows:
- Eligibility
 - Applicant details (organization, auspice arrangements etc.)
 - Project details (brief description, risks, locations, dates etc.)
 - Assessment criteria questions.
27. The Town's assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: How does the project/initiative align with the Town's Strategic Community Plan 2022-32 objectives?	(Weighting 40%) <ul style="list-style-type: none"> Five points per panel member Total of 20 points available

Question 2: What measures have you taken to ensure this initiative is suitable and inclusive of all members?	(Weighting 20%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
Question 3: How do you know the project is needed by the community (research, survey, time to upgrade)? How many people will benefit?	(Weighting 30%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
Question 4: Demonstrate the applicant's ability to deliver proposed initiative within a time period.	(Weighting 10%) <ul style="list-style-type: none"> • Five points per panel member • Total of 20 points available
	Total weighting for four questions = 100% Total score available = 80 points

28. The Sports funding attracted four applications, with a total requested of \$27,252.00 and \$1,100.00 (In-Kind).
29. It is recommended that Council endorse two of the four applications for a requested funding total of \$10,615.00.
30. Evaluation summaries related to all Sport grant applications, recommended, and not recommended is provided in *Attachment Two*.
31. The Town recommends the following tabled applications for endorsement by Council:

Sport Funding Recommendations

Applicants:	Project	Amount
Curtin Victoria Park Cricket Club	CPVCC Inaugural Women's Cricket Club	Partial Funding \$615.00
Higgins Tennis Club	LED Lighting upgrade for four original hardcourts	\$10,000.00
Total		\$10,615.00

32. The Town does not recommend the following tabled applications for endorsement by Council

Sport Funding Not Recommended

Applicants:	Project	Amount
Master Swimming Club WA Incorporated	Virtual Rotto Channel Swim	\$1,800.00
Table Tennis Western Australia Incorporated	New Lighting for Centre at 12 Gerard Street, East Victoria Park	\$10,000.00
Total		\$11,800.00

Sports Equipment Grants

33. The Sports Equipment grants application form was aligned with the Town’s Strategic Community Plan outcomes.
34. The Town’s internal Sports Equipment Grants Funding Assessment Panel consisted of Town officers:
- Manager Infrastructure Operations
 - Community Development Officer - Clubs, Events and Bookings
 - Coordinator Health and Fitness – Aqualife
 - Customer Relations Officer.
35. Applications were assessed individually and then reviewed at a formal panel meeting by the Town’s Sport Equipment Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding Program.
36. The Town’s initial assessment questions are as follows:
- Eligibility
 - Applicant details (organisation, auspice arrangements etc.)
 - Project details (brief description, risk, locations, dates etc.)
 - Assessment criteria questions.
37. The Town’s assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: What are you planning to purchase from the grant funding?	Weighting 20% <ul style="list-style-type: none"> Five points per panel member Total 20 points available
Question 2: Why is the uniforms and equipment necessary? Please explain the needs for the items.	Weighting 30% <ul style="list-style-type: none"> Five points per panel member Total 20 points available
Question 3: How does the purchasing of uniforms or equipment align with the Town’s Strategic Community Plan? (2022-32 objectives)	Weighting 40% <ul style="list-style-type: none"> Five points per panel member Total 20 points available
Question 4 Is the sporting club located in the Town? If not, does the sports club service the Town of Victoria Park community?	Weighting 10% <ul style="list-style-type: none"> Five points per panel member Total 20 points available
	Total weighting for four questions = 100% Total score available = 80 points

38. The Sports Equipment funding attracted five applications, with total requested of \$7,839.28
39. It is recommended Council endorse all five applications for a requested funding of \$7,839.28 (25% of cost).
40. Evaluation summaries related to all Sport equipment grant applications, recommended, and not recommended, are provided in *Attachment Three*.
41. The Town recommends the following table applications for endorsement by Council:

Sports Equipment Funding Recommendations

Applicants:	Project	Amount
Curtin Football Club Incorporated	Junior Football Club	\$1,800.00
Curtin University Rugby Union Football Club	Curtin Goats – Training and Game Day Field Equipment	\$918.65
Curtin Victoria Park Cricket Club	Club Uniforms and Balls	\$2,000.00
Perth Cricket Club	Perth CC – 2022-2023 Match Clothing	\$2,000.00
Victoria Park Junior Football Club	Throw me some share	\$1,120.63
Total		\$7,839.28

42. All Sports Equipment applications are recommended for endorsement.

Art Grants

43. The Art grant application form was aligned with the Town's Strategic Community Plan outcomes.

44. The Town's internal Art Grants Funding Assessment Panel consisted of Town officers:

- a. Arts Development Officer
- b. Manager Community
- c. Events Officer
- d. Place Leader – Place Planning

45. Applications were assessed individually and then reviewed at a formal panel meeting by the Town's Art Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Community Funding Program.

46. The Town's initial assessment questions are as follows:

- a. Eligibility
- b. Applicant details (organisation, auspice arrangements etc.)
- c. Project details (brief description, risks, locations, dates etc.)
- d. Assessment criteria questions

47. The Town's assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: How will your initiative foster collaboration and active participation of local people (residents, workers, business owners, local creative community and/or community groups etc.)?	Weighting 40% <ul style="list-style-type: none"> • Five points per panel member • Total 20 points available
Question 2: How will your initiative foster collaboration and active participation of local people (residents, workers, business owners, local creative community and/or community groups etc.)?	Weighting 25% <ul style="list-style-type: none"> • Five points per panel member • Total 20 points available

Question 3: How does the project align with the Town's Strategic Community Plan 2022-32 objectives, Values, Vision, and Mission? (Refer to the Town Victoria Park Strategic Community Plan)	Weighting 25% <ul style="list-style-type: none"> • Five points per panel member • Total 20 points available
Question 4: Tell us about your experience managing projects like this?	Weighting 10% <ul style="list-style-type: none"> • Five points per panel member • Total 20 points available
	Total weighting for four questions = 100% Total score available = 80 points

48. The Art Grant funding attracted eight completed applications, with a total requested of \$33,240.00
49. It is recommended Council endorse five applications for a requested funding of \$20,000.00
50. Evaluation summaries related to all Art Grant applications, recommended, and not recommended, is provided in *Attachment Four*.
51. The Town recommends the following tabled applications for endorsement by Council:

Art Grant Funding Recommendations

Applicants	Project	Amount
John Curtin Gallery – Curtin University	The Alternative Art School 2022	\$3,500.00
Victoria Park Community Centre	Aboriginal Early Literacy	\$5,000.00
Susan Turner	Alec Bell Park Mural Project	\$4,240.00
Adrian Tilby – Vic Park Pride	The Pony of Pride visits Victoria Park	\$5,000.00
Enneagon Movement	Ignorance is (was) Bliss	Partial Funding \$2,260.00
Total		\$20,000.00

52. The Town does not recommend the following tabled applications for endorsement by Council:

Art Funding Not Recommended

Applicants	Project	Amount
Eliza Smith	Everything Flickers contemporary art workshops	\$5,000.00
Georgina Moss	Hidden Layers	\$500.00
Barefoot Media	Soft serve screenplay and pre-production	\$5,000.00

Total	\$10,500.00
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53. Subject to Council endorsement, successful Community, Sport, Sports Equipment and Art grant applications will be notified of the decision within five business days of Council resolution.
54. If applicant is not satisfied with the endorsed outcome, a complaint can be formally lodged via the Town's Customer Service Delivery Management Practice and complaints guidelines within 14 days of notification of successful and unsuccessful applications. Information on how to lodge a complaint will be contained within the letter and outlined in the Vic Park Funding section on the Town's website.
55. The Town encourages previous unsuccessful applicants to contact the Town for feedback to support future applications.
56. Successful community, sport, sport equipment and art grant applicants are required to complete the Town's acquittal reporting documentation within three months of completion of the program or event.

Relevant documents

[Policy 114 Community Funding](#)

Due to a financial interest, Cr Wilfred Hendriks left the meeting at 7.20pm.

Questions and responses

Cr Claire Anderson

1. *How were the five local schools selected to participate in the playground takeover project?*

The Chief Community Planner advised that this would be a question for the applicant and would be happy to obtain this information.

Cr Jesse Hamer

1. *Did applicants get the opportunity to respond before the report comes to Council?*

The Chief Community Planner advised that yes applicants are provided with several opportunities to respond. Sometimes the required information is provided but not always.

2. *The report mentions in a few instances there's missing information so I'm assuming the information has been requested but not provided.*

The Chief Community Planner advised that yes that's correct.

Cr Peter Devereux

1. In relation to community priorities and strategic alignment is it possible to include reference to environment and economic community priorities? Is it possible to consider inclusion in the alignment section?

The Chief Community Planner advised the Town is happy to do this.

2. Is it possible to include a clearer reference to how each proposal aligns to the Strategic Community Plan (SCP) to assist understanding and comparison of proposals?

The Chief Community Planner advised that this could be included for future panel assessments and noted the Town did get legal advice which indicated a balance is important in terms of assessment criteria and the Town has a Funding Policy which determines this.

3. The criteria on page 33 mentions an Environment officer in relation to place planning on climate action, is there and opportunity to consider in the future integrating grants by linking the environment to community priorities and alignment with SCP?

The Chief Community Planner advised the grants are dictated by the Grants Policy which was reviewed this year and will be for review again in a couple of years. Environmental grants can be considered under the Urban Forest Strategy and Place Grants. The Town can look at the policy when it comes up for review.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on how the five local schools were selected to participate in the playground takeover project
2. Include information on the community priorities and strategic alignment and references to environment and economic community priorities and whether inclusion can be included in the alignment section.

Cr Wilfred Hendriks returned to the meeting at 7.29pm.

12.2 Access and Inclusion Plan 2022 - 2027

Location	Town-wide
Reporting officer	Community Development Coordinator
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. DRAFT ACCESS AND INCLUSION PLAN 2022-2027 ABF v 2 [12.2.1 - 36 pages]2. Engagement Report - Access & Inclusion Plan 2022-2027 v 2 [12.2.2 - 7 pages]

Recommendation

That Council:

1. Approves the advertising of the Access and Inclusion Plan 2022-2027, as at attachment one, for public comment.
2. Requests the Chief Executive Officer to report the outcomes of the public comment period and present the Draft Access and Inclusion Plan 2022-2027 to the December 2022 Ordinary Council Meeting.

Purpose

To present Council with the draft Town of Victoria Park Access and Inclusion Plan 2022-2027 and seek approval to release the plan for public comment.

In brief

- *The Disability Services Act 1993* (the Act) requires all local governments to develop and implement a plan for disability, and to review this plan every five years.
- As the Town's current plan expired in June 2022, the Town has developed a new contemporary plan which encompasses the core requirements of the Department of Communities.
- Community and stakeholder engagement was completed over March to June 2022 to guide development of the new plan.
- A Concept Forum was held with Elected Members in August 2022 to discuss and refine the draft plan.
- The Town is now seeking approval from Council to release the draft plan for public comment prior to returning to Council for final endorsement.

Background

1. People living with disability, their families and carers have the same rights as other people to access services, facilities and programs in our community. These rights are protected within international, national and state legislation which makes it unlawful to discriminate against a person living with disability.
2. All local governments are required by the Act to have a plan for disability, which is reviewed every five years and features at minimum seven specified outcome areas. The Department of Communities monitors this activity through annual reporting and provides advice and guidance to local governments.
3. The Town's current Disability Access and Inclusion Plan 2017-2022 expired in June 2022.

4. In November 2021, the Town started review of the existing plan, and development of a new plan. This started with analysis of the current situation using desktop research of state and interstate access and inclusion plans, inclusion frameworks, better practice examples, and engagement with the Department of Communities.
5. Between March and June 2022, community engagement was completed through a community survey, online ideas forum and targeted conversations with a board cross section of Victoria Park stakeholders. Engagement approaches were modified to navigate COVID-19 requirements. Findings from the engagement process are provided in the Engagement Report Access and Inclusion Plan 2022-2027, as attachment two.
6. The draft plan was presented to the July Ordinary Council Meeting where the item was referred to a Concept Forum for further discussion, which occurred on 23 August 2022.
7. The Town has achieved solid progress on a number of key outcome areas since 2017, which is reflected in the background engagement material and at the start of the new plan. Progress is also communicated via Quarterly Reports to Council and community, and annually to the Department of Communities.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Developing a formal approach related to access and inclusion challenges allows the Town to effectively plan and manage resources and performance.
CL2 - Communication and engagement with the community.	Communicating with and seeking involvement from people and stakeholders with interests in improved access and inclusion is critical to improving outcomes and social change in this area.

Social	
Strategic outcome	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	By developing and implementing an access and inclusion plan, this allows the Town to proactively facilitate inclusivity, and celebrate diversity in the local area, and lead by example more broadly.

Engagement

Internal engagement	
Stakeholder	Comments
ToVP Staff	Participation in all of staff engagement survey.
Community Development	Participation in staff workshop and discussion on draft actions.
Events, Arts and Funding	
Library Services	

Place Planning	
People and Culture	
Stakeholder Relations	
Communications and Engagement	
Customer Service	
Street Improvement	
Environmental Health	
Technical Services	
Development Services	
Project Management Office	
Finance / Procurement	
Technical and Digital Strategy	
Records	
C-Suite	Participation in all of staff engagement survey
Elected Members	<ol style="list-style-type: none"> 1. Participation in online engagement. 2. Several Councillors are members of the Access and Inclusion Advisory Group who meet quarterly. 3. Agenda Briefing Forum held on 5 July 2022. 4. Ordinary Council Meeting held on 19 July 2022. 5. Concept Forum held on 23 August 2022.

External engagement	
Stakeholders	<ol style="list-style-type: none"> 1. People living with disability, their families and carers 2. Representatives and advocates for people living with disability 3. Residents 4. Broad community 5. Not for profit sector 6. Community sector 7. Local Businesses 8. Access and Inclusion Advisory Group 9. School students
Period of engagement	March – June 2022

Level of engagement	3. Involve
Methods of engagement	<p>Due to COVID-19 protocols, community engagement approaches were modified to enhance safety and inclusion opportunities.</p> <ol style="list-style-type: none"> 1. Access and Inclusion Advisory Group workshops / online engagement 2. Your Thoughts online engagement platform (with supplementary support offered to assist participation) <ol style="list-style-type: none"> a. Online survey b. Ideas forum c. Tell Your Story 3. Hard copy survey 4. All of staff online survey 5. Staff engagement workshops 6. Follow up internal action and resource conversations 7. Primary school drawing and written exercise
Advertising	<ol style="list-style-type: none"> 1. E-Vibe Newsletter 2. Media releases 3. Town website 4. Your Thoughts page 5. Linked In 6. Local Newspaper public notice 7. Public notices on noticeboards in Admin Building and Library 8. Social Media 9. Direct emails to community networks and service providers 10. Direct email to reference groups 11. Local schools
Submission summary	See Engagement Report Access and Inclusion Plan 2022-2027, as attachment two.
Key findings	<p>See Engagement Report Access and Inclusion Plan 2022-2027, as attachment two:</p> <ol style="list-style-type: none"> a. Physical access had the largest response, featuring in more than 400 ideas. b. School aged children would like the Town to focus on making recreational community spaces and buildings more physically accessible. c. The community would like smaller scale events which celebrate and consider access and inclusion needs. d. The community would like increased employment opportunities for people living with disability, specifically in local businesses, and in frontline leadership positions in Local Government. e. Town to lead and support cultural change, by raising awareness and education particularly for more empathetic and non-judgmental work environments across the local area.

- f. Overall, 79% of survey responses indicated the level of access and inclusion for people living with disability in the Town was 'very good' or 'reasonable'.
- g. Through a ranking process, the community told us Outcome Areas 7 (Employment), 3 (Access to Information) and 2 (Access to Town Buildings and Facilities) are the highest priorities for action at this time.

Other engagement

Stakeholder	Comments
Department of Communities (Disability Services)	<p>Town Officers have engaged the Department at several points throughout this review, specifically at the beginning and middle points of the review. Through this, the Department confirmed process requirements in the development of a new plan and confirmed the use of goals to frame the seven key outcome areas.</p> <p>Feedback from the Department has identified a number of LGA's who could be considered as following contemporary practice including the City of Wanneroo, City of Stirling, City of Joondalup, City of Kalamunda, the Shire of Harvey and the Shire of Augusta Margaret River.</p> <p>The Department was engaged again in July 2022 to provide feedback on the draft plan; advising the Town's draft AIP "connects the seven Outcome areas with the goals and appears to cover these appropriately. It has a clear sense of accountability and implementation".</p>

Legal compliance

[Part 5 of the Disability Services Act 1993](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	

Legislative compliance	Not adopting a formal Access and Inclusion Plan means the Town is non-compliant with the <i>Disability Services Act 1993</i> .	Moderate	Likely	High	Low	TREAT risk by Approving release of the draft Access and Inclusion Plan 2022-2027 for public comment.
Reputation	Not releasing the draft plan for public comment means there is a significant risk that stakeholders are unable to provide feedback which could lead to dissatisfaction with the Town and Council.	Moderate	Likely	High	Low	TREAT risk by Approving release of the draft Access and Inclusion Plan 2022-2027 for public comment.
Service delivery	N/A				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Additional funds may be required in future budgets, however the amounts required will be determined via further investigation, aligned to the proposed priority of works.</p> <p>Future budget impacts will be considered by Council through the budget deliberation process prior to activities being endorsed or undertaken.</p>

Analysis

8. An access and inclusion plan is used by the Town of Victoria Park to:
 - a. Define priorities, processes, and short and long-term plans
 - b. Prioritise budget and resource allocations
 - c. Direct the shape of the Town in terms of land use, infrastructure, service and asset management, operations and planning
 - d. Direct workforce planning
 - e. Inform other key strategies and plans such as the Local Planning Strategy
 - f. Inform the Town's position on issues
 - g. Provide context for staff reports to Council, communications and events
 - h. Collect and evaluate performance metrics
9. There are many groups in the community who experience accessibility and inclusion challenges, and therefore benefit from a formal approach. They include:
 - a. People living with disability and carers

- b. Elderly people
- c. Parents with infants, young children and prams
- d. Aboriginal and Torres Strait Islander people
- e. People with mental illness
- f. People with physical impairments, injuries and disabilities
- g. People from different cultural backgrounds
- h. People who speak a primary language other than English
- i. People with temporary injuries

10. In recent years, there has been movement toward removing Disability from the title of Access and Inclusion Plans (AIPs). This reflects that plan priorities are relevant for people living with disability, as well as many other groups as outlined above.
11. In light of this shift, it is proposed to name the new document, the Town of Victoria Park Access and Inclusion Plan 2022-2027.
12. The Town's Access and Inclusion Advisory Group are supportive of this change, based on the above rationale.
13. Based on community feedback and research findings, the draft plan proposes five clear goals, which integrates the core seven outcomes as prescribed by the Department of Communities.
14. Community feedback also identified three priority areas for action, being 1) Employment; 2) Access to Information; and 3) Access to Town Buildings and Facilities.

Goal	Descriptor	Outcome	Priority
Goal 1: Customer experience	Our community experience inclusion through Town of Victoria Park services and events, with quality access to information and customer service support.	Services and events	
		Information	☑
		Quality customer services	
Goal 2: Physical access	Our community experience ease of access to all Town of Victoria Park buildings and facilities, through public open spaces and places in the community; with assets continually improved through the Town's annual Capital Works Program.	Buildings, facilities and community spaces	☑
Goal 3: Active Citizenship	Everyone in our community can proactively participate in our local democracy by easily raising issues and providing regular feedback which informs development of the Town's policy and services.	Complaints	
		Public consultation	
Goal 4: Employment	All community members have the opportunity to be employed at their local government, and to retain that employment through adequate support to do their job.	Employment	☑

Goal 5: Governance and Impact	The Town will monitor, measure and evaluate the outcomes of our work, sharing our collective progress regularly with our stakeholders in order to better understand the evolving opportunities and impacts related to access and inclusion within the Town.	All	
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15. A range of proposed deliverables related to the above goal and outcome areas are detailed in the plan. These form the nucleus of annual implementation plans.
16. The Town will continue to work internally and externally with key partners to ensure deliverables are achieved.
17. Town officers presented the draft plan to the July Ordinary Council Meeting, where Elected Members requested a Concept Forum for discussion. This Concept Forum was held on 23 August 2022. As a result, the draft has been refined so that:
 - a. All outcomes and actions updated to be disability focused
 - b. Simpler action numbering is used on page 20
 - c. There is a clearer focus on achieving deliverables, specifically making clear the 5% employment target for people with disability
 - d. Town officers will explore incorporation of social inclusion for diverse groups into other social plans, specifically action to support LGBTQIA+ and Culturally and Linguistically Diverse (CaLD) communities in the Town.
18. The draft Access and Inclusion Plan 2022-2027 is now presented to Council for advertising for public comment for a three-week period. During this time, the Town will also seek feedback from the Department of Communities.
19. The Town will then integrate all feedback received to finalise the Access and Inclusion Plan 2022-2027, and present to Council for formal adoption in December 2022.
20. The Town will have the plan graphically designed after final endorsement.

Relevant documents

[Town of Victoria Park Disability Access and Inclusion Plan 2017-2022](#)

Questions and responses

Cr Peter Devereux

1. *Is there any disaggregated data from the engagement report that separates the prior of groups or demographics surveyed?*

The Chief Community Planner advised that in terms of disaggregated data to groups, all data is in the engagement report. The Town can add for questions to get additional data on participants.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on any disaggregated data from the engagement report that separates the prior of groups or demographics surveyed.

13 Chief Operations Officer reports

13.1 Proposed Sale of 355-357 Shepperton Road, East Victoria Park

Location	East Victoria Park
Reporting officer	Manager Property Development and Leasing
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council notes the information in this report regarding progress with the confidential contract of sale for the Town's land at 355-357 Shepperton Road.

Purpose

To provide an update as to progress, further to the confidential contract entered into between the Town and Fabcot Pty Ltd on 19 December 2019.

In brief

- A contract of sale for the Town's land at 355-357 Shepperton Road was entered into between the Town and Fabcot Pty Ltd and is confidential.
- The land comprising ROW 54 was located between land owned by Fabcot and the Town's land at 355-357 Shepperton Road.
- The Town has undertaken a range of activities, including actions to secure the conversion of ROW 54 into road and to facilitate the closure and disposal of that road to Fabcot Pty Ltd.
- The Town has obtained consent from Fabcot Pty Ltd to make limited public disclosures regarding the contract, which are provided in this report.

Background

1. At the Ordinary Council Meeting of 19 November 2019, the Council considered public submissions on the proposed sale of 355-357 Shepperton Road, and resolved to proceed with the sale of the land in line with the negotiated contract of sale, as is more fully provided for in the terms of Council resolution 244/2019 dated 19 November 2019.
2. The contract of sale was entered into between the Town and Fabcot Pty Ltd and is confidential.
3. The land comprising ROW 54 (ROW) is situated between the Town's land at 355-357 Shepperton Road and lots owned by Fabcot Pty Ltd.
4. In brief, Council at its Ordinary Council Meeting of 17 November 2020, resolved to request the Minister for Lands (WA) to dedicate the ROW as a road.
5. At the Ordinary Council Meeting of 15 June 2021, the Council resolved to give notice and invite public submissions to request the Minister for Lands (WA) to close and amalgamate the ROW being a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria

Park pursuant to section 58 and section 87 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998.

6. At the Ordinary Council Meeting of 21 September 2021, the Council resolved as follows by Council resolution 206/2021 dated 21 September 2021:-

That Council:

1. *Notes the outcomes of the notice to invite public submissions on the proposal to request the Minister for Lands (WA) to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park.*
 2. *Authorises the Chief Executive Officer and Mayor to execute all necessary documentation under the Town's Common Seal, in accordance with sections 58 and 87 of the Land Administration Act 1997, and regulation 9 of the Land Administration Regulations 1998 to request the Minister for Lands (WA) to close a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park and amalgamate into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.*
7. The Town has requested the Minister for Lands (WA) to close the ROW (445m² portion of dedicated road referred to in Council resolution 206/2021 dated 21 September 2021). At the time of preparing this report, a check on 21 September 2022 of publicly available Landgate records reflects that the 445m² portion of dedicated road referred to in Council resolution 206/2021 dated 21 September 2021 is now Lot 502 on Deposited Plan 415185, held under certificate of Crown land title LR3173-171 as Crown Land in the name of the State of Western Australia, with the status of dedicated road. The status of dedicated road is stated to have been registered on 7/4/2021. In terms of this information, the closure of the dedicated road had therefore not been completed by the relevant authority, as at 21 September 2022.
8. As noted above, the contract entered into between the Town and Fabcot is confidential. The Town has liaised with Fabcot to seek consent to make disclosures. Consent has been provided by Fabcot for the Town to make certain limited public disclosures.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential contract, with a view to providing public communication and engagement.
CL3 - Accountability and good governance.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential contract, in the interests of accountability and promoting perceptions of good governance.

Economic

Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	It has been estimated that the anticipated development from the sale of the Town's landholding will generate local employment opportunities in the order of 150 ongoing jobs and stimulate business creation opportunities.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Redevelopment of the Town and adjoining land holdings will upgrade the existing streetscape and provide a cleaner place to visit, the additional increase in pedestrians and tenancies will potentially build out criminal occurrences with additional passive surveillance.

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The inclusion of the Town's landholding will potentially achieve an overall design outcome that opens up Albany Hwy for a more considered pedestrian lead design opportunity, this will allow a design with greater focus on place planning and place activation.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Development Services	At the time of providing these comments, a development application for the land is yet to be submitted.

Other engagement	
Stakeholder	Comments
DPLH Land Management (State of WA)	The Town has been liaising with DPLH Land Management, as noted in this report.

Legal compliance

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

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

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The sale of the land is confidential however the Town has disclosed in the mandatory s3.58 statutory advertisement process a sale price of \$3,821,000.	Severe	Possible	High	Low	TREAT risk by ensuring Council follow the legal advice received and the advice and guidance from relevant Government agencies including Department of Planning, Lands and Heritage.
Environmental	Not applicable.				Medium	
Health and safety	Property remains undeveloped. Vacant land can reduce the quality of streetscapes and potentially become a dumping ground for waste or antisocial behaviour. Closure and realignment of the Road is not progressed, maintaining the non-compliant status of the crossover.	Moderate	Possible	Medium	Low	TREAT risk by ensuring Council follow the legal advice received and continue the realignment process by closing the subject portion of road.
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The Minister for Lands (WA) is ultimately responsible for determining requests for the closure of roads. It is possible that the Minister may	Moderate	Possible	Medium	Low	TREAT risk through the provision of the required information as per Regulation 9 of the Land Administration Regulations 1998

	decide to refuse or modify the pending road closure request notwithstanding Council's resolution.					and sufficient Information for the road closure request.
Reputation	The Town does not finalise this transaction or respect its agreed terms including confidentiality. Potential reputational risk on future land and other transactions, including the risk that the Town is seen as unwilling to follow through on transactions or respect agreed terms.	Moderate	Possible	Medium	Low	TREAT risk by finalising transaction and respecting the confidentiality of the transaction as agreed to by Council. Obtain consent for public release of information as to progress.
Service delivery	Not applicable					

Financial implications

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

Analysis

9. As noted above, the contract entered into between the Town and Fabcot is confidential. The Town has liaised with Fabcot to seek consent to make disclosures. Consent has been provided by Fabcot for the Town to make the following limited public disclosures:
- a. The contract date on which the contract was signed by both parties was 20 December 2019;
 - b. In recent discussions between the Town and Fabcot, both parties have indicated they wish to continue on the basis outlined in the latest (expired) Contract of Sale;
 - c. At this time, the sale of the property has not settled. As the time frames in the contract and its subsequent extensions have expired, it will not be possible to settle the sale of the property, unless a legally valid and binding extension to the contract is in place and lawfully entered into.

The Town is working with Fabcot and the Town's lawyers to establish the terms for such an extension, which would also need to be acceptable to Council;

- d. Advice that DPLH/Fabcot are discussing the terms of the ROW purchase. Fabcot have advised that these discussions are progressing and it is hoped an agreement on the ROW is reached soon.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

13.2 Lathlain Park Redevelopment Project Zone 1 – Business Case

Location	Lathlain
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1: Lathlain Zone 1 Business Case 2022 [13.2.1 - 93 pages] 2. CONFIDENTIAL - Attachment 2: Business Case Attachment 1 - Town of Vic Park - Perth Football Club Facility Needs Analysis v 1 (003) [13.2.2 - 10 pages] 3. Attachment 3: Business Case Attachment 2 - LPRP 2022-04-14 Engagement Summary Report - Lathlain Park Zone 1 [13.2.3 - 22 pages] 4. CONFIDENTIAL - Attachment 4: Business Case Attachment 3 - LPRP 2022-05-18 Lathlain Park - Relocation Strategy Report - Telcos - V 2 [13.2.4 - 31 pages] 5. CONFIDENTIAL - Attachment 5: Business Case Attachment 4 - LPRP 2022-04-04 Demolition Project Plan R 0 (003) [13.2.5 - 19 pages] 6. Attachment 6: Business Case Attachment 5 - LPRP 2022-06-06 FINAL DESIGN REPORT [13.2.6 - 58 pages] 7. CONFIDENTIAL - Attachment 7: Business Case Attachment 6 - LPRP 2022-07-16 Lathlain Precinct Redevelopment - Updated Cost Estimate [13.2.7 - 31 pages] 8. CONFIDENTIAL - Attachment 8: Business Case Attachment 7 - LPRP 2022-05-18 Lifecycle Operation Cost Estimate [13.2.8 - 66 pages] 9. CONFIDENTIAL - Attachment 9: Business Case Attachment 8 - LPRP 2022-05-24 Perth Football Club Valuation advice [13.2.9 - 12 pages] 10. CONFIDENTIAL - Attachment 10: Business Case Attachment 9 - LPRP 2022-07-01 Waalitj Valuation Updated [13.2.10 - 8 pages] 11. CONFIDENTIAL - Attachment 11: Business Case Attachment 10 - Perth Demons Management Review and Financial Model V 1 [13.2.11 - 52 pages] 12. CONFIDENTIAL - Attachment 12: Business Case Attachment 11 - Waalitj Foundation Draft Management Review and Financial Model Draft 1 [13.2.12 - 41 pages]

Recommendation

That Council:

1. Notes Attachments 1 to 12 of this report.
2. Endorses "Scenario 1: Staged Delivery" from Attachment 1 as the preferred delivery approach and its addition of building location and delivery staging to the concept briefs as endorsed by Council at August 2021 and February 2022.
3. Approve the Chief Executive Officer to proceed to negotiations with The Perth Football Club to discuss the following:
 - A) establishing confirmed funding
 - B) lease term
 - C) roles and responsibilities for management of the facility

- D) asset obligations; and
- E) agreed model for local community usage.
4. Approve the Chief Executive Officer to commence stage 1 design development (Football Club and Function Centre and Community Space) with the approved consultant team based on the stage 1 design development on concept option 2a.
5. Update Long Term Financial Plan to account for the current funding shortfall in option 2a of \$4,126,000 while additional funding is sourced.
6. Request the Chief Executive Officer to present a report back to Council by December 2022 on the following:
 - a) A progress report on commercial negotiations with the Perth Football Club.
 - b) Update on stage 1 progress.
7. Request the Chief Executive Officer to present a report back to Council by December 2022 that articulates the requirements of concept option 4a.

Purpose

Approval is being sought to progress the Lathlain Park Redevelopment Project Zone 1.

In brief

- Concept designs have been completed based on the Option 2 – 4 concept design briefs endorsed by Council at the February 2022 OCM.
- A business case has been finalised based on the four concept options and numerous specialist reports. The business case and specialist reports are attached to be received by Council.
- The business case recommends integrating the Waalitj Foundation Community Centre feature in Option 4 as the preferred option as it provides the Town with a strong cost benefit to the development considering the aligned community outcomes and commercial drivers.
- The business case also recommends a staged approach to the delivery (scenario 1). This approach ensures that stage 1 (football club and function centre) can progress to design development, therefore not elongating the program for delivery of this stage and reducing the risk of jeopardising committed federal and state funding.
- While the business case explores management models and provides recommendations, negotiation with key stakeholders is required to form a head of agreement confirming funding, lease term, roles and responsibilities for management of the facility, asset obligations and agreed model for local community usage. This requires Council endorsement of a preferred concept option and approval from Council to enter negotiations.
- The report contains several attachments that are confidential as they contain information that is commercial in confidence related to stakeholder organisations.

Background

1. At the OCM in August 2021, Council passed Council Resolution 192/2021. Which included:
 - (a) *That elected members endorse the development of four high-level concept design options for Lathlain Park Zone 1, being:*

- (b) *Option 1: Low Intervention*
 - (c) *Option 2: Low Intervention plus future proof*
 - (d) *Option 3: Medium Intervention*
 - (e) *Option 4: High Intervention.*
 - (f) *That Elected members endorse the schedule, floor plan and budget for Option 1 as presented at the August 2021 OCM.*
 - (g) *Requests the Chief Executive Officer to present back to Council the project briefs to inform the development of Concept Design Options 2, 3 and 4.*
 - (h) *Requesting the Chief Executive Officer to continue to explore third-party interest for being involved in the Lathlain Park Zone 1 facility.*
 - (i) *Requests the Mayor and Chief Executive Officer to advocate for additional funding to deliver Concept Design Options 2, 3 and 4; and*
 - (j) *Requests the Chief Executive Officer to present a report back to Council by April 2022 to consider:*
 - (i) *The four Concept Design Options for the Lathlain Park Zone 1 Facility*
 - (ii) *Funding options to deliver each of the four concept Design Options for the Lathlain Park Zone 1 Facility.*
 - (iii) *Outcomes of third-party interest for involvement in the Lathlain Park Zone 1 Facility*
 - (iv) *The recommended management model for the Lathlain Park Zone 1 Facility.*
2. The endorsed Option 1 delivers several multipurpose community spaces, including a larger function space, a grandstand, three change rooms, and football operations space.
 3. On 16 October 2021, an Expression of Interest was released in response to the August 2021 OCM Council resolution to explore third-party interest and to advocate further funding.
 4. The EOI submission deadline was 8 November 2021.
 5. The Town received two submissions, with the elected members endorsing the officer's recommendation to shortlist the Wirrpanda Foundation (now known as Waalitj Foundation) to the next stage of negotiations.
 6. This successful submission outlined its vision which included the delivery of:
 - (a) An Arts Hub and Gallery
 - (b) A Youth Hub
 - (c) Training Facilities and flexible office space
 - (d) Catering Facilities
 7. This submission proposed a significant financial contribution from the Wirrpanda Foundation and the Banjima Charitable Trust. Additionally, it nominated other avenues to advocate for further funding commitments.
 8. Since the EOI submission, the Banjima Charitable Trust has withdrawn from the process. Negotiations and concept design work have continued with the Waalitj Foundation alone.
 9. In February 2022 Council endorsed three project briefs for the Lathlain Park Redevelopment Precinct Zone 1 to progress to the concept design phase. This was in addition to the "option 1" project brief that had already been endorsed. It was incorporating Waalitj Foundation's input in response to their successful Expression of interest submission.
 10. In February 2022 Council endorsed the project to be split into two stages, ensuring the delivery of stage 1 is consistent with the endorsed Federal Funding Agreement and is aligned with the August 2021 Council endorsed Option 1 Brief.
 11. The concept designs have been completed and inform the business case associated with this report. Community engagement occurred in the development of the concepts. However, the public engagement events on site were cancelled due to Covid19 restrictions.
 12. Funding Agreements have been fully executed between the Town with the State Government (June 2021) and the Federal Government (December 2021). The Federal Funding Agreement, in particular, has strict timeframes for delivery and strict delivery outcomes, as the funding was made available primarily to fund the redevelopment of the Perth Football Club.

13. As a part of the development of the Lathlain Park Management Plan, an extensive community engagement body of work was completed to inform this guiding document for the management and delivery of infrastructure at Lathlain Park. This engagement assisted in defining preliminary principles for Zone 1 regarding community uses, the built form, the public realm and landscaping elements. These Principles are included below:
- (a) Community Uses
 - (i) Opportunities for the provision of multipurpose/shared spaces that can accommodate community events, activities and programs are encouraged.
 - (ii) Ensure public access is designed to accommodate a range of users and incorporates universal access design principles.
 - (iii) Ensure the connection between development and the streetscape in terms of pedestrian access, views and vistas of the existing stadium are enhanced.
 - (iv) Integration of servicing infrastructure within landscaped and/or public art for the area is encouraged.
 - (b) Built Form
 - (i) Facilitate the interpretation of the heritage values of Lathlain Park
 - (ii) New development shall be designed to orientate around the oval and articulated to ensure building bulk is minimised when viewed from the street
 - (iii) Provide for the shared use of facilities where possible
 - (iv) Enhanced public and spectator amenities to Oval 1.
 - (c) Public Realm & Landscaping
 - (i) Landscaping shall ensure the retention of existing mature trees where possible
 - (ii) Landscaping treatments to be of a high quality (incorporating hard and soft landscaping elements) and incorporate water-wise principles / native plant species Landscaping elements (e.g. public art) themed on cultural heritage are encouraged
 - (iii) Reciprocal (Perth FC/public) use of formal car parking.
14. Additionally, the elected members at the August 2021 OCM endorsed the set Vision and Aspirations for Zone 1 Redevelopment. These are:
- (a) VISION: Lathlain Park Zone 1 is revitalised as a contemporary, multipurpose centre. A dynamic place, that caters for the diverse needs of its community for generations to come.
 - (b) ASPIRATIONS:
 - (i) *A sympathetic, but unique neighbour.* A development that actively engages with its surroundings, having careful consideration for its interface with existing built form and landscape character.
 - (ii) *Flexible and ready for the future.* A highly functional and multipurpose centre that supports a diverse range of activities and events for use by its community, which includes both the Perth Football Club and local Town of Victoria Park residents.
 - (iii) *A place for everyone.* High-quality architectural and landscape outcome promoting access, safety and participation from all members of the community, irrespective of age, gender, culture or ability.
 - (iv) *A place that tells local stories.* A development that integrates into its community through art and culture celebrating the important role and heritage of Lathlain Park.
 - (v) *A place that stands the test of time.* A venue that optimises building performance and limits maintenance costs through climate responsive design and use of appropriate building materials.
15. In 2021, the Town commissioned a review of the existing Social Infrastructure Strategy. Following extensive community engagement, the updated strategy was endorsed by Council in April 2022.
16. Within the Social Infrastructure Strategy, an entire chapter is dedicated to the Lathlain Centre Neighbourhood Hub, of which this redevelopment comprises a large component.
17. Of note were two of the opportunities that have been recommended to investigate further. These included:

- (a) Community support spaces, particularly office/administration and consultation room spaces suitable for leasing to individual groups or businesses;
 - (b) A community meeting space suitable for a large group activity, which may be provided through the on-site function centre.
18. In addition, one of the key priorities offered for the Lathlain Neighbourhood Hub was:
- (a) Efficient and diverse community meeting and community support offerings within the Lathlain local centre.
19. Finally, a key recommendation from the strategy with regards to the Lathlain Neighbourhood Hub suggests:
- (a) Work with the West Coast Eagles, Perth Football Club and other stakeholders to improve community access to facilities at Mineral Resources Park/Lathlain Park.
20. Amongst the key deliverables identified for the Town in the Social Infrastructure Strategy, it was suggested that the Town has a need for local-scaled arts spaces catering to early-career artists, hobbyists, and locally based creatives, as well as providing activities activity spaces for the local community.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The project will deliver a sustainable built-form outcome ensuring a sustainable business model for the Perth Football Club and the Town for the benefit of the community.

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The project will be delivered in an open manner that engages partner organisations to derive mutual benefits with the needs of the community at the forefront.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	This project will deliver increased activity and visitation to the Town along with improved capacity and financial viability of the Perth Football Club, other leasees and users of the facilities.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The project has the opportunity to provide facilities for a diverse range of community members. It also has the potential to expand First Nations focused services in the Town that are well beyond the Town's capacity to deliver. The project

	also facilitates the Perth Football Club's ability to develop women's teams.
S4 - Improving access to arts, history, culture and education.	The project will deliver a range of community outcomes with the potential to provide significant arts and cultural opportunities within concept option 4.

Engagement

Internal engagement	
Stakeholder	Comments
Property and leasing	This service area was engaged during the formation of the business case.
Place Planning	This service area was engaged during the formation of the business case.

External engagement	
Stakeholders	Local Community / residents / landowners
Period of engagement	March 2021 – Making Space for Culture Survey August – September 2020 – vision and aspirations workshops March 2022 – Online community survey (open day engagement sessions cancelled due to covid restrictions)
Level of engagement	3. Involve
Methods of engagement	Online surveys Workshops
Advertising	Town website and Social Media
Submission summary	66 Submissions received in the March 2022 survey
Key findings	<ul style="list-style-type: none"> • 69% of respondents are interested in using Function Rooms at LPZ1 • 44% of respondents are interested in using Meeting Rooms at LPZ1 • 38% of respondents are interested in using Classroom/Workshop Space at LPZ1 • 33% of respondents are interested in using Exhibition Space at LPZ1 • 25% of respondents are interested in using the Business hub/Co-working space at LPZ1 • 17% of respondents are interested in using the Medical Consulting Rooms at LPZ1. • Respondents noted a preference for using the majority of spaces above on a monthly or yearly basis.

Other engagement	
Stakeholder	Comments
Perth Football Club	Extensive engagement has occurred with the Perth Football Club in the development of the concept designs and the business case
Waalitj Foundation	Detailed engagement has occurred with the Waalitj Foundation in the development of the concept designs and the business case.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not endorsing an option from the business case will restrict the ability to progress the project and put at risk the confirmed and potential funding.	Moderate	Unlikely	Low	Low	TREAT risk by endorsing the progress of the portion that is linked to the federal funding.
Environmental	Not applicable.				Not applicable.	
Health and safety	Not applicable.				Not applicable.	
Infrastructure/ ICT systems/ utilities	Not applicable.				Not applicable.	
Legislative compliance	Option 4 could have legal implications	Moderate	Possible	Moderate	Low	TREAT risk by conducting a legal review of option 4 and following recommendations
Reputation	Negative public perception if not endorsed and cause project delays.	Moderate	Unlikely	Low	Low	TREAT risk by endorsing a business case option.

Service delivery	Not applicable.	Medium
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Future budget impact will be known with progression of design, the negotiation of funding contributions and development of management models.</p> <p>A funding shortfall for each option is recognised due to construction cost escalations and this report requests an update to the long-term financial plan to allow commencement of the project while additional funding is pursued.</p>

Analysis

21. Option 1 baseline schedule, floor plan and budget were endorsed by Council at the August 2021 OCM and have informed the current concept design for Option 1.
22. The additional project briefs for the Lathlain Park Redevelopment Precinct Zone 1, endorsed in February 2022, have informed the development of concept designs for options 2, 3 and 4.
23. The four concept options can be summarised as:
 - (a) Option 1: Low Intervention. Is the baseline model which delivers the Perth FC infrastructure, including a Grandstand as well as community accessible function space.
 - (b) Option 2: Low Intervention plus future proof. It includes all elements of Option 1 plus creating provision for an additional community space with fit-out delivered at a later stage.
 - (c) Option 3: Medium Intervention. Includes all elements of Option 1 plus catering for the known funding as specified in the Waalitj/Banjima EOI submission.
 - (d) Option 4: High Intervention. Includes all of the elements from Option 1 plus provides provision for the aspirational desired outcomes as set out in the Waalitj EOI and elected member endorsed brief.
24. Option 3 was deemed uneconomical to develop as it did not provide additional community or Waalitj outcomes. Option 1, 2 and 4 concepts were developed and informed the Business Case.
25. As the project team encountered constraints through the design process and considered project delivery requirements, it was deemed appropriate to explore two scenarios:
 - (a) Scenario 1: proposes the development of the new PFC facility adjacent to the existing facility and timing demolition of the existing facility to after the new facility is constructed.
 - (b) Scenario 2: The new facility to be located where the existing facility is located, meaning the demolition of the existing facility will occur as the first phase of the development.
26. It is acknowledged that building location (via a site plan) and delivery staging (via a staging plan) have not previously been endorsed by Council in the endorsement of Option 1 schedule, floorplan, and budget (August 2021 OCM) or the option 2, 3 and 4 design briefs (February 2022 OCM). Therefore, an addition to previous resolutions is included at point 3 of the recommendation recommending endorsement of Scenario 1.
27. Scenario 1 advantages and disadvantages are described on page 34 of the business case. It is recommended due to the following advantages:

- (a) Allowing the PFC to continue operations from the existing building while construction occurs.
 - (b) Continuation of the telecommunications leases until the leases expire.
 - (c) Provision of an adequate development site to the south of the future PFC facility for potential Town development of community facilities such as that proposed in Option 4.
28. Two telecommunication leases are in place on the roof of the existing grandstand building, one with Telstra, which expires 30 June 2024 and the second with Vodafone, which expires 30 June 2025. Under scenario 1, it is possible to conduct the demolition of the existing grandstand after 30 June 2025 and meet federal funding requirements for project completion by September 2025. An agreed relocation solution between the Town and the telecommunication companies before this date would provide the benefit of continuation of the services to the local community.
29. It has been confirmed that if scenario 1 were pursued, the federal funding agreement contributing \$4 million to the project would only require a variation to the funding milestones by modifying the "demolition of existing grandstand building stage" to the final project milestone. This would not constitute a change to the scope of the project as defined in the agreement or jeopardise the agreement.
30. Option 4 is the recommended concept option in the business case based on its ability to meet the Vision and Aspirations of the project as endorsed at the August 2021 OCM while ensuring the continuation of the project progress on the Perth Football Club portion.
31. In the business case option 1 and 2 are not the recommended options as they are considered to provide less benefit to the broader community, a lower achievement of the Vision and Aspirations of the project, reduced progression of the Strategic Community Plan and Social Infrastructure Strategy and will be more difficult to achieve as they lack the financial benefits of option 4 as described below and in the business case.
32. Delays to the Perth Football club portion of the project risk the timelines required for the Federal funding agreement not being met. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has confirmed that the project completion date must be before September 2025. Section 16 of the business case provides a project timeline to guide the overall project with practical completion of the new facility in quarter two of 2025/26, which is in the proximity of the funding agreement's required completion date, presenting a project risk.
33. Following the design development stage both stage 1: Perth Football Club and Stage 2: Waalitj Community Facility will require Council endorsement of the Development Application. The Perth Football Club portion is expected to occur in early 2023.
34. Due to recent construction industry escalation, the costs for Option 1 are estimated beyond the secured funding of \$14,200,000 and are currently estimated at \$17,212,000 (scenario 2 delivery approach).
35. Option 4 has the potential to provide cost efficiencies as described in the Cost Estimate Summary section on page 88 of the business case. For example, the current cost estimate of Option 4A is \$34,702,000 of which the PFC scope portion is \$14,953,091. This can be compared to the previously stated estimate of \$17,212,000 for the PFC scope as a stand-alone facility under option 1.
36. All options have a current shortfall compared to committed funding, as demonstrated in the table below:

Options	Committed Funding	Cost Estimate	Current Shortfall
Option 1A	\$14.2m	\$17.992m	\$3,792,000
Option 1B	\$14.2m	\$17.212m	\$3,012,000

Option 2A	\$14.2m	\$18.376m	\$4,176,000
Option 2B	\$14.2m	\$17.597m	\$3,397,000
Option 4A	\$32.2m	\$34.702m	\$2,502,000
Option 4B	\$32.2m	\$32.539m	\$339,000

37. Options 4A and 4B not only have the lowest shortfall but have the most opportunity for value management and increased funding sources. Option 4B contains extra escalation accounting for a two-year lag between the PFC facility construction program (Stage 1) and the Waalitj Foundation Community Hub construction program (Stage 2).
38. Options 1 and 2 have greater funding shortfalls and little opportunity for value management given the highly prescriptive AFL requirements and the federal funding agreement requirement that the facility is over 3400m² (the current Option 1 design is 3442 m²).
39. Waalitj foundation is satisfied with the business case's stated \$18 million assumption of project contribution; however, this funding will need to be negotiated and secured before entering any official agreements. This is an action item in the business case and can be pursued following endorsement of a concept option.
40. In the business case, each option has a recommended management model. Each management model will require negotiations based on the recommendations, which can commence following the endorsement of a preferred concept design option.
41. Option 4 in the business case recommends the establishment of an overarching Strategic Management Body to oversee the full precinct operations. This is proposed to incorporate ongoing reporting and review powers and a dispute resolution process to enable current and future occupiers to maintain governance over their individual facilities and collectively manage recognised shared areas.
42. The business case also recommends that a heads of agreement should be entered into between all key parties to establish confirmed funding, lease terms, confirm roles and responsibilities for the management of the facility, asset obligations, and agree on a performance management solution to offset the lease charge which recognises the subsidised use of the facility by local community groups. This document can act as the starting point in the negotiations.
43. A key next step recommended by the business case is progressing the PFC facility to detailed design.
44. The business case also contains the following additional action items that are to be pursued:
- Further Community Engagement: Pending endorsement of a preferred concept design, complete a further community engagement session either via workshop or drop-in session to help refine the design (of the community spaces).
 - Telecommunication Negotiation: Upon endorsement of the preferred Concept Design Option, confirm the preferred approach with the assistance of the Property and Leasing team based on the proposed options.
 - Sustainability Approach: Confirm the proposed Sustainability Approach with Elected Members upon the endorsement of a preferred concept design option.
 - Demolition Project Plan: Confirm the demolition project plan and approach upon Elected Member endorsement of the preferred concept design option.
 - Management Model: Subject to the endorsement of the preferred concept design option, the Town will need to commence negotiations based on the recommendations of the business case, depending on which option has been endorsed.
 - Lifecycle costs: Upon endorsement of the preferred concept design option, a breakdown of responsibility of costs will need to be agreed to and included in the leasing documentation.

(g) Funding: Confirm funding from the Waalitj Foundation before entering into official agreements.

45. This item was presented at a concept forum on September 27, 2022. During the concept forum legal requirements of option 4 were raised. This report recommends commencing a legal review of the option and the outcomes of the review be presented to Council prior to requesting full endorsement of an option.
46. Negotiations with Waalitj foundation can proceed with the view of presenting a comprehensive commercial offer to Council for consideration.

Relevant documents

Not applicable.

Questions and responses

Mayor Karen Vernon

1. *Attachment 1 has scenario 1 listed for concepts 1 and 2, the revised recommendation doesn't indicate which concept is proposed for endorsement. Is that correct, can you please explain how the revised recommendation demonstrates which of the Concepts listed in Attachment 1 is being recommended for endorsement of scenario 1 staged delivery?*

The Strategic Projects Manager advised that this is correct, the revised recommendation no longer requests endorsement of a concept option in its entirety from attachment 1, as the Town's preferred option. The multifaceted approach recommends simultaneously progressing the project based on the location of the building and staging described in scenario 1, commencing the design development stage of the PFC facility based on the design concept option 2A. Commencing the commercial negotiations with PFC and articulating requirements of the approach described in option 4 of the business case for future consideration by Council.

2. *Can you explain what is the advantage of recommending council not endorse a particular concept which was previously recommended to Council last month?*

The Strategic Projects Manager advised that there is a lot implied in each concept option, it allows the project to progress, to meet federal funding timelines and work on a standalone Perth Football Club facility, whilst still investigating what is required if the option for the Waalitj partnership was to proceed.

3. *What is the disadvantage of no longer having a recommendation that was endorsed for a particular concept which is what was recommended last month?*

The Strategic Projects Manager advised the disadvantage is there is additional complexity of the multifaceted approach in the delivery of it, from a project delivery perspective is neater if it is single concept being followed, bump up against restrictions that were discussed in the Concept Forum for option 4 or it would eliminate option 4 in entirety depending on which option was selected.

4. *Is there any impediment to endorsing one of the concepts, that would then still leave concept 4 which is 2 separate buildings to continue being investigated, trying to ascertain can do it that way, such as endorse 2A which is what you say you want design development to proceed on, but without us endorsing 2A on basis that it leaves open for 4A to be explored but is it possible to endorse 2A and continue further investigation of 4A. This would provide certainty as to what is going ahead.*

The Strategic Projects Manager advised that yes that would be a possibility in thinking of future negotiations with Waalij, it can be split into two separate projects. Yes that approach can be taken

5. *Is there a disadvantage to following that process rather than what has been recommended as now there is no recommendation for a particular concept to be endorsed, but there is that we would design develop one of the concepts so why wouldn't we endorse it?*

The Strategic Projects Manager advised that the concern was that by endorsing one concept in its entirety, it closes off the other options, however if you were to pass a motion which kept one or a portion of another option open that would be okay, the disadvantage, optics of that, particularly to the Waalij group and in terms of forming a partnership.

6. *In Point 7 of the officer's recommendation does request the CEO to present a report back to Council by December 2022 that articulates the requirements of concept option 4A. So is it your intention to keep investigating concept 4. Is that right?*

The Strategic Projects Manager advised that yes it would and to report back to Council what it would take for it to be a viable option

7. *If Council endorsed stage 1 design and development on concept option 2A which is separate to the proposal in option 4A but can it be kept in point 7 of the recommendation. That would allow us to endorse 2A as the concept for that building, and 4A which is a different concept could still be investigated. Is that still a possible way forward?*

The Strategic Projects Manager advised that yes that is possible.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

13.3 Edward Millen Adaptive Heritage Redevelopment Project Update (CR95/2022)

Location	East Victoria Park
Reporting officer	Place Leader Urban Design
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Notes the information and updates contained within this report.
2. Requests the Chief Executive Officer to provide a further progress report by the March 2023 Ordinary Council Meeting.

Purpose

To present an update to Council for the Edward Millen Adaptive Heritage Redevelopment Project.

In brief

- At the Special Council meeting held on 2 August 2021, the Council considered a confidential commercial ground lease offer from Blackoak Capital Ventures Pty Ltd and Arget Ventures Pty Ltd (Blackoak) and resolved to accept that offer on the terms provided for in Council resolution 173/2021.
- At the Ordinary Council meeting held on 15 February 2022, the Council resolved to accept the \$4M (ex GST) funding contribution from the Federal Government to deliver the Edward Millen Redevelopment project and delegate authority to the Chief Executive Officer to execute all necessary documentation to formalise the \$4M (ex GST) funding contribution from the Federal Government.
- The Minister for Lands approved the Asset Maintenance Plan for the Edward Millen Heritage buildings on the 16 February 2022.
- Further to Council resolution 173/2021, officers have progressed negotiations with Blackoak Capital Ventures with regards to the terms of the Agreement for Lease and Ground Lease.
- The negotiations with Blackoak have proven to be more complex than envisaged and design changes have been introduced. An overview is provided of some of the issues and how the Town is seeking to resolve these.

Edward Millen Park

- Detailed design has been completed and Tender documentation has been received for the Edward Millen Park redevelopment.
- Both packages have had updated costing analysis received in September 2022 that are in excess of the council endorsed budget amount.
- A scope for redesign is currently under development to ensure the project can be delivered within the endorsed budget. This scope will be presented to the council for endorsement prior to engaging the consultant to conduct the redesign.
- The opportunity to include indigenous cultural component through public art is also under exploration and will be developed in a separate process from the rest of the park redevelopment.

Background

1. At the Special Council meeting held on 2 August 2021, the Council considered a confidential commercial ground lease offer from Blackoak Capital Ventures Pty Ltd and Arget Ventures Pty Ltd (Blackoak) and resolved as follows by Council Resolution 173/2021:
That Council:
 - 1) *Accepts the revised ground lease commercial offer from Blackoak Capital Ventures Pty Ltd and Arget Ventures Pty Ltd (ABN 38 896 928 872) for TVP/20/13 Edward Millen Adaptive Heritage Redevelopment as per paragraph 9.*
 - 2) *Approves the Ground Lease of approximately 1.4ha of 15 (Lot 9000 Hill View Terrace, East Victoria Park) be leased to Blackoak Capital Ventures Pty Ltd and Arget Ventures Pty Ltd (ABN 38 896 928 872), or Blackoak and Arget's required special purpose entity in order to facilitate the appropriate corporate structure to deliver the redevelopment. For a term of 20 years with further optional terms of 5 x 10 years for \$122,500 net per annum exclusive of GST and outgoings commencing in year 21 with a \$2,000,000 upfront payment in consideration of the first 20-year term.*
 - 3) *The final lease to include terms reflecting the following requirements for community access for the duration of the lease and any extensions thereof:*
 - a) *the tenant shall incorporate a museum space inside the Edward Millen Rotunda building reflecting on the history of the buildings and local area, to be open and accessible to the public free of entry charges;*
 - b) *the tenant shall set aside space inside the buildings suitable for use by not for profit community groups, to be available at least 2 days per week including once on a weekend at no charge;*
 - c) *save where required for security purposes, the tenant shall ensure that the majority of the grounds within the leased premises remain open to the public during business hours on weekdays, evenings and weekends;*
 - d) *the tenant shall permit members of the public who have not booked use of function spaces within the leased premises to take photos for such events as weddings or the like, within the public areas of the leased premises at no charge;*
 - e) *the tenant shall set aside space for community groups to use at no charge within the farmers' market area and other parts of the grounds within the leased premises to host stands or small events and performances.*
 - 4) *Accepts that a licensed valuer has provided a valuation report assessing the fair market rental of the Property and the draft ground lease agreement has been sighted by the proponent.*
 - 5) *Pursuant to Section 5.42 of the Local Government Act 1995, delegates to the Chief Executive Officer, the following duties/powers in relation to 15 (Lot 9000) Hill View Terrace, East Victoria Park.*
 - a) *Authority to make and give any determination required by the Lease on behalf of the Lessor, approval, direction or order in relation to the property.*
 - b) *Undertake any further minor commercial negotiations, if required to progress the development and commercial offer presented to the Town of Victoria Park by Blackoak Capital Ventures for TVP/20/13.*
 - c) *Monitor compliance with, and enforce as necessary, the provisions of the Ground Lease and all matters relating to the Ground Lease.*
 - d) *In exercising this delegation of authority, the Chief Executive Officer shall not make a determination if the Chief Executive Officer believes the matter for decision is a material change to the terms and conditions of the Ground Lease.*
 - e) *If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(d)), the Chief Executive Officer must report the matter to the Council for decision.*
 - 6) *Requests the Chief Executive Officer to bring a report back to Council following the public submission period required under Section 3.58 of the Local Government Act 1995 seeking Council approval to*

execute all necessary documents on behalf of the Town of Victoria Park in relation to ground lease a portion of 15 (Lot 9000) Hill View Terrace, East Victoria Park.

2. The Department of Infrastructure, Transport, Regional Development and Communications executed the Deed of Agreement for funding in relation to the Edward Millen Redevelopment Project on 24 February 2022.
3. The Edward Millen Asset Maintenance Plan was approved by the Minister for Lands on 16 February 2022.
4. A Deed to facilitate the early surrender of lease has been executed by the Disability Services Commission. The Disability Services Commission occupied part of Lot 9000 Hill View Terrace however, vacated the premises on the 31 March 2022 to allow for the building to be demolished in accordance with the scope of work for the Edward Millen Adaptive Heritage Redevelopment. A withdrawal of caveat has been requested from the Disability Services Commission who have provided provided informal agreement, however require development of an internal process to action the request.
5. As noted above, Blackoak's commercial ground lease offer is confidential. An agreement for lease with an annexed ground lease has been issued to Blackoak. The terms of these have been under negotiation, with the Town having regard to the terms of the above Council resolution. The agreement for lease is a commercially sensitive, confidential document. Release of its contents has the potential to affect delivery of the outcomes that the Town is seeking to achieve. This report therefore contains limited information as to some (and not all) of the outstanding points of negotiation.
6. The Town acquired the Edward Millen property for a nominal consideration. The property is held by the Town in terms of a conditional freehold title, which restricts the use of the property subject to the conditions that the Town and the registered proprietors from time to time of the land:
 - will not use, or permit or suffer the land or any part of it to be used for any purpose other than for "Community, Recreational, Civic, Entertainment, Education, Cultural and Creative Industry, Heritage and Small Scale Production";
 - without limiting the generality of paragraph (a), will not use, or permit or suffer the land or any part of it to be used for any illegal, improper or commercial purpose;
 - will apply all premiums, lease rentals, charges or other income received from all leases, subleases, licences and other use of the land to maintain, repair and renew any building, facility or structure on the land and to maintain the grounds of the land as appropriate, in accordance with the provisions of the Trust Deed entered into between the Transferee and the State of Western Australia acting through the Minister on 8 September 2020; and
 - will observe and perform the other conditions contained in section 75 of the LAA.
7. Section 75 of the *Land Administration Act 1997* allows the transfer of land in fee simple for a nominal price subject to such conditions concerning the use of the land, with a focus on the community benefit to be provided from the specified use. Commercial use is generally prohibited unless authorised by the Minister through approval of lease terms. Authorisation of any such commercial use is discretionary and is likely to include an assessment of complimentary benefit to the community. Blackoak has presented revised permitted use definitions to the Town for consideration and approval by the Department of Planning, Lands and Heritage (DPLH), with the intention of including these definitions in the Ground Lease. Blackoaks's revised definitions of the allowable uses have been reviewed by DPLH Land Management, who have confirmed that the DPLH is comfortable in-principle with what has been proposed, and formal consent will be facilitated once lease documentation is provided to DPLH Land Management for consent under Section 75(6) of the *Land Administration Act 1997*.
8. Blackoak is seeking leasing documentation to authorise Blackoak to grant sub-leases and sub-licences within certain agreed upfront parameters without requiring ministerial approval for each sub-lease and sub-licence. Blackoak notes that it would be almost logistically impossible for every sub-lease or sub-licence to require separate ministerial approval. The nature of the project includes multiple small market stallholders and artisan retailers, often on short term arrangements. It would be administratively difficult and costly for Blackoak to seek separate Ministerial approvals for every sub-lease or sub-

- licence. The Town has been working with DPLH on a better outcome, with a view to developing a streamlined approach in relation to the registration process for sub-lease and sub-licence agreements.
9. Blackoak has previously proposed to rescope the capital works associated with the Rotunda building following a request to demolish a portion of the existing building. Following advice from the Town the extent of demolition has been reduced in the latest version of the concept design. This brings the scope of the project in line with the original funding agreement. A variation request to vary the scope of the funding agreement is not expected to be required and the variation will be for timeline only.
 10. The Town has been liaising with various stakeholders, including Blackoak and Western Power, to facilitate the relocation of a district electricity transformer onto part of Lot 9000 Hill View Terrace to ensure it does not adversely impact the development. The key issues being reviewed involve easement requirements, including details as to the extent of any zones around the proposed easement and what can/cannot be done within those zones.
 11. Blackoak had introduced a change by way of a licence for non-exclusive use of the existing driveway leading from Hill View Terrace over the Hillview Bushland property (Lot 1000 on Deposited Plan 410921) to provide access for staff car parking. This was a new request not previously part of the lease negotiations. It is understood that Blackoak's most recent design has removed the need for this licence.

Edward Millen Park

12. At the 18 February 2020 Ordinary Council Meeting (OCM), elected members approved the Edward Millen Park Masterplan to proceed to detailed design, with the requirement to "include an option for a water play space/feature".
13. On the 19 May 2020, the Council acknowledged that further investigation into a water feature for Edward Millen Park Masterplan has been completed and approved the Edward Millen Park Masterplan to proceed to detailed design without a water play/space feature.
14. The Detailed Design Tender was approved in June 2020 with a design Team led by Hassell Studio.
15. 18 May 2021 OCM item 13.3 was provided to Council to approve the detailed design documentation of the Edward Millen Reserve. The cost estimate for the detailed design provided in the report was \$9.1m, with escalation due to local and international market conditions, inclusive of labor and materials cost increases. Council Requested that an option analysis be undertaken to show the impact of the total construction to cost no more than \$6m and no more than \$7m.
16. In July 2021 Council requested a tender documentation be created at a \$7.5m budget. And allowed a preferred option at a higher cost be detailed that would be reliant on the sourcing of additional funding.
17. In July 2021 council noted that the Edward Millen Park Tender would be released at the most appropriate time to compliment the Adaptive Heritage Redevelopment of the Edward Millen Buildings.
18. The final tender documentation was received by the Town in May 2022. As per the July 2021 council endorsement two sets were received the \$7.5 million option and the higher cost option. During the design process in October 2021 these were estimated at \$6.4 and \$9.1 million ex GST.

Strategic alignment

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The overall vision for the Edward Millen Adaptive Heritage Redevelopment will deliver a precinct providing opportunities for commerce, tourism, employment and entrepreneurship. These uses will be managed through sub lease agreements that are consistent with the head lease.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The ground lease will ensure the facility is well maintained and well managed.

Social	
Community priority	Intended public value outcome or impact
S4 - Improving access to arts, history, culture and education.	The Edward Millen Adaptive Heritage Redevelopment aims to deliver services aligned with the arts, culture and education. All are permitted purposes in the ground lease.

Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing Manager	Input into the report and commercial negotiations.
Strategic Projects Manager	Input into the report and project / design coordination
Manager Development Services	Input into project progression
Manager Place Planning	Input into project progression

Other engagement	
Stakeholder	Comments
Department of Infrastructure, Transport, Regional Development and Communications	Ongoing liaison regarding Funding agreement and required variation of funding agreement timelines.
Department of Planning, Lands and Heritage	On-going dialogue to facilitate various lease requirements.
Department of Communities	Coordination regarding the surrender of lease, vacating of 15 Hill View Terrace building and withdrawal of caveat on the certificate of title.

Legal compliance

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

[Section 75 of the Land Administration Act 1997](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not accepting the ground lease divestment may result in on-going heritage maintenance obligations.	Moderate	Likely	High	Low	TREAT risk by proceeding with the ground lease divestment.
Environmental	Not accepting the ground lease divestment may result in further deterioration of the Hazardous Materials currently constraining the site.	Moderate	Likely	High	Low	TREAT risk by allowing the redevelopment to occur which will decontaminate the structure of HAZMAT materials.
Health and safety	Without the restoration works the buildings will continue to be unsafe for use.	Moderate	Possible	Medium	Low	TREAT risk by proceeding with the ground lease divestment which will allow restoration works to be undertaken.
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable					
Reputation	Not accepting the ground lease divestment may result in the reputational loss having not achieved activation and redevelopment of the Edward Millen State	Moderate	Possible	Medium	Low	TREAT risk by proceeding with the ground lease divestment resulting in the redevelopment

	Heritage listed buildings.
Service delivery	Not applicable

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Future budget impact involves the following:</p> <ol style="list-style-type: none"> 1. The Edward Millen Heritage buildings will require limited on-going financial commitments by the Town. These will be informed by an Asset Maintenance Plan annexed to the ground lease. 2. The negotiated annual rental income is \$122,500 net per annum excluding GST and outgoings. At the commencement of the lease, the first 20 year term will include CPI on the agreed market rent, this will compound over the 20 year term. The CPI has an agreed range set to a minimum of 1% and maximum of 2.5%. At 2.5% the rent in year 21 would be \$200,731. At 1% the rent in year 21 would be \$149,473. 3. Rates revenue income will be generated from the ground lease and will have a positive financial benefit to the Town. The anticipated rates from the existing footprint of heritage buildings once revitalised is estimated to be approximately \$43,000 per annum, this does not account for any further additional structures. Over the 20 year term it equates to \$1,020,490 inclusive of the long-term 2% per annum forecasted rates increase.

Analysis

19. The lease and related commercial negotiations have proven to be complex. Significant capital is to be invested by Blackoak for commercial and public benefit. The Town's chosen development partner Blackoak is a sophisticated, well advised investor and developer. Rigorous due diligence has been applied by the investor to match the level of capital investment and the unique risks that apply to this conditional freehold property.
20. Blackoak had requested that a Side Deed be provided by the State of WA (DPLH) to mitigate risks associated with the unusual nature of the Town's conditional freehold ownership title to the property (the 'Risks'). The side deed was intended to provide mechanisms to preserve Blackoak's leasehold interest, in the event that the Town's conditional freehold ownership title were to be forfeited to the State of WA, for a reason that is not the fault of Blackoak. The current (and potentially final) position of DPLH Land Management is that the Side Deed will not be provided.
21. Unless such a Side Deed can be provided to protect Blackoak's leasehold interest and the associated significant investment, Blackoak will require lease covenants from the Town to mitigate the Risks.

22. The Town is looking at the Risks and how these might be addressed, including through the terms of the Agreement for Lease and the Lease. This is with a view to presentation back to Council at a future meeting.
23. It should be noted that the Town has not entered into a binding lease arrangement at this stage. Prerequisites for a binding lease arrangement to be entered into include:-
- a. The negotiation of final draft transaction terms that are acceptable to Blackoak and appropriate to be reported to Council for consideration;
 - b. Council approval;
 - c. Assessment of final transaction terms against appropriate legislative and legal requirements and compliance with applicable requirements.

Edward Millen Park

24. The tender documentation received in May 2022 did not have an accompanying updated cost estimate. This cost analysis was subsequently conducted and has been received by the Town in September 2022. Due to extreme construction industry cost escalation in the past 12 months the cost estimates for the tender documentation packages were \$8.8 million and \$11 million.
25. Town officers are currently developing a detailed scope for a round of redesign to bring the project within July 2021 endorsed budget of \$7.5 million. This scope will be presented to council for approval prior to proceeding with the redesign.
26. The redesign presents an opportunity to include indigenous cultural component to the park through public art. The spatial requirements for this will be included in the redesign scope and the park construction. However, the public art procurement process and delivery will occur separately.
27. Design changes will also be required to ensure appropriate integration with the design within the Edward Millen House lease area.

Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

13.4 Koolbardi Park - Future of Basketball Courts

Location	Carlisle
Reporting officer	Coordinator Project Support
Responsible officer	Strategic Projects Manager
Voting requirement	Simple majority
Attachments	8. B Squared Guide Victoria Park 04 07 2022 [13.4.1 - 7 pages]

Recommendation

That Council removes the remaining basketball infrastructure from the Koolbardi Park basketball court area due to the existing infrastructure being unable to be modified to bring it within acceptable noise levels set by the *Environmental Protection (Noise) Regulations 1997*.

Purpose

The purpose of this report is to advise Council of the results of the acoustical assessment of noise emissions associated with the basketball courts located at Koolbardi Park, Carlisle, and the future use of the basketball facilities at the park.

In brief

- Herring Storer Acoustics Consultants were commissioned to conduct an acoustical assessment of noise emissions associated with the basketball court. The assessment considered the noise levels associated with the use of the basketball court only, namely the bouncing of a basketball and the basketball striking the backboard. Noise levels associated with a basketball bouncing on a court and striking the backboard were measured on site, with the resultant sound pressure levels utilised to calculate the sound power level associated with these noise sources. This was utilised in developing a noise model calibrated to the levels measured on site at the neighbouring premise.
- Significant reductions to the noise impact are calculated to be achievable through the change of court surface. However, strict compliance with the Regulations was not considered to be able to be achieved.
- Removing the opportunity for the basketball ring/backboard during the night period will substantially reduce the overall impact upon the surrounding area – assuming that removing the chance to use the ring/backboard also prevents basketballs from being bounced on the court.
- If the basketball courts are not reinstated, the remaining infrastructure, poles, will need to be removed, for which a quotation for \$1,980 (inc GST) has been received.

Background

1. The issue of noise from the courts has been ongoing since the courts opened in December 2020. The Town has attempted, without success, to reduce the noise effect on residents by restricting court opening hours and having a security firm undertake the opening and closing of gates in accordance with times stipulated in the *Environmental Protection (Noise) Regulations 1997*. (the "Regulations").
2. The basketball courts were very well used by the community. Key aspects people like about the basketball courts include its accessibility from the local residential area, visibility, and perceptions of safety, particularly for use by children and young people, the quality of the basketball courts and its integration with other facilities at the park, such as the playground and toilets, picnic shelters and barbeques.

3. Officers have consulted with numerous other local authorities who are faced with similar noise issues on basketball courts. To date, no suitable outcome has been found.
4. The Department of Water and Environment (DWER) is working on guidelines for community basketball facilities. However, it is not expected to provide a draft of these guidelines until late 2022 or early 2023, and the guidelines are not expected to resolve the issues that are currently being experienced at the park but rather to ensure future courts built will take into consideration location/noise etc.
5. Students from Monash University have developed an innovative product named B2Squared, that aims to prevent access to sporting facilities past dark to reduce noise pollution. The product is a stand-alone unit powered by solar that extends a hoop blocking rod made to be a physical and social deterrent to those who may not realise the effects of their late-night basketball games. B2Squared is constructed from recycled materials and is designed to last. Although an innovative idea, it will not prevent users from still playing on the courts and creating noise from ball bouncing. The product information is an attachment to this report. Officers did attend an online forum on this product, along with Herring Storer Acoustics.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	
EN5 - Providing facilities that are well-built and well-maintained.	

Engagement

Other engagement	
Stakeholder	
Department of Water and Environment	Seeking guidance on noise issues associated with basketball courts
Reverberate Consulting	Initial Consultant appointed to undertake noise testing
Herring Storer Acoustics	Consultant appointed to undertake an acoustical assessment of noise emissions
B2 Squared	Company created by students at Monash University, innovators of B2 unit for basketball courts
Other local government Authorities	Collaboration with City of Canning, City of Joondalup, City of Stirling, City of Armadale, City of Norwood Payneham & St Peters (SA), City of Moreland (VIC), City of Charles Sturt (SA), City of Melbourne (VIC), City of Hobson Bay (VIC), City of Glen Eira (VIC)

Legal compliance

[Environmental Protection \(Noise\) Regulations 1997](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial						
Environmental	N/A					
Health and safety	Residents' quality of life will be improved with the permanent removal of the poles	Moderate	Possible	Low	Low	TREAT the risk by removing the poles
Infrastructure/ ICT systems/ utilities	N/A					
Legislative compliance	<i>Environmental Protection (Noise) Regulations 1997</i>	Moderate	Possible	Low	Low	TREAT the risk by adhering to the Regulations
Reputation	Negative media	High	Possible	Medium	Low	TREAT the risk by providing media information on reasons for removing
Service delivery	N/A					

Financial implications

Current budget impact	A budget amendment will be required for the removal of poles at a cost of \$1,980 which will be submitted to mid-year review if approved.
Future budget impact	N/A

Analysis

- Basketball play at Koolbardi Park has impacted the quality of life and wellbeing of some local residents. Differing opinions regarding the proper use of the basketball court as well as the frequency and magnitude of the noise impacts has also caused some tension, negative feelings, and verbal conflict amongst some neighbours and towards basketball court users.

7. Neither the affected residents, nor Council staff anticipated that the positioning of the basketball courts would create any significant noise impact. Council staff have not had any consistent noise complaints related to the use of any other outdoor basketball rings at reserves located throughout the Town.
8. It is recognised that regardless of what Council decides in relation to this matter, there is no single solution that will please all members of the community. There is a likelihood that complaints will continue, mainly due to the divided and varying views of individuals. If the final decision made by Council, irrespective of what it is, is well informed and justified, then the community, regardless of the individual views, should be accepting of the outcome.
9. Option 1- Do Nothing
 - a. Option 1 is to do nothing and to allow the basketball court to remain and operate in accordance with the times allowed under the Regulations (i.e., Mon-Sat – 7.00 am to 7.30 pm / 9.00 am – 7.00 pm Sunday & Public Holidays). The Council had installed signage to discourage basketball play after these times, however it was difficult to endorse and without a constant physical presence onsite which would be resource intensive and impractical, noise and behavioral issues will still exist.
 - b. If Council does nothing, it will be ignoring community concerns and suggestions. Complaints from residents about noise and the after-hours use of the basketball courts will continue. Council resources will be further tied up in handling complaints and monitoring and managing the ongoing use of the basketball court. Therefore, the option to do nothing is not recommended.
10. Option 2 – Retain the basketball court in its current location with additional measures:
 - a. Sound attenuation
 - b. Installation of a device that prevents the after-hour use of the basketball ring (i.e., B2 device)
 - c. Installation of additional signage
 - d. Installation of timed lighting
 - e. Education of users
 - f. Fencing and locking the court
 - g. Pay for the installation of double glazing to windows of residents' dwellings
11. Sound Attenuation
 - a. Reducing sound at the source using a barrier can benefit the greatest number of receivers. Different types of sound barriers include fences, walls, and earth mounds. To be effective, a sound barrier must:
 - i. Be solid and continuous (i.e., without any holes or openings)
 - ii. Have mass (i.e., a minimum surface density of five kg/m²); and
 - iii. Break the line of sight between the noise source and the receiver

- b. A sound barrier surrounding the basketball court would create an undesirable obstruction to vision and movement and potentially create safety issues and additional ongoing maintenance requirements. This option is not recommended.

12. Installation of a device that prevents the after-hour use of the basketball ring

- a. There are various products on the market that discourage unauthorised use of a basketball ring by preventing a basketball from being able to pass through the ring. The devices are generally lockable, steel devices which need to be manually installed and removed using a ladder.
- b. Alternatively, there are also removable basketball rings on the market. A bracket is bolted permanently to the backboard, and the ring is manually removed by sliding it upwards out of the bracket. A ladder or lifting tool is needed to install and remove the ring.
- c. There are also adjustable basketball hoops which can be raised, lowered and locked at different heights. An adjustable basketball ring could discourage after-hours use by adults if lowered in height. However, it could similarly encourage others wanting to try to dunk or that do not mind playing with a lower ring. Adjustable basketball systems are also manually operated and could be used in combination with a ring locking device to prevent after-hours use.
- d. Manual locking, removal, or adjustment of the basketball ring on a daily basis would require a resource to perform this function. Council could employ a contractor or train a volunteer to undertake the daily task, but this would likely have cost and/or health and safety implications that would need to be further addressed if it were to be implemented long term.
- e. Monash University students have developed for an automatic ring blocking device, and it has been trialled with success by City of Moreland in Victoria. The students have recently completed improvements to the ring blocking device and have now commenced selling it as a commercial product.
- f. An automatic device would address resource and health and safety issues associated with a manual device, and although an innovative idea, it may not prevent users from playing on the courts with noise issues still occurring. This option is not recommended.

13. Installation of additional signage

- a. Signs are not going to eliminate the after-hours use of the basketball court. However, signs do have a regulatory purpose and contribute to the management of the basketball courts by advertising the rules and expectations for community use.
- b. The Town has previously installed signs displaying the opening times; however, users of the facility ignore these or continually remove them.

14. Installation of Timed Lighting - Timed lighting is currently in use at the courts. There is light spill from the nearby park lights, which enables anyone to play after dark. The park lights need to remain in place and illuminated for the safety of park users.

15. Education of Users - Council could take a more friendly approach and develop a campaign to engage with users of the basketball court, particularly regular players, during the warmer months to discuss the benefits of recreation and exercise, educate people about the impacts that after-hours basketball play has on residents and encourage good community behaviour.

16. Fencing and locking the gates - The courts are fenced with two gates that currently remain unlocked. In March 2022 a report was presented to Council outlining the costs of installing self-locking, time-controlled gates at the cost of \$31,000. At that time, it was recommended that the installation of these gates not be approved.
17. Pay for the installation of double glazing to windows of residents' dwellings. No costs have been sourced, and advice from Herring Storer is that this option would not be effective.
18. Option 3 – Remove Remaining Posts – Recommended option for approval.
 - a. Remove the basketball posts from Koolbardi Park, and the area becomes usable for tennis courts only.
 - b. This option would see the removal of the remaining posts that accommodate the backboard/hoops. There would be a requirement for the poles to be removed and repairs to the surface as they are solidly placed in the ground. An estimated cost for this is \$1,980 (inc GST) and would require a budget amendment at mid-year review.

Relevant documents

Not applicable.

Questions and responses

Cr Jesvin Karimi

1. *Is there consideration to provide additional courts in within the Town and what other options does the community have if the basketball equipment is removed?*

Mayor Karen Vernon advised that the Town has the McCallum Park active zone and there are plans for new courts in the same area not aware of any others proposed.

The A/Chief Operations Officer advised that apart from McCallum Park there are no other capital works proposing new basketball courts. John Bisset reserve, Rayment Park also have half courts. Basketball courts have become an issue for a number of Councils.

2. *Are there any other full-size courts available?*

The A/Chief Operations Officer advised that there are no others apart from McCallum Park.

Cr Jesse Hamer

1. *How many complaints has the Town received?*

The A/Chief Operations Officer advised there were multiple complaints but from two households.

2. *What would be an acceptable proximity to make a complaint?*

Mayor Karen Vernon advised that as per the environmental noise regulation noise across road, or 10m away if it breaches the limit for that type of noise then it could be in breach of the legislation, it becomes an issue when the noise generated consistently exceeds the limit over a period of time.

The A/Chief Operations Officer advised the consultants completed acoustic testing on properties surrounding the courts and they were consistently over the limit, couldn't put a metreage, it needs to measure acoustics.

3. *Has any mediation taken place or has there been discussions about options such as the B2B square double glazing?*

The A/Chief Operations Officer advised that yes with one of the households, double glazing might not address the noise compliance issue. B2B testing following the removal of hoops but doesn't stop the noise of a ball bouncing on the court.

4. *Does the double glazing reduce the noise of the bouncing ball?*

The A/Chief Operations Officer advised that the noise level had been measured at the residence.

5. *Does the consultant have experience in double glazing, or have they just made an assumption?*

The A/Chief Operations Officer took this question on notice.

Cr Peter Devereux

1. *Was the sound measured when just one or both courts were being used?*

The A/Chief Operations Officer advised that a series of testing was completed including different numbers of people and courts being used. The results were broken up into hitting backboard bouncing, using two courts, using four courts etc.

2. *Would the data suggest even if only one court was being used the sound level is too high?*

The A/Chief Operations Officer advised that the trial removed two backboards, but the Town still received noise complaints from resident. The courts were over decibel levels regardless.

3. *Do acceptable levels vary during the day, for example is it different between day and night?*

The A/Chief Operations Officer advised that they are not 100% sure would be under the Noise Act regarding times of the day however the courts were still being used at night even when the Town turned the lights off as car headlights were used.

The Chief Community Planner advised that there are different maximum decibel levels for times of day and days of the week and based on whether the location is residential, commercial or industrial and close to a busy road.

4. *Under all conditions are we exceeding the limits?*

The Chief Community Planner advised that yes even with one person playing the Town exceeded the limits but not by small amount, it was significant.

Mayor Karen Vernon advised that a raft of options have been engaged, including tightening backboards, replacing backboards with sound baffles, changing open times, restricting use with lights on timers. But apart from that the only other obvious option might be some kind of wall or outer exterior to keep the sound in. Or if there are any innovations in surface that absorb noise.

The A/Chief Operations Officer advised that they have actually looked into changing court surfaces, but the acoustic expert advised it wouldn't make too much difference overall and wouldn't make any difference with the backboard in place.

Mayor Karen Vernon

1. *Do we have anything in writing from the acoustic expert that the current products available for resurfacing wouldn't comply?*

The A/Chief Operations Officer took this question on notice.

2. *What is proposed for communicating to the community if the decision is made to permanently remove infrastructure? Given the endorsement was for two multi use courts for the community.*

The A/Chief Operations Officer advised that the communications team are currently preparing a brief for potential media enquiries.

Cr Wilfred Hendriks

1. *Have complaints been received about the half courts within the Town?*

The A/Chief Operations Officer advised that there had been some complaints at one court, but it related to issues with late night games. The Town addressed this matter to the satisfaction of the resident.

2. *Is that court noise compliant?*

The A/Chief Operations Officer advised that they didn't believe the Town had tested it.

Mayor Karen Vernon advised that it is only half court so just hoops and not a fully marked out court and there might not have been resident complaints requiring the Town to engage noise testers.

3. *Has there been any thought to putting in a half court at Koolbardi Park, perhaps in a separate area?*

Mayor Karen Vernon advised she didn't think anyone has considered this option, but it would be difficult to determine where in the park it could be installed due as vegetation would need to be removed.

The A/Chief Operations Officer advised that it was certainly something that can be looked at, however there are residences on three sides then the Roberts road side, which is very busy.

Cr Bronwyn Ife

1. *When the multi-use courts were approved, was basketball identified as a use?*

The A/Chief Operations Officer took the question on notice.

2. *Is there some capacity to use the court for netball as there is no bouncing and no backboard?*

The A/Chief Operations Officer took the question on notice. However, it was noted a netball court has a larger footprint which would put the poles on the edge of the tennis court.

Further consideration to be added to the Ordinary Council Meeting agenda

1. *Include information on whether the consultant has experience in double glazing or whether is it an assumption.*
2. *Include information on whether there is anything in writing from the acoustic expert that the current products available for resurfacing wouldn't comply.*
3. *Include information on when the multi-use courts were approved and whether basketball identified as a use.*

14 Chief Financial Officer reports

14.1 Financial Statements -August 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - August 2022 [14.1.1 - 45 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 31 August 2022, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 August 2022.

In brief

- The financial activity statement report is presented for the month ending 31 August 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 31 August 2022.

Background

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

Revenue

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

Expense

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

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:

Period variation

Relates specifically to the value of the variance between the budget and actual figures for the period of the report.

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

Engagement

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

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly

	in financial statements					reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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

Analysis

4. The Financial Activity Statement Report – 30 June 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 – August 2022 be accepted.

Relevant documents

Not applicable.

Questions and responses

Deputy Mayor Claire Anderson

1. *Have the individuals participating in the traineeship been identified and when will they commence?*

The Chief Executive Officer advised that the Town is hoping to commence traineeships in January, February 2023.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

14.2 Schedule of Accounts August 2022

Location	Town-Wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - August 2022 [14.2.1 - 8 pages]

Recommendation

That Council:

2. Confirms the accounts for August 2022, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
3. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended August 2022.

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
4. 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.
5. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

6. 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		\$0
Creditors – EFT Payments		\$3,320,620.15
Payroll		\$1,855,444.53
Bank Fees		\$9,195.74
Corporate MasterCard		\$4005.12
Cancelled EFTS		(\$61.65)
Total		\$5,189,203.89

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with 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.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <i>Local Government (Financial Management) Regulation 1996</i> .

Legal compliance

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

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

Risk management consideration

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

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

Financial implications

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

Analysis

7. 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](#)

There were no questions asked or presentations made in relation to this item.

15 Committee reports

Nil.

16 Motion of which previous notice has been given

Nil.

17 Public participation time

Nil.

18 Questions from members without notice on general matters

Cr Bronwyn Ife

1. Can we have an update on the distribution progress for the green waste bins to properties that have opted (under 400 sqm)?

The A/Chief Operations Officer took the question on notice.

19 Confidential matters

Nil.

20 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 8.07pm.

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

Signed:

Dated this: Day of: 2022