



TOWN OF  
VICTORIA PARK



# Ordinary Council Meeting Agenda 19 May 2020

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

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm** on **Tuesday 19 May 2020** as an **electronic meeting**, accessible at [victoriapark.wa.gov.au](http://victoriapark.wa.gov.au).

**Mr Anthony Vuleta – Chief Executive Officer**  
14 May 2020

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# 1 Declaration of opening

## Acknowledgement of Country

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

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

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

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

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

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

## 2 Announcements from the Presiding Member

### 2.1 Electronic meeting

Due to the COVID-19 social distancing requirements, from 7 April 2020 until further notice, the Town of Victoria Park's Agenda Briefing Forums, Ordinary Council Meetings and Special Council Meetings will be held electronically.

Amendments to the Local Government (Administration) Regulations 1996 were passed by Parliament on 25 March 2020 and came into force on 26 March 2020. The amendments mean local governments can hold electronic Council and Committee meetings during a public health emergency.

### 2.2 Recording and live streaming of proceedings

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

This meeting is being live streamed on the Town's website. A recording will also be made available on the Town's website following the meeting.

### 2.3 Public question time and public statement time

There are two opportunities to ask questions and make statements at the beginning and at the end of the meeting. Each question and statement time will be held for at least 15 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

For this electronic meeting, all questions and statements from the public had to be received by 12 noon today. These will be read by myself and I will call on relevant senior staff members to provide answers if required.

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

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

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

### **3 Attendance**

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

#### **3.1 Apologies**

Nil.

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

Nil.

## **4 Declarations of interest**

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

### **Declaration of financial interests**

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

### **Declaration of proximity interest**

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

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

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

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

## 5 Public question time

### 5.1 Response to previous public questions taken on notice at Ordinary Council Meeting held on 21 April 2020

Nil.

### 5.2 Public question time

Nil.

## 6 Public statement time

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

### Recommendation

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 21 April 2020.
2. Receives the notes of the Agenda Briefing Forum held on 5 May 2020.
3. Confirms the minutes of the Special Council Meeting held 7 May 2020.

## 8 Presentation of minutes from external bodies

### Recommendation

That Council:

1. Receives the minutes of the WALGA South East Metropolitan Zone meeting held on 29 April 2020.
2. Receives the minutes of the Tamala Park Regional Council meeting held on 16 April 2020.
3. Receives the minutes of the Tamala Park Regional Council Special Meeting held on 11 May 2020.
4. Receives the minutes of the Metro Inner-South Joint Development Assessment Panel meeting held on 5 May 2020.

## **9 Presentations**

### **9.1 Petitions**

### **9.2 Presentations**

### **9.3 Deputations**

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

Nil.



# 11 Chief Executive Officer reports

## 11.1 Review of Delegations

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Danielle Uniza
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Town of Victoria Park - Council Delegations 2020 Review v 2 [ <b>11.1.1</b> - 111 pages] 2. Policy 301 Purchasing [ <b>11.1.2</b> - 5 pages]

### Recommendation

That Council, with effect from 1 July 2020:

1. Adopts the revised delegations, authorisations to execute documents and authorisation to use the common seal to the Mayor, Chief Executive Officer and other employees at attachment 1.
2. Adopts the amended Policy 301 Procurement to become Policy 301 Purchasing as at attachment 2.

### Purpose

To conduct the annual review of the delegations of Council and change those delegations and authorisations based on the review.

### In brief

- Council are required to review its delegations each financial year, under various acts.
- Following last year's complete re-write of the delegations, this year's review was a desktop review focused on updates due to changing legislation and addressing any gaps.
- Revised delegations are proposed for tendering, disposal of property, investment, appointment of an Acting Chief Executive Officer and determination of development applications.
- The Council is asked to make resolutions regarding execution of documents in order to provide for the additional simplifying of processes.

### Background

1. Under section 5.46 of the *Local Government Act 1995* delegations made under the *Local Government Act 1995* need to be reviewed each financial year. A similar provision exists in the *Dog Act 1976* and *Cat Act 2011*.
2. Council last conducted its review of its delegations at its meeting on 21 May 2019. The delegations were further amended at Council's meeting on 16 July 2019.
3. Since the last review of delegations some legislation has changed, including:
  - (a) *Local Government Act 1995*
  - (b) *Heritage Act 2018*
  - (c) *Local Government (Functions and General) Regulations 1996*

4. Currently every use of the common seal requires a Council resolution. The common seal is used on a number of documents including:
  - (a) Leases
  - (b) Licenses
  - (c) Applications
  - (d) Memorandums of understanding
  - (e) Local laws
  - (f) Caveats
5. Under the *Liquor Control Act 1988* the Town is required to issue certificates as a local government and as a planning authority in relation to applications for liquor licenses. These certificates are to state the extent of compliance (or lack of) of a premises with the laws the Town administers.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Maintaining effective and practical delegations ensures Council remains strategically focused.

## Engagement

Internal engagement	
Stakeholder	Comments
Managers	Managers were asked to provide feedback in relation to their delegations and if any changes were required.
Urban Planning	Changes were proposed by Urban Planning to address: <ul style="list-style-type: none"> <li>• Approval for temporary uses in response to COVID-19</li> <li>• <i>Liquor Control Act 1988</i> certificates.</li> </ul>
Property	Changes were proposed to streamline the management of the Town's property portfolio.
Finance	Changes were proposed to address the review of the Town's investment policy to amend the delegation to enable investments in instruments other than term deposits. Additionally, as a result of amendments to local government regulations a change is required to the Chief Executive Officer delegation on tenders.

## Legal compliance

[Section 5.42 of the Local Government Act 1995](#)

[Section 9.49A of the Local Government Act 1995](#)

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

[Section 48 of the Bush Fires Act 1954](#)

[Section 44 of the \*Cat Act 2011\*](#)

[Section 10AA of the \*Dog Act 1976\*](#)

[Section 118 of the \*Food Act 2008\*](#)

[Section 16 of the \*Graffiti Vandalism Act 2016\*](#)

[Section 21 of the \*Public Health Act 2016\*](#)

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

[Section 39 of the \*Liquor Control Act 1988\*](#)

[Section 40 of the \*Liquor Control Act 1988\*](#)

The Town has sought legal advice in relation to the proposed delegations 1.1.17 and 1.1.18 and use of the common seal authorisation. Once received it will be included for further consideration in the Council report.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> The Council fails to review its delegations.	Moderate	Unlikely	Moderate	Council resolves the review of its delegations by 30 June 2019.
<b>Compliance</b> The delegations provided by Council are inappropriate, not within power or out of date.	High	Unlikely	High	The Town continuously reviews delegations to ensure they are up to date with relevant legislation and appropriate.

## Financial implications

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

## Analysis

- This year's review updates the delegations of Council under various acts and the authorisation to execute documents.

### Changes to delegations

Delegation 1.1.1 - Appoint authorised persons		
Action	Proposal	Reason
Amend	Relocation of function 3 of the delegation to delegation 3.1.4.	This matter is more relevant in the Building Act 2011 delegations.

Delegation 1.1.16 - Tenders for Goods and Services and Policy 301 Purchasing		
Action	Proposal	Reason

Revised	<ol style="list-style-type: none"> <li>1. Amend function 3 to reflect change in tender threshold.</li> <li>2. Delete function 8 so that all tenders go to Council.</li> <li>3. Amend function 9 to reflect deletion of function 8.</li> <li>4. Insert a council condition 3 to reflect the deletion of function 8</li> <li>5. Amend Policy 301 to reflect the change in the tender threshold.</li> <li>6. Amend the title of Policy 301 to reflect regulation 11A of the <i>Local Government (Functions and General) Regulations 1996</i></li> </ol>	<ol style="list-style-type: none"> <li>1. As a result of amendments by the State Government to the <i>Local Government (Functions and General) Regulations 1996</i>. These amendments raised the threshold where a local government is required to go to tender from \$150,000 to \$250,000. The CEO is currently delegated to accept tenders up to the value of \$250,000. Instead of increasing this threshold, it is proposed to remove the CEO's ability to accept tenders and that all tenders will now go to Council.</li> <li>2. The Policy 301 Procurement also requires amendment in this process. It is also proposed to retitle the policy to reflect the relevant regulation.</li> </ol>
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Delegation 1.1.17 - Disposal of property – Assets other than land or buildings		
Action	Proposal	Reason
Revised	To delegate the ability to dispose of property worth more than \$20,000 that is not land or a building by the various methods set out in the relevant legislation.	To separate disposal of land and buildings from disposal of other property. This delegation is consistent with the current delegation but with clearer language matching the Act and Regulations.

NEW Delegation 1.1.18 - Disposal of property – Land and Buildings		
Action	Proposal	Reason
New	<p>To delegate the ability to dispose of land and buildings:</p> <ol style="list-style-type: none"> <li>a. Where council has resolved to do so, or it is part of the annual budget.</li> <li>b. Where it is worth less than \$5000 and only to the adjoining owner.</li> <li>c. Where it renews a current lease with the same person or body.</li> <li>d. Where it extends a current lease with the same person or body.</li> <li>e. Where it is a residential tenancy.</li> </ol>	<p>In order to streamline the process for managing the Town's property portfolio, it is recommended to delegate some functions relating to the Town's property portfolio. The proposed delegations would enable property disposal:</p> <ol style="list-style-type: none"> <li>a. Where the proposed sale of property is in the annual budget or agreed by Council, to carry out the sale.</li> <li>b. Where the property is worth less than \$5000 (such as a part of a sump or right of way) to carry out the sale to the adjoining owner.</li> <li>c. Where the lease or licence has expired and the renewal is with the same tenant.</li> <li>d. Where there is a 'further term option' in a lease or licence, to carry out that further term.</li> <li>e. Where it is a residential tenancy.</li> </ol> <p>This is intended to result in a process improvement by reducing the need to seek a</p>

		resolution of Council on administrative decisions, particularly those where it has no discretion.
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### Delegation 1.1.21 - Power to invest and manage investments

Action	Proposal	Reason
Amend	To reflect the amendments to the investment management practice in the delegation.	The Council reviewed the investment policy in February 2020. The delegation is not consistent following this review. This amendment would allow the CEO or the sub-delegate to: <ul style="list-style-type: none"> <li>(a) Invest in term deposits with a bank, credit union or building society;</li> <li>(b) Invest in deposits in the WA Treasury Corporation;</li> <li>(c) Invest in State or Federal Government bonds;</li> <li>(d) Invest in managed funds with an A1 short term or better rating, or A+ long term rating as recommended by the independent investment advisor.</li> </ul>

### Delegation 1.1.30 - Appointment of an Acting CEO

Action	Proposal	Reason
Amend	Amend the conditions to require compliance with the Acting CEO Policy.	Council has now adopted a policy relating to who Acts in absence of the CEO.

### Delegation 2.1.1 to 2.1.6 - Local Laws

Action	Proposal	Reason
Amend	Clarify the function delegated.	To make clear all the functions of the 'local government' in the local laws are to be carried out by the CEO.

### Delegation 3.1.1 to 3.1.3 - Building Act 2011

Action	Proposal	Reason
Amend	Update reference to heritage legislation.	The <i>Heritage Act 2018</i> is now in effect, as such the reference needs to be updated.

### Delegation 3.1.4 - Appoint designated persons

Action	Proposal	Reason
Amend	Update reflect changes to 1.1.1.	The delegated function is more relevantly located here.

### Delegation 4.1.7 - Withdrawal of infringement notices

Action	Proposal	Reason
Amend	Remove delegates.	This delegation was given incorrectly to the Chief Financial Officer and Manager Corporate Services. However section 48 of the <i>Bush Fires Act 1954</i> only allows delegation by the Council to the CEO and no sub-delegation.

Delegation 10.1.2 - Appointment of designated persons		
Action	Proposal	Reason
Remove	Remove delegation.	This was incorrectly included in the delegation register but is not required. Section 234 of the <i>Planning and Development Act 2005</i> already empowers the CEO to appoint designated persons.

Delegation 10.2.1 - Determination of applications for development approval		
Action	Proposal	Reason
Amend	<p>Allow for approval of temporary uses under delegation.</p> <p>Remove references to the liquor control act.</p>	<p>It is proposed to amend the general planning delegation to:</p> <ol style="list-style-type: none"> <li>1. Allow the Urban Planning service area to permit temporary uses or temporary works for a period in excess of 48 hours, without development approval. Deemed clause 61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> details form of development that do not require development approval. One of those matters currently listed as being exempt from development approval is a temporary use or work for less than 48 hours, or another period approved by the local government, within a 12 period. The amended delegation will allow Officers to approve temporary uses or works for longer than 48 hours, rather than having such matters referred to Council for determination; and</li> <li>2. Remove references to certificates under the <i>Liquor Control Act 1988</i> which will instead be dealt with by way of a Council resolution to execute documents.</li> </ol>

#### Authorisation to sign documents

7. This authorisation is amended slightly to reflect the proposed further resolution relating to the Common Seal.

#### Authorisation to use the common seal

8. In order to provide for a process improvement and reduce the number of reports to Council on decisions that are made under delegation or through the budget, it is proposed to authorise the Mayor and the CEO to use the Common Seal on a number of matters without a specific Council resolution. These are:

Content of resolution	
Proposal	Reason
Extensions of leases for further terms	The extension of a lease for a further term is a common decision of the Town. A number of the Town's leases provide

	for a tenant to seek to extend their lease and the Town cannot unreasonably withhold its approval. Recognising this, it is proposed that where a tenant exercises the right to a further term and the Town is not normally able to reject it, that this be agreed to without the need for a further Council report.
Granting of the lessor's consent	Where for whatever reason the Town needs to consent to a matter under a lease, and it cannot 'unreasonably withhold' this consent that this be agreed to without the need for a further Council report.
Approving a sublease, transfer or assignment of lease	Some Lessee's of the Town may seek to transfer, assign, sublet or part with possession or occupation of the premises, or dispose of any of their rights or obligations under the Lease. The Town may not unreasonably withhold its consent if the Lessee meets the relevant requirements. Recognising this it is proposed that where a tenant exercises this right the Town's is not normally able to reject it, that this be agreed to without the need for a further Council report.
Any matters relating to a residential tenancy agreement	The Town currently owns two residential properties, while these are managed through a property manager, the Town from time to time may need to take action in relation to these tenancies. Residential tenancies are exempt from the requirements of section 3.58 of the Act and it is proposed these tenancies be managed through the CEO and the property manager.
Applications for new, replacement or lost titles  Lodgement and withdrawal of caveats  Documents which allow the Town to take possession of land for public works	In order to file certain documents with Landgate it required the application be under the common seal, this applies for the lodgement of caveats and for applications in relation to titles.  The Town applies for changes to property titles or replacement titles as several the titles have been lost or are issued in the name of the City of Perth, prior to the reestablishment of the Town. Most of these decisions are taken under delegation, which does authorise the use of the common seal, however it is proposed to authorise this to confirm this matter.  The Town often lodges caveats against properties, this can be because the property has not paid a rate or service charge, because of a planning decision or for a public works reason.

9. In order to ensure the appropriateness of the decisions being made, any document executed under the seal must have been budgeted for or otherwise agreed by Council (e.g. agreeing to a DA, therefore needing to lodge the caveat). Where the decision was taken under delegation, the Mayor may request the matter be referred to Council, in which case a report would be prepared for Council decision.

#### Authorisation relating to the Liquor Control Act 1988

10. Under the *Liquor Control Act 1988*, the Town's Urban Planning and Environmental Health service areas are required to issue certificates confirming compliance (or otherwise) with applicable legislation as a prerequisite for business operators to apply to the Department of Racing, Gaming and Liquor for a liquor licence. This is currently included in a delegation with officers otherwise acting on behalf of the local government. No power of delegation is provided in the *Liquor Control Act 1988* for a local

government. In order to resolve this matter it is proposed to make this an authorisation so the relevant officers can execute these functions.

### Next steps

11. Following resolution by Council, the CEO will review the delegations and sub-delegations he has provided to Town staff. Further should Council adopt proposed Policy 308 Financial hardship, the amended associated delegations will be included in the register.

## Relevant documents

[Register of Delegations and Sub-Delegations – 18 July 2019](#)

[Department of Local Government Sport and Cultural Industries Operational Guideline 17 - Delegations](#)

## Further consideration

Following the Agenda Briefing Forum of 5 May 2020, the following additional information is provided:

12. Many commercial leases will provide for a prohibition to assign the rights and obligations under the agreement either in whole or in part, unless prior written consent is obtained from the Landlord. The provision to obtain prior written consent allows the Landlord to properly consider the request such as the financial resources and business acumen of the proposed assignee or sublessee.
13. A Landlord cannot unreasonably withhold its consent and should base any decisions to withhold consent on factors relevant to the lease which will and heavily depend on the particular circumstances including the nature and object of the lease and the purpose of the clause prohibiting the unreasonable withholding. Examples of relevant factors include any defaults in obligations under the lease, or the solvency, financial position or identity of a party.
14. A lease may transfer to a permitted tenant successor who is an assignee of the Tenant's rights to the lease provided they are a successor to the Tenant by merger, consolidation, or other form of corporate reorganisation and any successor to the Tenant by purchase of all, or substantially all, of the Tenant. An Example of this includes a Corporate Tenant who assigns its lease to a subsidiary and then sells its assets in the subsidiary, thereby transferring the lease).
15. An amendment to the Local Government (Functions and General) Regulations 1996 was published in the government gazette on 8 May 2020. This amendment related to procurement policies. Having considered the amended regulation, the proposed policy is compliant with the new regulation.
16. The Town received legal advice in relation to the proposed delegations. This advice recommended some changes to proposed delegations 1.1.17 and 1.1.18 and the authorisations to be given in 1.3.1 to 1.3.3. These are now reflected as tracked changes in the attachment. The recommendation is revised to reflect the authorisations being given as a table in the register in accordance with the legal advice provided to the Town.
17. A small additional amendment is proposed to delegation 10.2.1 to reflect the new strata laws.



## 12 Chief Community Planner reports

### 12.1 Waiving of Environmental Health fees for remainder of 2019/20 financial year

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Robert Cruickshank
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	1. 2019-20 EH Fees - Waived [ <b>12.1.1</b> - 2 pages]

#### Recommendation

That Council agrees to waive those Environmental Health fees set out in Attachment 1 (except those highlighted in green which are statutory fees) for the remainder of the 2019/2020 financial year.

#### Purpose

To seek Council's agreement to waive those Environmental Health fees set out in Attachment 1 (except those fees highlighted in green) for the remainder of the 2019/2020 financial year as a response to the COVID-19 pandemic.

#### In brief

- The Town's Schedule of Fees and Charges 2019/2020 sets out the applicable fees and charges for services provided by the Town including those relating to Environmental Health.
- Federal and State Government directives in response to the COVID-19 pandemic, particularly the restrictions on public gatherings and the operation of food businesses, has had a significant impact on business operations, and will continue to do so in a recovery period.
- So as to not place any further financial pressures on business, particularly new businesses that may emerge from the COVID-19 pandemic, it is recommended that those non-statutory Environmental Health fees be waived for the remainder of the 2019/2020 financial year.

#### Background

1. On 11 March 2020 the World Health Organisation declared the COVID-19 virus a Pandemic. Following this, the State Government declared a State of Emergency for Western Australia. The Federal and State governments have been responding with various measures in an attempt to contain the virus and minimise its spread which have had a significant impact on the local businesses and the community alike.
2. With the development of COVID-19 there have been a number of economic and social impacts experienced by the community.
3. Section 6.16 of the Local Government Act 1996 provides authority for a local government to charge fees and charges for any goods or services it provides. Fees and charges are set at the time of adopting the annual budget. A local government has the power to defer, waive or write off debts owed to a local government in accordance with section 6.12 of the Local Government Act 1996, however note the Act specifically excludes money owing in respect of rates and service charges.

4. At the April 2020 Ordinary Council Meeting, Council resolved to adopt Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings' and in doing so also resolved as follows :

*"3. Waives the Written Zoning Query/Planning Advice fee, in relation to the adopted Schedule of Fees and Charges for 2019/20, where a landowner/applicant seeks an exemption from development approval under the Minister for Planning's Exemption Notice dated 8 April 2020 or Local Planning Policy 41, effective from 22 April 2020."*

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To encourage business activity in the Town while responsibly managing the Town's finances.

## Engagement

Internal engagement	
Stakeholder	Comments
Finance	Finance supports the waiving of fees for the remainder of the 2019-2020 financial year.

## Legal compliance

Section 6.16 of the *Local Government Act 1996* provides authority for a local government to charge fees and charges for any goods or services it provides. Fees and charges are set at the time of adopting the annual budget. A local government has the power to defer, waive or write off debts owed to a local government in accordance with section 6.12 of the *Local Government Act 1996*, however note the Act specifically excludes money owing in respect of rates and service charges.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Loss of anticipated Environmental Health revenue	Minor	Rare	Low	Inform Council of the financial impact
<b>Reputational</b> Non-support for waiving of fees may be seen by the community as the	Minor	Unlikely	Low	Support for the waiving of fees

Town not supporting business during this unprecedented period

## Financial implications

<b>Current budget impact</b>	<i>At 1 May 2020, revenue from Environmental Health fees is approximately \$16,000 below budget estimate. The financial impact of the waiving of non-statutory fees for the remainder of the 2019/2020 financial year will be minimal, and will stay at around \$16,000 at the end of the financial year, given that minimal fees were anticipated to be received in the last few months of the financial year.</i>
<b>Future budget impact</b>	<i>Not applicable as this recommendation relates to the current 2019/2020 budget only</i>

## Analysis

5. The Town charges businesses and residents fees for a number of services, licences and registrations, being both statutory and non-statutory fees. Most are associated with business licensing and registrations such as Food Premises, Public Buildings, Public Events, and other matters such as noise approvals and water sampling of public pools.
6. On 11 March 2020 the World Health Organisation declared the COVID-19 virus a pandemic. Following this, the State Government declared a State of Emergency for Western Australia. The Federal and State governments have been responding with various measures in an attempt to contain the virus and minimise its spread.
7. It is acknowledged that many businesses are now either closed or experiencing a significant reduction in trade. For those able to re-establish their business once Government restrictions have been eased, any savings in the short term on standard fees and charges will assist in their recovery.
8. The financial impact of waiving the fees listed below is unlikely to be significant due to most of the activities that they apply to currently being restricted as part of the State Government response to COVID-19. The intention of waiving fees for the remainder of 2019/2020 is to allow staff to be able to respond much quicker once the restrictions begin to relax rather than await Council's adoption of fees and charges for the 2020/2021 financial year.
9. While the waiving of fees for the remainder of the 2019/20 financial year will have a limited impact given current business restrictions and the limited period for uptake until 30 June 2020, a reduction in the financial burden on any business is considered to be beneficial.
10. Attachment 1 contains a list of all Environmental Health fees and charges for the 2019/2020 financial year. Those highlighted in green are statutory fees prescribed through legislation in which case they are not intended to be waived. The remaining fees (not highlighted in green) are proposed to be waived.
11. It should be acknowledged that a number of fees are annual fees, and that where annual fees apply these businesses are required to pay their fee in the early part of each financial year. The majority have done so, however there are approximately nine businesses who have outstanding annual fees (total amount of

\$3701). It is not proposed to waive any outstanding fees through this recommendation. Where the fee has already been charged and a business is suffering financial hardship, then any write off should follow the Town's debt collection policy/procedure. If the business owners are unable to pay, they need to contact the Town and follow the due process.

- 12 Consideration of ongoing fee reduction for Environmental Health fees will be included in the fees and charges for the 2020/2021 financial year.
- 13 It should be noted that it is not proposed to waive any further Urban Planning or Building fees at this time, noting that many forms of development are now exempted from development approval (and payment of a fee) through the adoption of LPP 41 and a Ministerial Exemption Notice, and that Building fees are largely statutory. Such fees will also be considered as part of the 2020/21 budget process.

## 12.2 Residential Character Study Area Review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Michael Hancock
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 Recommendations Report [<b>12.2.1</b> - 94 pages]</li><li>2. Attachment 2 Draft Character Retention Guidelines [<b>12.2.2</b> - 18 pages]</li><li>3. Attachment 3 2017 OCM Report [<b>12.2.3</b> - 36 pages]</li><li>4. A 73 Minister's letter [<b>12.2.4</b> - 1 page]</li></ol>

### Recommendation

That Council:

1. Acknowledges and receives the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report.
2. Requests the Chief Executive Officer for future reports to be presented to Council for further consideration as follows :
  - (a) A Town Planning Scheme Amendment to identify the Residential Character Area as a Special Control Area – by no later than the July 2020 Ordinary Council Meeting.
  - (b) A new Local Planning Policy 'Character Retention Guidelines' to apply to the Residential Character Study Area – by no later than the August 2020 Ordinary Council Meeting.
  - (c) A process for community nomination of Heritage Areas – by no later than the December 2020 Ordinary Council Meeting.
  - (d) Investigating incentives to encourage the retention of original dwellings – by no later than the December 2020 Ordinary Council Meeting.

### Purpose

For Council to receive the report 'Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' – Stage 4 Final Conclusions and Recommendations Report' (Recommendations Report) (Attachment 1), and to endorse recommendations for further progression.

### In brief

- In June 2016, Council initiated Amendment 73 to Town Planning Scheme No. 1 (TPS 1) to designate the Residential Character Study Area as a Special Control Area, with provisions requiring development approval to be obtained for demolition and/or development within the area. The intent was to reintroduce controls to provide a greater level of protection for the original dwellings in the area and ensure that new development was compatible with the existing character of the area.

- At its meeting in September 2017, Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 (see Attachment 3). The Minister subsequently refused the Scheme Amendment in 2019.
- At the September 2017 Ordinary Council Meeting, Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area.
- Based on the community sentiment, Element have prepared a recommendations report and draft Local Planning Policy – Character Retention Guidelines, which is presented to Council for receipt and endorsement of recommendations.
- Following the endorsement of recommendations by Council, staff will then undertake further work for future consideration by Council.

## Background

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

- (b) Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character.
- (c) The regulations provide appropriate heritage controls.

11. At the September 2017 Ordinary Council Meeting, the Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
12. The Town engaged Element to undertake an independent review of the RCSA in September 2018.

## Relevant planning framework

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

## General matters to be considered

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

- *The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.*

Precinct Plan 10 – Shepperton Precinct

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

Precinct Plan 12 – East Victoria Park

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

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 - A community that is authentically engaged and informed in a timely manner.	The Town and Element undertook significant community consultation as part of the project. The community was engaged with a view to understand the built form priorities of the community and its attitude toward heritage and built form preservation. Further consultation was undertaken to ascertain if the community's aspirations had been adequately captured in draft recommendations prepared by Element.
CL3 - Well thought out and managed projects that are delivered successfully.	The level of engagement will assist in delivering a well-considered project that reflects the aspirations of the community. The purpose of this report is not to deliver the final project, but instead to seek Council endorsement on further work that will need to be progressed.

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



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

## Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	<p>Element undertook an engagement process with Town officers to ascertain a day-to-day understanding of issues faced with residential character both generally and in relation to the existing LPP 25. The results of the consultation can be summarised as including:</p> <ul style="list-style-type: none"> <li>• Project and policy objectives.</li> <li>• Managing character through retention and desired future character.</li> <li>• Community and stakeholder communication and consultation.</li> <li>• Officer negotiation with applicants and associated outcomes using the prescriptive nature of LPP 25.</li> <li>• What's working well and not as well.</li> </ul>

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

<b>Submission summary</b>	A total of 357 responses were received in first period of consultation. A total of 12 submissions were received in the second period of consultation.
<b>Key findings</b>	The feedback is summarised as outlined below.

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

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

Following their consideration of the initial public comments, Element prepared a series of draft recommendations which were the subject of further consultation. A second round of consultation was undertaken to determine if the community's comments were accurately captured. A total of 12 submissions were received, with eight generally supportive and four providing comment or concern.

<b>Other engagement</b>	
Elected members	On 10 December 2019 at a Concept Forum, representatives of Element provided elected members with a presentation on the recommendations report and background on the draft Local Planning Policy – Character Retention Guidelines.

## Risk management considerations

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
<b>Reputational</b> Negative public perception towards the Town if the strong positive sentiment expressed by the community does	Moderate	Likely	High	Adoption of the recommendations prepared by Element. Further community consultation.

not result in changes to the planning framework.				
<b>Reputational</b> If Council does not progress with the establishment of a SCA the possible further erosion of the Town's heritage will continue. This may lead to loss of character and identify that was outlined in community consultation.	Moderate	Likely	High	Recommendation for Council to request future reports including the initiation of a Scheme Amendment and the adoption of Local Planning Policy – Character Retention Guidelines.

## Financial implications

<b>Current budget impact</b>	Nil. The work undertaken by Element has been funded through the 2019/20 budget.
<b>Future budget impact</b>	The recommendations put forward by Element (if endorsed by Council) will require further work to be undertaken by Town officers. One of the recommendations, being to consider the offering of incentives for landowners if endorsed by Council, may have future budget implications. This will be the subject of further consideration and a report to Council.

## Analysis

13. The recommendations report identifies the requirement of local governments to maintain a Local Heritage Survey, previously known as a Municipal Heritage Inventory (MHI), containing buildings of cultural heritage significance.
14. Structures included in a Local Heritage Survey are afforded no statutory protection.
15. Statutory protection for structures of heritage significance can be afforded when included as part of a Heritage List, which is a planning instrument adopted under the Town Planning Scheme.
16. Work has recently commenced on the preparation of a new Local Heritage Survey which will then inform the preparation of a Heritage List.
17. The recommendations report describes the difference between 'historic heritage significance' and 'urban character' as follows:
  - (a) Areas of historic heritage significance are described as "select areas with special qualities embodied in the built form, will generally be quite rare within a locality and will have some form of underlying aesthetic, social, scientific or historic cultural heritage value."

- (b) Areas of urban character are described as “the built form and age of an area and its relationship with the surrounding streetscape, open space, land use and activity. Different combinations of these factors help create local distinctiveness and character.”
18. The recommendations report indicates areas of historic heritage significance can be protected under the statutory framework, whereas character is best protected through a local planning policy on a more area specific basis.
  19. Community feedback received during the community consultation period indicated broad recognition of the RCSA being an area of unique and identifiable character within the Town. The recommendations report indicates incentives may assist owners to retain and conserve original dwellings.
  20. The recommendations report highlights the changing nature of character within the Character Study Area over time. Although change has occurred through demolition and additions, the breadth of change has occurred evenly throughout the study area.
  21. The recommendations report outlines negative impacts which have occurred within the Character Study Area over time until the current and previous planning framework (both prior to and after the adoption of the State Planning regulations in 2015), these include:
    - (a) Demolition of original dwellings.
    - (b) Incompatible front fencing.
    - (c) Garage and carports within the front setback area.
    - (d) Second storey additions to original dwellings built forward of the ridgeline.
    - (e) New development that does not relate to the traditional streetscape
    - (f) New development that mimics historic styles of architecture.
  22. The recommendations report, at page 21, (see Attachment 1) outlines the following final conclusions and recommendations:
    - (a) *Introduce a Special Control Area Character Retention Area over the RCSA requiring development approval for demolition of original dwellings and development visible from the street (recommend review by a planning lawyer to ensure no unintended consequences).*
    - (b) *Revoke existing LPP 25 'Streetscape' and adopt new draft Character Retention Guidelines applicable to development within the SCA; a condensed version of LPP 25 focusing only on key design elements that affect streetscape character and encouraging sustainable and innovative design outcomes with an element of character education.*
    - (c) *Further investigate and facilitate a discussion regarding community-nominated Heritage Areas.*
    - (d) *Consider implementing incentives to encourage the retention of original dwellings.*
    - (e) *Invest in public domain improvements to enhance the natural beauty and character of the area.*
  23. Each recommendation is discussed below.

### Recommendation 1 – Scheme Amendment – Character Retention Area Special Control Area

24. Previous Scheme Amendment 73 proposed to introduce a Special Control Area (SCA). While this was refused by the Minister, Element are of the view that the Minister’s previous refusal was not based upon an opposition to the creation of a SCA over the area, but rather based upon the removal of associated development controls (as per Council’s resolution of September 2017) and other factors.
25. The recommendations report reaffirms that a SCA is the most appropriate mechanism to retain and conserve the character of the area.
26. The recommendations report stipulates the SCA be introduced in accordance with Appendix 5 of the recommendations report (Attachment 1). The recommendations report also recommends a planning lawyer review the draft final amendment.

27. Town staff agree that establishment of a SCA over the Character Study Area is the most appropriate and efficient way of maintaining the historic heritage significance and urban character of the study area.
28. The SCA would apply to all development within the nominated area, as defined in appendix 5, resulting in the need for development approval for works impacting upon the streetscape character.
29. A SCA, as outlined in the recommendations report, will provide control over the demolition of original dwellings and out of character new dwellings and additions. Further, the SCA will allow landowners increased freedom and certainty with respect to development which is not visible from the street.
30. The recommendations report outlines the potential for an increased workload for Town officers due to the added complexity and removal of existing exemptions.
31. Town staff recognise the significant community support demonstrated in the consultation periods, particularly the feedback relating to the desire to protect the character of the area, but also increasing the opportunity for contemporary structures to be built in appropriate locations.

### Recommendation 2 – Local Planning Policy – ‘Character Retention Guidelines’

32. The recommendations report recognises the Minister’s comments at the time of refusing Scheme Amendment 73, that a Local Planning Policy is an appropriate planning instrument to control streetscape design.
33. The recommendations report suggests that the Town’s existing LPP 25 ‘Streetscape’ is inflexible and difficult to navigate.
34. The report notes a general shift in the WA planning system to performance-based assessments and away from a deemed-to-comply based approach. The existing LPP 25 – Streetscape is largely a deemed-to-comply based policy.
35. The draft Local Planning Policy – Character Retention Guidelines (draft Policy) (see Attachment 2), proposes a substantial shift toward current planning practices and focuses on a performance-based outcome.
36. In their report, Element describe the *“guidelines as a condensed version of LPP 25 which provides for ease of implementation both in assessment by Town officers and understanding by the community. The provisions have been tailored from community feedback and aim to provide a clear set of development controls which protect streetscapes within character areas of the Town of Victoria Park while having imbedded flexibility through a guided design principle approach.”*
37. Town staff were consulted in regard to their experience and professional views on the current LPP25 and it was agreed that a performance-based policy with a clearer focus would be appropriate.
38. The draft policy (see Attachment 2) has been extensively reviewed and critiqued by the Urban Planning team and is supported, albeit potentially requiring some further modifications before the commencement of the formal process of adopting the new policy. This will be addressed in a future report to Council.
39. The recommendations report outlines the implementation process for the draft policy. It is important to note, should Council proceed with the draft policy as part of a future report to Council, the revocation of the existing LPP 25 – Streetscape would be necessary.
40. Noting that LPP25 ‘Streetscape’ currently applies to residential development in all areas of the Town, the revocation of LPP25 would result in their being no streetscape controls for those areas of the Town outside the Character Study Area. Any development within these areas will just revert to the development controls contained in the Residential Design Codes, which largely do not have controls relating to aesthetics and streetscape character. A decision will need to be made as to whether there still needs to

be a Local Planning Policy containing some level of streetscape controls for the other areas of the Town. This will be considered as part of a future report to Council.

41. While there may be an increase in application workload due to the SCA and draft policy, the draft policy is expected to result in superior development, character and streetscape outcomes, and provide scope for more innovative and contemporary designs (in appropriate situations).

### Recommendation 3 - Community Nomination of 'Heritage Area(s)'

42. The recommendations report has identified the option of community nominated character streets or areas as part of a wider heritage area.
43. Element specifically mention the City of Vincent as an example of community-led character protection areas as an example for the Town.
44. The ability for the Town or the community to identify areas as heritage areas already exists, although based upon the recommendations from Element, this matter will be explored further particularly in terms of the best way to promote the community to nominate areas for inclusion.

### Recommendation 4 - Incentives to Encourage the Retention of Original Dwellings

45. The recommendations report introduces the prospect of various incentives to encourage the retention of original dwellings, such as:
  - *Waiver/refund of development application fees – either or both planning and building fees where the streetscape contribution Original dwellings is retained and appropriately managed through development.*
  - *Maintenance grants - local government financial assistance for maintenance of original dwellings (e.g. dollar for dollar up to an agreed cap) (typically used for places on a Heritage List).*
  - *Rates concessions – owners of properties containing original dwellings could apply for a conditional rates concession to assist with the maintenance of their property (typically used for places on a Heritage List).*
  - *Sustainability retrofit package – a number of environmentally sustainable products offered at discounted value (e.g. solar panels, rain water tanks, high performance glazing) where an application retains an original dwelling and demonstrates it achieves exceptional character contribution in line with policy objectives (potential inequality).*
  - *Relaxation provision – the express ability for the local government to relax any standard within the policy where an original dwelling is retained (similar to existing heritage provision within the regulations).*
  - *Transferrable development rights – bonuses in density or similar to other property within the Town for proposals that retain original dwellings.*
  - *Technical advice – the provision of subsidised pre-lodgement professional advice for properties containing Original dwellings to assist with the design solutions.*
  - *Smaller infill development – similar to City of Fremantle's recent Amendment 63 where smaller site areas are permitted for certain lots, in return for retaining an original dwelling (can be further investigated following community consultation).*
46. Element outline the desire of some landowners to demolish a dwelling rather than renovate an original dwelling to a contemporary standard. The implementation and options for incentives (as listed above) are discussed in the recommendations report located in Attachment 1.
47. The Town has previously not offered incentives to landowners for the retention and improvement of dwellings, instead opting for retention through regulation.

48. Town staff intend to further investigate the recommended implementation of incentives for original dwellings, which amongst other things may have financial implications for the Town. It is recommended that Council requests a future report further assessing the opportunity for incentives to be introduced.

### Recommendation 5 - Public Domain Improvements

- 49. The recommendations report highlights the importance of public domain improvements, such as street tree planting, themed furniture and public art installations.
- 50. The Town has existing mechanisms to address public domain improvements.
- 51. The Urban Forest Strategy is a key strategy to increase the tree canopy coverage within the district. Significant amounts of planting within the public realm will help achieve public domain improvements as outlined in the recommendations report.
- 52. An existing Local Planning Policy relating to public art operates within the Town, with the option to include cash-in-lieu contributions to public art which the Town can use to install in areas nearby the development the payment originated from.
- 53. Recently, the Town adopted Local Planning Policy 39 – Tree Planting and Retention (LPP 39), which will take effect on 1 July. The newly adopted LPP 39 seeks to retain existing tree canopy coverage and further increase tree planting for each new dwelling.
- 54. Element’s recommendation regarding the undertaking of public domain improvements by the Town is noted, and other relevant services areas such as Place Planning, Street Improvement and Parks will be advised of this recommendation for their future consideration.

### Summary of Final Recommendations and Next Steps

55. The below table quantifies the above section and the final recommendations contained in Element’s recommendations report, and summarises the Town’s position on each recommendation.

Element’s recommendation	Town’s comment
Introduce a Special Control Area Character Retention Area over the RCSA requiring development approval for demolition of original dwellings and development visible from the street (recommend review by a planning lawyer to ensure no unintended consequences)	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council to initiate a Scheme Amendment to establish a Special Control Area over the Residential Character Study Area.
Revoke existing LPP 25 ‘Streetscape’ and adopt new draft Character Retention Guidelines applicable to development within the SCA; a condensed version of LPP 25 focusing only on key design elements that affect streetscape character and encouraging sustainable and innovative design outcomes with an element of character education.	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council Recommendation to commence the process to adopt the Draft Local Planning Policy – Character Retention Guidelines.
Further investigate and facilitate a discussion regarding community-nominated Heritage Areas.	Agreed. Further investigation to occur.

Consider implementing incentives to encourage the retention of original dwellings.	Agreed. Recommended that Council endorse this recommendation with a future report to be presented to Council to consider the merits of incentives.
Invest in public domain improvements to enhance the natural beauty and character of the area.	Noted, with other relevant service areas to be informed of this recommendation.

## Relevant documents

[Local Planning Policy 25 – Streetscape](#)

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

[State Planning Policy 7.3 – Residential Design Codes Volume 1](#)

[State Planning Policy 7.3 – Residential Design Codes Volume 2](#)

## Further consideration

As a result of items raised at the Agenda Briefing Forum (ABF) on 5 May 2020, the following information is provided:

56. Some Elected Members had concern that the use of the word “endorse” in part 2 of the recommendation contained in the report to the ABF, may be considered an endorsement of the actions identified in 2(a) to 2(d) of the recommendation ie. an endorsement to initiate a Scheme Amendment etc. While this was not the intention, to address any concerns the wording of recommendation 2 has now been amended to clarify that Council is only being requested at this stage to agree to the preparation of further reports for future consideration.
57. The preparation of further reports for Council consideration will require additional work to be undertaken by staff. If Elected Members are of the view that the consultants’ recommendations should only be noted and should not be progressed any further, then it is recommended that Elected Members provide direction on this now, rather than require staff to undertake additional work.
58. In relation to part 2(d) of the recommendation requiring further work to be undertaken on incentives for the retention of original dwellings, this is proposed to occur by December 2020. It is considered that this timeframe is appropriate acknowledging:
  - (a) There are a number of matters requiring further consideration and the preparation of reports by Council Officers.
  - (b) Commencing the necessary statutory processes detailed in items 2(a) and 2(b) are the higher priority.
  - (c) Investigating incentives can occur after the priority work as per items 2(a) and 2(b) so as to spread the workload.
  - (d) The need for liaison to occur with other Service Areas, in particular the Finance area noting potential financial implications of providing incentives.
59. There are some isolated examples of commercial properties located within the Residential Character Study Area, typically being old corner stores. A number of commercial properties of heritage significance are listed on the Town’s Municipal Heritage Inventory, which is non-statutory. The Municipal Heritage Inventory (now called a Local Heritage Survey) is currently being reviewed, and is about to be the subject of community consultation. It is anticipated that a new Local Heritage Survey will be adopted next financial year, and this will be used to inform the preparation of a formal Heritage List protecting those buildings in the Town of the greatest heritage significance.



60. A copy of the Minister's letter rejecting Amendment 73 is now provided as an attachment.
61. There are a number of privately owned properties currently listed on the Town's Municipal Heritage Inventory (now called a Local Heritage Survey), which is under review with community consultation about to start. There is scope for the community to nominate new properties for consideration as part of this project, which is separate to this report relating to the Residential Character Study Area.
62. The anticipated cost for having a lawyer review the draft Scheme Amendment is around \$2000-\$3000.
63. While Officers encourage photographic records of original dwellings to be taken where they are to be demolished, as development approval is not required for the demolition of single dwellings, there is no basis for the Town to require landowners to do so.
64. In response to questions as to what would be the impact if Council were to only note the consultant's report and recommendations (as per part 1 of the recommendation) but not progress any further with them (ie. not adopt part 2 of the recommendation) the following comments are made :
- (a) The status quo would remain, that being that demolition of single dwellings in the area could occur without development approval, and some forms of development would not require development approval.
  - (b) The impact of this being an incremental erosion in the quality of the streetscapes in the area through both the demolition of 'original dwellings' and potential new development not being in keeping with the character of the area.
  - (c) As outlined above, there may be a reputational risk of community dissatisfaction, noting the community engagement undertaken (with 357 submissions received as part of the stage 1 consultation) and the following comments summarising the general community sentiment:
    - The majority of respondents recognised that the character of the area deserves protection.
    - There is a clear desire from respondents to retain original dwellings.
65. A statement from a member of the public criticised the Urban Planning Service Area for revisiting the issue of residential character following consideration of Amendment 73 by the Council and the Minister for Planning, and suggested that the Town's Officers had influenced the current review process. In this respect:
- (a) The Council's resolution of September 2017, when resolving to modify Amendment 73, included a resolution to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area. This was on the basis that the Council was unclear whether the 69 submissions (with 51 objecting) received on Amendment 73 out of around 5000 letters sent, was truly representative of community opinion. Therefore the further engagement with the community on the issue of residential character and the preparation of recommendations by the consultant, was in accordance with a Council resolution.
  - (b) The process undertaken by the consultant in reviewing community feedback and developing recommendations was undertaken independently by the consultant without influence from Town Officers.
66. In relation to potentially heritage listing properties within the area, the appropriate instrument for identifying individual properties that have heritage significance is through the Local Heritage Survey, which has commenced community consultation. Many of the properties within the RCSA do not in their own right have heritage significance, but rather the existence of a high proportion of 'original dwellings' results in an area that has a distinct and identifiable character. The mechanism proposed by the consultant for addressing the matter of character rather than heritage is a Special Control Area. The majority of the dwellings in their RCSA are not considered to have heritage significance in their own

right, and the exercise of assessing each property for heritage significance would incur significant expense for the Town.

## 12.3 Edward Millen Park Masterplan - Consideration of a Water Feature

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Ellie van Rhyn
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Edward Millen Park Water Feature Options Study [12.3.1 - 16 pages]

### Recommendation

That Council:

1. Acknowledges that further investigation into a water feature for Edward Millen Park Masterplan has been completed.
2. Approves the Edward Millen Park Masterplan to proceed to detailed design without a water play space/feature.

### Purpose

To determine the preferred water feature option (including an option without a water feature) to be included in the detailed design for Edward Millen Park.

### In brief

- 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" (Council resolution 308/2020, point 4).
- The Town presented six options at a masterplan level to elected members at the 14 April 2020 Concept Forum, to provide elected members with an understanding of the range of water features that could be designed into Edward Millen Park and to inform further detailed designs.
- Administration is proposing that the preferred water feature option be determined during the master planning of Edward Millen Park rather than in the detailed design phase to minimise the time and cost implications of investigating water feature options during the development of detailed designs.
- The six options discussed at the 14 April 2020 Concept Forum, included an option without a new water feature.

### Background

1. In 2019, a masterplan for the upgrade of Edward Millen Park was prepared by HASSELL, in collaboration with the Design Reference Group of community members. This masterplan was advertised for public comment during November and December 2019. In February 2020, elected members acknowledged the submissions received during the public advertising period and approved the masterplan to proceed to detailed design.
2. Point 4 of Council resolution 308/2020 required "that the detailed design include an option for a water play space/feature".
3. Water play was suggested by some members of the Design Reference Group while brainstorming potential uses of the site during the first of three collaborative design workshops. Further refinements were made to the masterplan by HASSELL following detailed discussions in workshops two and three

and public advertising. Based on the engagement during the workshops and the submissions made during public advertising a water feature was not included.

4. During the 14 April 2020 Concept Forum, Administration presented to elected members an alternative proposed approach to consider water feature options at a masterplan level, instead of at detailed design. This has a range of benefits, including:

Providing several water feature options to be considered by elected members, at various scales and in various locations across the site.

Minimising time implications by allowing the project to continue to detailed design while still providing water feature options for consideration.

Minimising budget implications as the cost of the proposed approach was \$5,920 ex GST. When compared to the cost of investigating one medium to large scale water feature during detailed design being approximately \$50,000 ex GST (in addition to the detailed design for the remainder of the site), this represents a significant cost saving to the Town.

5. The Water Feature Options Study (Attachment 1, known from here as the Options Study) was presented to elected members during the April 2020 Concept Forum. This Options Study included information on the following five types of water features:
  - (a) Option 1 - Architectural Feature - Type 1
  - (b) Option 2 - Architectural Feature - Type 2
  - (c) Option 3 - Small Water Play
  - (d) Option 4 - Medium Water Play
  - (e) Option 5 - Large Water Play
  - (f) The option to proceed with the masterplan as it currently stands, without a water feature, is the sixth option.

6. Consideration of the options shown in the Options Study include:

- Scale and typology of a water feature
- Appropriateness of a water feature to this specific heritage listed site
- Possibility of a water feature being used as an activating tool
- Department of Health and water filtration requirements
- Sustainable use of water
- Up front design and construction costs
- Annual maintenance costs
- Additional costs, including relocation, should issues arise
- Community consultation on significant masterplan changes.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Extensive, best practice and carefully designed communication has been undertaken during the masterplan stage of the project to ensure

	community members and stakeholders were informed. This should continue through any amendments to the masterplan.
CL02 - A community that is authentically engaged and informed in a timely manner.	Authentic engagement with key stakeholders and the community has been and will continue to be undertaken.
CL03 - Well thought out and managed projects that are delivered successfully.	The project has been the subject of a rigorously developed and monitored project plan. Detailed design and following stages will also be managed in stringent compliance with the Town's project management practices.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The preparation of the masterplan has been in accordance with the allocated budget. The detailed design phase will continue to be delivered in accordance with the approved and allocated budget. The creation of the Options Study was undertaken to inform elected members on immediate construction and annual maintenance costs, to assist with future decision making.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The masterplan proposes a design that will significantly improve the aesthetic of Edward Millen Park. The masterplan has also incorporated passive surveillance principles to design out the potential for crime and achieve a safer place to visit for the community. Detailed design will continue this intent.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	The masterplan maintains significant amenity trees. Some trees that do require removal will be replaced with more relevant species in appropriate locations, ultimately result in a net increase in trees and canopy coverage. If a water feature is included on the site, careful consideration will have to be given to the location and size, to ensure root zones of both existing and new trees are protected.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The masterplan proposes a design that provides improved passive and active recreations (including playground) opportunities. This can be achieved both with and without a water feature.

S03 - An empowered community with a sense of pride, safety and belonging.	Community members were invited to participate in the design process and influence the outcomes of the masterplan to create a high-quality public open space. Comments were also received and acted upon during the public comment period. Any significant changes to this masterplan should be communicated with these community members.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	The masterplan includes a design that respects the history of the site by the considered use of storytelling and interpretive elements. Indigenous history will be explored during the detailed design phase as agreed following conversations with the Town's Aboriginal Engagement Advisory Group. The planned terracing creates an event space for performance.

## Engagement

Internal engagement	
Property Development	Development of proposed approach to provide elected members with the Options Study. Liaison and collaboration through development of the Options Study.
Project Management Office	Development of proposed approach to provide elected members with the Options Study.
Communications and Engagement	Awareness of project and feedback in to required community engagement, should the masterplan differ to what has previously been advertised.
Governance	Awareness of project and advice as to how to provide water feature options to elected members prior to detailed design.
C-Suite	Presentation of the proposed approach and Options Study.
Elected members	Presentation of the proposed approach and Options Study during the April Concept Forum.

The below external engagement table only shows external engagement that has taken place to inform the Options Study, being new engagement since the previous Council report in February 2020. Please refer to this previous Council report for details on external engagement for the masterplan.

External engagement	
Stakeholders	<ul style="list-style-type: none"> <li>HASSELL, landscape architect consultant for the Edward Millen Park Masterplan.</li> <li>Various local governments, including City of Cockburn, Town of Claremont, City of Vincent and City of Busselton.</li> <li>Private consultants with experience in water feature construction, including Phase 3 and Commercial Aquatics.</li> </ul>
Period of engagement	28 February 2020 until 18 March 2020
Level of engagement	0. Not applicable
Methods of engagement	<ul style="list-style-type: none"> <li>Emails.</li> <li>One on one meetings.</li> <li>Telephone calls.</li> </ul>
Advertising	Not Applicable
Submission summary	Not Applicable
Key findings	<p>The key findings from this engagement informed the Options Study, including information on:</p> <ul style="list-style-type: none"> <li>water feature design and installation costs,</li> <li>annual maintenance costs, and</li> <li>the requirement of rigorous daily testing and monitoring requirements for all water features.</li> </ul>

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> If a water feature option is selected, it may have a significant impact on the budget of the construction project and annual maintenance budgets.	Major	Likely	High	Provide research and information to allow elected members to make an informed and considered decision.  Investigate funding sources for potential budget increases.

<b>Reputational</b> Negative public perception towards the Town may result if the masterplan is significantly modified without further community engagement and consultation.	Minor	Possible	Moderate	If a water feature option is selected that significantly changes the masterplan, further community consultation should be undertaken.
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## Financial implications

<b>Current budget impact</b>	<p>The cost of providing the Options Study at the masterplan level was \$5,920 ex GST. Sufficient funds exist within the annual budget to accommodate this expense.</p> <p>The estimated cost of investigating one medium to large scale water feature during detailed design (in addition to the detailed design for the remainder of the site) is approximately \$50,000 ex GST.</p> <p>A more accurate cost will only be understood when a scale and scope is confirmed. Depending on the selected option, and the response to the request for quotation for detailed design, there may be sufficient funds for this within the existing budget.</p>
<b>Future budget impact</b>	<p><b>Existing masterplan design with no water feature</b></p> <p><i>Construction cost</i></p> <p>The total estimated cost to construct the existing masterplan design is \$5,844,583.40. These figures will be captured in the Town's Long-Term Financial Plan. This cost does not include any services that are required to be relocated, and excludes the following:</p> <ul style="list-style-type: none"> <li>• GST</li> <li>• Civil engineering including works for car park</li> <li>• Electrical services</li> <li>• Hydraulics engineer including works to sewer and water supply</li> <li>• Potential services relocation</li> <li>• Project associated design and management fees</li> <li>• All other works not otherwise nominated</li> <li>• Public art</li> </ul> <p>This cost is an estimate only, made at the masterplanning stage. The detailed design stage will include an updated opinion of probable landscape costs.</p> <p><i>Annual maintenance cost</i></p> <p>Should the masterplan be implemented as it is currently, it is estimated that the maintenance expenditure for this park would increase from the current \$50,000</p>



per annum to approximately \$100,000 per annum although this would become higher with the inclusion of a water feature.

**Inclusion of a water feature**

Estimates of both construction and annual maintenance for the various water feature options are included in the table below and exclude GST.

Water feature	Additional construction cost (approximate)	Additional annual maintenance cost (approximate)
Maintain current masterplan with no water feature	\$0	\$0
Option 1 - Architectural Feature - Type 1	\$250,000 +	\$75,000 - \$100,000
Option 2 - Architectural Feature - Type 2	\$500,000	\$75,000 - \$100,000
Option 3 - Small Water Play	\$10,000 up to \$150,000	Minimal up to \$10,000 - \$50,000
Option 4 - Medium Water Play	\$300,000	\$60,000
Option 5 - Large Water Play	\$500,000 +	\$75,000 - \$100,000

It is noted that the maintenance costs estimated above are for regular maintenance requirements and do not accommodate costs for issues that might arise with a water feature. The cost of this will be dependent on the problem that arises.

**Analysis**

- Administration understands the elected members’ intent to investigate a water feature as an attractor to Edward Millen Park. The Options Study was created to provide research and information to assist elected members in their decision on the type of water feature to be included.
- In making this selection, consideration should be given to the following points:

Typology

Two types of water features have been suggested in the report; an architectural feature and a water play element. A water play element could be accommodated in the existing play area and add to the attractiveness of the playground to children and families. An architectural feature will still engage children to interact with the water, but could be integrated with the landscape, incorporate public art or interpretation, and use high quality materials appropriate to the heritage listed site.

Scale

The scale of a water feature on the site should be carefully considered. There is a priority to preserve the existing open spaces in the park, and a water feature could potentially take up a significant portion of this space.

Location

Intended as an attractor for increased usage, a water feature should be located in the more active areas of the park. It should be distanced from the residential area along Bailie Ave and also avoid potential

risks of being too close to main roads. Root protection zones underneath trees should be respected. The location of tanks, pumps and filtration systems would also need to be considered.

#### Testing requirements

The research undertaken by HASSELL and Administration highlighted the significant testing regulations placed on water features. If a looped system that filters the water is used then elaborate sanitation, filtration and potentially heating systems are required. This includes complying with rigorous Department of Health testing. Other local governments have provided information stating that their water features require testing twice daily.

#### Sustainable use of water

An alternative to filtering the water, as noted above, is the use of scheme water that then drains to a storm water system. This will remove the requirement to comply with statutory health obligations, and will minimise maintenance costs however, is not a sustainable use of water.

#### Seasonal use

A large standalone water feature that serves no other purpose is likely to only be used during the warmer months. Water features such as an architectural feature or water play integrated with other play elements could be appropriate year-round as they serve other purposes than just water play.

#### Design and constructions costs

The cost of incorporating a medium to large scale water feature that will act as an attractor for the park is significant and could add an additional 5% to 10% to the construction cost of the masterplan. Smaller options, such as Option 3, are available at a lower cost, but may not provide the same draw card for the site.

#### Annual maintenance costs

A medium to large scale water feature could double the annual maintenance budget needed for the entire park; an increase from \$100,000 to maintain the park constructed in accordance with the existing masterplan, to \$175,000 - \$200,000 if a water feature was included. The maintenance costs of the medium and larger water features are similar to one another as the requirement for testing, filtering and sanitation is similar when moving between these scales.

#### Additional costs

The above maintenance cost does not accommodate costs that might arise from problems with the water feature over time, including potential relocation needs. The cost of this will be dependent on the problem that arises.

#### Community consultation

The existing masterplan has undergone significant community engagement. The masterplan was created collaboratively with the Design Reference Group and refined following a public comment period. Any significant changes to this masterplan should also undergo community consultation. There would be a disruption to the detailed design program should any further consultation be necessary.

#### Appropriateness of a water feature in this location

The appropriateness of a water feature within this heritage listed park should be considered. Should the Town commit to the significant investment of a water feature, consideration should be given to the most suitable location. This consideration should include Edward Millen Park, but also many other locations within the Town.

9. Considering this analysis, Administration's recommendation is to not include a water feature in Edward Millen Park. Should elected members resolve to incorporate a water feature, Administration's

suggestion of the most appropriate typology is Option 3 – Small Water Play. The rationale of this recommendation is listed below.

Water feature	Recommendation
Option 1 - Architectural Feature - Type 1	Not recommended due to the high construction and maintenance costs. It is noted that a water play element of this scale might be more appropriate in another location within the Town.
Option 2 - Architectural Feature - Type 2	Not recommended due to the high construction and maintenance costs. While a water feature of this type could be a positive outcome for the park, adding to the interpretation of the heritage site, it is a significant investment.
Option 3 - Small Water Play	Preferred water feature option as a small water play can be incorporated into the currently proposed play area. Integrating it into play elements encourages use all year round, as the water can be turned off if needed, allowing the play equipment to still be utilised. While it may not have the same scale or impact as a medium or large water play element, it will still engage children and families and act as an attractor. Should this option be selected, it is recommended that water not be sourced from the scheme supply.
Option 4 - Medium Water Play	Not recommended due to the high construction and maintenance costs. It is noted that a water play element of this scale might be more appropriate in another location within the Town.
Option 5 - Large Water Play	Not recommended due to the high construction and maintenance costs, and the need to remove a significant and mature tree to accommodate the scale of this water play. It is noted that a water play element of this scale might be more appropriate in another location within the Town.
Option 6 - Maintain current Masterplan with no water feature	Recommended. The Options Study and liaison with other local governments has provided Administration with the information and research needed to provide an informed recommendation to elected members. Regardless of type, a water feature of scale represents a significant investment for the Town. This investment is not only in the design and construction costs, but also in the annual maintenance required. Any water feature with a looped system has significant and rigorous statutory testing requirements, and a water feature without this looped system uses scheme water, which does not represent a sustainable use of water.

The intent to investigate a water feature as an attractor to Edward Millen Park is understood, however it is Administration's recommendation that the existing proposed masterplan will significantly increase the amenity of the park, and, together with the adaptive reuse of the heritage building, will create a regional attractor to East Victoria Park.

Should the Town determine that it is willing to invest the funding and ongoing maintenance to such a water feature, it is recommended that this be considered in another location within the Town.

10. The resolution to proceed with one of the listed options will inform the scope of work of the selected consultant for the detailed design stage.
11. It is recommended that Council approve the Edward Millen Park Masterplan to proceed to detailed design without a water play space/feature.

## **Relevant documents**

Attachment 1 – Water Feature Options Study

## 12.4 Operating Subsidies

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Alison Braun
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Request for extension of operating subsidy for Connect Village Hub_ [12.4.1 - 8 pages]</li> <li>2. VPCA Operational delivery March onwards 2020 COVI D 19 [12.4.2 - 5 pages]</li> <li>3. Connect Village Hub COVID 19 Report for Town of Victoria Park March 23 to May 8 [12.4.3 - 4 pages]</li> <li>4. Programs Delivered by HHCC during COVI D-19 [12.4.4 - 3 pages]</li> </ol>

### Recommendation

That Council:

1. Extend Connect Vic Park and Victoria Park Centre of Arts operating subsidy contracts to 30 June 2022.
2. Lists for consideration in the draft 2020/21 Annual Budget a COVID-19 specific two-year operating subsidy funding round, with \$150,000 included in 2020/21.
3. Despite Policy 114 Community Funding requirement for a three-year recurrent funding agreement, due the ongoing state of emergency determine that the agreement should be for a COVID-19 specific two-year funding agreement.

### Purpose

For Council to endorse the extension of two current operating subsidies, the temporary amendment of Policy 114 Community Funding and the approval of a new operating subsidy funding round in the 20/21 budget.

### In brief

- On 11 March 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. On 15 March 2020, the WA government declared a state of emergency for Western Australia.
- Since the Western Australian government declared the emergency, the Town has prepared and executed a range of immediate support measures appropriate to what is described as the 'response' phase.
- To provide ongoing support to current service providers during the crisis and recovery phase of COVID-19 to support the delivery of services to the community in line with the Town's Strategic Community Plan.
- To establish a new COVID-19 two-year \$150,000 operating subsidy funding round to provide service providers within the Town financial support to deliver a range of programs, services, events, and partnerships, to provide basic care and enhance the quality of life of the community during the COVID-19 crisis and through the recovery phase.

## Background

1. The Town recognises that community health and wellbeing is influenced by various factors, including social connectedness, a sense of belonging, a place where people have meaningful and accessible opportunities to participate in the arts, culture, education and to celebrate heritage.
2. As the tier of government closest to the community, local government plays an important role in shaping and supporting the overall health and wellbeing of our community. This is achieved through a collective impact approach of working in collaboration with the local community, service providers and stakeholders.
3. When the WA government declared a state of emergency, Town officers engaged service providers within in the Town seeking information on the support that might be required during and in the recovery period of COVID-19. This engagement outlined that service providers that had current and expiring operating subsidies, and those who have never been supported financially by the Town, were seeking financial support to continue existing programming and provide additional support during the COVID crisis and in recovery.
4. At a Concept Forum on 15 April 2020, options were presented to elected members for discussion that included:
  - a) Option 1 - Extend two operating subsidies through to 2022 and no new operating subsidies
  - b) Option 2 - Extend two operating subsidies through to 2022 plus new funding round of \$150,000
  - c) Option 3 - New funding round of \$200,000 – no extension of current operating subsidies
  - d) Option 4 - Do nothing – no new funding and allow current to cease as per contract 2020,2021 and 2022.
5. During the Concept Forum, feedback about option 2 was this gives support and security to current operating subsidy recipients with the option of supporting other service providers through the recovery period of COVID19.
6. The Town currently supports three service providers within the Town all with contract end dates ending between 2020 and 2022.
  - (a) Harold Hawthorn Community Centre - contract end 2022
  - (b) Victoria Park Centre of the Arts - contract end 2021
  - (c) Connect Vic Park – contract end 2020
7. On 28 April 2020 Connect Vic Park requested urgent consideration of an extension to Connect Vic Park operating subsidy to continue the current level of support to the community during COVID-19 to implement their new Connect60+ Wellness Program (see attachment)
8. The Town’s current operating subsidies recommended for extension through to 2022 are summarised as follows.

### Vic Park Centre for the Arts operating subsidy and peppercorn lease

Background	Four consecutive contracts from 1997 through 2021.  Current operating subsidy contract ceases 30 June 2021 - \$111,200.  Current peppercorn lease - \$37,500.
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	Total \$148,700 per annum.
Reporting evaluation	Satisfactory quarterly output/activity reports.  Satisfactory end of year community outcomes for the financial year against S1-S4 of the Town's Strategic Community Plan.
Overview of current contract	<i>Council resolution December 2018, item 14.4</i>  <i>That Council approves an operating subsidy to support the operating capacity of Victoria Park Centre for the Arts. The operating subsidy will be to support the delivery of meaningful programs, supports, initiatives or services which are underpinned by evidence-based need, reporting and acquittal process. The terms of the three-year operating subsidy is as follows:</i>  <i>1. An annual payment of \$100,000 excl. GST (as per 2018/19 budget allocation and approval), to be increased by CPI Perth (All Groups, March to March) annually, commencing in 2018/19 for a three-year funding period.</i>  <i>2. Conditional upon the satisfactory quarterly reporting to the Community Development Committee on achievements against Social Outcomes S3 and S4 of the Town's Strategic Community Plan.</i>  <i>3. Conditional upon the satisfactory annual acquittal against achievements of S3 and S4, inclusive of annual audited financial statement, to the Administration.</i>  <i>4. Conditional upon the availability of funds in the Long Term Financial Plan and annual budget approval process, with the Town to advise VPCA annually, and at three-year mark, if there are any significant concerns which would result in the termination of the funding agreement; and</i>  <i>5. Open to review by both Victoria Park Centre for the Arts and the Town, should circumstances change for either party.</i>

### Connect Vic Park inc. operating subsidy

Background	Three contracts - 2005 – 2013, 2017 – 2019 and 2019 – 2020.
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	<p>Current operating subsidy contract ceases 30 June 2020 - \$50,000.</p> <p>Total \$50,000 per annum.</p>
Reporting evaluation	<p>Satisfactory quarterly output/activity reports.</p> <p>Satisfactory end of year community outcomes for the financial year against S1-S4 of the Town's Strategic Community Plan.</p>
Overview of current contract	<p><i>Council resolution 8 August 2017, item 15.1</i></p> <p><i>Connect Victoria Park be advised that:</i></p> <ol style="list-style-type: none"> <li><i>1. The Town will provide financial assistance of \$50,000 in 2017-18 to contribute to the employment costs of the Village Hub Coordinator.</i></li> <li><i>2. That \$50,000 be listed for consideration on the Council's draft 2018-19 and 2019-20 Budgets to contribute to the employment costs of the Village Hub Coordinator.</i></li> <li><i>3. The Town's Director Community Life Program to represent the Town on the Village Hub Steering Committee.</i></li> <li><i>4. The Town's Community Development Committee to be provided a bi-monthly briefing on progress against the Village Hub Project Plan.</i></li> <li><i>5. A written statement providing evidence based information in regards to the Village Hub's contribution to the following strategic outcomes contained within the Town of Victoria Park's Strategic Community Plan 2017-2032 is to be reported to the Town's Community Development Committee bi-annually:</i> <ul style="list-style-type: none"> <li><i>S1 - A Healthy Community</i></li> <li><i>S2 - An Informed and Knowledgeable Community</i></li> <li><i>S3 - An Empowered Community With a Sense of Pride, Safety and Belonging</i></li> </ul> </li> <li><i>6. Financial assistance provided by the Town is to be acquitted annually.</i></li> <li><i>7. It is a requirement to provide the Town with a copy of the annual Connect Victoria Park Inc. audited financial statement each year.</i></li> </ol>



7. Operating subsidies are to support the ongoing operating capacity of the Towns service providers to deliver a range of programs, services, events, and partnerships, which enhance the quality of life of the community.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Provision of agile funding that provides an opportunity for not-for-profits and charitable organisations to respond to community need during and after the pandemic.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Community have access to quality support services that have the capacity to meet their physical and mental health needs during and after the pandemic.
S02 - An informed and knowledgeable community.	Through provision of funding not-for-profits and charitable organisations will have the capacity to ensure community remain connected and engaged on topics that are of importance to them.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Provision of an agile funding program that ensures community have the opportunity to remain engaged, safe and connected during and after the pandemic.

## Engagement

<b>Internal engagement</b>	
Community Development	Advice on the delivery of an operational subsidies to ensure all eligible not-for-profits and charitable organisations have an opportunity to apply.
Land and Properties	Advice on current and historic peppercorn leases.

<b>External engagement</b>	
Stakeholders	22 service providers
Period of engagement	March to April 2020
Level of engagement	2.Consult
Methods of engagement	Email Community Forum

Key findings	Community is seeking assistance in funding to continue to deliver services during and after the COVID19 pandemic.
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## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative community perception not supporting current service providers through COVID19 and recovery.	Moderate	Likely	High	Ensure fair and equitable application process guided by Policy 114.
<b>Reputational</b> Not providing opportunity for other service providers to obtain support through COVID19 and recovery.	Moderate	Likely	High	Ensure fair and equitable application process guided by policy 114.  Continue to work in partnership with service providers in relation the operating subsidy and social outcomes measurements.  Detailed and comprehensive quarterly and annual reporting in line with S1, S2, S3 and S4.
<b>Financial</b> Service providers not delivering support to community through COVID19 recovery.	Moderate	Likely	High	Continue to work in partnership with service providers in relation the operating subsidy and social outcomes measurements.  Detailed and comprehensive Quarterly and annual reporting in line with S1, S2, S3 and S4.

## Financial implications

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

1. COVID-19 specific two-year funding round - \$150,000
2. Extension of current contracted operating subsidy contracts  
Connect Vic Park Inc. - \$50,000  
Victoria Park Centre of the Arts - \$111,200
3. All funding contracts to cease 2022.

Total budget impact 20/21 - \$311,200

Total budget impact 21/22 - \$311,200 + CPI

## Analysis

8. The extension of current operational subsidies will provide support to current service providers to continue delivering outcomes in line with the Town's Strategic Community Plan.
9. The opening of a further COVID19 specific two-year operating subsidy round of \$150,000 to service providers will promote an opportunity for those service providers which currently have no financial assistance from the Town an opportunity to apply for financial assistance to meet the basic needs and enhance the quality of life of those most vulnerable in our community during a period of uncertainty and additional pressure.
10. All standard processes across application, assessment and approval will be undertaken to ensure the success and prosperity of the Town's community while ensuring transparency of funding in accordance with Community Funding Policy 114.
11. The specific COVID-19 specific two-year funding round of \$150,000 is not in line with policy 114 of a three-year recurrent funding agreement. If the Town's request to Council of a temporary amendment to Policy 114 Community Funding is endorsed from three-year recurrent funding agreement to a COVID19 specific two-year recurrent funding agreement, the temporary amendment will allow specific funding for the current environment of COVID19 and in addition bring all current and new funding inline to expire 2022.
12. If the Town's request to Council to extend existing contracts for Connect Vic Park Inc. and Victoria Park Centre of the Arts is endorsed contracts will be extended under current contract terms and conditions and expire 2022.
13. If the request to Council to endorse a new COVID-19 specific two-year funding round of \$150,000 is supported, it will be established in line with Policy 114 as follows.
  - a. The Chief Executive Officer will be responsible for operationalising and administering the operating subsidy program in accordance with Practice 114.
  - b. The Town will be responsible for receiving operating subsidy applications and making a recommendation to Council for consideration.
  - c. Applications will be assessed against a cost-benefit comparison aligned to the Town's Strategic Community Plan outcomes.

- d. In the instance where two or more applicants apply for an operating subsidy to deliver similar services, a cost effectiveness analysis (CEA) will be undertaken to ensure the most efficient use of rate payers funds.
  - e. Successful applications will be required to provide quarterly 'output reports' and an annual outcome report to the Town, to be used by the Town as the Town deems fit.
  - f. The annual outcome report must demonstrate cost-benefit comparison in return for the operating subsidy.
  - g. The Town reserves the right to terminate a funding agreement upon unsatisfactory annual outcomes reported in an acquittal and or report.
  - h. Should the acquittal process be deemed unsatisfactory, the Town reserves the right to request the reimbursement of funding provided.
14. If Council endorses the recommendation, the 20/21 Community Development budget will be amended to reflect the endorsed funding.
15. The request of the extension of Connect Vic Park and Victoria Park Centre of Arts operating subsidy contracts to 2022, the temporary amendment of Policy 114 Community Funding from a three-year recurrent funding agreement to a COVID19 specific two-year recurrent funding agreement and the approval a COVID-19 specific two-year operating subsidy funding round of \$150,000 will be established when the 20/21 budget is endorsed.
16. The approval of the officer's recommendation will ensure the Town is sufficiently supporting current service providers through COVID19 crisis and recovery and additionally offering support to service providers in the Town seeking financial assistance to deliver a range of programs, services, events, and partnerships, which enhance the quality of life our community.
17. A further report will be presented to Council on the recommendation of applicants for COVID-19 specific two-year operating subsidy funding.

## Relevant documents

[Policy 114 Community Funding](#)

## Further consideration

18. At the Agenda Briefing Forum meeting on 5 May 2020 a correction to the report in needed under financial implications Future Budget. The figures of 'Total budget impact 20/21 - \$443,528 and Total budget impact 21/22 - \$443,528 + CPI' has been amended to reflect the accurate figure of 'Total budget impact 20/21 - \$311,200 and Total budget impact 21/22 - \$311,200 + CPI' in future budget financial implications.
19. Resulting from discussion held at the Agenda Briefing Forum meeting on 5 May 2020, the following additional information is provided:
- What are operating subsidy recipients Harrold Hawthorn Community Centre, Victoria Park Centre of the Arts and Connect Vic Park doing in response to COVID19.*
- a) Harrold Hawthorn Community Centre, Victoria Park Centre of the Arts and Connect Vic Park were contacted and requested to provide a report to the Town's officers on their response to community during COVID-19, attached reports provided.

*Were Victoria Park Centre of the Arts advised/aware of the May ABF operating subsidies report.*

- b) During a Zoom meeting held by the Town on 1 May 2020 Manager Community informed representatives of Harold Hawthorn Community Centre, Victoria Park Centre of the Arts and Connect Vic Park an Operational Subsidies report would be presented to the May 2020 Ordinary Council Meeting.

*Include a comparison of funding sources that NGOs are entitled to.*

- c) At the time of finalising this report all the information relating to this question was not available. This information will be circulated to elected members prior to the meeting.

## 12.5 Donations Funding

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Alison Braun
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council approve the reallocation of \$70,000 from within the existing Community Development 2019/20 budget to be repurposed for a COVID-19 response community grant program.

### Purpose

For Council to approve the reallocation of \$70,000 unexpended funds from within Community Development 19/20 budget to be repurposed for a COVID-19 response Community Grant Program.

### In brief

- On 11 March 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. On 15 March 2020, the WA government declared a state of emergency for Western Australia.
- Since the Western Australian government declared the emergency, the Town has prepared and executed a range of immediate support measures appropriate to what is described as the 'response' phase.
- The Town has an opportunity to provide not-for-profits and charitable groups with one-off funding opportunities to respond to emerging trends and issues being faced by community.

### Background

1. At a Special Council Meeting on 7 April 2020, Council resolved that;  
"Requests the Chief Executive Officer to prepare a report to the Ordinary Council Meeting in May 2020 outlining the options for establishing a donation program to support not-for-profit or charitable organisations located in the Town in providing assistance and support to the local community."
2. This request forms part of a larger motion detailing the Town's immediate response efforts and future recovery initiatives after the government of Western Australia declared a state of emergency and a public health emergency in response to the COVID-19 coronavirus.
3. The COVID-19 pandemic has had a significant impact on the social and economic position with the closure of facilities, cancellation and postponing of events, and ban on social gathering.
4. Local government has indicated that it has a key role to play to reduce the spread of COVID-19, support community wellbeing, deliver emergency responses, implement stimulus projects and drive community recovery.
5. To assist the Town's not-for-profits and charitable organisations, the Town has initiated a range of support measures. These support measures have been carefully designed for the response phase of this emergency in accordance with federal and state-imposed restrictions.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL12 – A community that is authentically engaged and informed in a timely manner	Provision of agile funding that provides an opportunity for not-for-profits and charitable organisations to respond to community need during and after the pandemic.
Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Community have access to quality support services that have the capacity to meet their physical and mental health needs during and after the pandemic.
S02 - An informed and knowledgeable community.	Through provision of funding not-for-profits and charitable organisations will have the capacity to ensure community remain connected and engaged on topics that are of importance to them.
S03 - An empowered community with a sense of pride, safety and belonging.	Provision of an agile funding program that ensures community have the opportunity to remain engaged, safe and connected during and after the pandemic.

## Engagement

Internal engagement	
Community Development	Advice on the delivery of a community funding program to ensure all eligible not-for-profits and charitable organisations have an opportunity to apply.

External engagement	
Stakeholders	22 Service providers
Period of engagement	7 April – 17 April 2020
Level of engagement	Consult
Methods of engagement	Weekly discussions with Town service providers relating to the impact COVID-19 is having on service delivery.
Advertising	None
Submission summary	22 service providers engaged.

Key findings	<p>A lack of funding opportunities being presented by State and Federal governments related to direct service delivery.</p> <p>Current state and federal funding criteria prevent smaller not-for-profits and charitable organisations from being eligible to apply.</p>
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## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Inability to provide funding to applicants.	Moderate	Likely	High	Clear communication of application process. Support through application. Clear and transparent process adhering to funding policy.
<b>Financial</b> Inability for Town to utilise existing funds to provide the program.	Moderate	Moderate	Moderate	Commitment from Council to re-allocate funds from existing Town budget.

## Financial implications

<b>Current budget impact</b>	<p>Reallocation of \$70,000 from within existing 2019/20 budget to be repurposed for a COVID-19 response Community Grant Program.</p> <p>Events and services not delivered due to the COVID-19 pandemic and identified non-urgent projects within the Community Development 2019/20 budget as follows:</p> <ul style="list-style-type: none"> <li>• 22,283 - Arts maintenance</li> <li>• \$47,717 - Events</li> </ul> <p><b>Total - \$70,000</b></p>
<b>Future budget impact</b>	Nil.

## Analysis

- In response to the Council resolution from 7 April 2020, the Town's officers engaged with all Town community service providers to enquire what support might be needed from the Town in relation to donations during the COVID-19 crisis. This engagement outlined that service providers and charities did not require donations of items however, were seeking financial support to continue existing programming and provide additional support during the COVID-19 crisis.



7. Town officers conducted an assessment of the current financial position of the Community Development portfolio to ascertain what community support could be provided by means of financial support through donations or a community funding program.
  8. In review of the Town's Community Funding Policy 114, there were two options:
    - Donations funding – this supports three categories through financial assistance
      - a. sporting activities
      - b. youth leadership
      - c. school welfare.
    - Grants funding program - Applicants will be eligible for a grant where the party is one of the following:
      - a. an incorporated nor-for-profit organisation
      - b. community group or clubs
      - c. artist
      - d. resident association
      - e. town team/ place-based group
      - f. parents and citizen (P&C) and parents and friends (P&F) associations
      - g. schools (only for projects falling outside the Department of Education responsibilities)
      - h. social enterprise
      - i. an individual wishing to seek a grant through an auspice organisation;

In review to ensure the Town is supporting the broader community, it is recommended a COVID19 specific grant funding program be established.
  9. It was identified that funds within the Community Development budget were potentially unable to be expended due to non-urgent projects and services not being able to progress or be delivered due to the COVID-19 pandemic.
  10. The unexpended funds from within Community Development have been pooled to present to Council a COVID-19 specific community grants funding program.
  11. The community grants funding program will provide urgent funding towards the delivery of community and social initiatives for the Town to support not-for-profit organisations, clubs, sporting groups and community groups, parents and citizens, schools and social enterprises working with communities who are impacted by COVID-19.
  12. The community grant funding program will assist in maintaining services to ensure ongoing support is available to meet basic needs of the community.
  13. Requirements and all standard processes across applications, assessment and approval will be undertaken to ensure the success of the Town's community while ensuring transparency of funding in accordance with Community Funding Policy 114.
  14. The COVID-19 community funding program will be accessible via an expression of interest for applications up to \$10,000.
  15. These funds will be made available to:
    - Assist in the relief of people in need as a direct or indirect consequence of the conditions imposed by COVID-19
    - Provide relief and support of residents (including homeless residents) within the Town
-

- Support collaboration between stakeholders who aim to work towards a common goal and share services
  - Increase community capacity and encourage community-led programs to address local needs
  - Services that can be delivered in compliance with social distancing, in accordance with federal and state-imposed restrictions applicable at the time of delivery.
16. The funding round has been designed to be an immediate support. If endorsed by Council, applications for the Community Grant Program will open May 2020 for a two-week period.
  17. The application process will be simple, limiting red tape whilst ensuring a robust approval process to support the success and prosperity of the Town's community while ensuring transparency of funding in accordance with Community Funding Policy 114.
  18. To provide support, the Town will host an online briefing session as an opportunity for not-for-profits or charitable organisations to ask questions about eligibility and provide step-by-step support through the EOI application process and assessment criteria.
  19. Applicants will be notified of the decision of their application within five business days of the community funding program round closure.
  20. Successful applicants will be required to deliver their project within the specified timeframe, July 2020 – December 2020.
  21. All acquittal reporting requirements must be submitted within three months of completion of the project.

## **Relevant documents**

[Policy 114 Community Funding](#)

## 12.6 Long Term Cycle Network for Perth and Peel

<b>Location</b>	Town Wide
<b>Reporting officer</b>	Caden McCarthy
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	Nil.

### Recommendation

That Council endorse the aspirational Long-Term Cycle Network (LTCN), developed in collaboration between Council officers and the Department of Transport.

### Purpose

The Department of Transport (DoT) has been working with all 33 local governments across the Perth and Peel region to create a long-term cycle network (LTCN). DoT are now seeking council endorsement of the agreed LTCN from all 33 local governments.

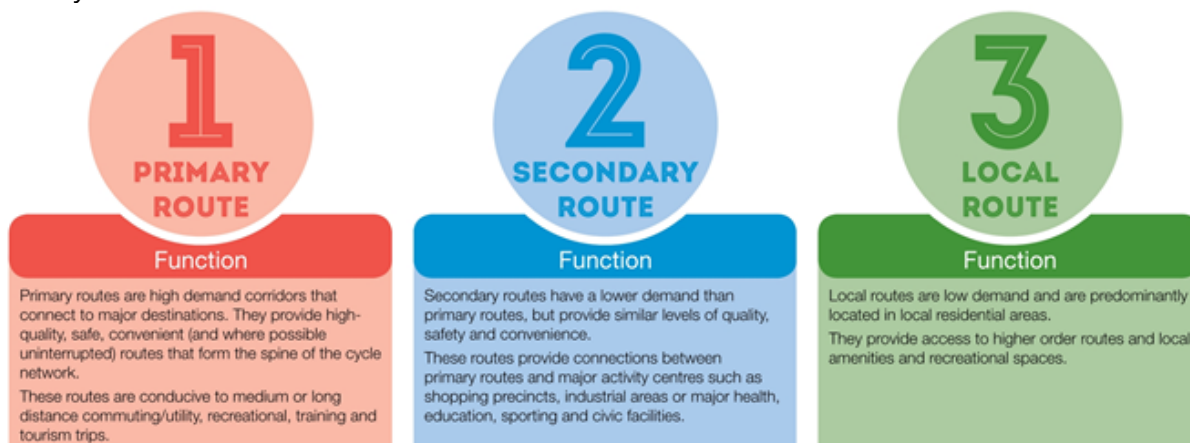
### In brief

- The Department of Transport (DoT) has been working with all 33 local governments across the Perth and Peel region to create a LTCN.
- From July 2020 all WA Bicycle Network Grants for Perth and Peel local governments will be linked to the endorsed aspirational LTCN. As such, only routes within the endorsed LTCN will be eligible for grants and only local governments with a Council endorsed LTCN will remain eligible for grants.
- The LTCN is consistent with the City of South Perth and Town of Victoria Park Joint Bike Plan (Bike Plan) except for four minor changes that were requested by DoT.
- From July 2020, only councils who have endorsed the LTCN within Perth and Peel will be eligible for grants through the WA Bicycle Network Grants Program administered by DoT.
- These changes ensure all schools are connected by the LTCN and all routes are connected across local government boundaries.

### Background

1. The aim of the LTCN project is for the DoT to develop an aspirational blueprint to ensure State and Local Governments work together towards the delivery of one continuous bicycle network providing additional transport options, recreational opportunities and support for tourism and commercial activity – creating a bicycle network catering for all ages and abilities.
2. In 2017-18, DoT conducted detailed engagement with 33 local governments across Perth and Peel to agree on a long-term aspirational bicycle network for the region that supports and addresses local and regional bicycle connections.
3. The vision for the LTCN is a network of safe and attractive bicycle routes:
  - a. to provide continuous routes along major corridors
  - b. to establish links between strategic, secondary, district, specialised activity centres and public transport services
  - c. to provide connections to schools, education sites and local centres.

4. Throughout the development of the Town’s Bike Plan, DoT and Town staff worked together to identify LTCN routes, and categorise routes using a new simplified three-tier route hierarchy of primary routes, secondary routes and local routes.



5. Following consultation with various State Government agencies including Main Roads WA (MRWA), the Public Transport Authority (PTA) and METRONET, four recent changes have been made to the LTCN within the Town’s boundaries.
6. The Town has agreed to these changes and DoT is now seeking the aspirational LTCN to be endorsed by elected members across 33 local governments in Perth and Peel.
7. From July 2020, all WA Bicycle Network Grants for Perth and Peel local governments will be linked to the endorsed aspirational LTCN. As such, only routes within the endorsed LTCN will be eligible for grants and only local governments with a Council endorsed LTCN will remain eligible for grants.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	The LTCN is crucial to the Town’s ability to maintain a sustainable and interconnected transport network. Endorsement of the network will allow the Town to pursue bicycle infrastructure that will be important to the future transport network as we continue to grow.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Bicycle infrastructure is essential to the Town’s future and a key aspect of a sustainable urban transport network. The LTCN will enable the Town to develop cycling infrastructure with contributions from the state and federal government.

## Engagement

Internal engagement	
Technical Services	Approve the changes requested by the Department of Transport and support the LTCN.
Place Planning	Approve the changes requested by the Department of Transport and support the LTCN.

Other engagement	
Department of Transport	Lead agency responsible for the development of the LTCN.
Public Transport Authority	Supports the Draft LTCN.
Main Roads WA	Supports the Draft LTCN.
METRONET	Supports the Draft LTCN.
All local governments in the Perth and Peel region excluding the Shire of Boddington	Each local government is currently going through a process seeking Council endorsement of the LTCN.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> There may negative perception of the Town if projects are pursued that are not within the Town's current Bike Plan.	Insignificant	Rare	Low	Community consultation about specific projects. Fast track review of the Town's Bike Plan if required.
<b>Service interruption</b> As the Town implements the Long Term Cycle Network, there is a risk of service interruption.	Minor	Likely	Low	The Town has appropriate procedures to cater for service interruption as part of infrastructure construction. Community consultation on infrastructure projects.

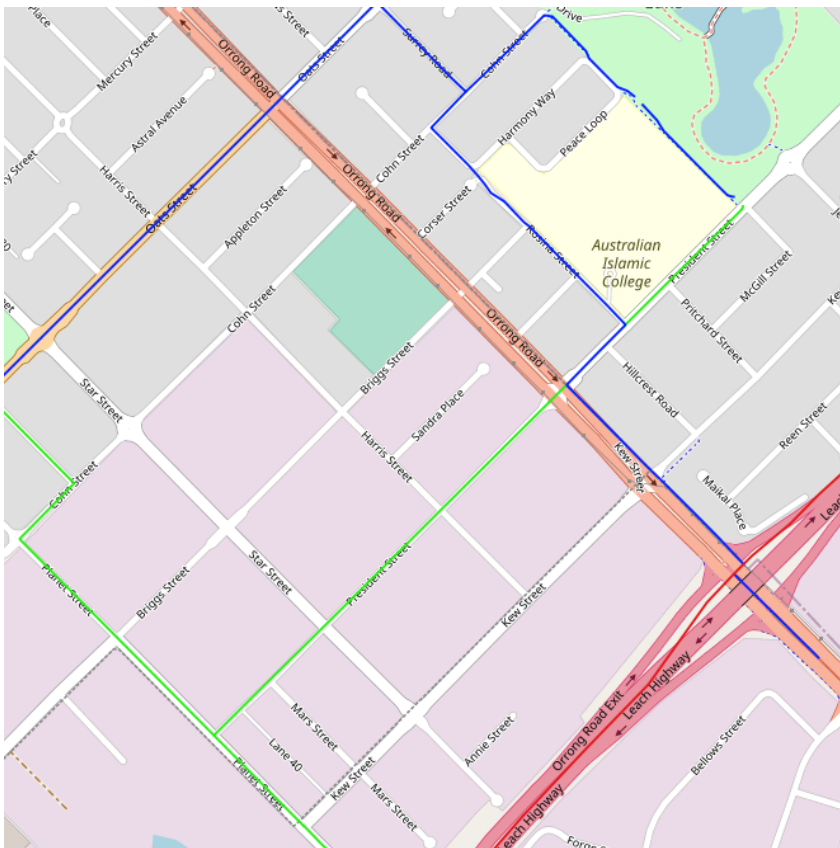
<p><b>Financial</b></p> <p>Should the recommendation fail to pass, the Town will not be eligible for these grants from July 2020.</p>	Moderate	Rare	Low	Council endorsing the LTCN would mitigate this risk and consequence.
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### Financial implications

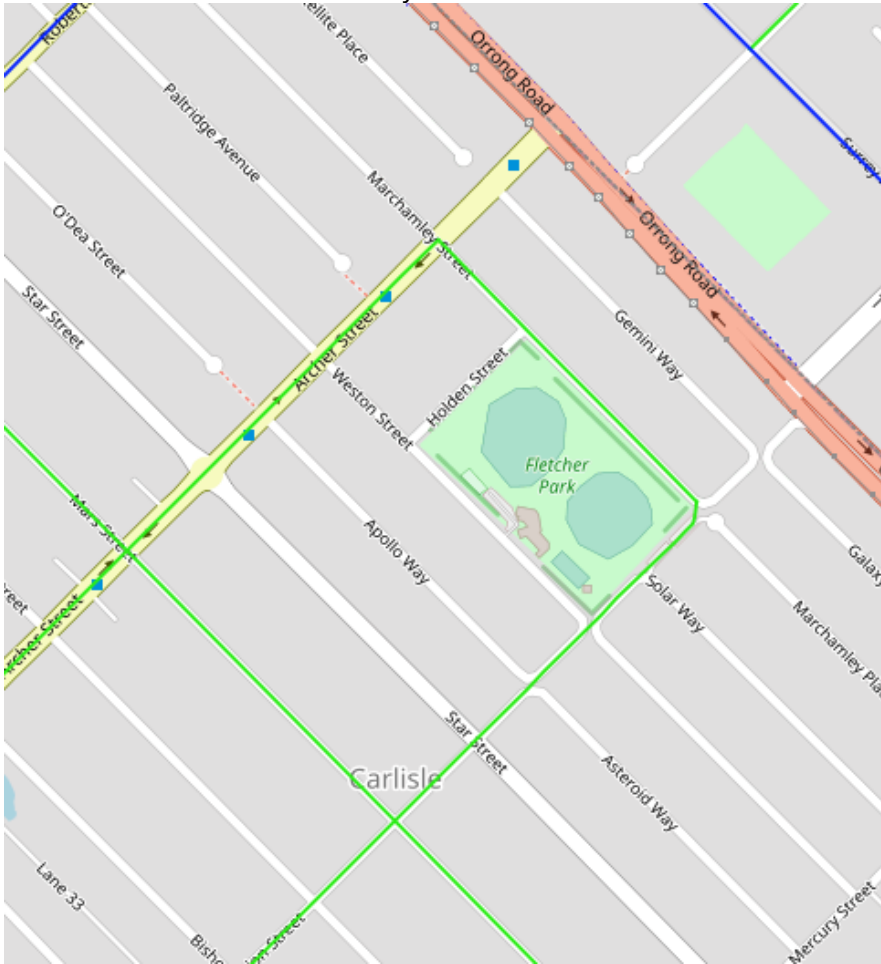
<p><b>Current budget impact</b></p>	No impact.
<p><b>Future budget impact</b></p>	<p>Passing the recommendation will enable the Town to apply for WA Bicycle Network Grants administered by the Department of Transport. Most of the Town’s bicycle infrastructure is partially or fully funded by grants obtained through the Department of Transport. Should the recommendation fail to pass, the Town will not be eligible for these grants from July 2020.</p>

### Analysis

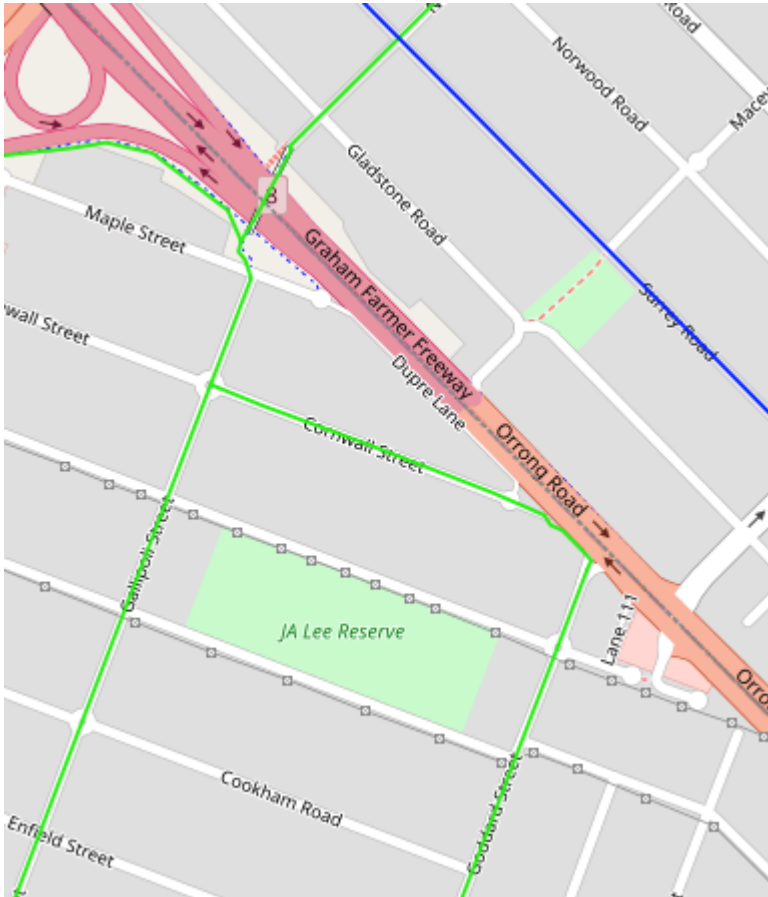
8. The City of South Perth and Town of Victoria Park Joint Bike Plan was developed with the Department of Transport to help inform the LTCN. However, following the MRWA Orrong Road Planning Study, DoT requested changes to ensure all routes in the LTCN were continuous and provided a connection to all schools. These changes are as follows.
  - The local route on Kew Street between Orrong Road and Planet Street has been realigned to President Street.



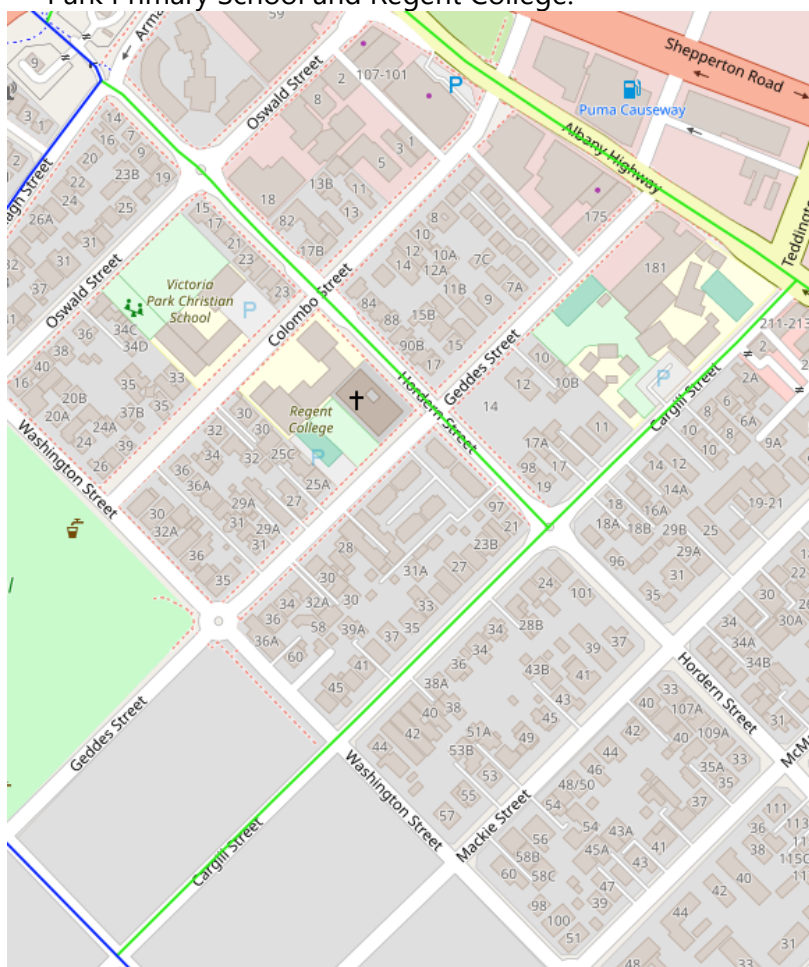
- A local route on Marchamley Street was added to connect Archer Street and Solar Way.



- A local route on Cornwall Street was added to connect Gallipoli Street and Goddard Street.



- Cargill Street and a section of Hordern Street was added to provide a safe connection to Victoria Park Primary School and Regent College.



- 9) The remainder of the LTCN is consistent with the City of South Perth and Town of Victoria Park Joint Bike Plan.
- 10) Endorsement of the LTCN does not commit Council nor State Government agencies to deliver all, or any part, of the LTCN within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route within the LTCN.
- 11) Council endorsement confirms support for Local and State Government agencies to work together in delivering the aspirational LTCN over the longer term.

## Relevant documents

[City of South Perth and Town of Victoria Park Joint Bike Plan](#)

[Town of Victoria Park Integrated Movement Network Strategy](#)

## Further Considerations

The following information is provided in response to questions asked at the 5 May 2020 Agenda Briefing Forum:

1. Confirm whether Bishopsgate Street, between Roberts Road to Archer Street is to be included in the plan.



The Bishopsgate Street local route between Roberts Road and Archer Street has not been captured but remains an important local cycling route in the Town and there is no intention to remove the existing bicycle infrastructure from this street.

2. Include information regarding the results and the process of an investigation resulting from a motion passed by Council at the 13 October 2015 OCM.

There was a Notice of Motion carried by Council at the OCM on 13 October 2015 (item 16.2) to investigate the following:

1. The removal of bicycle lane marking along Bishopsgate Street, between Roberts Road to Archer Street;
2. Reducing the width of the painted median along Bishopsgate Street, between Roberts Road and Archer Street; and
3. The construction of car parking embayments along Bishopsgate Street, between Roberts Road to Archer Street and/or other modifications within the road reserve that will enable improved on-street parking.

Town officers conducted a preliminary investigation at the time and reported back to Council in response to the motion at the OCM. Although staff were initially supportive of the motion, as the issue was subject to feedback from other state agency's (e.g. Main Roads WA and Department of Transport) agreement, and following further advice, Town officers deemed that a removal of the bike lanes in this section should only be pursued following the development of Lathlain Park Redevelopment Projects and only when alternative bicycle infrastructure could substitute the existing lanes on this route that would improve the safety and attractiveness of cycling in the area.

Town staff have since been awaiting the completion of the Lathlain Park Redevelopment Projects which will impact traffic conditions and use of Bishopsgate Street for parking. As these projects have only recently been completed, officers will seek to review additional needs over the coming months and intend to report back to Council with their investigation and any recommendations, likely to be in December 2020.

## 12.7 Draft Local Planning Policy - Vehicular Access for Residential Development

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Amie Groom
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>Attachment 1 - Draft Local Planning Policy - Vehicular Access for Residential Development [<b>12.7.1</b> - 9 pages]</li><li>Attachment 2 - Residential Design Codes Clause 5.3.4 and 5.3.5 [<b>12.7.2</b> - 2 pages]</li></ol>

### Recommendation

That Council consent to advertising of the draft Local Planning Policy 'Vehicular Access for Residential Development', as contained at Attachment 1 to this report, for public comment for a minimum period of 42 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

### Purpose

For Council to:

- Consider the draft Local Planning Policy 'Vehicular Access for Residential Development'
- Consent to public advertising of the draft Local Planning Policy for a period of 42 days.

### In brief

- Clause 7.3.1 of the Residential Design Codes (the R-Codes) allows the local government to prepare local planning policies that amend or replace certain deemed-to-comply standards of the R-Codes. Clause 5.3.4 *Design of car parking spaces* and 5.3.5 *Vehicular access* are not permitted to be amended or replaced by a local planning policy.
- The draft local planning policy addresses matters either not covered by the R-Codes, or clarifies the Town's interpretation of certain deemed-to-comply standards, or provides guidance on alternatives that Council will consider to meet the relevant design principle of the R-Codes.
- Most notably, the draft policy contains provisions that restrict the number of vehicle crossovers to a development site to maximise opportunities for on-street parking and to protect existing street trees.
- It is recommended that the draft Local Planning Policy 'Vehicular Access for Residential Development', as contained at Attachment 1, be advertised for public comment for a minimum of 42 days.
- If Council resolves to proceed with advertising the draft local planning policy, following community consultation, a further report with a recommendation on whether or not to adopt the draft local planning policy as advertised, or in a further, modified form, along with the public comments received, will be prepared and referred to Council for a decision.

### Background

1. Elected members have previously raised concerns that the extent and dominance of multiple crossovers and hardstand areas is having a progressively negative visual impact on residential streetscapes. There is also concern about the impact of multiple crossovers on street trees, the removal of on-street car parking

and lost opportunities for 'green' vegetated areas due to unnecessary crossover construction and retention of redundant crossovers.

2. In December 2018, the Manager Development Services presented to the Town's previous Future Planning Committee on an alternative approach. The presentation included the current approach of other local governments and what information a local planning policy could include to address vehicle access and crossovers.
3. Of the six local governments that were reviewed, five rely on a local planning policy to define vehicle access arrangements and one included a clause in the Town Planning Scheme which allowed the Council to refuse to permit more than one vehicle entrance/exit from any lot.
4. The intention of the draft local planning policy is to address matters not covered in the State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2 (R-Codes).
5. The State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2 (R-Codes) apply deemed-to-comply standards to single houses, grouped dwellings and multiple dwellings with regards to design of car parking spaces and vehicular access. The draft local planning policy does not amend these standards.
6. The draft local planning policy addresses matters not covered by the R-Codes and provides guidance as to those matters the Town will consider under the design principles. The draft policy aims to:
  - a. limit the number of crossovers
  - b. guide crossover and driveway design and materials
  - c. require removal of redundant crossovers.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	Development of a local planning policy that facilitates adequate and safe vehicular access for all road users and pedestrians.
EN07 - Increased vegetation and tree canopy.	The draft policy is intended to limit the amount of hardstand within the verge and lot boundaries, reducing street tree removals and providing opportunities for additional street tree planting.

## Engagement

Internal engagement	
Stakeholder	Comments
Engineering	Support given for the proposed local planning policy and have contributed to the drafting and refinement of its provisions.
Parks	Support given for the proposed local planning policy with regards to street trees and verge treatments.
Place Planning	Support with suggested minor amendments.

7. The Town's Local Planning Policy 37 'Community Consultation on Planning Proposals' outlines the required consultation methods and duration for proposed Local Planning Policies.
8. In relation to the draft Local Planning Policy 'Vehicular Access for Residential Development', notification of the consultation period is to be published in the local newspaper and online on the Town's Your Thoughts consultation page. The public comment period is to be a minimum of 42 days in duration, commencing on the day of publication within the local newspaper. Additionally, it is proposed to invite comments from relevant development/building industry bodies.

## Legal compliance

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

As per Schedule 2, Part 2, Division 2, clause 4(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if a local government resolves to prepare a local planning policy the local government, as a minimum, must:

- Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of -
  - The subject and nature of the proposed policy; and
  - The objectives of the proposed policy; and
  - Where the proposed policy may be inspected; and
  - To whom, in what form and during what period submissions in relation to the proposed policy may be made.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> If Council opts to not consent to the new draft local planning policy proceeding to community consultation, this may result in negative public perception towards the Town, due to the loss of further verge areas, loss of street trees and loss of on-street parking.	Moderate	Likely	High	Council to: <ol style="list-style-type: none"> <li>a. Consent to advertise the attached draft Local Planning Policy 'Vehicular Access for Residential Development', or</li> <li>b. Provide detailed reasons if does not consent to advertise the attached draft Local Planning Policy 'Vehicular Access for Residential Development'.</li> </ol>

## Financial implications

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

9. Vehicle crossovers and vehicle access can have a significant impact on streetscapes. The function of a crossover is primarily to provide vehicular access within the verge, between the kerb line and the property boundary (excluding the footpath). The proliferation of crossovers can have a detrimental impact on the safety and convenience of pedestrians and cyclists and can have an impact on the streetscape through the replacement of landscaped verge areas with hardstand. The R-Codes do not include provisions relating to crossovers.
  
10. The R-Codes Clause 5.3.4 *Design of car parking spaces* and Clause 5.3.5 *Vehicular access* applies deemed-to-comply standards to:
  - a. car parking areas and manouvering
  - b. visitor car parking spaces
  - c. landscaping
  - d. access to on-site parking via right-of-way, secondary street and primary street
  - e. driveway widths and separation from infrastructure

The full deemed-to-comply provisions of Clause 5.3.4 and Clause 5.3.5 can be found in Attachment 2.
  
11. The primary issues to be addressed by the draft local planning policy are the impact of excess hardstand generated by new crossovers on the streetscape and the loss of verge areas and street trees. These issues are commonly caused by:
  - additional new crossovers to accommodate infill lots at subdivision
  - additional crossovers to accommodate secondary access points to lots (i.e. lots seeking two access points to accommodate additional parking, boat/caravan etc.)
  - wider crossovers to accommodate changing parking and access arrangements on lots (e.g. double carports and garages), or multiple crossovers directly adjacent to one another which creates the impression of a single very wide crossover
  
12. Additionally, these issues can be compounded by:
  - crossovers being constructed without approval
  - redundant crossovers not being removed
  
13. The main contents of the draft local planning policy include:
  - restrictions on the number of crossovers permitted for single houses, grouped dwellings in different configurations and multiple dwellings
  - the design of crossovers including limitations on crossover widths and setbacks to street trees and obstructions
  - the removal of redundant crossovers that are no longer connected with internal driveways
  - the design of driveways including minimum widths and requirements for vehicles to enter the street in a forward gear
  - on-site manoeuvring
  - driveway construction materials
  - driveway gradients

14. The draft local planning policy has placed an emphasis on grouped dwellings taking access off a common property driveway. Development applications for grouped dwellings typically apply for more than one crossover (i.e. one for the dwelling fronting the street and a second crossover for the rear dwelling(s)). Under the current planning framework, it is difficult to require applicants to use common property for access for all dwellings.
15. Different development configurations have been identified in the draft policy. The expected vehicle access arrangement for each has been listed, including when the Town will consider an alternative option to those requirements.
16. The draft policy is aligned with strategic outcome 1 of the Town's Urban Forest Strategy in that the proposed requirements will contribute to the planting and protection of sufficient trees to achieve the Town's 20% tree canopy target.
17. The draft local planning policy will apply to applications for single, grouped and multiple dwellings where new access arrangements are being proposed or the existing access arrangement is being modified. Grouped dwellings and multiple dwellings are required to obtain development approval.
18. It is recommended that the draft local planning policy proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received and seeking a final decision from Council as to whether or not to adopt the draft policy, with or without modifications.
19. It should be noted that the item was presented to the Agenda Briefing Forum on 7 April 2020, however the item was withdrawn from the agenda for the Ordinary Council Meeting on 21 April 2020 in order for further modifications to be made to the policy. This has now occurred and the draft policy contained at Attachment 1 has been amended.

## **Relevant documents**

[State Planning Policy 7.3 Residential Design Codes \(Volume 1\)](#)

[State Planning Policy 7.3 Residential Design Codes \(Volume 2\)](#)

## 12.8 123A Westminster Street, East Victoria Park - Proposed Residential Building (Short Term Accommodation)

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Alex Thamm
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - 123 A Westminster Street - Community Consultation Submission Table [<b>12.8.1</b> - 2 pages]</li> <li>2. Attachment 2 - 123 A Westminster Street - Management Plan [<b>12.8.2</b> - 2 pages]</li> <li>3. Attachment 3 - 123 A Westminster Street - Plan Set [<b>12.8.3</b> - 2 pages]</li> <li>4. Attachment 4 - 123 A Westminster Street - Subject Site Aerial image [<b>12.8.4</b> - 1 page]</li> </ol>

<b>Landowner</b>	Tyron John Quirk
<b>Applicant</b>	Tyron John Quirk
<b>Application date</b>	3 March 2020
<b>DA/BA or WAPC reference</b>	DA5.2020.148.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R20
<b>TPS precinct</b>	Precinct P12 – East Victoria Park
<b>Use class</b>	Residential Building (Short Term Accommodation)
<b>Use permissibility</b>	'AA' (discretionary) use
<b>Lot area</b>	408m <sup>2</sup>
<b>Right-of-way (ROW)</b>	No
<b>Municipal heritage inventory</b>	No
<b>Residential character study area/weatherboard precinct</b>	No - outside specified areas (General Area)

## Surrounding development

Single Houses and Grouped Dwellings surrounding the subject site.  
Closest point of interest is Etwell Street local centre located 180m away

## Recommendation

That Council:

1. Refuses the application submitted by Tyron John Quirk (DA Ref: 5.2020.148.1) for Change of Use from Grouped Dwelling to Grouped Dwelling and Residential Building (Short Term Accommodation) at 123A (Lot 1) Westminster Street, East Victoria Park as indicated on the documents dated received 3 March 2020, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for the following reasons:
  - a) The proposed location of the proposed use is considered to be incompatible with the surrounding residential development contrary to objectives a) and d) of Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas and objectives a), d) and e) of Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation.
  - b) The proposed change of use is considered to be inconsistent with matters a), g), m), x), y) and za) of deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Advice to Applicant

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

2. Request the Chief Executive Officer to advise those persons who lodged a submission on the application of Council's decision.

## Purpose

For Council to consider an application seeking to change the use of the dwelling at 123A Westminster Street, East Victoria Park from a 'Grouped Dwelling' to a 'Grouped Dwelling and Residential Building (Short Term Accommodation)'.

As the application is for a change in land use which in this instance is not supported, staff do not have the delegation to determine the application, and accordingly, the matter is referred to Council for determination.

## In brief

- The application seeks to change the use of the existing dwelling currently approved as 'Grouped Dwelling' to a 'Grouped Dwelling and Residential Building (Short Term Accommodation)' for 123A Westminster Street.
- The proposed use of 'Residential Building (Short Term Accommodation)' is an 'AA' (discretionary) use within the 'Residential' zone.



- Community consultation concluded on 3 March 2020. Three submissions were received all objecting to the proposal (refer to schedule of submissions at Attachment 1).
- It is considered that the location of the proposed Residential Building (Short Term Accommodation) is inappropriate. Additionally, the amenity impacts associated with the use is considered likely to negatively impact the adjacent neighbouring properties.
- The proposal is recommended for refusal.

## Background

1. On review of the Town's historical aerial imagery, a dwelling has existed at the subject site since circa 1953. The grouped dwelling at 123B Westminster Street was constructed between 2000 and 2001.
2. On 12 August 2014, the Town issued a development approval (DA5.2014.481.1) for additions at the rear of the existing dwelling at 123A Westminster Street.
3. On 3 March 2020, the Town received an application for development approval from the owner of 123A Westminster Street proposing to change the use of the dwelling to 'Residential Building (Short Term Accommodation)' with two bedrooms to be used for the proposed short-term accommodation use and one bedroom to be used by the landowner.
4. The existing dwelling on the subject site is approved as a 'Grouped Dwelling' and has vehicle parking for two cars.

## Application summary

5. The development application proposes a change of use from 'Grouped Dwelling' to a 'Grouped Dwelling and Residential Building (Short Term Accommodation)' for the existing dwelling at 123A Westminster Street. The categorisation of the application as being both 'Grouped Dwelling' and 'Residential Building' reflects the use by both the owner as his primary residence (ie. Grouped Dwelling) and visitors (Residential Building) whether that be simultaneously or not.
6. On the development application form, the applicant describes the proposal as being "short-term stay Airbnb accommodation". The applicant then describes that two bedrooms and two bathrooms will be available to guests to use except for the third bedroom. The applicant then states they work a fly in-fly out roster and plans to have the rooms available while away at work.
7. The applicant states that they own multiple rental properties and assures that guests and neighbours will be looked after and well represented.
8. The applicant states the premises is 1.5km from Curtin University and bus transport is located 120m away which will assist any guest to access the city, Albany Highway, Curtin University or other places if they don't have their own transportation.
9. The submitted development plans (refer to Attachment 3), depict two bedrooms being available for rent. The annotated plan identifies the following with regard to occupancy numbers for the 'Short Term Accommodation' use:
  - a. Bedroom one and two up to two people per room.
  - b. Bedroom three unavailable and for personal use only.
10. The applicant is unclear as to whether the three bedrooms will be occupied simultaneously. For the purposes of this assessment, the application has been assessed on the basis that the use of two bedrooms for short-term accommodation will occur while the owner is working off-site, and that when the owner is at home, only his bedroom will be occupied. In the event of the application being approved, this should form a condition of approval.

11. The car parking on-site consists of a large paved area (refer to Attachment 3) which the applicant's plan suggests can accommodate two car bays parked in tandem and a space for a possible third bay.

## Applicants submission

12. A copy of the management plan was provided to the Town as part of the application (see Attachment 4). The objective of the management plan states:

*"There will be a no party policy so there should not be any complaints, but any issues will be dealt with immediately. The guests will only be accepted if they have used Airbnb before and have a good rating"*

13. The management plan provides information in relation to the following:

- a. Check in/check out. 2pm and 10am respectively.
- b. Mitigation and complaints procedure.
- c. Use and maintenance.
- d. Safety, hygiene and security.
- e. Car parking. The applicant notes the parking area measures 6m x 12m. On review of the site via the Town's aerial photo, only a 5m x 6m space is currently considered appropriately paved and suitable for car parking.

14. In terms of the applicant's mitigation and complaints procedure, the applicant states:

*"Neighbours will have my contact details in case of any problems.*

*Any issues will be dealt with immediately and if guests don't comply, police will be called to remove from premises although I don't see this ever being required.*

*All communication with guests will be handled through Airbnb app so I will check for messages but they will also be able to call me if they wish."*

<b>Legislation</b>	Town Planning Scheme No. 1 Planning and Development (Local Planning Schemes) Regulations 2015
<b>State Government policies, bulletins or guidelines</b>	State Planning Policy 7.3 - Residential Design Codes Volume 1
<b>Local planning policies</b>	Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3) Local Planning Policy 23 – Parking Policy (LPP23) Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation (LPP31)
<b>Other</b>	Not applicable.

## General matters to be considered

<b>TPS precinct plan statements</b>	The following statements of intent contained within the precinct plan are relevant to consideration of the application.
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	<ul style="list-style-type: none"> <li>• <i>The East Victoria Park Precinct will be enhanced and consolidated as a residential neighborhood in which a range of housing types of low scale is predominant.</i></li> <li>• <i>Other types of accommodation, and some non-residential uses to serve the day-to-day needs of local residents are appropriate to these localities.</i></li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties.</li> <li>• To minimise impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses.</li> </ul> <p>The following objectives of Local Planning Policy 23 'Parking Policy' are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.</li> </ul> <p>The following objectives of Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation' are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• To facilitate the development of appropriately located and high-quality accommodation other than permanent residential dwellings within the Town of Victoria Park.</li> <li>• To protect the residential amenity of permanent and long-term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation.</li> <li>• To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <p>a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</p>

- g) Any local planning policy for the Scheme area;
- m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) The amenity of the locality including the following -
  - i. The character of the locality;
  - ii. Social impacts of the development;
- s) The adequacy of -
  - i. The proposed means of access to and egress from the site; and
  - ii. Arrangements for the loading, unloading, maneuvering and parking of vehicles;
- t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- u) The availability and adequacy for the development of the following - Access by older people and people with disability;
- x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) Any submissions received on the application;
- z) Any other planning considerations the local government considers appropriate.

## Compliance assessment

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

Change of use application		
Planning element	<i>Permissibility/deemed-to-comply</i>	<i>Requires the discretion of the Council</i>
Land use	'Residential Building' (Short Term Accommodation) - 'AA' use	Yes

15. A 'Residential Building (Short Term Accommodation)' land use is a discretionary (AA) use within the 'Residential' zone.

16. Under the TPS1, a 'Residential Building' is defined as follows:

*"A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for purpose of human habitation:*

*a. Temporarily by two or more persons; or*

*b. Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*

17. Under LPP31, 'Short Term Accommodation' is identified as a type of 'Residential Building' with the Short Term Accommodation being defined as follows:

*"means a Residential Building occupied on a short term/temporary basis by no more than 6 persons that do not comprise a single family at any one time; and excludes a Lodging House, Bed and Breakfast accommodation and Serviced Apartments."*

18. The Statement of Intent of Precinct Plan 12 – East Victoria Park identifies that other accommodation options are appropriate and can be considered in the residential locality. However, further locational criteria is outlined within LPP 31.

19. With respect to the provisions of LPP31, the following policy provisions are relevant:

1.1

*Residential Buildings [short term accommodation] and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.*

1.2

*To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:*

*a) Are on a Primary, District or Local Distributor road;*

*b) Are within 400 metres of a train station or high frequency bus route stop;*

*c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;*

*d) Are within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and/or*

*e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students.*

20. The application was assessed against the above criteria and was found to not satisfy any of the above. Westminster Street is a local 'Access Road' and is not located within 400m of a train station or 'High Frequency' bus route. Its location deep within a residential neighbourhood means it is not within 400m of tourist potential and is instead near local spaces such as Fraser Park or the Etwell Street local centre. The site is 953m away from the closest commercial zone along Albany Highway and is therefore not considered to be conveniently located. Clause 1.2e) is not applicable as the proposal is not for student accommodation.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The proposed land use will be allowing for a different housing option (Short Term Accommodation) within the Town.

## Engagement

External engagement	
<b>Stakeholders</b>	Owners and occupiers of adjoining properties
<b>Period of engagement</b>	17 March 2020 – 3 April 2020
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use and uploading of relevant documents and information on Your Thoughts.
<b>Advertising</b>	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use and uploading of relevant documents and information on Your Thoughts.
<b>Submission summary</b>	Three submissions were received – three objections. See Attachment 1 for schedule of submissions.
<b>Key findings</b>	<p>Concerns related to the land use in general not being appropriate for the residential locality.</p> <p>Other issues identified during community consultation include:</p> <ul style="list-style-type: none"> <li>• noise from guests</li> <li>• management of unruly guests</li> <li>• additional on-street car parking.</li> </ul>

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception	Moderate	Likely	High	Refusal of the proposed use or approval of a

towards the Town may result if the use is approved retrospectively considering the complaint adjoining property owner.				scaled back version of the proposal for a time-limited basis.
The applicant/owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Possible	Moderate	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

<b>Current budget impact</b>	Not applicable.
<b>Future budget impact</b>	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

## Analysis

21. Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Short Term Accommodation)' use on a 'Residential' zoned lot, taking into consideration Council policies and the amenity impact on the surrounding properties.
22. The proposal is inconsistent with Local Planning Policy 31 (LPP31) with respect to not satisfying any of the locational criteria for the land use, and therefore in turn does not satisfy policy objective a). It is considered that by not satisfying any of the policy criteria, the development is not appropriately located. In particular the proposed use is not consistent with the low-density nature of surrounding development and does not foster a sense of social cohesion and community.
23. With respect to car parking, on the basis that there are a maximum of two bedrooms in use at any one time, the parking provision is compliant as two car bays are required for the proposed land use. However, if all three bedrooms were to be occupied simultaneously, the on-site parking provision would be non-compliant (four bays required; three bays provided, albeit noting that access to the third bay is questionable as it involves maneuvering around a retaining wall).

24. In terms of the appropriateness of the use and potential amenity impacts, the applicant in their management plan dated received 3 March 2020, outlines management strategies and a mitigation and complaints procedure to lessen any amenity impacts on neighbouring properties.
25. However, as the applicant states that guests will stay while he is away and that he is the manager of the premises to deal with any issues that arise, it is difficult to understand how guests will be managed “immediately” when he is not on site at the time.
26. Notwithstanding the applicant’s intended measures to manage the property, albeit while away at work, and any resulting amenity impacts, the location of the land use is not considered appropriate for the sensitive low-density residential area.
27. In particular, the location in a low-density residential area and isolation away from key public transport infrastructure and activity nodes are the main concerns. This coupled with the questionable management practices is considered to be inconsistent with the provisions of LPP3, LPP23, LPP31.
28. On balance of the analysis conducted above and giving due regard to relevant planning requirements, the proposal is considered to be unacceptable given its location and is recommended for refusal.

## **Relevant documents**

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

[Town of Victoria Park Precinct Plan 12 – East Victoria Park](#)

[Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas](#)

[Local Planning Policy 23 – Parking Policy](#)

[Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term](#)

[State Planning Policy 7.3 - Residential Design Codes Volume 1](#)

[Transperth Bus Network Map](#)

## **Further consideration**

In response to questions raised at the Agenda Briefing Forum :

29. The subject property is located the following distances to other properties : Bentley TAFE – 450m; Curtin University – 750m; Park Centre shopping centre – 910m.
30. Kent Street is considered a high frequency bus route, but Berwick Street is not.
31. Land throughout the Town is classified into zones. There are two areas with a District Centre zoning, being within Albany Highway centred around the two shopping centres. The District Centre zoning reflects their role as providing services to a district catchment area. The Etwell Street shops provide a service to local residents in which case the land is zoned Local Centre.



## 12.9 National Redress Scheme (Participation of WA Local Governments)

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Alison Braun
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. National Redress Scheme - DLGSC Information Paper [12.9.1 - 20 pages] 2. Copy of Redress Database Template for WA Local Governments [12.9.2 - 32 pages]

### Recommendation

That Council:

1. Endorses the participation of the Town of Victoria Park in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
2. Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.
3. Notes that a confidential report will be provided if a Redress application is received by the Town.

### Purpose

To formally endorse the Town's participation as part of the WA Government's declaration in the National Redress Scheme and Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

### In brief

- The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse.
- All levels of Australian society including the WA local government sector will be required to consider leading practice approaches to child safeguarding separately in the future.
- The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:
  - a. A direct personal response (apology) from the responsible institution, if requested
  - b. Funds to access counselling and psychological care; and
  - c. A monetary payment of up to \$150,000.
- The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.
- The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

## Background

1. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:
  - a. Working with Children Checks (August 2015)
  - b. Redress and Civil Litigation (September 2015)
  - c. Criminal Justice (August 2017)
2. The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.
3. The implications of the Royal Commission's recommendations are:
  - a. Accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution
  - b. Future-facing, ensuring better child safe approaches are implemented holistically moving forward.
4. All levels of Australian society including the WA local government sector will be required to consider leading practice approaches to child safeguarding separately in the future.

### National Redress Scheme

5. The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.
6. The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.
7. The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:
  - a. A direct personal response (apology) from the responsible institution, if requested
  - b. Funds to access counselling and psychological care; and
  - c. A monetary payment of up to \$150,000.
8. All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.
9. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.
10. The Western Australian Government started participating in the Scheme from 1 January 2019.

11. Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.
12. A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.
13. Following extensive consultation, the State Government (December 2019):
  - a) Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme
  - b) Noted the options for WA local government participation in the Scheme
  - c) Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
  - d) Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

## Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Victims of institutional child sexual abuse receive a formal apology in acknowledgement of their experience and subsequent trauma as a means to support their recovery.
S02 - An informed and knowledgeable community.	The community understand the National Redress Scheme for Institutional Child Sexual Abuse and initiatives to prevent further instances of institutionalised abuse
S03 - An empowered community with a sense of pride, safety and belonging.	Community members who have experienced institutional child sexual abuse have every opportunity to contribute to their community and experience pride, safety and belonging

## Engagement

Internal engagement	
Records	To ensure the Town is meeting the required disposal freeze and relevant record processes in line with the state archivists order.
Other engagement	
Stakeholders	The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other

	<p>key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019)</p> <ul style="list-style-type: none"> <li>• DLGSC completed consultations that reached 115 out of 137 WA local governments</li> </ul>
Period of engagement	March and May 2019
Level of engagement	1. Inform
Methods of engagement	<ul style="list-style-type: none"> <li>• Webinars to local governments, predominately in regional and remote areas</li> <li>• Presentations at 12 WALGA Zone and Local Government Professional WA meetings</li> <li>• Responses to email and telephone enquiries from individual local governments.</li> <li>• DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020</li> </ul>
Advertising	LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.
Key findings	<p>Consultations with local governments were most concerned about the:</p> <ul style="list-style-type: none"> <li>• potential cost of Redress payments</li> <li>• availability of historical information</li> <li>• capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients</li> <li>• process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments</li> <li>• lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.</li> </ul> <p>The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above</p>

## Legal compliance

[National Redress Scheme For Institutional Child Sexual Abuse Act 2018](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town if support of the Redress Scheme is not supported.	High	Likely	High	Town to participate in the National Redress Scheme
<b>Financial</b> No budget allocated if an application is received for standard service fee	Moderate	Likely	High	Ensure sufficient allocation of budget for the Redress Scheme

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	<p>Financial cost local governments may incur will be the payment of the Direct Personal Response (DPR) which is on an 'as requested' basis by the survivor.</p> <ul style="list-style-type: none"> <li>Standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances.</li> </ul> <p>The State's decision will cover the following financial costs for local governments:</p> <ul style="list-style-type: none"> <li>Redress monetary payment provided to the survivor</li> <li>Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping)</li> <li>Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested</li> </ul>

## Analysis

14. The Town along with 137 local Governments were emailed on 17 April 2020 DLGSC requesting to inform the State (DLGSC) of their Council's decision to participate in the Redress Scheme by 31 May 2020 with all organisations having until 30 June to join the Redress Scheme.
15. Redress is about making amends for wrongs that happened in the past. The National Redress Scheme was established for people who experienced institutional child sexual abuse before 1 July 2018, when the Scheme started. Eligibility for the Redress scheme are:
  - a. Experienced institutional child sexual abuse before 1 July 2018, and
  - b. Are aged over 18 or will turn 18 before 30 June 2028, and

- c. Are an Australian citizen or permanent resident, and
- d. Are applying about an institution that has joined the National Redress Scheme, and
- e. Apply between 1 July 2018 and 30 June 2027.

16. The National Redress Scheme allows for people who experienced institutional child sexual abuse in relation to an institution that no longer exists to access redress in certain circumstances. In cases where a government and a non-government institution were both responsible for the abuse, and that non-government institution no longer exists, the government can agree to pay the share of redress of that institution. An example might be where a state government placed a child in a "care" arrangement run by a non-government institution. If that non-government institution no longer exists, the state government could provide the full amount of redress to that person. The government cannot choose to provide redress on behalf of an institution that no longer exists if it did not also have responsibility for the abuse.

Non-government institutions that are participating in the Scheme are able to provide redress for other non-government institutions that no longer exist, where there is, or used to be, a relationship between the two institutions. An example might be where a religious institution that exists today, may choose to provide redress for an institution that was once part of their religious order that no longer exists today.

17. The National Redress Scheme has a list of institutions that are participating in the Scheme. It includes some institutions that no longer exist, but it is not exhaustive. If an institution is not listed, the Scheme will investigate to see if there is another participating institutions who can take on responsibility.
18. The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:
- a) Redress monetary payment provided to the survivor
  - b) Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
  - c) Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested.
19. State Government financial support for local government participation in the Scheme, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.
20. Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:
- a) Providing the State with the necessary (facilities and services) information to participate in the Scheme
  - b) Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application)
  - c) Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

21. The WALGA State Council meeting of 4 March 2020:

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- a) Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration
  - b) Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
  - c) Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.
22. The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.
23. State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).
24. The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Town's participation in the Scheme.
25. It is essential that the Town formally indicates via Council endorsement, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.
26. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.
27. The Town also has the choice to decide not to participate in the Scheme (either individually or as part of the State's declaration). Should Council decide not to endorse the Town to participate with the State or in the Scheme altogether, considerations for the Town include:
- a) Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
  - b) Potential reputational damage at a State, sector and community level.
  - c) Complete removal of the State's coverage of costs and administrative support, with the Town having full responsibility and liability for any potential claim.
  - d) Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Town.
28. As of 24 April 2020, the Redress Scheme has:
- a. Had received 6,716 applications
  - b. Had made 2,093 decisions, including 1,751 payments totalling over \$136.8 million
  - c. Had made 370 offers of redress, which applicants have six months to consider
  - d. Processed 3,843 applications

- e. Had 859 applications on hold, including 526 because one or more institution named had not yet joined.

29. Detailed below is a list of considerations for the Town to participate in the Scheme:

#### Executing a Service Agreement

30. All Royal Commission information is confidential, and it is not known if the Town will receive a Redress application. A Service Agreement will only be executed if the Town receives a Redress application. The Town will be required to give authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

#### Reporting to Council if / when an application is received

31. Council will receive a confidential report, notifying if a Redress application has been received. All information in the report will be de-identified but inform Council an application has been received.

#### Application Processing / Staffing and Confidentiality

32. Administratively the Town will determine:

- a) Who will be responsible for receiving applications and responding to Requests for Information
- b) Support mechanisms for staff members processing Requests for Information.
- c) The appointed person(s) will require a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

#### Record Keeping

33. The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Towns record keeping practices ensure the secure protection and retention of relevant records. Records may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses.

Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

#### Redress Decisions

34. Decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Town do not have any influence on the decision made and there is no right of appeal.



## Relevant documents

Not applicable.

## 12.10 Postponement of the Business Advisory Group

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Lisa Tidy
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Approves postponing the call for nominations and preparation of a draft terms of reference for the Business Advisory Group to a future date recommended by the COVID-19 Response Working Group.

### Purpose

To postpone the formation of the Business Advisory Group (BAG) until advised by the COVID-19 Response Working Group.

### In brief

- At the OCM held on 18 February 2020, Council resolved to establish a BAG.
- Before an expression of interest process could be undertaken to appoint local businesses representatives to the BAG, restrictions to business operations were put in place by Federal and State Government in response to the global COVID-19 pandemic.
- This pandemic triggered the State Government to declare a state of emergency and enact the State Recovery Plan, resulting in the formation of a recovery structure at the local government level which includes the preparation of a COVID-19 Response Strategy and the formation of a Town of Victoria Park COVID-19 Response Working Group.
- Given the current situation and the impacts to the local business community, it is proposed that the COVID-19 Response Working Group (and any sub-working group or taskforce they may create) will lead the immediate economic recovery following the COVID-19 emergency. The COVID-19 Response Working Group may then decide to transition to the BAG once the local economy and the Town's business community shifts to a post-recovery phase.

### Background

1. At its meeting held on 18 February 2020, Council resolved:
  - a) To establish a Business Advisory Group comprising local business owners and elected members to meet at least twice per annum.
  - b) Requests the Chief Executive Officer to call for nominations from local business owners to join the Business Advisory Group.
  - c) Requests the Chief Executive Officer to report to the ordinary meeting of Council in May 2020 with:
    - i. The recommendations for appointment to the Business Advisory Group, and the date for its first meeting to be held no later than 30 June 2020.
    - ii. The draft terms of reference for the Group to consider at their first meeting.

2. On 15 March 2020, a state of emergency was declared for Western Australia in response to the pandemic caused by COVID-19. This resulted in significant changes to the local economy, including social distancing measures and bans on large gatherings, resulting in hospitality businesses only being able to operate under a takeaway or delivery method, and many businesses having to adapt to the new measures.
3. Local government plays a critical role in recovering from a state of emergency. The Town has prepared a COVID-19 Response Strategy and formed a COVID-19 Response Working Group.
4. The Policy Committee also resolved to recommend to Council to rescind 'Policy 101 Working Groups and Project Teams – Appointment of' and adopt 'Policy 101 Governance and Council advisory and working groups', which will be presented for final approval at the May 2020 OCM. The future BAG will operate in accordance with 'Policy 101 - Governance and Council advisory and working groups' should it be approved by Council at the May 2020 OCM.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Local business owners can participate in shaping and refining the Town's business support response to the COVID-19 situation, and provide feedback on the economic development strategies, policies and initiatives.
CL03 - Well thought out and managed projects that are delivered successfully.	Local businesses provide feedback on Town planned and delivered projects.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Local businesses collaborate with the Town to share information and ideas.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Local business owners will inform and contribute to the direction the Town takes in supporting the local economy.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Local businesses identify with and support the Town's strategic economic outcomes.
EC02 - A clean, safe and accessible place to visit.	Local businesses provide feedback as to whether the Town is meeting this strategic outcome.

## Engagement

Engagement to occur	
Stakeholder	Comments

Industry Representatives	<p>The Town will contact leaders of the various industries that operate in the Town of Victoria Park to contribute to the development of the COVID-19 Action Plan. Key industries include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Hospitality</li> <li>• Local manufacturing</li> <li>• Mining</li> <li>• Knowledge-based industries (including information technology, medical, biopharmaceuticals)</li> <li>• Sport and recreation/health and wellness</li> <li>• Professional services.</li> </ul>
Institution Representatives	<p>The Town will contact key institutions that operate in the Town of Victoria Park to contribute to the development of the COVID-19 Action Plan. Key institutions include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Chamber of Commerce and Industry</li> <li>• Department of Jobs, Tourism, Science and Innovation</li> <li>• Small Business Development Corporation</li> <li>• Curtin University.</li> </ul>

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p><b>Reputational</b></p> <p>The Town cannot attract industry and institutional participation in the Covid-19 Response Working Group (and any sub-working group such as an economic recovery taskforce they may create).</p>	Minor	Unlikely	Low	Well-designed and targeted recruitment activities.

## Financial implications

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

5. The COVID-19 pandemic has triggered the State Government to declare a state of emergency and enact the State Recovery Plan, resulting in the formation of a recovery structure at the local government level which includes the proposed formation of a Town of Victoria Park COVID-19 Response Working Group. The COVID-19 Response Working Group aims to assist and coordinate economic recovery activities at a local level.
6. Given the current situation and the formation of the Covid-19 Response Working Group (and any sub-working group such as an economic recovery taskforce they may create), it is the Town's view that the Business Advisory Group at this stage would be a duplication of time and resources.
7. It is proposed that the Covid-19 Response Working Group (and any sub-working group such as an economic recovery taskforce) takes the place of the Business Advisory Group during the immediate stages of the COVID-19 recovery phase, until a time at which it is deemed that the local economy has started to sufficiently recover, and a transition to the Business Advisory Group can occur.
8. Local industries, institutions and community members may participate in the development of economic related actions in the COVID-19 Action Plan by:
  - (i) Temporarily participating in the Covid-19 Response Working Group (or any sub-working group such as an Economic Recovery Taskforce) to inform recommendations.
  - (ii) Periodically meeting with the Covid-19 Response Working Group (or any sub-working group such as an Economic Recovery Taskforce) during scheduled round table conversations to discuss the needs and opportunities of local industries, institutions or places.
9. When the Covid-19 Response Working Group recommends proceeding with the formation of the BAG the Town will:
  - d) Reflect on the performance of the Covid-19 Response Working Group (or any sub-working group such as an Economic Recovery Taskforce that the Working Group creates) and consider which elements of that group could be transferred into the BAG.
  - e) Conduct an expression of interest process to recruit local business representatives onto the BAG as per the February 2020 OCM resolution.
  - f) Prepare a Terms of Reference BAG in a post-recovery phase.
  - g) Operate in accordance with 'Policy 101 - Governance and Council advisory and working groups'.
10. The Town recommends that Council approves the postponement of the call for nominations and preparation of a draft terms of reference for the Business Advisory Group to a future date recommended by the COVID-19 Response Working Group.

## Relevant documents

Not applicable.

## 13 Chief Operations Officer reports

### 13.1 Petition to remove *Lagunaria Patersonii* street trees from Star Street

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Gregor Wilson
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. <i>Lagunaria patersonii</i> petition [13.1.1 - 7 pages]

#### Recommendation

That Council:

1. Receives the report on *Lagunaria patersonii* street trees in Star Street, in response to the petition from residents.
2. Endorses an Urban Forest Strategy (UFS) implementation project proposal for a staged removal and street tree planting program for Star Street.

#### Purpose

For Council to receive the report and endorse the project proposal for a staged *Lagunaria patersonii* removal and street tree planting program for Star Street.

#### In brief

- A petition requesting removal of *Lagunaria patersonii* street trees in Star Street, Carlisle was presented to Council on the 17 March 2020.
- Its common name is the Norfolk Island Hibiscus but due to the nature of its seed capsules, filled with irritating hairs, other common names such as the "itchy bomb tree" and "cow itch tree" also exist.
- This tree species is known for causing allergies and skin irritation with the propensity for fibres produced by fruiting bodies to lodge into the skin on contact.
- The Town has had a history of removal requests for this species and has infrequently authorised the removal of the trees on a case-by-case basis. The large concentration of the trees in this locality is considered a more significant nuisance to residents in the area and as such a strategy to remove and replace them has been proposed.
- This species has a low canopy coverage and therefore provides little shade, little benefit to overall UFS increased canopy coverage outcomes and is also of low ecological value.
- A project proposal for the removal of this tree species, followed by a mass tree planting program with more suitable species on Star Street, was presented and discussed at the UFS Implementation Working Group meeting (30 March 2020). The group was supportive of the initiative and recommended a staged approach to the removal and replacement program.
- Star Street has a high concentration of *Lagunaria* trees. There have not been any recent requests from other parts of the Town to remove them, and as such, this report focuses only on Star Street.

## Background

1. At the Council meeting on 17 March 2020, a petition was presented to council as follows:

*To the Elected Members of the Town of Victoria Park.*

*We the undersigned, all being electors of the Town of Victoria Park do respectfully request that the council remove all of the *Lagunaria patersonii* trees along Star St, between Roberts Rd and Oats St, Carlisle, and that they be replaced by an appropriate tree from the "Tree Matrix" as set out in the Urban Forest Strategy.*

2. The petition had 58 signatures.
3. There are 37 *Lagunaria* street trees in Star Street.
4. While they can grow to a height of 10 – 12 metres, they don't have a large canopy. They are hardy, but not many examples of this tree in Star Street would be considered to have a good canopy spread.
5. The Town has had previous requests from residents to remove these trees, due to the fibre shedding.
6. From a UFS perspective, the tree species is not considered ideal for shade provision and mitigation of the urban heat island effect and replacement species will better achieve these criteria
7. A staged removal and replacement program is recommended by the UFS Implementation Working Group.
  - Stage 1 – Star Street - Roberts Road to Lion Road 2020 planting season
  - Stage 2 – Star Street – Lion Road to Cohn Street 2021 planting season
8. The planting program for this initiative will occur over two planting seasons.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Advising residents of the petition and getting feedback on proposed removal replacement program provides the public with accurate information.
CL03 - Well thought out and managed projects that are delivered successfully.	Delivery of project through UFS program of works assists with the goals of the UFS.

Environment	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	Replacement of inappropriate trees with larger canopy spread, increases canopy coverage as recommended in the UFS.

## Engagement

Internal engagement	
Stakeholder	Comments
Parks	Provided technical support.



UFS Implementation Working Group	Provided input and feedback on proposal and support the proposal.
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## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result if the Town doesn't properly investigate and respond to petition request.	Moderate	Likely	High	Respond to petition and investigate concerns. Utilise UFS Implementation Working Group to provide input/feedback. Undertake community consultation on the project if supported.
<b>Reputational</b> Negative public perception due to trees being removed.	Moderate	Likely	High	Propose a staged removal/replacement program. Provide communication on reason for removals.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Additional operating/maintenance funds for new trees planted will be sought during annual budget setting.

## Analysis

9. The Town, through the UFS implementation, is trying to increase the canopy cover.
10. The *Lagunaria patersonii* are not a species the Town would select to plant, due to their relatively narrow canopy, and nuisance/allergy issues.
11. The Parks service area has previously had to remove some of these trees due to documented allergic reactions, as well as multiple requests to remove trees or cut them back from boundaries.
12. Given the number of signatures on the petition from the residents of Star Street, the majority of neighbours indicate they would like the trees removed.
13. Under the UFS guidelines, this project is an opportunity to increase the overall number of trees and canopy coverage in the street, as well as planting a more suitable species.

## Relevant documents

Not applicable.

## Further consideration

To clarify the “delegation” for tree removal following related questions from Elected Members at Agenda Briefing Forum, it should be noted that the 255 Street Tree Policy provides the administration with the power to remove street trees if aligned to the policy. In this instance, officers are not required to seek Council endorsement to remove the trees in question but are presenting the report as a proposed plan for tree removal and replacement to respond to the petition raised by Electors. Officers consider the trees in question pose a significant nuisance to petitioners more so than a health or allergy impact, although reported health impacts have also been considered.

The relevant sections of the policy regarding the proposed removal of trees is as follows:

- 8. The Town wishes to avoid removal of street trees except where retention is considered undesirable or unreasonable. In accordance with this policy, the Town may remove, or approve a request from an adjacent property owner or his/her authorised agent for the removal of any street tree that:
  - a. Poses a significant nuisance or hazard to adjacent property or has the potential to become a significant nuisance or hazard. It is the responsibility of the property owner to provide appropriate proof (i.e. Arborist report) of any significant nuisance or hazard;**
- 9. Street trees will not be removed for the following reasons:
  - d. The tree causes allergy or health problems. In cases of extreme medical condition, the Town may consider removal of the tree, subject to appropriate certification from a medical practitioner confirming an allergy.**

The selection of replacement trees is based on several factors including existing vegetation, proximity to power lines and available verge widths.

The majority of the Lagunaria are not under powerlines, but the verge area is narrow. The opposite side of the road has many existing weeping Peppermint Trees, and the theme would likely be considered as part of tree selection. Tree species selected will consider the likely removal of powerlines as part of the State Underground Power Project.

## 13.2 Review of Capital Works Program to Support Local Recovery from COVID-19 Pandemic

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Jayde Robbins
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - 2020-21 Project Listing Reviewed by SAAG - COVI D-19 Response [<b>13.2.1</b> - 4 pages]</li> <li>2. Attachment 2 - Additional Capital to Consider 2020-21 COVI D-19 Response [<b>13.2.2</b> - 3 pages]</li> <li>3. Attachment 3 - Additional Capital Consideration - Not included [<b>13.2.3</b> - 2 pages]</li> </ol>

### Recommendation

That Council:

1. Approves the cancellation of the below projects within the 2019/2020 capital works program due to them not having a beneficial impact on recovery in relation to social or economic stimulus and also not having a significant impact on improving the asset sustainability ratio (ASR), and transfer budget allocations to their nominated Reserve fund.
  - (a) WO 2021 – Artworks. Transfer \$50,000 to Community Art Reserve.
  - (b) WO 3244 – 10 Kent Street. Transfer \$20,000 to Buildings Renewal Reserve.
  - (c) WO 4332 – Administration End of Trip facilities. Transfer \$40,000 to Buildings Renewal Reserve.
2. Supports the development of a three-year capital works recovery program that includes accelerating selected projects from the existing five-year capital works program, draft place plans and other strategic priorities, to be considered in the 2020/2021 budget setting process, to support the Town in its recovery from the COVID-19 pandemic.

### Purpose

In response to a request from Council at the April Ordinary Council Meeting, to provide Council with an update on the capital works program for the 2019/2020 financial year and identify any projects that will not be delivered by 30 June 2020. The report also identifies projects from the five-year capital works program and place plans that are recommended to be brought forward for consideration in the 2020/2021 budget setting process with an aim to bolster the Town's recovery from the COVID19 pandemic.

### In brief

- At the April Ordinary Council Meeting (OCM), Council requested a report to be presented at the May OCM identifying capital works that could be brought forward and delivered next financial year for 2020/21 budget consideration, with a view to stimulate the economy, increase local employment opportunities and improve local parks and places.

- As also requested by the resolution, Town officers have reviewed the current 2019/2020 capital works program and identified projects that will be carried forward due to not being complete by 30 June 2020. Given the timeframes and ensuring there has been adequate input and oversight from all capital planning areas to the proposed program of works, the attachment containing the projects for consideration will be available for OCM but is not available at Agenda Briefing Forum.
- Also identified, were projects in the budget that have not commenced, recommending deferral to a later year in the five-year capital works program, due to them not having a beneficial impact on recovery in relation social or economic stimulus or else not having a significant impact on improving the asset sustainability ratio (ASR).
- Additionally, Town officers have reviewed the draft 2020/2021 capital works budget to ensure projects align with the following guiding principles:
  - a. Strategic deliverables within the Covid-19 Response Strategy impact phases (Survive, Revive, Thrive).
  - b. Creating jobs in WA using locally sourced materials where possible.
  - c. Contracts for local business.
  - d. Benefit to local business.
  - e. Community activation.
  - f. Relevance to the current budget (for example, if a work in progress).
  - g. Asset renewal – ensuring an Asset Sustainability Ratio (ASR) target of +0.9 across the budget.
- Any projects proposed in the draft 2020/2021 capital works budget that did not align with the guidance criteria were recommended for deferral to a later year within the five-year capital works program, or else indefinitely.
- The Town’s Strategic Asset Advisory Group – an internal cross-functional group of senior staff from across the organisation - reviewed the five-year capital works program along with place plans and strategic projects.
- Projects that align with the above guidance criteria have been recommended for consideration in the 2020/2021 budget setting process.
- It is important to note that the list presented is not considered exhaustive and that other projects, for example those identified by the Covid-19 Response Working Group are likely to be also considered in the budget setting process.

## Background

1. At its April 2020 Ordinary Council Meeting (OCM), Council resolved:
 

“That Council requests the CEO to provide a report to Council at its May 2020 Ordinary Council Meeting outlining:

  - a) 2019/20 Capital Works projects and their allocated budget that are not expected to be completed in the 2019/20 financial year; and
  - b) All projects from the Town's list of the 5-year Capital Works Program, with a focus on upgrades or renewal, that can be brought forward and able to be delivered in the 2020/21 financial year for consideration by Council in the 2020/21 Budget setting process.”
2. The Town’s Strategic Asset Advisory Group has provided oversight and development of the proposed 2020/21 budget and are currently working on refining the Town’s capital planning framework and processes.

3. Once the Covi-19 Response Strategy is approved by Council and the relevant working groups established, it is likely that these will also nominate capital (and operating) items for consideration during the annual budget setting process.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Projects within the capital works program have been considered and prioritised to ensure they assist the Town's local recovery.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Capital works include a large focus on renewing assets to ensure they continue to deliver the required level of service to the community. Accelerating renewal projects in the five-year capital works program will result in the improvement in the Town's asset sustainability (Asset Sustainability Ratio)
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The guidance provided by elected members to accelerate the capital works program to support the Towns local recovery.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The capital works program has a major impact on the local economy in a variety of ways. In local centres, investment in a high-quality public realm improves the experience of patrons encouraging return visitation and longer dwell times. A higher quality public realm in local centres is also more likely to attract more private investment, which can lead to an increase in the local population and consequently a more resilient and self-sufficient local economy. In industrial and commercial areas improving the public realm and overall movement network makes it easier for economic exchange to occur.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	It makes economic sense to continue to invest in the improvement and maintenance of the transport network to support accessibility to the Town's businesses. This includes maintenance and improvement to the Town's pedestrian, cycling and road infrastructure. The capital works program therefore plays a critical role in economic resilience and long-term prosperity.

EN03 - A place with sustainable, safe and convenient transport options for everyone.	<p>Resilient local centres are sustained by their local customer base and less dependent on a regional patronage. One key factor in resilient local economies is the comfort and convenience of walking, cycling and use of public transport balanced with car trips where necessary.</p> <p>The Welshpool Industrial Area and Bentley Technology Park are more reliant on car use and therefore the local movement network needs to cater for that while balancing the needs of pedestrians and cyclists.</p> <p>The capital works program therefore plays a critical role in economic resilience and long-term prosperity.</p>
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Ensuring the Town's facilities are being well maintained and renewed to ensure service levels are maintained. Assist with community activation (clubs and facilities)
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Ensuring parks and reserves are being well maintained and progressing capital works to improve local amenity and encourage community activation.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Progressing capital works in particularly focusing on "place" outcomes will activate the community and their sense of pride, safety and belonging.

## Engagement

<b>Internal engagement</b>	
Stakeholder	Comments
SAAG	The Strategic Asset Advisory Group (including a cross-functional team and some C-Suite members) developed guiding principles for capital works owners and project delivery teams to assess their capital works programs to ensure projects will have a positive impact on local recovery. SAAG also is responsible for reviewing all projects submitted against the criteria and recommending the prioritisation of the capital works program to C-Suite for 2020/21 budget consideration.
Engineering Team	Provided recommendations of projects to assist with social and economic stimulus.
Parks Team	Provided recommendations of projects to improve local amenity.

Place Team	Provided guidance and recommendations of accelerating strategic projects and place initiatives to support and align with Covid response objectives.
Project Management	Provided guidance and recommendations of accelerating strategic projects and initiatives to support and align with Covid response objectives.
Assets Team	Provided recommended projects that would support the Town in Covid-19 recovery.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Bringing forward capital projects will result in increased capital works budget (significant).	Major - Catastrophic	Likely	Extreme	Capital Works program to be determined in the 2020/21 budget setting process and approved by Council. Some funding to be identified from reserves and/or borrowings
<b>Service interruption</b> Increasing the capital program may strain internal resourcing – requiring additional resources or result in a drop in service levels in other areas of the organisation and/or backlog.	Major	Almost Certain	Extreme	Resourcing options will need to be explored as delivery teams are currently at capacity with the existing capital works program. Possible redeployment of staff, use of temporary/agency staff, secondments from other LGs and/or contractors to be engaged for the delivery of projects. Innovative program “packaging” to also be considered to reduce resourcing requirement.
<b>Reputation</b> Failure to deliver capital works program due to financial and resourcing constraints.	Major	Likely	High	Ensure project costs consider resourcing to deliver the program of works

## Financial implications

<b>Current budget impact</b>	<p>Should the officer recommendation be passed, there will be a budget saving of approximately \$110,000 in the current 2019/20 capital budget from the cancellation of the following projects.</p> <p>WO 2021 - Artworks Allocation (Budget Only) - \$50,000 WO 3244 – 10 Kent Street (Disability Improvements) - \$20,000 WO 4332 – Administration End of Trip facilities renewal - \$40,000</p> <p>It has been recommended the funds be transferred to their respective reserves:</p> <p>a. \$60,000 to Buildings Renewal Reserve for future building renewal works. b. \$50,000 to Community Arts Reserve for future community art projects.</p> <p>Projects that have already commenced (works in progress) but that are unlikely to be completed within the 2019/2020 financial year will be recognised as carry forwards in the 2020/2021 capital budgets. This will be more accurately reported to Council during the 2020/2021 budget setting process.</p>
<b>Future budget impact</b>	<p>The future budget impact will not be known until the capital works program and budget is considered and adopted by Council in the 2020/21 budget setting process.</p>

## Analysis

4. The following projects identified in the 2019/2020 capital works budget that have not yet commenced are recommended to be cancelled. This is due to them having minimal impact on recovery in relation social or economic stimulus and also not having any significant impact on improving the asset sustainability ratio (ASR).
  - WO 2021 - Artworks Allocation (Budget Only) - \$50,000 recommended to be transferred to the arts reserve for future arts projects.
  - WO 3244 – 10 Kent Street (Disability Improvements) - \$20,000 recommended to be transferred to building renewal reserve as this project currently has no defined scope as the ultimate use/user of the facility has not been determined.
  - WO 4332 – Administration End of Trip facilities renewal - \$40,000 recommended to be transferred to reserve. This project is not considered a priority renewal project in the current climate and therefore has been cancelled at this stage.
5. Following the guiding principles, Town officers, coordinated by the Town's Strategic Asset Advisory Group, have reviewed the 2020/2021 proposed capital works program:
  - a) Strategic deliverables within the Covid-19 Response Strategy impact phases (Survive, Revive, Thrive).
  - b) Creating jobs in WA using locally sourced materials where possible.
  - c) Contracts for local business.
  - d) Benefit to local business.
  - e) Community activation.
  - f) Relevance to the current budget (for example, if a work in progress)
  - g) Asset Renewal – Ensuring an Asset Sustainability Ratio (ASR) target of +0.9 across the budget



6. All assets groups (infrastructure, parks and buildings particularly) that provide a service to the community were considered in the five-year capital works program and the renewal projects that aligned with the guiding criteria have been recommended to be brought forward as additional considerations in the 2020/2021 budget setting process.
7. Renewal of the Town's assets remains a priority and therefore the capital renewal program targets an Asset Sustainability Ratio (ASR) of 0.9 or above. It should be noted however, that the Town is currently in the process of undertaking a comprehensive revaluation of all asset classes by 30 June 2020. This could result in the value of the Town's assets varying which will have an impact on our required depreciation expense. Therefore, currently it is difficult to determine the position of the Town's ASR. However increasing renewal expenditure will still result positively in reducing the Town's asset renewal gap.
8. Consideration should also be given to strategic projects and projects or "implementables" nominated within draft place plans (yet to be brought to Council for consideration) that will require operational expenditure in 2020/21 for detail design. Such operating expenditure is required to ensure such projects are properly scoped to become "shovel ready" in a future year. These projects should not be discounted as they are likely to have a significant impact on social and economic stimulus in the Town.
9. It is proposed that Council consider a three-year program of capital works for the COVID-19 Pandemic recovery, therefore not restricting capital funding to smaller projects that can be only achieved in a 12-month period.

## **Relevant documents**

[ENG14 – Asset Management Policy](#)

## **Further consideration**

10. A disability access audit was completed for 10 Kent Street in June 2019. It highlighted some significant disability access improvements required. The current budget would only allow for minor works such as front door widening. It is recommended that these works be reconsidered and properly scoped in year two of the capital works program (2021/2022 budget process) once the use and occupant of the property has been determined.
11. Attachment 1 contains the draft 2020/21 capital budget list that was developed by SAAG in February. This has now been reviewed to ensure projects align with COVID-19 response initiatives. Projects that don't align have been recommended to be deferred to a later year in the five-year capital works program and other projects from the five-year capital works program that better align have been highlighted and recommended as additional projects.
12. Attachment 2 contains a list of other projects identified within asset management plans, place plans and strategic projects. SAAG has reviewed and prioritised the projects that can be delivered in a 12-month timeframe but also included projects that can be considered in a one to three-year program of works. The 2020/21 operational budget would be increased for concept/detail design with the capital delivery in years two and three.
13. Attachment 3 contains the list of further projects that were also considered in this process. SAAG prioritised these projects lower due to lack of scope, less impact or the masterplans were noted as strategic projects underway. Planning for these projects will likely span over a number of years before

the scope is defined and endorsed which would then determine the capital funding requirements, likely to be a split of Municipal and grant funding.

## 14 Chief Financial Officer reports

### 14.1 Schedule of Accounts for March 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Updated Payment Summary Report - March 2020 [ <b>14.1.1</b> - 9 pages]

#### Recommendation

That Council:

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

#### Purpose

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

#### In brief

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

#### Background

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

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

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608752 – 608765	28,516
Creditors – EFT Payments		2,967,375
Payroll		1,691,339
Bank Fees		6,611
Corporate MasterCard		7,643
		<b>4,701,484</b>

## Strategic alignment

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

## Legal compliance

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

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

## Risk management consideration

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

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

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

## Analysis

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

## Relevant documents

[Procurement Policy](#)

## Further considerations

- Further information was requested on a number of payments made in March 2020. The following list represents the questions and answers associated with the requested information:

Civica - Software and IT \$15,023.78

This payment relates to the Town's early online requisition TRIM licenses (50) as well as online lodgement module licenses.

Cornerstone Legal - Legal Fees \$1,847.60 & \$2,850.82

The payment of \$1,847.60 relates to legal advice in relation to a building prosecution. The payment of \$2,850.82 relates to legal advice obtained in relation to unauthorised building works.

Data#3 - Software and IT \$28,663.80

This payment relates to the purchase of 20 HP EliteDesk tablets.

Datacom Systems - Software and IT \$15,895.11

This purchase relates to 30 user licenses for Citrix advanced user connections.

Dienst Consulting - Software and IT \$7,317 & \$4,867

The payment of \$7,317.89 relates to our annual CS-30 nimble maintenance and support, the payment of \$4,867 relates to our annual HP nimble maintenance and support.

Disco Cantito Association – Donation \$1,500

This payment relates to roving performers for the IGA laneway launch party. The description has been changed to "Event Performance and Activity" in order to correctly reflect the payment.

As the IGA laneway party did not go ahead and this was paid prior to the event, the community development team investigated options for either a reimbursement to the town or to hold the payment as credit for a future event.

Element Advisory - Professional Services \$2,090 & \$10,676

The payment of \$2,090 relates to consultancy services in relation to the Arts and Culture Plan. The payment for \$10,676 relates to two invoices, one being for \$4,950 for Residential Character Study policy revision and an additional \$5,726.05 for the Arts and Culture Plan.

Indian Pacific t/as WCE - Advertising Services \$9,232.83

This payment was for catering and venue hire for the Australia Day Citizenship ceremony. The description has been changed to "Event Services" in order to correctly reflect the payment.

Jonathan Tarry - Art and Event \$11,000

This payment relates to provision of public art at Lathlain Park (Zone 2x) – Stage 1.

LGIS Liability - Insurance Excess \$1,000

This payment is in relation to insurance excess payments for two active claims.

McLeods - Legal Fees \$5,874.90

This payment relates to multiple invoices for the provision of legal advice in the areas of caveats, building applications, proposed dwellings and planning conditions.

Progility - Software and IT \$28,489.88

This payment relates to the Town's public wifi hardware, maintenance and support.

Public Transport Authority - Transport Services \$2,083.15

This payment relates to the Town's contribution to the PTA for the construction of a pathway on Etwell Street.

Redfish Technologies - Software and IT \$87,453.44

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

Redman Solutions - Software and IT \$13,618.44

This payment relates to support and license renewal for the Town's archive manager software.

Risk Advisory Services - Insurance \$6,600

This payment relates to payment one of two for services received from Risk Advisory Services to conduct the Town's insurance and risk management tender and evaluation.

Roberts Day - Planning and Building \$10,244.30

This payment relates to the Macmillan precinct masterplan development.

SRS Australia - Equipment Supply & repair \$23,810.24 & \$68,472.65

The payment of \$23,810.24 relates to antiwave launch and removable anchors as part of the supply of starting platforms at the Aqualife 50m pool. The other payment of \$68,472.65 is made up of two invoices. One is the final payment in relation to the swim wall installation at the Aqualife pool (\$57,377.94) and the other is for the purchase of 18 x 25m lane ropes for utilisation at the outdoor pool following swim wall installation (\$11,094.74)

Thomson Geer - Legal Fees \$8,342

This payment relates to the provision of legal advice in relation to rates and rate exemptions.

Total Packaging - Equipment Supply & repair \$32,215,04

This payment relates to the provision of biodegradable and compostable dog litter bags provided for January, February and March at the Town's parks and reserves.

TPG - Software and IT \$16,873.03 & \$8,382.63

Both payments relate to the provision of the Town's internet connection. \$16,887.00 relates to November, December and January and \$8382.63 is for February.

Visability - Hire Charges \$1,749

This payment is for a narration of "Beyond Matta Gerup" as part of Local History initiatives. The description has been changed to "Library Services" in order to correctly reflect the payment.

Wave1 Software and IT \$18,322.30

This payment relates to the annual maintenance on existing microwave communication dishes at Administration Office, Leisurelife, Aqualife and the Depot.

## 14.2 Financial Statements for the month ending 31 March 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements for the month ending March-2020 [ <b>14.2.1</b> - 41 pages]

### Recommendation

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

### Purpose

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

### In brief

- The financial activity statement report is presented for the month ending March 2020.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

### Background

1. Regulation 34 of the Local Government (Financial Management) Regulations 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
  - a) Revenue  
Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.
  - b) Expense  
Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.
3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
  - (a) Period variation  
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
  - (b) Primary reason(s)  
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
  - (c) End-of-year budget impact



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

## Strategic alignment

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

## Engagement

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

## Legal compliance

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

## Risk management consideration

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

## Financial implications

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

## Analysis

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

## Relevant documents

Not applicable.

## 14.3 Notice of Intention to Levy Differential Rates

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Michael Cole
<b>Responsible officer</b>	Ann Thampoe
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Statement of Objects and Reasons For Differential Rates 2020-2021 [ <b>14.3.1</b> - 6 pages]

### Recommendation

That Council:

1. Applies differential rates for the 2020/21 financial year.
2. Advertises, in accordance with section 6.36 of the *Local Government Act 1995*, for public submissions on the proposed differential rates and minimum payments as set out in the Statement of Objects and Reasons for Differential Rates 2020/21 (Attachment 1) as follows:
  - (a) Residential – Gross Rental Valuation (GRV)  
Minimum Payment \$1,233  
Rate in the \$0.0988
  - (b) Non-Residential – GRV  
Minimum Payment \$1,282  
Rate in the \$0.1044
3. Authorises the Chief Executive Officer to give local public notice seeking public submissions on the proposed differential rates and minimum payments for 2020/21.
4. Requests that any public submissions received relating to the above proposed differential rates and minimum payments are considered as part of the Council item proposing the adoption of the 2020/21 annual budget.

### Purpose

To seek Council endorsement of proposed differential rates and minimum payments for 2020/21 for the purpose of advertising.

### In brief

- In determining the annual budget, Council may impose differential general rates and minimum payments on any rateable land in its district, pursuant to section 6.33 and section 6.35 of the *Local Government Act 1995*.
- When differential rating is to be levied, the Town must give local public notice of the differential rates and minimum payments it intends to impose for a minimum 21 days and invite public submissions in accordance with section 6.36 of the Act.
- At its Special Council meeting held on 7 April 2020, Council endorsed the preparation of the budget for 2020/21 based on a 0% rate revenue increase.

- Rate modelling has been undertaken and the recommended rates in the dollar and minimum payments will achieve a 0% rate revenue increase.

## Background

1. Council may impose differential general rates and minimum payments on any rateable land in its district and is required to give local public notice of its intention to levy differential rates.
2. In an ordinary year, if a 0% rate revenue increase was proposed, the Town would simply advertise the same rates in the dollar and minimum rates as applied in 2019/20.
3. However, every three years Landgate undertakes a general revaluation of all GRVs in the metropolitan area. This year is the GRV revaluation year.
4. In a GRV revaluation year, rates in the dollar are adjusted to take into account the movement in gross rental values. When GRVs increase, the rates in the dollar are adjusted downwards to achieve the same level of rates income. When GRVs reduce, the rates in the dollar are adjusted upwards to achieve the same level of rates income.
5. Preliminary indications are that residential GRVs have reduced by 15%, whereas non-residential GRVs have reduced by 10%.
6. Rate modelling has produced the recommended rates in the dollar and minimums for both residential and non-residential properties to achieve a 0% rate revenue increase for the Town of Victoria Park.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Council has endorsed a 0% rate revenue increase for 2020/21.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Elected members have considered the impacts of COVID-19 on our community and has endorsed a 0% rate revenue increase.
Finance	Finance staff have assisted in the rate modelling to achieve a 0% rate revenue increase.

External engagement	
Stakeholders	Comments
Stakeholders	Ratepayers will be invited to make submissions on the proposed rates in the dollar and minimum payments proposed for 2020/21.

Period of engagement	21 days local public notice will be given.
Level of engagement	3. Involve
Methods of engagement	Written submissions will be invited.
Advertising	Local public notice includes a newspaper advertisement and the Town's website.
Submission summary	A summary of submissions received will be included in the report to Council to adopt the annual budget.
Key findings	To be included in the report to Council to adopt the annual budget.

## Legal compliance

[Section 6.33 of the Local Government Act 1995](#)

[Section 6.35 of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Not meeting the statutory requirement to advertise its intention to levy differential rates and minimums.	Moderate	Likely	High	Advertising its intention to levy differential rates and minimums and including a summary of submissions in the report to Council to adopt the annual budget.

## Financial implications

<b>Current budget impact</b>	Nil as the recommended rates in the dollar and minimums relate to next financial year.
<b>Future budget impact</b>	The recommended rates in the dollar and minimum rates will achieve a 0% rate revenue increase for 2020/21.

## Analysis

- Rate modelling to achieve a 0% rate revenue rise has been undertaken. This modelling includes an adjustment to rates in the dollar to account for the reduction of residential GRVs by 15% and non-residential GRVs by 10%.
- Minimum payments are proposed to remain the same as 2019/20.

## Relevant documents

Not applicable.

## **Further consideration**

At the Agenda Briefing Forum the Chief Financial Officer advised that there had been an error with the rate modelling tool used to develop rates in the dollar and minimum rates for 2020-21. This resulted in an overstatement of the number of properties and the incorrect minimums being noted in the recommendation. This has been corrected. Rates in the dollar and minimum rates have been updated in the recommendation and also the Statement of Objects and Reasons.

The Rate Model is based on the gross rental valuations for all rateable properties as at 30 April 2020. This includes all new assessments and amended assessments (interim rates) received from Landgate – Valuer General during 2019/20.

In response to a question from the Mayor, it is advised that 374 additional rateable properties have been added to the rates base during 2019/20.

## 14.4 COVID-19 Future programs and projects reserve fund

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bella I
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Approves the establishment of the COVID-19 Recovery Reserve for the purpose of funding future programs and projects to support the community and local businesses during the COVID-19 recovery period.
2. Approves the transfer of an initial amount of \$500,000 from the Future Fund Reserve to the COVID-19 Recovery Reserve.
3. Notes additional funds may be allocated by Council to the COVID-19 Recovery Reserve as part of the 2020/21 annual budget.
4. Agrees, in accordance with Regulation 18 of the Local Government (Financial Management) Regulations 1996 that:
  - a) It is not required to give local public notice of a proposed change of use of money from the Future Fund Reserve as each of the following conditions is satisfied.
    - i. A decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government.
    - ii. The Town considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.
    - iii. The decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.
  - b) The reason for establishing the reserve is to fund future programs and projects to support the community and local businesses during the COVID-19 recovery period.
5. Determines, in accordance with Regulation 18 of the Local Government (Management) Regulations 1996 that: It is not required to give local public notice of a proposed change of use of money from the Future Fund reserve as:
  - a) A state of emergency exists in the Town of Victoria Park
  - b) that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
  - c) The reasons to transfer the funds is to for fund future programs and projects to support the community and local businesses during the COVID-19 recovery period.

## Purpose

To consider the creation of a reserve for funding future programs and projects to support the community and local businesses during the COVID-19 recovery period.

## In brief

- At the Special Council Meeting on 7 April 2020, Council endorsed several measures to support our community with the impacts of COVID-19.
- One of those measures was to request the Chief Executive Officer to prepare a report to the Ordinary Council Meeting in May 2020, investigating the creation of a reserve fund for funding future programs and projects to support the community and local businesses during the COVID-19 recovery period, including a recommendation as to the amount of initial funding.
- This report presents the outcomes of that investigation.

## Background

1. At its Special Council Meeting on 7 April 2020, Council requested the Chief Executive Officer to prepare a report to the Ordinary Council Meeting in May 2020, investigating the creation of a reserve fund for funding future programs and projects to support the community and local businesses during the COVID-19 recovery period, including a recommendation as to the amount of initial funding.
  2. In accordance with section 6.11 of the *Local Government Act 1995*, reserve accounts can be established where a local government wishes to set aside money for use for a purpose in a future financial year.
  3. The source of funding for a newly established reserve is usually determined as part of adopting the annual budget. Council can create a reserve during the year and identify the source of funding.
  4. The Town's largest cash reserve is the Future Fund Reserve, with a balance in excess of \$13.0 million.
  5. The purpose of the Future Fund Reserve is to assist in funding initiatives and purchases that diversify revenue streams of Council. A transfer from one reserve to another reserve would require to be advertised by local public notice.
  6. The Local Government (Financial Management) Regulations 1996 were amended in April 2020 in response to COVID-19 to increase the flexibility of the local government sector to access funding in a timelier manner to respond to the State of Emergency Declaration under the Emergency Management Act 2005.
  7. Under these changes, a local government is not required to give local public notice of a proposed change of use of money in a reserve account where each of the following conditions is satisfied —
    - A decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
    - The local government considers that the change of use is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;
    - The decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.
- It is proposed to allocate an initial amount of \$500,000 from the Future Fund to establish the COVID-19 Recovery Fund. Additional funding will be considered in the 2020/21 annual budget process and be subject to the identification of programs and projects to support the community and local businesses during the COVID-19 recovery period.



## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The establishment of the COVID-19 Recovery Reserve will support the community during the COVID-19 recovery period.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The establishment of the COVID-19 Recovery Reserve will support local businesses during the COVID-19 recovery period.

## Engagement

Internal engagement	
Stakeholder	Comments
Finance Services	Staff have been consulted on the creation of the proposed COVID-19 Recovery reserve.
Community Development	Staff have been consulted on the creation of the proposed COVID-19 Recovery reserve.
Place Planning	Staff have been consulted on the creation of the proposed COVID-19 Recovery reserve.

## Legal compliance

[Section 6.11 of the Local Government Act 1995.](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> The community will be expecting the Town to support them in the COVID-19 recovery period.	Moderate	Likely	High	The establishment of the COVID-19 Recovery Reserve will support the community and local businesses during the COVID-19 recovery period.

## Financial implications

<b>Current budget impact</b>	Sufficient funds do not exist within the annual budget. There is currently \$0 amount available. It is proposed that funding will be acquired from the Future Fund Reserve – \$500,000.00.
<b>Future budget impact</b>	The impact on future budgets is yet to be determined and will be subject to programs and projects identified to support the community and local businesses recover from COVID-19.

## Analysis

- Council has two options to consider in creating a COVID-19 Recovery Reserve.
  - Approve the creation now and approve an initial allocation, funded from a transfer from the Future Fund reserve.
  - List for consideration in the draft 2020/21 Annual Budget the creation of the COVID-19 Recovery reserve.
- Option one is recommended as it is an early demonstration to our community and local businesses of the level of funding support the Town is prepared to commit to their recovery.

## Relevant documents

Not applicable.

## 14.5 Free Sunday Parking

<b>Location</b>	East Victoria Park Victoria Park
<b>Reporting officer</b>	Amadeus Rainbow
<b>Responsible officer</b>	Luke Ellis
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council notes the results of the free Sunday parking provided through the 2019-20 Christmas holiday period.

### Purpose

To report the results of the free Sunday parking provided through the 2019-20 Christmas holiday period.

### In brief

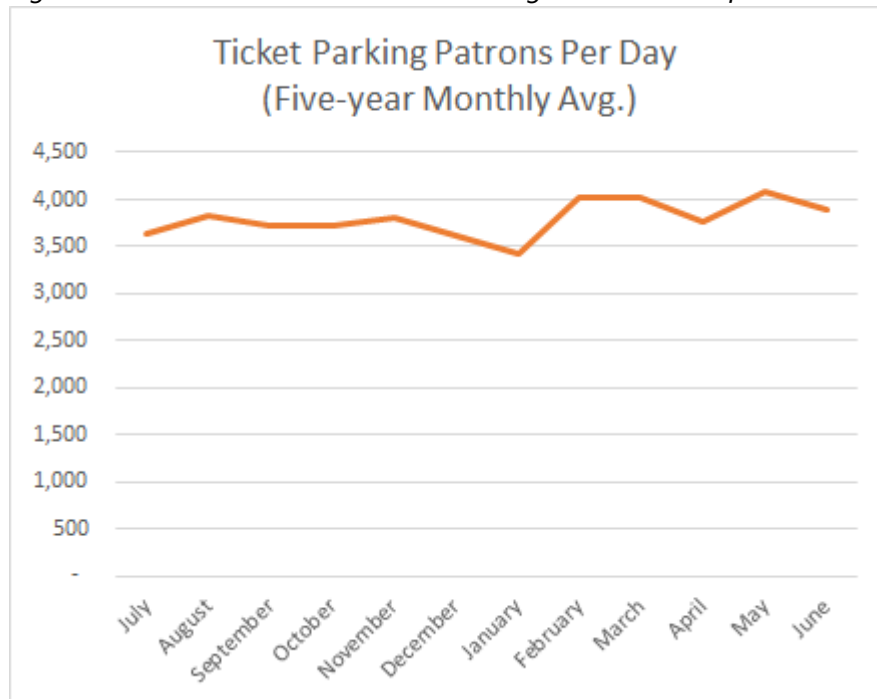
- Council endorsed a Free Sunday campaign on 19 November 2019 that was implemented Sunday 1 December 2019.
- Data captured throughout the period indicated that:
  1. The promotion of the initiative increased online traffic to the Town's webpage and was seen by a large number of people (approximately 800,000 views).
  2. The available ticket data shows:
    - (a) A minor decrease in issued tickets through December from 2018 to 2019.
    - (b) A minor increase in issued tickets through January from 2018 to 2020. January 2019 data is not available as the Town provided Free Sunday Parking without the requirement to get a parking ticket during the January 2019 Free Sunday Parking campaign.
  3. The free parking campaign delivered through December and January 2019/20 did not result in additional pedestrians being observed.

### Background

1. At its meeting on 19 November 2019, Council resolved to:
  - (a) Approve the implementation of free parking all day on Sundays in all on-street metered parking along Albany Highway commencing on Sunday 1 December 2019 until Sunday 26 January 2020.
  - (b) Request the Chief Executive Officer to report to the Ordinary Meeting of Council in March 2020 with a review of the free Sunday parking initiative.
2. The aim of this initiative was to:
  - (a) acknowledge our local businesses as valuable contributors to our Town
  - (b) recognise the Council's role in supporting local businesses to survive and thrive during the current economic environment
  - (c) reward and encourage local residents for choosing to patronise local businesses

- (d) encourage visitors to choose the Town as an attractive place to shop and dine out
  - (e) compete with neighboring local councils such as Perth, Vincent and Subiaco who are offering parking incentives to attract customers to their local retail and hospitality businesses.
3. Based on comparative data for the last five years during the Christmas holidays (December and January), there are approximately 10% less parkers in the Town's ticket parking areas, shown in figure 1, which details the average patrons per day.

(a) Figure 1. Average patrons per day



4. Other local governments including Perth, Vincent and Subiaco have initiated measures to address this reduction of patronage during the Christmas holidays via a range of approaches that are appropriate to the attractors in their area.
5. Table 1 shows The Town's Sunday offering in comparison other local governments

Table 1. 2019/20 Christmas holiday campaigns

Local government	Location	Amount of free parking
Town of Victoria Park	Albany Highway	1,800 free 2-hour parking bays
City of Perth	Pier Street Carpark	700 free 3-hour off-street parking bays
City of Perth	His Majesty Carpark	650 free 3-hour off-street parking bays
City of Perth	Cultural Center Carpark	310 free 3-hour off-street parking bays
City of Vincent	Oxford Street, Leederville	500 free 1-hour off-street Park bays
City of Subiaco	Hay Street & Rokeby Road, Subiaco	160 free off-street Park bays
City of Perth	Royal Street, Claisebrook	80 free 1-hour parking bays

City of Perth	Hay Street, West Perth	70 free 1-hour parking bays
City of Perth	Hay Street, East Perth	30 free 1-hour parking bays

## Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Review the measurable impacts of offering free Sunday parking through the Christmas holiday period.
EC02 - A clean, safe and accessible place to visit.	Review if offering free Sunday parking through the Christmas holiday period resulted in additional visitations.

## Engagement

Internal engagement	
Stakeholder Relations	The 2019/20 Free Sunday Parking campaign performed very well. The aim of advertising was to create awareness of the free parking initiative with locals, visitors and potential visitors.
Place Planning	Businesses are usually broadly supportive of initiatives such as these which are perceived to make parking accessible for their customers. No feedback was received from the business community about the impact on their trade during this time.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Misalignment of endorsed strategic position and Council-directed operational Practices.	Minor	Possible	Low	Clear identification of start and end dates for any temporary alterations.

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	Not applicable.

## Analysis

6. The following datasets were collected to capture the impact of the Free Sunday campaign, between the 2017, 2018 and 2019 Christmas holidays.
  - (a) Marketing.
  - (b) Ticket parking.
  - (c) Pedestrian count.
7. Due to a technical issue with the pedestrian data, which was not available until mid-March 2020, collation and analysis could not be completed to meet the March 2020 Council meeting.
8. Marketing
  - (a) The Town collected data from the online marketing campaign which promoted the Town's Free Sunday parking. The marketing campaign cost approximately \$6,500 with \$3,200 spent on online channels
  - (b) The online marketing was viewed ~800,000 times resulting in an additional ~3,500 website visits.
  - (c) Figure 2 shows the difference in the number of visits to the Town's web page, between 2018/19 and 2019/20 following the Free Sunday parking campaign.

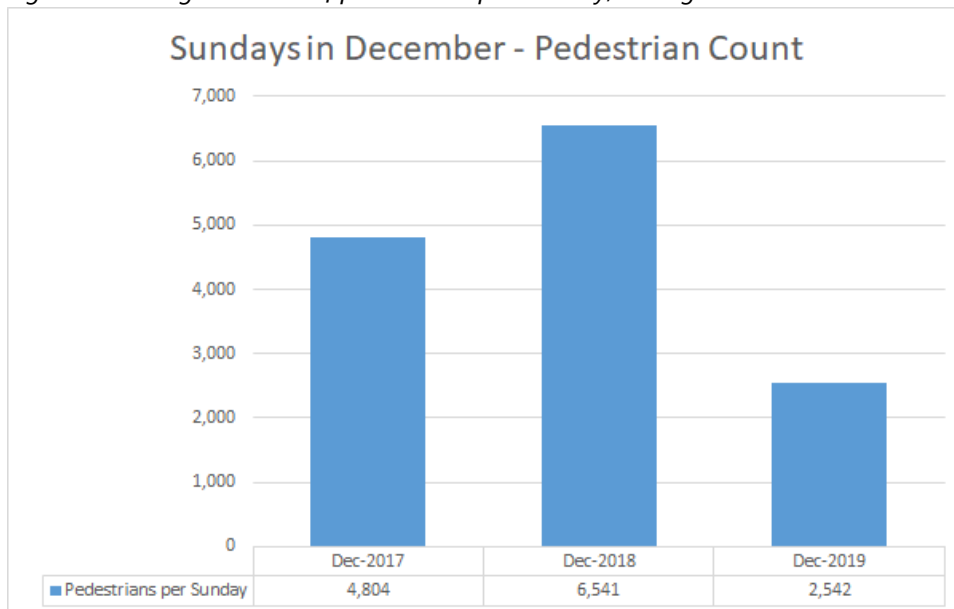
- i. *Figure 2. Web page visits from 2018/19 and 2019/20 Free Sunday parking campaign*



## 9. Pedestrian count

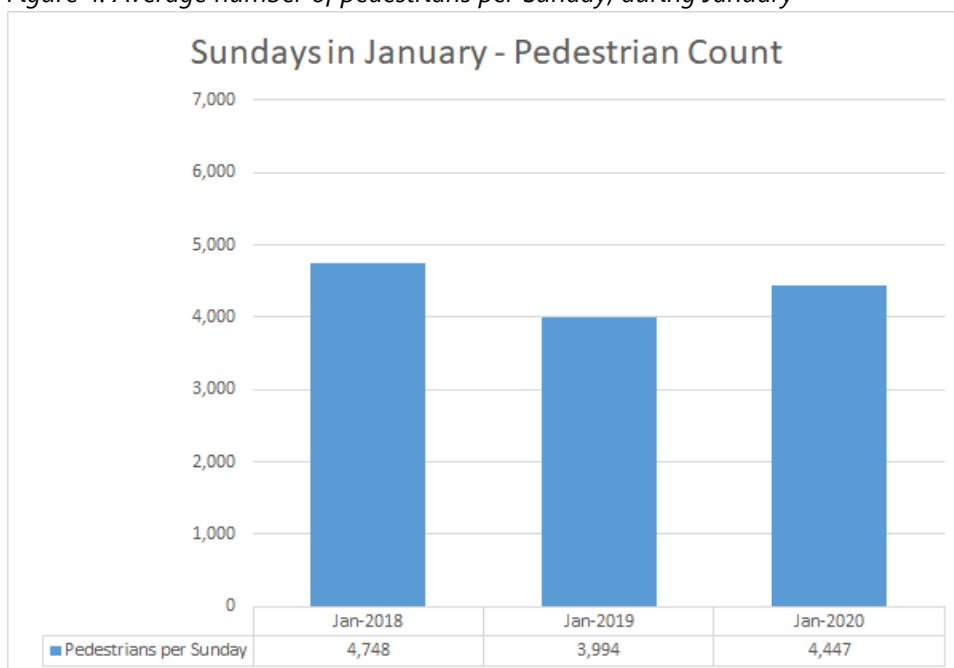
- (a) The Town has two pedestrian counters measuring people movement along Albany Highway that provide an indicator of the volume of people visiting. For example, the Town's Summer Street Party in 2018 caused a spike of the number of pedestrians in December 2018.
- (b) Figure 3 shows a comparison of the average number of pedestrians on Sundays during December 2017, 2018 and 2019.
  - i. During the Town's 2019/20 Free Sunday parking campaign in 2019, less pedestrians were counted along Albany Highway, than measured in 2017 or 2018.

Figure 3. Average number of pedestrians per Sunday, during December



- (c) Figure 4 shows a comparison of the average number of pedestrians on Sundays during January 2017, 2018 and 2019.
- i. During the Town’s Free Sunday parking campaigns in 2019 and 2020, less pedestrians were counted along Albany Highway, then in 2018.

Figure 4. Average number of pedestrians per Sunday, during January

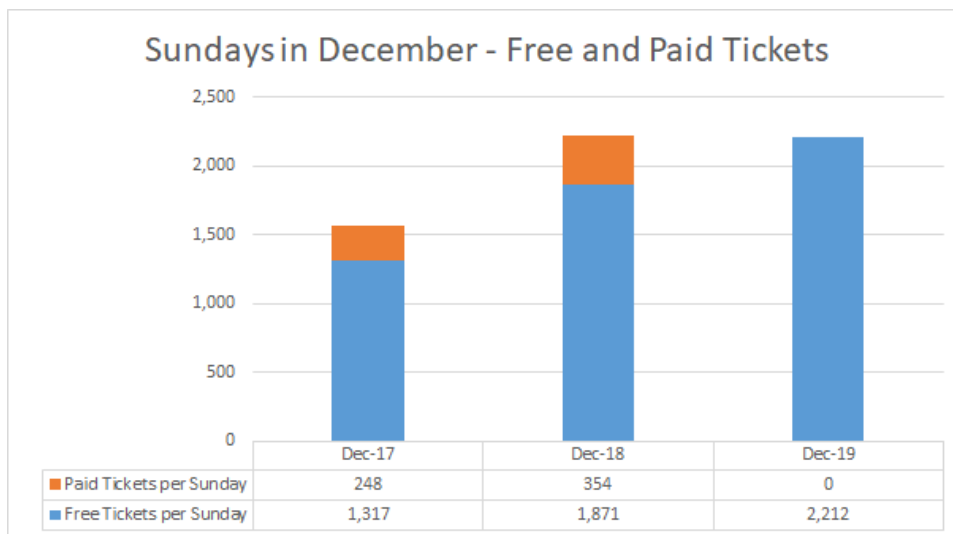


## 10. Ticket parking

- (a) The Town’s parking machines, and its pay-by-phone app EasyPark, issue both free tickets and paid parking tickets. The number of parking tickets issued provides the Town a measure of how many patrons parked along Albany Highway.
- (b) Figure 5 shows a comparison of the average number of free and paid parking tickets on Sundays during December 2017, 2018 and 2019. During December 2017 and 2018, patrons were issued 30-minute free parking tickets and were required to pay if they wanted to park longer. However,

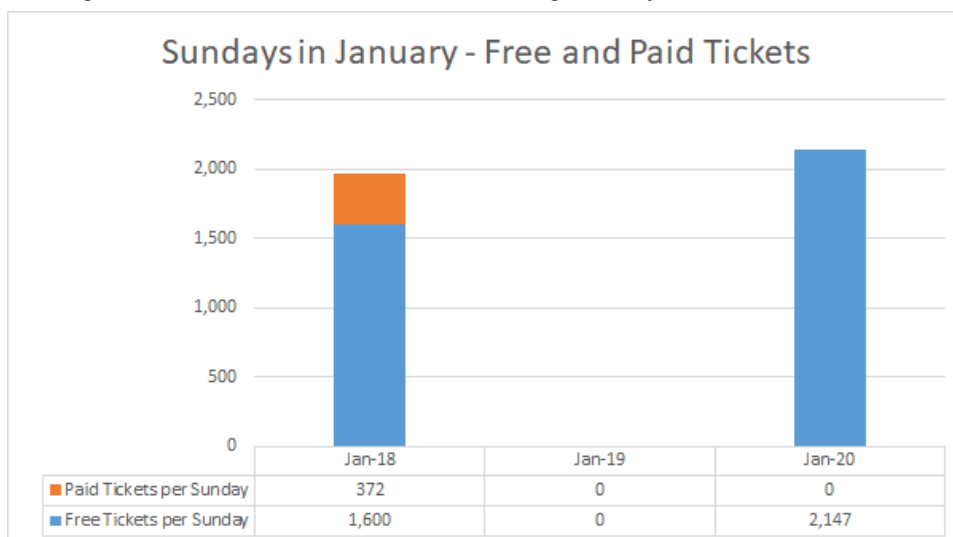
in December 2019, during the 2019/20 Free Parking Sundays campaign, patrons were issued two-hour free parking tickets.

Figure 5. Average number of Free and Paid tickets during December



- (c) Figure 6 shows a comparison of the average number of free tickets and paid parking tickets issued on Sundays during January 2017, 2018 and 2019.
- i. During January 2017, patrons were issued 30-minute free parking tickets, and were required to pay if they wanted to park longer.
  - ii. The Town has no data on how many patrons parked on Sundays, during January 2019, as the Town provided Free Sunday Parking without the requirement to get a parking ticket during the January 2019 Free Sunday Parking campaign.
  - iii. In January 2020, during the 2019/20 Free Parking Sundays campaign, patrons were issued two-hour free parking tickets.

Figure 6. Average number of Free and Paid tickets during January



11. The collected data indicates:

- (a) That the promotion of the initiative was effective with approximately 800,000 views that increased traffic to the Town's webpage.
- (b) The available ticket data shows;



- i. A minor decrease in issued tickets through December from 2018 to 2019.
  - ii. A minor increase in issued tickets through January from 2018 to 2020. January 2019 data is not available as the Town provided Free Sunday Parking without the requirement to get a parking ticket during the January 2019 Free Sunday Parking campaign.
- (c) The free parking campaign delivered through December and January 2019/20 did not result in additional pedestrians being observed.

## **Relevant documents**

Not applicable.

## 14.6 Alternative Budget Scenarios for 2020-21

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Michael Cole
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Receives the following alternative budget scenarios for 2020/21.
  - (a) A 10% COVID-19 discount for 2020/21 to be funded from:
    - (i) A \$4.6 million reduction in municipal funding (rates) towards capital works.
    - (ii) The shortfall being funded from additional borrowings of \$4.6 million.
  - (b) A 5% COVID-19 discount for 2020/21 to be funded from:
    - (i) A \$2.3 million reduction in municipal funding (rates) towards capital works.
    - (ii) The shortfall being funded from additional borrowings of \$2.3 million.

### Purpose

To consider alternate budget scenarios for 2020/21.

### In brief

- Council has endorsed the preparation of a budget for 2020/21 based on a 0% rate revenue increase, in accordance with section 6.2 of the *Local Government Act 1995*.
- Council also requested the Chief Executive Officer to prepare alternative budget scenarios for 2020/21 based on a 5% and 10% reduction in rates, and report to Council by May 2020.

### Background

1. At the Special Council Meeting of 7 April 2020, Council endorsed the preparation of a budget for 2020/21, in accordance with section 6.2 of the *Local Government Act 1995*, based on:
  - a) 0% rate revenue increases
  - b) no increase in fees and charges
  - c) the charge to be levied for underground power on ratepayers in Victoria Park West, Victoria Park East and Carlisle North, as approved by Council on 19 November 2019, being deferred for collection to the 2021-2022 financial year so as to not financially impact on ratepayers in the 2020-2021 financial year.
2. At that Special Council Meeting, Council also requested the Chief Executive Officer to prepare alternative budget scenarios for 2020/21 to that in point 1 above, based on a 5% and 10% reduction in rates, and report to Council by May 2020.
3. A 10% reduction in rates equates to \$4.6 million and 5% equates to \$2.3 million.

4. Rather than impact the level of services provided by the Town to our community from the operating budget, it is proposed to reduce the amount of funding from the municipal fund (rates) towards capital works.
5. In order to maintain the capital works program and to maintain the asset sustainability ratio, the reduction in municipal funding for capital works can be offset by additional funding from reserves and/or borrowings.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Minimising the impact of COVID-19 on the community and local businesses by offering a further reduction in their rates while maintaining asset renewal programs at the desired level.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Council demonstrates support for the community and local businesses by reducing their rates in 2020/21.

## Engagement

Internal engagement	
Stakeholder	Comments
Finance Services	Have been consulted in the preparation of these scenarios.

## Legal compliance

[Section 6.2 of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> The Council does not acknowledge the communities expectation that the Town will support them in the COVID-19 recovery period.	Moderate	Likely	High	Council demonstrates their support for the community and local businesses by reducing their rates in 2020/21.

## Financial implications

<b>Current budget impact</b>	Nil.
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## Analysis

6. There are two issues to consider. These are:
  - (a) the impact on rates
  - (b) the impact on expenditure.
7. A reduction of either 10% or 5% in rates revenue could be passed on to ratepayers as either a reduction of the rates in the dollar, or by way of a one-off COVID-19 discount.
8. As an example, the City of Melville has endorsed a \$200 rates concession for households (an average of 11%) and a 10% reduction for non-residential rates.
9. The issue with a reduction in the rate in the dollar is the adjustment required the following year to return rates to normal levels. Whereas, a one-off COVID-19 discount is more transparent to the community as it will be viewed as a one-off concession for 2020/21 only, with rates returning to normal levels the following year.
10. Therefore, should Council agree to an additional reduction of 10% or 5% in 2020/21, a one-off COVID-19 discount is recommended for 2020/21.
11. In relation to the impact on expenditure, a 10% reduction in rates and alternatively a 5% reduction in rates can be funded by lowering the funding from municipal funds (rates) towards the capital works program. This will mean the Town can continue to deliver services and programs without a reduction in the level of service.
12. However, a reduction in overall capital works will have a significant impact on asset renewal, in particular the asset renewal ratio.
13. To address this shortfall, the balance could be funded from existing reserves or from an increase in borrowings.
14. Reserves are set aside for specific purposes. While Council can agree to use funds for another purpose as part of the budget, the additional draw from reserves would be required to be reimbursed over the coming years by increasing rates.
15. An alternative option would be to increase borrowings to meet this shortfall. This would maintain existing cash reserves for the purposes for which they were established.
16. It is recommended that capital works be funded by an increase in borrowings, due to the reduction in rates.
17. These options can be considered by Council in their deliberations for the 2020/21 annual budget.

## Relevant documents

Not applicable.

## 15 Committee Reports

### 15.1 Review of Policy 101 Working Groups and Project Teams - Appointment of and Policy 106 Taxi Vouchers for Community Members of Working Groups and Project Teams

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

#### Recommendation from the Policy Committee

That Council:

1. Rescinds Policy 101 Working Groups and Project Teams – Appointment of and Policy 106 – Taxi Vouchers for Community Members of Working Groups and Project Teams.
2. Adopts Policy 101 Governance of Council advisory and working groups, inclusive of the following changes:
  - a. That references to 'clause 1(c)' be changed to 'clause 2(c)' and reference to clause 1(d) be changed to 2(d).
  - b. That clause 38 be amended to read: 'Where appropriate, Council may also request a group, or members thereof, to make a presentation at an informal Council meeting, including an elected member workshop or Concept Forum.'
3. Requests that the Chief Executive Officer provides a further report to Council to re-establish the Aboriginal Engagement Advisory Group and the Access and Inclusion Advisory Group in accordance with Policy 101 Governance of Council advisory and working groups.
4. Requests that the Chief Executive Officer, when providing a further report to Council regarding the Business Advisory Group and the Lathlain Precinct Zone 1 Community and Sport Club Facility Project Steering Group, ensures that both groups align with Policy 101 Governance of Council advisory and working groups.
5. Notes that the Design Review Panel and Public Art Advisory Group are operational groups that fall outside the scope of this policy.
6. That Council ratify the appointment of the members of the Urban Forest Strategy Implementation Working Group and the terms of reference of the Urban Forest Strategy Implementation Working Group until the end of their term on 31 December 2020.

#### Purpose

To present findings of a review conducted on the EM3 Working Groups and Project Teams – Appointment of and FIN10 – Taxi Vouchers for Community Members of Working Groups and Project Teams to Council for consideration.

## In brief

- At its Ordinary Council Meeting held on 19 March 2019, Council resolved to request that Chief Executive Officer conduct a review of 'EM3 Working Groups and Project Teams – Appointment Of' policy and present a further report back to Council by July 2019.
- The 13 Council-established working groups and project teams were mostly disbanded in 2016.
- Since then, a few Town-supported advisory groups have emerged. These groups have been created outside of the EM3 Working Groups and Project Teams – Appointment Of' policy as they are intended to advise the administration. A few issues have emerged since the development of those groups.
- In response to these issues and as part of its Policy Review Workplan 2019/2020, Council resolved to request that both policies be reviewed and presented to the Policy Committee in April 2020, and to the Ordinary Council Meeting in May 2020.
- In conducting this review, the Town has looked at the history of working groups and project teams within the Town, current groups that fall within this remit, and has taken into account emerging issues in creating the proposed policy.

## Background

1. Until 2016, there were 13 Council-established working groups and project teams, which were:
  - a. Arts Working Group
  - b. Business Life Working Group
  - c. Community Environmental Working Group
  - d. Community Safety Working Group
  - e. Culture and Local History Working Group
  - f. Disability Access Working Group
  - g. Edward Millen Site Working Group
  - h. Healthy Life Working Group
  - i. Integrated Movement and Transport Working Group
  - j. Rates Review Project Team
  - k. Higgins Park Masterplan Project Team
2. At an Ordinary Council meeting held in February 2016, Council resolved to disband all working groups and project teams, except for the Lathlain Precinct Redevelopment Project Team. The reason for this, as explained in the report, was due to the creation of four Council committees which were intended to *'enable elected members to focus on their strategic roles rather than being involved with operational matters which became the function of former working groups and project teams.'* The report further stated that *'although working groups and project teams contained community representation, engagement with the community will continue as a priority and be improved through the Evolve project...'*
3. Since most Council-established working groups and project teams were disbanded, a few Town-supported advisory groups have emerged over time. These groups were intended to provide advice to the administration and were endorsed by the Town's executive team. Membership of these groups include members of the community, elected members, staff and other relevant stakeholders.
4. Further information relating to the existing groups and project teams are as follows:

Group	Membership	Purpose
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<p>Lathlain Redevelopment Project Team</p> <p><i>*Council-appointed</i></p> <p><b>(Established in 2016; has not been re-established following 2019 election)</b></p>	<ul style="list-style-type: none"> <li>• 4x elected members</li> <li>• Staff</li> </ul>	<p>The purpose of Project Team is to contribute to the vibrant lifestyle of the Town by:</p> <ul style="list-style-type: none"> <li>• Providing advice to Council on progress of the Lathlain Precinct Redevelopment</li> <li>• Providing advice to Council on upcoming milestones for the Lathlain Precinct Redevelopment</li> <li>• Assisting Council with project related stakeholder communications.</li> </ul>
<p>Urban Forest Strategy Transition to Implementation Group</p> <p><b>(Disbanded and superseded by the Urban Forest Strategy Implementation Working Group)</b></p>	<ul style="list-style-type: none"> <li>• Community members</li> <li>• Staff</li> </ul>	<ul style="list-style-type: none"> <li>• Formulate draft Implementation Action Plan utilizing ABCD principles</li> <li>• Contribute to discussion on potential budgetary impacts to implement UFS</li> <li>• Provide recommendations on the establishment of a UFS working group.</li> </ul>
<p>Aboriginal Advisory Group</p>	<ul style="list-style-type: none"> <li>• 1x elected member</li> <li>• Community members</li> <li>• Staff</li> </ul>	<p>To provide strategic advice on the implementation of the Town's Reconciliation Action Plan (RAP).</p>
<p>Disability Access and Inclusion Group</p>	<ul style="list-style-type: none"> <li>• Community members</li> <li>• Staff</li> </ul>	<p>The purpose of this group is to establish a disability and seniors' network that is empowered to contribute commentary, and advice to the Town to improve its capacity as an accessibility and inclusive community.</p>
<p>Public Art Advisory Group</p>	<ul style="list-style-type: none"> <li>• Community Groups</li> <li>• Staff</li> </ul>	<p>The purpose of the Public Art Advisory Group is to provide advice to the Chief Community Planner and relevant officers on matters relating to the review, development, feedback and implementation of the:</p> <ul style="list-style-type: none"> <li>• Public Art Strategy 2018-2032 (RECN7 Public Art Policy &amp; Public Art Management Plan)</li> <li>• Percent for Art (Local Planning Policy 29 Public Art Private Developer Contribution &amp; Developers Public Art Handbook)</li> <li>• Mural Arts (ENG 12 Graffiti Removal Management &amp; Mural Arts Plan: Maintenance and Commissioning)</li> </ul>
<p>Design Review Panel</p> <p><b>(Replaced the disbanded Design Review Committee)</b></p>	<ul style="list-style-type: none"> <li>• Design experts</li> <li>• Staff</li> </ul>	<p>The purpose of the Panel is to provide advice and recommendations that improve the quality of development within the Town and results in excellent design outcomes for the community and the users of buildings, specifically in relation to:</p>

		<ul style="list-style-type: none"> <li>• Proposals for buildings that are 3 or more storeys in height above natural ground level; or</li> <li>• Proposals for developments of a value exceeding \$2 million; or</li> <li>• Any relevant Scheme Amendment, Structure Plan, Policy, Precinct Plan, Local Development Plan or Design Guidelines, as determined by the Chief Community Planner (CCP) or Manager Development Services (MDS); or</li> <li>• Any other proposal as determined by the Chief Community Planner or Manager Development Services.</li> </ul>
Urban Forest Strategy Implementation Working Group	<ul style="list-style-type: none"> <li>• 6 x Community members</li> <li>• Staff</li> </ul>	The purpose of the Implementation Working Group is to advise, guide and collaborate with officers in the detailed operations of UFS implementation.

5. Aside from the above groups which were endorsed by the executive team, other more informal groups, comprised of community members and staff, also existed (e.g. the Supporting People with Basic Needs Group).
6. Upon Council's request, the Town has conducted a review of the above groups. While the intent behind the groups were reasonable, the review identified some issues in their operation:
  - a. Groups being created outside of Council policy
  - b. Inconsistent governance arrangements in how each group operated
  - c. Lack of Council oversight where strategic matters were being considered/ developed
  - d. No clear linkage between the work of each group to the formal decision-making framework
  - e. Inconsistent elected member membership
  - f. Some dissatisfaction from group members due to unclear roles and responsibilities
7. Having awareness of these issues, Council resolved to request that the Chief Executive Officer conduct a review of 'EM3 Working Groups and Project Teams – Appointment of' policy (the Policy) for the purpose of investigating options to improve community engagement in the decision-making process.
8. A Concept Forum topic was presented to elected members, in April 2019, for the purpose of discussing the operation of existing groups, as outlined in paragraphs 4 and 5, and to discuss learnings as outlined in paragraph 6. An outcome of this discussion was to conduct further research into best practice principles in the governance of Council working groups and project teams to be presented at a further Concept Forum.
9. In June 2019, at a second Concept Forum, further discussion was held with elected members to determine the governance of each group, and how the existing issues might be resolved, inclusive of reviewing the existing policy EM3 Working groups and project teams – appointment of. An outcome from that Concept Forum was to defer the review of the policy until the development of a Community Charter which was intended to include principles relating to community governance.
10. To formalise this deferral, Council, in determining its Policy Review Workplan 2019/2020, resolved to request that EM3 Working Groups and Project Teams – Appointment of and FIN10 – Taxi Vouchers for



Community Members of Working Groups and Project Teams be reviewed and presented to the Policy Committee in April 2020, and to the Ordinary Council Meeting in May 2020.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The setting of an appropriate governance framework for Council-appointed advisory groups and project teams will enable the appropriate devolution of decision-making.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Feedback was sought at two Concept Forums (in April 2019 and June 2019), and through the Councillor portal.
Operations	Discussions held regarding the operation of relevant groups.
Community development	Discussions held regarding the operation of relevant groups.
Planning	Feedback sought regarding the operation of relevant groups.
Place Planning	Feedback sought regarding the operation of relevant groups.
C-Suite and SMT	Feedback sought regarding the attached policy.

## Legal compliance

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

[Section 5.8 of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> A lack of clarity on the operation of advisory and working groups may result in dissatisfaction from	High	Likely	High	The adoption of the proposed policy.

members of that group.

## Financial implications

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

**Future budget impact** Not applicable.

## Analysis

11. Both EM3 Working Groups and Project Teams – Appointment of and FIN10 – Taxi Vouchers for Community Members of Working Groups and Project Teams have been reviewed and are proposed for repeal to be replaced with Policy 101 Governance of advisory and working groups. This proposed policy has been drafted considering elected member and staff feedback, and with an aim to mitigate issues with the current structure, as identified in paragraph 6 above, by clarifying and expanding on provisions contained in the current policy.
12. The proposed policy consists of five sections. These sections are focused on ensuring appropriate Council approval and oversight, uniformity in governance and operation, and clarity in roles and responsibilities. The sections of the proposed policy are as follows:
  - a. Establishment
  - b. Membership
  - c. Remuneration
  - d. Operation
  - e. Reporting
13. Further to the above, sample recommendations and a terms of reference template have been included in the proposed policy (as Schedule A and B) to promote consistency and to simplify the process.

### *Establishment*

14. The proposed policy requires that any advisory or working group be established by resolution of Council. As part of its establishment, Council is to set key parameters for the governance of the group, including: its policy and objective, membership and composition, length of term and the requirement to provide public notice. In the previous policy, although Council establishment was required, it did not specify the need for the parameters listed.

### *Membership*

15. The membership provisions in the proposed policy largely use the principles in the existing policy, such as the number of available elected member positions and the requirement to publicly advertise community member vacancies (albeit this policy does not specify that its must be through a local newspaper). This policy, however, includes provisions relating to membership of staff (through appointment by the Chief Executive Officer) and their role in Council-established groups.
16. The Policy Committee may consider whether vacancies of 'community members' are restricted to members of the Town of Victoria Park Community or if this extends to subject matter experts (or if membership of those persons are restricted to formal committees of Council). The proposed policy presumes that 'community members' are restricted to the Town of Victoria Park community.

### *Remuneration*

17. Provisions relating to remuneration is not included in the current policy. The reason for including this provision is due to discussion relating to the remuneration of existing, and now disbanded, community groups. In general, this policy stipulates that community members are not to be remunerated – however, they may be remunerated if explicitly resolved by Council, inclusive of the remuneration amount. Elected members and officers that are part of an advisory or working groups are not to be remunerated under any circumstance.

*Operation*

18. This section addresses clauses 4-8 of the current policy, although not all the information in those provisions have been included. In general, this section stipulates that groups are not to have any delegated authority, but are able to make decisions within the group setting to achieve their objective as set by Council, this is inclusive of setting meeting dates and developing a work plan.
19. The subsection ‘terms of reference’ (ToR) is intended to set a basic structure in which a group’s ToR should be set. By not explicitly stating procedural requirements (as the current policy does), this policy seeks to provide some degree of autonomy in how a group is to operate, and empowers members of that group to develop their own ToR for Council’s endorsement. This section is also intended to address other inclusions in the current policy, such as meeting frequency, administration and other such provisions.

*Reporting*

20. The existing policy includes a provision to circulate the ‘action notes, including any attachments’ to members of Council through the Councillor Portal. Expanding on that, this policy now requires that the agenda and minutes of the group are made available on the Town’s website to increase transparency, and that the minutes are received by Council to give it a formal link to the decision-making process.
21. The proposed policy allows Council to request that progress reports be provided, and/or the groups (or its members) be invited to present at an informal meeting of Council. Presentation at informal meetings may be requested by the Mayor, on behalf of elected members, to the Chief Executive Officer using the existing channels.

*Next steps*

22. Should Council resolve to the adopt the new policy, it should consider the future of the existing groups, and whether such groups should be disbanded and re-established under the proposed policy.
23. To aid with this, further relevant information/comments are provided in relation to each existing group:

Group	Comment
<p>Lathlain Redevelopment Project Team (LRPT)</p> <p><i>*Council-appointed</i></p> <p><b>(Established in 2016; has not been re-established following 2019 election)</b></p>	<p>This group was established in February 2016 under the current policy. Since the election of the new Council in 2019, the group has not been re-established nor new members been appointed.</p> <p>In line with a Council resolution at its February 2020 meeting, a Lathlain Precinct Zone 1 Community and Sport Club Facility Project Steering Group has been established by Council with a further report being sought from the CEO by June 2020. The creation of this group effectively replaces the Lathlain Redevelopment Project Team.</p> <p><u>Recommendation</u> As this group was not re-established and is effectively superseded by the establishment of the Lathlain Precinct Zone 1</p>

	<p>Community and Sport Club Facility Project Steering Group, the LRPT is not recommended for re-establishment.</p> <p>When a further report is presented by the CEO on the Lathlain Precinct Zone 1 Community and Sport Club Facility Project Steering Group, Council consider this group within the scope of the policy and should be renamed from a 'steering group' to an 'advisory group'.</p>
<p>Urban Forest Strategy Transition to Implementation Group</p> <p><b>(Disbanded and superseded by the Urban Forest Strategy Implementation Working Group)</b></p>	<p>None. The group has already been disbanded.</p>
<p>Aboriginal Engagement Advisory Group</p>	<p>This group operated on an operational level engaging with the Town's Aboriginal community to deliver actions from Council-adopted Reconciliation Action Plan (RAP)</p> <p>The term of this group expires in 30 June 2020.</p> <p><u>Recommendation</u> The purpose of the group is to engage with the Town's Aboriginal community in delivering Council-adopted Reconciliation Action Plan (RAP). As the RAP is a strategic Council document, it is proposed that this group be re-established at the end of its term through the proposed policy.</p>
<p>Access and Inclusion Advisory Group</p>	<p>This group operated at an operational level. Advice from the group were considered by officers when implementing actions in the Disability Access and Inclusion Plan (DAIP) adopted by Council.</p> <p>The term of this group expires in 30 June 2020.</p> <p><u>Recommendation</u> As the purpose of the group is to advise Town officers in delivering Council-adopted DAIP which is a legislative requirement it is proposed that this group be re-established at the end of its term through the proposed policy.</p> <p>The purpose of the group is to provide advice in the delivery of the DAIP. As the DAIP is a strategic Council document, it is proposed that this group be re-established at the end of its term through the proposed policy.</p>
<p>Public Art Advisory Group</p>	<p>This group operates at an operational level. Their advice is considered by the Town to determine whether certain artwork should be approved. The approval of artwork is an</p>

	<p>administrative function of the Town. The term for this group expired in February 2019. Membership to this group required formal qualification and experience in public art.</p> <p>As its terms have expired in February 2019, the re-establishment of this group will need approval from the executive team.</p> <p><u>Recommendation</u> As this group does not operate on a strategic level, it should remain as an operational advisory group – not as a Council-established group. This group falls outside of the scope of the proposed policy.</p>
<p>Design Review Panel</p> <p><b>(Replaced the disbanded Design Review Committee)</b></p>	<p>This group operates at an operational level, where their advice is considered by Officers when determining applications or providing recommendations for consideration by Council or the Joint Development Assessment Panel (JDAP).</p> <p>Council was advised of the Town’s intent to create the group at its meeting held on 11 September 2018 when the Design Review Committee was disbanded as a Committee of the Council. At this time, Council resolved to allow the Chief Executive Officer to appoint members to the panel. The members were appointed through an EOI process, and their terms expire in September 2020.</p> <p><u>Recommendation</u> As this group does not operate on a strategic level, it should remain as an operational expert panel – not as a Council-established community group. This group falls outside of the scope of the proposed policy.</p>
<p>Urban Forest Strategy Working Group</p>	<p>This group operates at an operational level, and their advice, suggestions and detailed recommendations are considered by Officers when implementing the strategic actions defined in the UFS Implementation Action Plan.</p> <p>This group was formed through an EOI process and the members were appointed on 12 December 2019, with the first meeting held on the 19 December 2019. The collaboratively derived Terms of Reference were endorsed by C-Suite on the 14 January 2020. The group has met 6 times between 19 December and 30 March (fortnightly frequency). The meeting frequency will revert to monthly once implementation process are established and the initial complement of implementation projects are detailed.</p>

Implementation Working Group is appointed for the duration of 12 months, with an option to extend the term at the annual review.

The group has been instrumental in developing implementation procedures, suggesting methods and activities to achieve actions from the UFS Implementation action plan. This community input has been particularly significant given the infancy of the UFS implementation and the lack of established processes. The group has allowed navigation of this new ground to occur in collaboration with community representatives and has provided diverse insight and perspectives for consideration when developing implementation processes and projects.

#### Recommendation

As this group does not operate on a strategic level, it should remain as an operational advisory group – not as a Council-established group. This group falls outside of the scope of the proposed policy.

24. Resulting from recent resolutions of Council, there are other groups yet to be established such as the Business Advisory Group and the Lathlain Precinct Zone 1 Community and Sport Club Facility Project Steering Group. It is recommended that both these groups be formally established under the proposed policy.

## **Relevant documents**

Not applicable.

## **Further consideration**

Following the Policy Committee meeting held on 22 April 2020, the following additional information is provided.

25. The Design Review Panel and the Public Art Advisory Group provide advice to the Town relating to operational matters and are confirmed to fall outside the scope of the policy.
26. The Urban Forest Strategy Implementation Working Group, as a group delivering on a plan adopted by Council, is not deemed to be an operational working group and falls within the scope of the policy. That said, as the group has already been established with its term ending in December 2020, the committee recommends that its appointment be ratified and its terms of reference be endorsed.
27. The existing terms of reference for the Urban Forest Strategy Implementation Working Group has been attached to this report.
28. Minor changes to the policy, as reflected in the Policy Committee's recommendation, have been made.

## 15.2 Adoption of Policy 308 Financial Hardship

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

### Recommendation from the Policy Committee

That Council:

1. Adopts Policy 308 Financial hardship at attachment 1.
2. Adopts the amendments to Policy 303 Debt collection as at attachment 2.
3. Adopts amended delegations to the Chief Executive Officer at attachment 3:
  - a. Defer, Grant Discounts, Waive or Write off Debts
  - b. Agreement as to Payment of Rates and Service Charges
  - c. Recovery of Rates and Service Charges
  - d. Recovery of Rates Debts – Require Lessee to Pay Rent
  - e. Recovery of Rates Debts – Actions to Take Possession of Land

### Purpose

To consider the adoption of a financial hardship policy and make subsequent amendments to the debt collection policy and delegations to the CEO.

### In brief

- Council resolved at its special meeting on 7 April 2020 to request the development of a financial hardship relief policy for ratepayers.
- A hardship relief policy has been prepared based upon the WALGA template.
- This policy will provide guidance to the Town in managing the process of payment agreements for rates and other debts where a debtor is able to demonstrate financial hardship.
- This policy, while brought forward as a result of the ongoing crisis, is considered valuable and is suggested to be an ongoing policy in order to assist when persons or businesses experience financial hardship.

### Background

1. Under Policy 001 Policy management and development a policy response was identified as required due to a community need or expectation and as a result of a Council resolution.
2. Currently ratepayers who face difficulties making payments are offered to enter a payment arrangement plan.
3. The Western Australian Local Government Association (WALGA) prepared a financial hardship policy for Council's to consider adoption of for the duration of the COVID-19 crisis. This template policy has been used as a basis.
4. Council has adopted Policy 303 Debt collection which currently governs what occurs where a person or business remains in debt with the Town.

5. The Council has currently delegated to the Chief Executive Officer the ability to:
- (a) Amend the rate record;
  - (b) Make agreements as to how rates and service charges are paid;
  - (c) Determine the due date for the payment of rates;
  - (d) Recover rates and service charges through courts;
  - (e) Recover rates and service charges via tenants rent;
  - (f) Recover rates and service charges through the taking of possession of land;

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Establishing a transparent process for addressing financial hardship with ratepayers will enable the Town to sustainably manage its finances during this turbulent period.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Recognising the difficulties businesses may be facing; this policy may assist businesses in surviving this difficult time.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	This policy is intended to assist the community in meeting costs during the state of emergency.

## Engagement

Internal engagement	
Stakeholder	Comments
Finance	Finance supports the proposed policy.

## Legal compliance

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

[Section 5.42 of the Local Government Act 1995](#)

[Section 6.49 of the Local Government Act 1995](#)

[Section 6.55 of the Local Government Act 1995](#)



## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> To many ratepayers are in financial distress and unable to pay rates and service charges on time.	Major	Likely	High	Adoption of a policy that lends itself towards enabling payment plans over a longer period than one year.  Consideration of individual circumstances and removal of costs and interest for payment by installment.
<b>Financial</b> Some ratepayers refuse to pay rates regardless of financial hardship.	Minor	Unlikely	Moderate	The Town has the ability to recover rates from tenants rent or the seizure of property from any ratepayers that, despite having financial capacity, choose not to pay.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	<p>It is difficult to assess exactly how many ratepayers and debtors may experience financial hardship. However, payment plans will ensure all the potential rates and charges are collected. In the cases of severe financial hardship, the waiver of interest and payment plan fees will result in a reduction of revenue to the Town.</p> <p>The deferral of any rates and service charges due to further financial years will result in the carry forward of a receivable in the Town's budget. These however may be recovered from the property during a future sale or through the mechanisms provided in the <i>Local Government Act 1995</i>.</p>

## Analysis

6. The proposed policy is based upon the WALGA template financial hardship policy which was drawn up in response to COVID-19 with the intent of being a temporary policy. A policy on financial hardship in general is valuable. The Town has prepared the policy with the intent of being an ongoing policy.
7. The WALGA template policy was intended only in relation to rates and service charges. The Town proposes this instead cover all debts. This ensures the policy includes businesses which are commercial tenants. Businesses such as these may be closed by government direction. However, the businesses may have charges due for public building licenses or food business registrations. This will allow the Town to be flexible with these businesses depending on the length of any closure.
8. ~~The policy has been refined to seek better definitions of financial hardship and serious financial hardship. For this the Town has looked to the policy adopted by the City of Kalgoorlie which provided~~

stronger definitions and relied on the Henderson Poverty Line as adjusted in order to determine serious financial hardship.

9. The policy allows the Town to consider waiving interest charges and fees such as the installment fee or payment plan fee where an applicant is demonstrating severe financial hardship. It is recommended the Council delegation is amended to clarify this.
10. The policy will halt debt collection processes while payment plans are arranged with debtors. Policy 303 Debt collection and relevant delegations are suggested for amendment to reflect this.
11. Following the adoption of this policy the Town will develop a management practice to commence the consideration of financial hardship claims by the time rates notices are issued for the 2020/2021 financial year.

## Relevant documents

[Policy 303 Debt collection](#)

[Henderson Poverty Line](#)

## Further consideration

Following the Policy Committee meeting on 22 April 2020 the following additional information is provided:

12. If a write-off of debt (other than the actual rate or service charge) exceeded \$5,000 it would need to be considered by Council. This would likely occur as a confidential item in order to protect the privacy of the ratepayer.
13. Information was requested if persons in receipt of Centrelink benefits would meet the definition of severe financial hardship under this policy. There is a significant number of different Centrelink payments that members of the community may receive, the three most common are:
  - (a) the youth allowance (student benefit)
  - (b) the aged pension
  - (c) the Jobseeker payment (unemployment benefit).
14. The standard rate of youth allowance is \$462.50 with no children and \$606.00 with children per fortnight. The maximum aged pension for a single person is \$944.30 and a couple \$1423.60 per fortnight. The Jobseeker allowance rates per fortnight are as follows:
  - (a) \$565.70 for a single person with no dependents.
  - (b) \$612.00 for a single parent.
  - (c) \$510.80 each for a couple, \$1021.60 combined.
15. While not administered by Centrelink, there is the Jobkeeper payment that is being made to businesses to pay employees where the businesses turnover has fallen. This is a minimum payment of \$1500.00 to each employee.
16. All of these payments other than the aged pension will be supplemented by the coronavirus supplement of \$550.00 per fortnight. Inclusive of this these payments are:

Benefit	Amount per week including coronavirus supplement
Youth allowance, no children	$\$462.50 + (\$550.00/2 = \$506.25$ per week
Youth allowance, with children	$\$606.00 + \$550.00 /2 = \$57.008$ per week
Aged pension, single	$\$944.30 /2 = \$472.15$ per week

Aged pension, couple	$\$1423.60 / 2 = \$711.80$ per week
Jobseeker, single person, no children	$\$565.70 + \$550.00 / 2 = \$557.85$ per week
Jobseeker, single person with children	$\$612.00 + \$550.00 / 2 = \$581.00$ per week
Jobseeker, couple, with or without children	$\$1021.60 + \$550.00 / 2 = \$785.80$ per week
Jobkeeper payment, single person	$\$1500.00 / 2 = \$750.00$ per week
Jobkeeper payment, couple	$\$3000.00 / 2 = \$1500.00$ per week

17. The current Henderson poverty lines are, for families without anyone in the workforce, inclusive of housing costs:

Household consisting of	Amount per week
Single person, no children	\$442.58
Single person, one child	\$597.39
Single person, two children	\$744.92
Couple, no children	\$626.92
Couple, one child	\$774.45
Couple, two children	\$921.97

18. Comparing these rates shows the following

Benefit	Amount per week	Relevant poverty line	Above or below poverty line
Youth allowance, no children	\$506.25	\$442.58	Above
Youth allowance, with children	\$578.00	\$597.39 up	Below*
Aged pension, single	\$472.15	\$442.58	Above
Aged pension, couple	\$711.80	\$626.92	Above
Jobseeker, single person, no children	\$557.85	\$442.58	Above
Jobseeker, single person with children	\$581.00	\$597.39 up	Below
Jobseeker, couple, without children	\$785.80	\$442.58	Above
Jobseeker, couple with children	\$785.80	\$774.45 up	Both**
Jobkeeper, single person, with or without children	\$750.00	\$442.58 or \$744.92 up	Above***
Jobkeeper, couple, with or without children	\$1500.00	\$442.58 or \$774.45 up	Above

\*this is based upon no other partner or responsible parent, the poverty line is higher with more children.

\*\* with more than one child, a couple receiving jobseeker fall below the poverty line.

\*\*\*with more than one child, a single parent receiving Jobkeeper falls below the poverty line

19. Based upon the above:

- Persons receiving the aged pension would likely not meet the criteria for severe financial hardship.
- The more children a person or couple has, the higher the poverty line is, in which event they are more likely to experience severe financial hardship.

Following the 5 May 2020 Agenda Briefing Forum, the following information is provided:

20. On 8 May 2020, [an order of the Minister for Local Government](#) was published in the Government Gazette in order to suspend and modify portions of the *Local Government Act 1995*. This order among other matters forbids a local government to levy interest or installment/payment plan fees against residential and small business ratepayers experiencing financial hardship.
21. As a result of this order, modifications are proposed to the draft policy that are in addition to the original policy considered by the Policy Committee at its 22 April meeting. This amended policy is included as attachment 4. Amendments to the Financial Hardship Policy are shown as tracked changes.
22. The changes to the original policy are as follows.

Clause	Change	Reason
Definitions	A typo is corrected in the definition of financial hardship	To correct an error.
	The definition of severe financial hardship is deleted.	The definition is no longer required.
	The definitions of residential ratepayer, small business and small business ratepayer are adapted from the Minister's order.	To adopt the clause relating to the Minister's order.
11	The word 'severe' is deleted.	The Minister's order only speaks of financial hardship. To comply with the order, it is proposed that this power to waive interest be available in all financial hardship cases.
New clause 12	New clause inserted	This clause adopts the Minister's requirement that any residential ratepayer or small business ratepayer will have interest and installment/payment plan fees waived if they are experiencing financial hardship as a result of COVID-19.
15	Amended to include 'experiencing financial hardship'.	This amendment clarifies that the suspension of debt recovery processes is only for debtors experiencing financial hardship and debt recovery process apply to all debt.

23. Based upon this, the information provided in paragraphs 8, 9 and 13 through to 19 of this report are no longer considered relevant. This is because the references to the poverty line are recommended for

deletion based upon the Minister's order. An alternative officer recommendation has been provided to address this.

24. In order to adopt the alternative policy, the following alternate recommendation is provided below.

### **Alternative officer recommendation**

That Council:

1. Adopts Policy 308 Financial hardship at attachment 4.
2. Adopts the amendments to Policy 303 Debt collection as at attachment 2.
3. Adopts amended delegations to the Chief Executive Officer at attachment 3:
  - a. Defer, Grant Discounts, Waive or Write off Debts
  - b. Agreement as to Payment of Rates and Service Charges
  - c. Recovery of Rates and Service Charges
  - d. Recovery of Rates Debts – Require Lessee to Pay Rent
  - e. Recovery of Rates Debts – Actions to Take Possession of Land

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

Nil.

## 17 Motion of which previous notice has been given

### 17.1 Appointment of Deputies to the COVID-19 Response Working Group

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

#### Motion

That Council appoints the following persons as deputies to the COVID-19 Response Working Group:

1. Cr Brian Oliver
2. Cr Jesvin Karimi
3. Cr Vicki Potter
4. Cr Luana Lisandro
5. Cr Ronhhda Potter
6. Cr Wilfred Hendriks.

#### Reason

At the Special Council Meeting on 7 May 2020, Council resolved to appoint a number of persons to the Town's COVID-19 Response Working Group. During debate, the question of the need to appoint deputies was raised. As presiding member, I indicated that the recommendation could be amended to include the appointment of deputy members. Due to an oversight on my part, I omitted to move that amendment. This motion will rectify that before the next report date to Council in July, as it is possible deputies may be required to attend meetings in the interim.

#### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The appointment of deputy members to the working group will ensure that meetings can proceed, and that all elected members have an equal opportunity to participate in the governance of this group when ordinary members are unavailable.

## Officer response to notice of motion

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

## Officer comment

1. The appointment of deputies to the COVID-19 Response Working Group will assist with ensuring full representation from elected members at meetings.
2. It is recommended that if an elected member appointed to the group is unable to attend a meeting, it is the responsibility of that member to contact all deputies to give fair opportunity for all and find someone that is able to attend. The deputy attending the meeting will then be communicated to the Town through Governance.

## Legal compliance

Not applicable.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
<b>Service interruption</b> If appointed elected members are unable to attend a meeting, it may result in a meeting being cancelled due to lack of representation.	Moderate	Unlikely	Moderate	Deputies are appointed to the working group.

## Financial implications

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

## Relevant documents

Not applicable.



**18 Questions from members without notice**

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

**20 Public question time**

**21 Public statement time**

**22 Meeting closed to the public**

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

Nil.

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

Nil.

**23 Closure**