TOWN OF VICTORIA PARK

Agenda Briefing Forum
Notes – 6 September 2022

WE'RE OPEN
VIC PARK

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

Her Worship the Mayor Karen Vernon
8 September 2022

Table of contents

1 About the Agenda Briefing Forum

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

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

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

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

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

Disclaimer

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

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

2 Opening

Mayor Karen Vernon opened the meeting at 6:30pm.

3 Acknowledgement of country

Cr Bronwyn Ife read the Acknowledgement of Country.

Acknowledgement of the traditional owners

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

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

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

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

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

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

4.2 Notice of recording and live-streaming

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

4.3 Conduct of meeting

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

All questions and statements made by members of the public are not to personalise any elected member or

member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

4.4 Public participation time

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

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

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

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

4.5 Questions taken on notice

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

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

5 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Deputy Mayor Claire Anderson Cr Peter Devereux Cr Wilfred Hendriks Cr Luana Lisandro
Jarrah Ward	Cr Jesse Hamer Cr Bronwyn Ife Cr Jesvin Karimi Cr Vicki Potter
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer	Ms Natalie Adams
Chief Community Planner	Ms Natalie Martin Goode
Chief Financial Officer	Mr Duncan Olde
Manager Development Services	Mr Robert Cruickshank
Manager Governance and Strategy	Ms Bana Brajanovic
Manager Property Development and Leasing	Mr Paul Denholm
Strategic Projects Manager	Mr Nick Churchill
Strategic Projects Manager	Mr Pierre Quesnel
Secretary	Ms Natasha Horner
Public liaison	Ms Alison Podmore

5.1 Apologies

Nil.

5.2 Approved leave of absence

Nil.

6 Declarations of interest

6.1 Declarations of financial interest

Name/Position	Cr Luana Lisandro
Item No/Subject	12.1 - Final Consideration of Scheme Amendment No. 88 to Town Planning Scheme No. 1 and Associated Draft Amended and New Local Planning Policy - Residential Character Study Area
Nature of interest	Financial
Extent of interest	Is an Enduring Power of Attorney for a family member whose property is situated within the Residential Character Study area.

Name/Position	Cr Vicki Potter
Item No/Subject	12.1 - Final Consideration of Scheme Amendment No. 88 to Town Planning Scheme No. 1 and Associated Draft Amended and New Local Planning Policy - Residential Character Study Area
Nature of interest	Financial
Extent of interest	Has an original weatherboard house listed in the weatherboard precinct of the Town.

**declared at the time of item before the matter was dealt with.*

Name/Position	Mayor Karen Vernon
Item No/Subject	16.1 - Mayor Karen Vernon - World Green City Awards
Nature of interest	Financial
Extent of interest	Is the person Council is sending overseas to attend the conference and awards night.

Name/Position	Mr Anthony Vuleta
Item No/Subject	19.1 - CEO Annual Performance Review 2021/22
Nature of interest	Financial
Extent of interest	The performance review could have financial implications as per his contract of employment.

6.2 Declarations of proximity interest

Nil.

6.3 Declarations of interest affecting impartiality

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.3 - Victoria Park Carlisle Bowling Club - Request for Rent Relief
Nature of interest	Impartiality
Extent of interest	Is a member of a group that hires out meeting space within the Victoria Park Carlisle Bowling Club. She has also attended numerous events at the Bowling Club.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.3 - Victoria Park Carlisle Bowling Club - Request for Rent Relief
Nature of interest	Impartiality
Extent of interest	Has attended events and functions at the Victoria Park Carlisle Bowling Club.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.3 - Victoria Park Carlisle Bowling Club - Request for Rent Relief
Nature of interest	Impartiality
Extent of interest	Knows a committee member of the Victoria Park Bowling Club.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.3 - Victoria Park Carlisle Bowling Club - Request for Rent Relief
Nature of interest	Impartiality
Extent of interest	Is a patron of the Club, and has attended events and meetings at the Club. The Club's executive has also discussed this request for financial assistance with her.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.1 - Deed of Agreement for the Provision and Maintenance of a Community Benefit Space for Lot 115 Vic Quarter
Nature of interest	Impartiality
Extent of interest	Was a member of the Joint Development Application Panel that decided on the Community Space at the Vic Quarter Building.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.2 - Victoria Park Carlisle Bowling Club Sub-Lease Street Roller Hockey League
Nature of interest	Impartiality
Extent of interest	Has attended events and functions at the Victoria Park Carlisle Bowling Club.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.2 - Victoria Park Carlisle Bowling Club Sub-Lease Street Roller Hockey League
Nature of interest	Impartiality
Extent of interest	Is a member of a group that hires out meeting space within the Victoria Park Carlisle Bowling Club. Has also attended numerous events at the Bowling Club.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.2 - Victoria Park Carlisle Bowling Club Sub-Lease Street Roller Hockey League
Nature of interest	Impartiality
Extent of interest	Is a patron of the Club. Has also attended events and meetings of the Club. The Club's executive has also discussed this lease proposal with her.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.2 - Victoria Park Carlisle Bowling Club Sub-Lease Street Roller Hockey League
Nature of interest	Impartiality
Extent of interest	Knows a committee member of the Victoria Park Carlisle Bowling Club and has spoken to him about this item.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Has attended events and functions at the Victoria Park Bowling Club as well as by the Vic Park Collective, and have been on a Facebook community group run by Vic Park Collective for discussing general ideas for a Tool Library in Victoria Park.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Is a member of a group that hires out meeting space within the Victoria Park Carlisle Bowling Club. Has also attended numerous events at the Bowling Club. Has attended numerous events hosted by the Vic Park Collective. Members of the Vic Park Collective are known to her.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Knows a committee member of the Victoria Park Carlisle Bowling Club and several members of the Vic Park Collective.

Name/Position	Cr Bronwyn Ife
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Has attended events at the Invitation of the Vic Park Collective.

Name/Position	Cr Vicki Potter
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Has attended functions hosted by the Victoria Park Collective.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Has attended events organised by the Vic Park Collective

Name/Position	Mayor Karen Vernon
Item No/Subject	13.3 - Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
Nature of interest	Impartiality
Extent of interest	Is a patron of the Club. Has attended events and meetings of the Club. The Club's Executive has discussed this sublease proposal with her. Has also attended events hosted by the Vic Park Collective.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended events hosted by/involving The Waalitj Foundation and Perth Football Club.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended events at the Perth Football Club and Waalitj Foundation, and provided a briefing to PFC members on the current status of this project as at 3 September 2022.

Name/Position	Cr Vicki Potter
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has have attended events at Perth Football Club and Walitj Foundation.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended events and functions for the Perth Football Club and the Waaliltj Foundation.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has have attended events held by the Perth Football Club and Waalitj.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended events run by the Perth Football Club.

Name/Position	Cr Peter Devereux
Item No/Subject	13.4 - Lathlain Park Redevelopment Project Zone 1 – Business Case
Nature of interest	Impartiality
Extent of interest	Has attended functions at Perth Football Club.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.6 - Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting
Nature of interest	Impartiality
Extent of interest	Have spoken with some members of the Raiders Football Club regarding lighting at Higgins Park.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.6 - Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting
Nature of interest	Impartiality
Extent of interest	Has attended events held by the Victoria Park Raiders Junior Football Club and had meetings with the Club executive regarding their request for upgraded floodlighting at Higgins Park.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.6 - Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting
Nature of interest	Impartiality
Extent of interest	Has attended events hosted by/involving the Vic Park Raiders Football Club. Has had meetings with several members of the Vic Park Raiders Football Club about their lighting needs at Higgins Park.

Name/Position	Cr Bronwyn Ife
Item No/Subject	13.6 - Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting
Nature of interest	Impartiality
Extent of interest	Has had conversations with the Vic Park Raiders Football Club about lighting at Higgins Park.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.6 - Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting
Nature of interest	Impartiality

Extent of interest	Has attended events and functions at the Victoria Park Raiders Football Club who have advocated and discussed the issue of lighting at Higgin Park.

Name/Position	Mayor Karen Vernon
Item No/Subject	16.1 - Mayor Karen Vernon - World Green City Awards
Nature of interest	Impartiality
Extent of interest	Is the person Council is sending overseas to attend the conference and awards night.

Name/Position	Mr Anthony Vuleta
Item No/Subject	19.1 - CEO Annual Performance Review 2021/22
Nature of interest	Impartiality
Extent of interest	The performance review could have financial implications as per his contract of employment.

7 Public participation time

Graham Ferstat, Burswood

1. As you one of the nominated signatories between Fabcot and the Town, have you signed the document agreeing to extend the contract date as defined by the latest date of the contract?

Mayor Karen Vernon advised yes.

2. What qualifications do the staff have to determine the extent of confidentiality within the contract vs in-house administrative timelines and processes?

The Chief Operations Officer advised that professional and legal advice has been sought and to treat the matter as confidential.

3. What qualification do staff have to make the assessments?

The Chief Operations Officer advised that the qualifications are awarded to the delegations of the position and she can act upon the legal advice given.

4. Would the Town be prepared to request the Auditor General to conduct an audit and the outcome of that audit be published publicly in its entirety?

The Chief Executive Officer took the question on notice.

5. Made a statement on item 12.1 on its history and expressed concerns on the information presented and lack of information presented. He also expressed concerns on the Town enforcing its policies on residents and urged Council to have all information before making a decision.

Vince Maxwell, Victoria Park

1. Since the August Ordinary Council Meeting, have you asked to see the three-strikes policy document?

Mayor Karen Vernon advised no.

2. So I can put in a Freedom of Information request, can you tell me the correct name of that document?

Mayor Karen Vernon advised that she is unable to name a document that she is unfamiliar with.

3. Can anyone else in the room answer it?

The Chief Executive Officer advised that he is not aware of it and believes no other staff member is aware of the document.

Due to having a financial interest, Mayor Karen Vernon left the meeting at 6.49pm.

Deputy Mayor Claire Anderson presided the meeting.

4. Made a statement regarding item 16.1 and expressed doubt of credibility of the event organizer International Association of Horticultural Producers and expressed concerns on the value for the costs proposed.

5. How much has it cost the Town to apply for this award and is anyone else in the Town going on this trip?

The Chief Operations Officer advised that the award also has significance on a global scale, that there will be a conference held which will be an opportunity for the Town's Climate Emergency Plan and Environmental Plan, and an Environmental Officer will also be attending as a delegate.

6. How much has it cost the Town to apply for this award?

The Chief Operations Officer took the question on notice.

7. For $7000, how many potholes in State Street could be patched with that amount of money?

The Chief Executive Officer advised that he considers that question rhetorical and stated it depends on the size of the potholes.

8. Made a statement that the money could be better spent in the Town.

Mayor Karen Vernon returned at 6.53pm and resumed presiding over the meeting

9. Made a statement not in support of the officer's recommendation for item 13.8 – Waste Local Law and expressed concerns on the proposed authority to issue offences processes and potential negative impacts of the local law on ratepayers. He urged Council to place protections within the local law and stated staff had lied.

Mayor Karen Vernon raised a point of order for adverse reflection in accordance to clause 56 of the Meeting Procedures Local Law 2019. Mr Maxwell declined to withdraw his comment and returned to his seat.

Sam Zammit

1. The Town approved seven new restaurants at 1018-1020 Albany Highway, the old International Eating House, are you familiar with the building?

Mayor Karen Vernon advised yes.

2. Did the assessment of the application include parking consideration like parking facilities?

The Manager Development Services advised that does not recall the specifics of this application but thinks it would have been considered.

3. The building has no provisions for parking, would I be correct that it was approved on the proviso that customers use the parking already in place (the car park facing Shepperton Road)?

The Manager Development Services took the question on notice.

4. Is it the case that staff can't accept gifts?

The Chief Executive Officer advised that a new policy was approved within the last year for a zero-gift policy, however items not purchased such as fruit or cards can still be accepted.

5. Can it still be accepted as long as it is declared?

The Chief Executive Officer advised yes.

6. Has a levy to the builders that damage Town property been implemented?

The Manager Development Services advised no.

7. So I've got to keep hammering?

Mayor Karen Vernon advised that the report to the motion passed at the Meeting of Electors was not to implement a levy which was passed.

8. Are you aware that nearly all other Councils do implement a levy?

Mayor Karen Vernon advised yes, it was in the report.

9. Made a statement expressing that Council are relying on ratepayers to notify damages to Town property.

10. Is the new green lid bin an additional charge on ratepayers?

The Chief Operations Officer advised that the cost of all the waste and bins is included in the waste levy.

11. Is it costing ratepayers extra?

The Chief Operations Officer took the question on notice.

12. Is there any consideration for reducing the verge waste collection to two or three times a year?

Mayor Karen Vernon advised that Council have considered reducing verge collection and it has been reduced over a period of time and with the introduction of the new bin, the bulk verge collection times will be considered.

13. The Town's going underground power and when it happens, will all pruning of trees will stop?

Mayor Karen Vernon advised that is correct in general but there may be exceptions.

The Chief Operations Officer advised that pruning directly related to power lines will be reduced but there still will be tree pruning required.

14. Patricia Street is very dimly lit, why don't we put in brighter globes and why aren't the street lights closer together.

The Chief Operations Officer advised that the Town will investigate Patricia Street to see if it meets Australian Standards for safety.

Council agreed to extend participation time for five minutes.

John Gleeson

1. Outside the Administration building, what is the blue flag with white star on it?

Mayor Karen Vernon advised that it is the Torres Strait Islander flag.

2. Why is it out of the front of here?

Mayor Karen Vernon advised that they are recognized by the Federal Government and the flags are flown as per their protocols.

3. Why is the Australian flag not on the top of the hill?

Mayor Karen Vernon advised that it is flown and is in the order determined by the Federal Government's protocols.

4. But it's flown behind a tree?

Mayor Karen Vernon advised that it's not.

8 Presentations

Nil.

9 Deputations

Nil.

10 Method of dealing with agenda business

Questions were received from elected members on the following items:

a) 12.1 Final Consideration of Scheme Amendment No. 88 to Town Planning Scheme No. 1 and Associated Draft Amended and New Local Planning Policy - Residential Character Study Area
b) 12.3 Victoria Park Carlisle Bowling Club - Request for Rent Relief
c) 12.4 West Australian Recreational Water Sports Association CSRFF Application
d) 12.5 Draft Safer Neighbourhoods Plan 2022-2027
e) 13.1 Deed of Agreement for the Provision and Maintenance of a Community Benefit Space for Lot 115 Vic Quarter
f) 13.3 Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective
g) 13.4 Lathlain Park Redevelopment Project Zone 1 – Business Case
h) 15.2 Policy 252 - Nuclear Free Zone

11 Chief Executive Officer reports

11.1 Council resolutions status report - August 2022

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Report - August 2022 [**11.1.1** - 62 pages] 2. Completed Council Resolutions Report - August 2022 [**11.1.2** - 10 pages]

Recommendation

That Council:

1. Notes the Outstanding Council Resolutions Report as shown in attachment 1.
2. Notes the Completed Council Resolutions Report as shown in attachment 2.

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

1. On 17 August 2021, Council resolved as follows:
2. *That Council:*
3. *1. Endorse the inclusion of Council Resolutions Status Reports as follows:*
4. *a) Outstanding Items – all items outstanding; and*
5. *b) Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.*

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

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	.

Civic Leadership	
Community priority	Intended public value outcome or impact

CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

Engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

6. The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
7. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 28 July 2022 to 31 August 2022. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

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

12 Chief Community Planner reports

12.1 Final Consideration of Scheme Amendment No. 88 to Town Planning Scheme No. 1 and Associated Draft Amended and New Local Planning Policy - Residential Character Study Area

Location	Burswood East Victoria Park Victoria Park
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Schedule of Submissions Amendment 88 [**12.1.1** - 21 pages] 2. Schedule of Modifications [**12.1.2** - 9 pages] 3. Scheme Amendment No. 88 - Scheme Amendment Report (Advertised Version) [**12.1.3** - 38 pages] 4. Draft New Local Planning Policy - Character Retention Guidelines (Advertised Version) [**12.1.4** - 23 pages] 5. Draft Amended Local Planning Policy 32 (Advertised Version) [**12.1.5** - 24 pages] 6. Planning Consultant's Recommendations Report [**12.1.6** - 93 pages] 7. Extract from Minutes of September 2020 Ordinary Council Meeting [**12.1.7** - 25 pages]

Landowner	Multiple private landowners
Applicant	Not applicable
Application date	Not applicable
Town or WAPC reference	Town ref: PLA/7/88 and WAPC ref: TPS/2701
MRS zoning	Urban
TPS zoning	The land is predominantly zoned Residential
R-Code density	Ranging from R30 to R80
TPS precinct	Land within the subject area is within the following four precincts: Precinct 5 – Raphael Precinct 6 – Victoria Park Precinct 10 – Shepperton (Sheet A) Precinct 12 – East Victoria Park (Sheets A and B)
Use class	Predominantly single houses and grouped dwellings

Use permissibility	Varies depending on the subject precinct and development proposal
Lot area	Various
Right-of-way (ROW)	Many lots have front to rights-of-way and a primary street
Local heritage survey	Various places within the subject site are included in the Town's Local Heritage Survey and listed on the Town's Heritage List
Residential character study area/weatherboard precinct	Residential Character Study Area, Weatherboard Precinct and Raphael Precinct
Surrounding development	Predominantly residential

Recommendation

That Council:

1. Notes the submissions received in respect to Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1 and endorses the response to the submissions as contained in the Schedule of Submissions at Attachment 1, in accordance with Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Resolves not to support Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1 in accordance with Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in view of:

(a) Advice from the Department of Planning, Lands and Heritage that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission for reasons including:

(i) Amendment 88 is considered to be a hybrid approach which mixes both retention of dwellings (which is heritage) and streetscape outcomes (which is character).

(ii) A heritage area or heritage list is the appropriate planning mechanism to use if the Town seeks to retain character dwellings.

(iii) A policy is the appropriate planning mechanism to use if the Town is seeking a certain character appearance.

(iv) The development approval provisions for the proposed Special Control Area are inconsistent with the provisions of the Regulations in relation to exemptions from development approval.

(b) The community feedback received.

3. Notes the submissions received in respect to draft amendments to Local Planning Policy 32 'Exemptions from Development Approval' and draft new Local Planning Policy 'Character Retention Guidelines' as contained in the Schedule of Submissions at Attachment 1, in accordance with subclause 4(3)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Resolves not to proceed with draft amendments to Local Planning Policy 32 'Exemptions from Development Approval' in accordance with subclause 4(3)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, on the basis that due to part 2 above the amended policy provisions are no longer required.

5. Request the Chief Executive Officer to present future reports to Council by no later than the June 2023 Ordinary Council Meeting which further consider:
   (a) Modifying draft Local Planning Policy 'Character Retention Guidelines;
   (b) Investigating the designation of heritage areas, in accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
   (c) Investigating the development of incentives and development bonuses to encourage the retention and maintenance of character dwellings.

Purpose

The purpose of this report is to obtain Council resolution to:

- not proceed with Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1; and
- undertake other actions including further review of the draft Local Planning Policy – Character Retention Guidelines, investigating possible heritage areas, and incentives for character dwelling retention.

In brief

- At the 15 September 2020 Ordinary Council Meeting, Council resolved to initiate proposed changes to the planning framework that applies to the Town's RCSA, including:
  - Scheme Amendment 88 ('Amendment 88') to Town Planning Scheme No. 1 ('Town's Scheme');
  - a new draft Local Planning Policy - Character Retention Guidelines ('Character Retention Guidelines); and
  - amending Local Planning Policy 32 - Exemptions from Development Approval ('Exemptions Policy').
- The draft planning framework was advertised to the community and relevant statutory authorities from 11 November 2021 to 18 January 2022. As a result of the advertising the Town received 79 responses from the community comprising 47 objections, 28 in support and four undecided submissions. In addition, the Town received no objection or no comment responses from several external authorities.
- In March 2022 the Town's Officers met with officers from the DPLH Land Use Planning and Heritage Services to discuss the outcome of the community consultation process and to further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission.
- In line with the DPLH advice, it is recommended that Council not support Amendment 88 and that other options be investigated further in relation to character retention.

Background

1998 to 2003

Between 1998 and 2003 the Town's local planning policies sought to preserve residential character throughout the Town. Provisions in the Town's Scheme of the time required development/planning approval to be obtained for most forms of development across the Town, including demolition of a dwelling, construction of a new dwelling and additions to dwellings.

2003 to 2015

Provisions for the Residential Character Study Area ('RCSA') were first implemented by the Town in 2003 following the completion of a Residential Character Study Report which identified that 'original dwellings', generally those constructed prior to 1946, contributed to a unique and identifiable character that should be protected and maintained.

New policy requirements were implemented specifically for the RCSA to guide the built form design outcomes within the area (now contained in the Town's Local Planning Policy 25 'Streetscape').

In October 2015, the State Government gazetted the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations 2015') which introduced deemed provisions for all local planning schemes. The deemed provisions removed the need to obtain development approval to demolish single houses and/or for new development works, where the works are compliant with the deemed-to-comply requirements of State Planning Policy 7.3 Residential Design Codes ('R-Codes') and relevant local planning policies.

Scheme Amendment 73

In June 2016, Council initiated Amendment 73 to the Town's Scheme to designate the RCSA as a Special Control Area ('SCA'), 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, the Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 in a manner not consistent with that recommended by Officers, namely the removal of planning controls to implement the proposed objectives. This resulted in Amendment 73 being significantly modified from that originally proposed and advertised.

In 2018 the Minister subsequently refused Amendment 73 on the basis that:

(a) The amendment does not include any planning controls to implement the objectives of the proposed to be inserted;

(b) Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and

(c) The Regulations 2015 provide appropriate heritage controls.

Community Engagement Project

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 ('Streetscape Policy') and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the RCSA.

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 RCSA. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the RCSA.

Based on the community sentiment, Element prepared a Recommendations Report and draft Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting. A copy of the Recommendations Report is attached to this report (refer to Attachment 6).

The status of the final recommendations and next steps details in the Recommendations Report recommended that the Town undertake a Scheme Amendment to designate the RCSA as a SCA, now being Scheme Amendment 88, as well as providing a draft Local Planning Policy 'Character Retention Guidelines' for the Town's consideration.

With respect to each of the recommendations contained in the Recommendations Report, the following information is provided:

Recommendation	Status
Introduce a Special Control Area over the RCSA requiring development approval for demolition of original dwellings, and development visible from the street	This was to be addressed through Scheme Amendment 88. For the reasons outlined in this report, this recommendation is no longer recommended to be progressed.
Revoke existing LPP25 'Streetscape' and adopt new Character Retention Guidelines applicable to development within the SCA	It is proposed that the draft Character Retention Guidelines be further reviewed and amended where necessary, prior to Council considering their formal adoption at a future meeting.
Further investigate and facilitate a discussion regarding community nominated heritage areas	In lieu of a Special Control Area, the investigation of heritage areas is proposed. This may be a combination of both Town identification and community nomination.
Consider implementing incentives to encourage the retention of original dwellings	This recommendation is to be progressed further.
Invest in public domain improvements to enhance the natural beauty and character of the area	This is a matter for consideration by the Street Operations and Place Planning teams.

Scheme Amendment 88

Accordingly, the Council resolved at its September 2020 meeting to initiate Scheme Amendment 88, to advertise the draft Local Planning Policy 'Character Retention Guidelines' and to advertise consequential amendments to Local Planning Policy 32 'Exemptions from Development Approval'. An extract of the Council meeting minutes is attached to this report (refer to Attachment 7) and provides further background material and reasoning for the Amendment.

In March 2021 the Western Australian Planning Commission confirmed that, subject to a minor modification to the Scheme Report, the Complex Scheme Amendment was suitable for advertising purposes, in accordance with Regulation 37(2) of the Regulations 2015. In addition, in April 2021 the Environmental Protection Authority confirmed that Amendment 88 did not require assessment under Part IV of the Environmental Protection Act 1986.

On 1 July 2021 the State Government gazetted an amendment to the Regulations 2015. This included various changes to clause reference numbers and contents of relevant deemed provisions that were referenced in Amendment 88 and the draft local planning policy.

Amendment 88 and the draft local planning policy was subsequently modified in accordance with the conditions of the WAPC's consent to advertise and the amended deemed provisions. These modifications are detailed in the attached Schedule of Modifications (refer to Attachment 2).

The modified Amendment 88 and draft local planning policies were advertised for public comment from 11 November 2021 to 18 January 2022, in accordance with the advertising requirement for a Complex Scheme Amendment as specified in the Regulations 2015. A summary of the feedback received is provided in the Engagement section below.

Local Heritage Survey and Heritage List

Separately to Amendment 88, following the introduction of the *Heritage Act 2018* the Town prioritised a review of the Town's heritage framework and in particular the lack of protection for places with significant cultural heritage value as part of the Town's Corporate Business Plan.

In response to the legislative requirements, the Town engaged an independent heritage consultancy to review the Town's previous Municipal Heritage Inventory and develop a Local Heritage Survey. A Local Heritage Survey is an important collation and identification of heritages places and is used, among other functions, to inform the preparation of a heritage list. However, the survey itself has no specific planning or legal weight. A Local Heritage Survey was endorsed by Council at the June 2021 Ordinary Council Meeting.

Following adoption of the Local Heritage Survey the Town prepared a Heritage List. In contrast to the Local Heritage Survey, a Heritage List is an instrument that is afforded powers under the *Planning and Development Act 2005* and therefore carries statutory weight when determining planning outcomes for heritage places. In accordance with the deemed provisions of the Regulations 2015, the Town established a Heritage List which contains those places of highest and/or most significant cultural significance and are worthy of built heritage conservation. The Town's Heritage List was approved by Council at the June 2022 Ordinary Council Meeting.

It is important to note that the inclusion of a place on a heritage list gives the place recognition and protection under the local planning scheme. Where a place is included on a heritage list it is then afforded statutory protection under the local planning scheme by way of the requirement for development approval to be obtained for works which may otherwise be exempt.

For reference purposes, the following 49 'original dwellings' within the RSCA are included on the Town's Heritage List:

- 86 Mackie Street Victoria Park
- Kate Street Reserve and Surrounding Houses – 14 & 16 Kate Street, 9, 13, 15, 21 & 23 Lake View Street, 226 Shepperton Road, and 10, 12, 14, 16, 18, 20, 24, 26 & 28 Norseman Street, East Victoria Park.
- 105 Berwick Street, Victoria Park.
- 31, 33 and 57 Cargill Street, Victoria Park.
- 27 Duncan Street, Victoria Park.
- 48 and 56 Geddes Street, Victoria Park.
- 55 Gloucester Street, Victoria Park.
- 33 Hampton Street, Victoria Park.
- 18/20, 51, 52/54 and 91 Mackie Street, Victoria Park.
- 45, 49, 51 and 59 Sunbury Road, Victoria Park.
- 48 Teague Street, Victoria Park.
- Washington Street Precinct – 28, 30, 32, 34, 36 and 38 Washington Street, Victoria Park.

Details

1. Amendment 88 proposes to amend the Town of Victoria Park Town Planning Scheme No. 1 by:
    - Designating the Residential Character Study Area as a Special Control Area;
    - Modifying Precinct Plans P5, P6, P10 and P12 to identify the location of the Special Control Area; and
    - Including provisions applying to the Special Control Area, including the need for:
        - Development approval to demolish a single house constructed prior to 1946;
        - Development approval for building works visible from the street inclusive of a single house, additions to a single house, and other associated structures; and
        - Development to comply with the provisions of a Local Planning Policy adopted for the Residential Character Special Control Area.
2. With respect to the new draft Local Planning Policy – Character Retention Guidelines:
    - The purpose of the draft new policy is to provide design and development standards that will apply to land within the proposed SCA.
    - Notable elements of the draft policy include:
        - The policy is proposed to apply to development that is 'visible from the street'. Development that is not visible from the street will not be subject to the policy and therefore can be more contemporary in appearance.
        - The policy is proposed to replace in part the Town's existing Streetscape Policy.
        - The policy seeks to retain existing residential character, whilst providing flexibility to incorporate contemporary design in appropriate circumstances.
        - The policy contains a performance-based approach to assessments rather than prescriptive requirements.
3. In relation to the draft Amended Local Planning Policy 32 – Exemptions from Development Approval, the draft amended Exemptions Policy will ensure consistency with proposed Amendment 88 and provide clarity on the types of works that may be exempt from development approval within the SCA.

Relevant planning framework

Legislation	Planning and Development Act 2005 (WA) Planning and Development (Local Planning Schemes) Regulations 2015 (WA) Town of Victoria Park Town Planning Scheme No. 1
State Government policies, bulletins or guidelines	State Planning Policy 7.3 – Residential Design Codes Volume 1 State Planning Policy 7.3 – Residential Design Codes Volume 2 State Planning Policy 3.5 – Historic Heritage Conservation
Local planning policies	Local Planning Policy 25 – Streetscape Local Planning Policy 32 – Exemptions from Development Approval Local Planning Policy – Heritage List
Other	Town of Victoria Park Local Planning Strategy

General matters to be considered

TPS precinct plan statements	The following statements of intent contained within the precinct plan are relevant to consideration of the amendment. Precinct Plan P5 – Raphael Precinct • The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras. • 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. • 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. Precinct Plan P6 – Victoria Park Precinct • The Victoria Park Precinct will remain as attractive and essentially a low to medium scale residential area set on some of the highest land within the locality. • The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitivity designed 'infill' housing is the most favoured form of development and will be encouraged. • 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 93 of 258 to strict design constraints governed by the existing scale and character of housing.

Strategic alignment

Environment	

Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Community consultation undertaken as part of this amendment has demonstrated a mix of views but primarily concern about the proposed Special Control Area.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	In March 2021, the WAPC confirmed that the amendment *was "suitable for advertising subject to section 3.0 of the scheme amendment document relating to the town's draft local planning strategy being modified to be consistent with the approach in the draft local planning strategy that was certified for advertising by WAPC on 25 February 2021."* Subsequently, the Scheme Report was amended to include updated information from Place Planning in relation to the Town's draft Local Planning Strategy. The Local Planning Strategy includes a Housing and Neighbourhoods Objective 2.2 *"To ensure development protects and enhances the desired character and amenity of neighbourhoods and streets, including the recognised significance of streetscapes in the Residential Character Area"*. The Strategy designates the Residential Character Area as a neighbourhood with objectives "*CA.1 To encourage the conservation and retention of original dwellings and streetscapes. CA.2 To enhance the streetscape character that is attributed to the presence of original dwellings and the sympathetic character of new development. CA.3 To ensure that special and particular elements of streetscape character are considered in all land use and development proposals*". The recommendation to not proceed with a Special Control Area but to pursue a range of alternative planning approaches to protect character while allowing sympathetic new development such as heritage areas, design guides and incentives, is consistent with the objectives of the Strategy and fully supported.

External engagement	
Stakeholders	Town of Victoria Park land owners and occupiers and external authorities.

Period of engagement	11 November 2021 to 18 January 2022
Level of engagement	2. Consult
Methods of engagement	Written submissions and Your Thoughts webpage (the Town's online engagement tool). Two community information sessions.
Advertising	In accordance with the Communications and Engagement Plan and the Complex Scheme Amendment requirements of the Regulations 2015, advertising included: • Public notice and electronic copy of the documents on the Town's online engagement hub 'Your Thoughts'; • Public notice and hardcopy of the amendment documents available at the Town's Administrative Offices and Library. • Public notices in the PerthNow newspaper; • Direct correspondence with relevant external authorities; • Direct correspondence to all owners and occupiers within the proposed Special Control Area; • Direct correspondence to all Amendment 73 submitters and submitters on the RCSA Survey; • Two community information sessions; and • Social media (Facebook) post/s.
Submission summary	A total of 79 responses were received, comprising 47 objections, 28 support and four undecided submissions have been received by the Town. A summary of the responses are provided in the attached Schedule of Submissions (refer to Attachment 1).
Key findings	The feedback is outlined in the Analysis section below.

Other engagement	
Stakeholder	Comments
Department of Planning, Lands and Heritage	In March 2022 the Town's officers met the Town's Officers met with officers from the DPLH Land Use Planning and Heritage Services teams to discuss the outcome of the community consultation process and further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town has outlaid expenditure on developing Scheme Amendment 88.	Moderate	Likely	High	Low	Treat: Inform all those who made submissions of the reason for the Council resolution.
Environmental	Flexibility to provide contemporary additions and sustainable renovations to dwellings will be delayed.	Moderate	Likely	High	Medium	Treat: Investigate modification of the draft new Character Retention Guidelines to incorporate relevant contemporary development for relevant development proposals and encourage the retention of character dwellings. In the interim, delegated Town Officers will exercise discretion in determining applications for development approval.
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Not supporting Scheme Amendment 88 would result in the ongoing absence of	Moderate	Likely	High	Low	Treat: Investigate the identification of heritage areas and investigate the development

	protection for character dwellings and a business as usual approach for the assessment of new dwellings.					of an incentives and development bonus policy to encourage the retention and maintenance of character dwellings.
Service delivery	Not supporting Scheme Amendment 88 will result in a continuation of current service delivery and practice	Moderate	Almost certain	High	Medium	Treat: Refer to the treatments for the Environment and Reputation risks above.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address the recommendations.
Future budget impact	Should Council decide at a future time to progress with designating areas as heritage areas then this will require funding in future budgets to engage consultants to complete heritage assessments in accordance with clause 11 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015

Analysis

Community Consultation

26. Community consultation resulted in the receipt of a total of 79 responses comprising 49 objections, in support and four undecided submissions. In addition to the community responses, the Town received no objection or no comment responses from the Department of Biodiversity, Conservation and Attractions, the Heritage Services from the Department of Planning, Lands and Heritage authorities/agencies are summarised in the attached Schedule of Submissions (refer to Attachment 1).

27. The majority (62 per cent) of community responses objected to the proposed changes to the planning framework. Key objection reasons/comments included:

(a) Impedes property owner's rights to redevelop.
(b) Negative impact on property values.
(c) Retention of dwellings should be encouraged rather than mandated.
(d) Incentives to retain older dwellings should be provided by the Town.
(e) The provisions are contrary to the deemed provisions intent of reducing red tape.
(f) There is a significant financial cost to maintain older dwellings.
(g) Older houses are not energy efficient or sustainable.
(h) Character can be maintained through quality new builds.
(i) The proposed provisions are too late as the character of the area has been reduced through demolition and redevelopment since the deemed provisions were implemented in 2015.

Engagement with the Department of Planning, Lands and Heritage (DPLH)

28. In March 2022 the Town's Officers met with Officers from the DPLH Land Use Planning and Heritage Services to discuss the community consultation outcomes and further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission for the following key reasons:

    (a) The previous reasons for refusal of Scheme Amendment 73 are still present in Amendment 88.

        (a) A SCA over such a large area circumvents the provisions of the Regulations in relation to exemptions from development approval.

    (b) Amendment 88 is considered to be a hybrid approach as it mixes both retention of dwellings (which is heritage) and streetscape outcomes (which is character).

    (c) A heritage area or heritage list is the appropriate planning mechanism to use if the Town would like to retain character dwellings, however, heritage areas are not suitable for a 'blanket approach' over the whole RCSA.

    (d) A policy is the appropriate planning mechanism to use if the Town would like an area to have a certain character appearance.

29. The difference between a SCA and a heritage area is briefly explained as follows:

    (a) A SCA is an area identified as requiring additional special development requirements to address constraints and/or achieve certain development outcomes. SCAs are marked on the Scheme Map and provisions are included in the Scheme Text. These provisions would typically target a single issue or related set of issues often overlapping zone and reserve boundaries. These provisions set out the purpose and objectives of the SCA, any specific development requirements, the process for referring applications to relevant agencies and matters to be considered in determining development proposals.

    (b) The Town currently has two SCAs included in Schedule E of the Town's Scheme as Area No. 'DA1' relating to the Belmont Park Racecourse Structure Plan area and Area No. 'BD1' relating to Lot 905 Burswood Road (known as the Sands & McDougall site). Both of these SCAs contain special provisions or refers to a Structure Plan that contains special provisions guiding the coordinated redevelopment of the subject area, such as density/plot ratio, built form design, carparking and provision of public open space.

    (c) A heritage area is an area which, in the opinion of the local government, requires special planning control to conserve and enhance the cultural heritage significant cultural heritage and character and is designated under clause 9 of the deemed provisions. Once an area is designated as a 'heritage area', special planning controls take effect in order to conserve and enhance the significant cultural heritage and character of the area.

    (d) The Town's Heritage List, adopted by Council at its June 2022 Ordinary Council Meeting in accordance with Part 3 of the deemed provisions, includes a number of properties that are of cultural heritage significance and worthy of built heritage conservation. Of note, the Heritage List includes the Kate Street Reserve and Surrounding Houses which is an example of an area that could be further refined and designated as a heritage area.

    (e) There is a key difference in the legislative approval requirements to establish a SCA as opposed to the designation of a heritage area. The establishment of a SCA requires an amendment to the Town's Scheme Text and Scheme Map to be approved by the Minister for Planning. The designation of a heritage area only requires a resolution of the local government.

(f) The designation of heritage areas will require the Town to undertake the following actions:

(i) engage a heritage consultant to undertake assessment in accordance with the relevant legislation.

(ii) develop a local planning policy that contains a map of the heritage area boundaries, a statement about the heritage significance of the area, and a record of places of heritage significance in the heritage area.

(iii) consult with the community by providing notice to each owner of land affected by the proposed designation, publication of a public notice, erecting signs in the area(s) affected by the designation, and any other consultation means considered appropriate by the local government.

(iv) present a report to Council to review submissions from the community and make a decision whether to adopt or not adopt the designation of a heritage area.

(v) if Council designates an area as a heritage area the Town must then give notice to the Heritage Council of Western Australia and each owner of land affected by the designation.

29. The concerns over Amendment 88 expressed by a number of landowners are noted. While some concerns were valid, others were either unfounded or not able to be sustained, or alternatively could be addressed through modifications to Amendment 88 from that advertised.

30. However, the advice provided by Officers of DPLH was very clear that there is little prospect of obtaining their support, for Amendment 88 to be approved.

31. In the circumstances, it is considered that the best course of action is for Council to resolve to not proceed any further with Amendment 88, and for Council to instead consider other measures to preserve and enhance residential character. While it is open to Council to either proceed with Amendment 88 either as advertised or in a modified form, this is not recommended in view of the advice from DPLH Officers, as to do so would expend more time and energy on the matter with little prospect of success, when Officers could instead be investigating alternatives.

Options for Consideration by Council

32. In accordance with Regulations 41(2) and (3) of the Regulations 2015, Council is required to consider the submissions received on Amendment 88 and pass a resolution:

(a) to support the amendment without modification;

(b) to support the amendment with proposed modification to address issues raised in the submissions; or

(c) not to support the amendment.

33. In accordance with clause 4 of Schedule 2 of the Regulations 2015, Council is required to consider the submissions received on the draft local planning policies and pass a resolution:

(a) to proceed with the policy without modification; or

(b) to proceed with the policy with modification; or

(c) not to proceed with the policy.

34. In line with the DPLH advice, it is recommended that the Council resolve not to support Amendment 88 and to further review draft Local Planning Policy 'Character Retention Guidelines' prior to presenting to Council form formal consideration.

Alternative Approach to Retain and Enhance Residential Character

35. As an alternative to the SCA, it is recommended that the Town investigate the following alternatives:

(a) Incentives and development bonuses;

(b) Designation of heritage areas; and

(c) Modification of the draft Local Planning Policy 'Character Retention Guidelines'.

36. Incentives and development bonuses - Instead of a regulatory approach to protect and retain 'original dwellings' the Town may consider an 'encouragement' approach. This would require the investigation of incentives and development bonuses to encourage the retention and maintenance of original dwellings, and the allocation of a suitable budget to support implementation of some of the incentives. Examples of possible incentives and/or development bonuses may include:

(a) Provision of free advice to the community regarding how to maintain or redevelop their property.

(b) Waiving or reducing development application fees.

(c) Ensuring that development requirements do not require payment of additional costs, such as the requirement to engage a heritage consultant.

(d) Establishing an annual grants program to award funds for retention and maintenance of an original dwelling or heritage place.

(e) Bonus density or plot ratio - awarding additional density or plot ratio to what is permitted in the scheme, in return for the protection of a heritage place.

(f) Transfer of density or plot ratio - the transfer of unused density or plot ratio from one site to another.

37. Designation of heritage areas – Separate from the Heritage List for individual places, it is open to Council to consider identifying particular areas of the Town as heritage areas, which would also provide properties within these areas with a level of statutory protection. As advised by the DPLH the Town would not be able to designate the whole RCSA as a heritage area. The designation of heritage areas should be based on streets or street blocks with the best 'original dwellings'. This approach would cover a much smaller area of the Town than that proposed through Amendment 88 Special Control Area. The Town would need to consider which areas should realistically be protected. This will require further engagement with the community in each area to determine what they support or want and discuss what the impact may be in there are no controls in place. The identification of such areas could be Town led and or community led.

38. Character Retention Guidelines – To ensure the maintenance of the character of the area, the draft Character Retention Guidelines need to be further reviewed including refining the contemporary development provisions for new dwellings and additions to character dwellings. This would provide landowners with clarity regarding the Town's development requirements within the designated heritage areas, and provide the greater flexibility called for by some.

39. The investigation of incentives and development bonuses and modification of the Character Retention Guidelines is unlikely to impact on the Town's annual budget as this work can be undertaken by the Town's officers. The investigation of potential heritage areas will not have any current budget impact, but should Council wish to formally proceed with designating areas as heritage areas at a future time then this will require the engagement of suitably qualified heritage consultant(s) to undertake heritage assessments which will require allocation of sufficient funds, as outlined in the Financial Implications section above.

39. It is recommended that the abovementioned alternatives be further investigated and reported to Council which potentially :

(a) Addresses key concerns raised by the Town's community;

(b) Addresses the Council's objectives to retain and enhance the contribution made by original dwellings towards streetscape character; and

(c) Aligns with advice provided by the DPLH.

Relevant documents

Not applicable.

Cr Jesvin Karimi left the meeting at 7.14pm

Cr Vicki Potter declared a financial interest.

Due to a financial interest, Cr Lisandro and Cr Vicki Potter left the meeting at 7.14pm.

Questions and responses

Mayor Karen Vernon

1. In part 1 of the recommendations, is it a requirement of Reg 41(2) that Council must endorse the officer responses to the submissions?

The Manager Development Services advised that the information will be added to further consideration.

2. When did the Department of Planning, Lands and Heritage (DPLH) first advise the Town that they considered Amendment 88 to be a hybrid approach that mixes heritage and character?

The Manager Development Services advised that the information will be added to further consideration.

3. I'm trying to ascertain if that information had been provided in 2021?

The Manager Development Services advised the information that was received from the DPLH was after Amendment 88 was initiated and public community consultation.

4. In terms of the entire process, at what points do we have interaction with the DPLH?

The Manager Development Services advised there is an obligation once the amendment has been initiated to send a copy for review, and once the public submissions have been concluded for the recommendations.

Cr Jesvin Karimi returned to the meeting at 7.17pm.

5. Between the time of when it approved and when we send the copy, is it your experience with the DPLH that we would only receive further feedback if we were to reach out?

The Manager Development Services advised that once the amendment has been initiated, they only review it to ensure it is in order for community consultation, not on the merits of the proposal.

6. When did the DPLH first advise the Town that the hybrid approach would be detrimental?

The Manager Development Services advised that it was after the public submissions around February or March and the Town went to the DPLH to receive their comments.

7. Prior to that point in time, did the Town's engaged consultant advise the Town that it was a hybrid approach?

The Manager Development Services advised no.

8. Has the Town sought the consultant's response since receiving the DPLH's feedback?

The Manager Development Services advised yes.

9. Are you in a position to provide the consultant's response?

The Manager Development Services advised that a copy can be provided to elected members.

10. Why is a Heritage List said to be the appropriate planning mechanism to retain character when the DPLH says that mixing heritage and character is not supported for planning purposes?

The Manager Development Services advised that information would be provided under further consideration.

11. When did the Department first advise the Town that "The development approval provisions for the proposed Special Control Area were inconsistent with the provisions of the Regulations in relation to exemptions from development approval"?

The Manager Development Services that it was during the meeting in February/March this year.

12. Can the new Local Planning Policy be adopted and implemented without the amendment?

The Manager Development Services advised yes and that with the absence of Amendment 88 will revert to the current state of play.

13. Will the new Local Planning Policy ensure that only character properties son the Town's Heritage List would be supported for retention? Or is it the case that those properties might also be demolished with development approval?

The Manager Development Services advised that a property listed on the Heritage List no longer negates the need for planning approval to demolish. A dwelling listed on the Heritage List will need to go through a planning process for application for demolition.

14. Given the number of properties in the Residential Character Study area which are proposed to be a special control area, how likely is it that the Town could consider putting significant properties into the Heritage List in the future in order to ensure they have some level of protection?

The Manager Development Services advised that it would require an intensive and costly process. Alternatively, instead of a Heritage List, a Heritage Area where different assessments for applications for demolition would be undertaken.

The Chief Community Planner advised that properties on the Heritage List have higher stationary protections however properties protection from a framework is still a reasonable level of protection. Placing properties on both the Heritage List and Heritage Area wouldn't be out of the question but would be difficult.

15. How likely is it that you would get to the stage of ever being to include larger numbers considering point 28 of the report?

The Chief Community Planner advised that it is not impossible but will cost time, money and require further investigation into the complex matter.

16. In relation to paragraph 28 when did the DPLH advise the Town that the reasons for refusal of Amendment 33 were still present in Amendment 88?

The Manager Development Services advised that the consultants put forward their reasons why they felt the previous reasons for refusal had now been addressed for this amendment.

16. In relation to the options presented, is the worst that could happen if we were to press on, that the DPLH would recommend to the Minister to not approve it and we would be in the same position as we were?

The Manager Development Services agreed.

17. In relation to 33b, how long would it be for an assessment like that for some modifications to address the issues?

The Manager Development Services advised that it would be determined by what modifications Council had in mind but probably a few months.

18. Are you saying that it would take a couple of months to prepare the potential modifications for supporting Amendment 88?

The Manager Development Services advised that information would be provided under further consideration.

Cr Wilfred Hendriks

1. Was the Town advised that the Amendment is unlikely to be supported at the time of community consultation?

The Manager Development Services advised that the early review is only that the documents are in order, but not on the merits of the proposal.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on whether it is a requirement of Reg 41(2) that Council must endorse the officer responses to the submissions.

2. Include information on when the DPLH first advised the Town that they considered Amendment 88 to be a hybrid approach that mixes heritage and character.

3. Provide a copy of the consultant's response to elected members.

4. Include information on why a Heritage List is said to be the appropriate planning mechanism to retain character when the DPLH says that mixing heritage and character is not supported for planning purposes.

5. Include information on how long it would take to present the proposed modifications to support Amendment 88.

Cr Luana Lisandro and Cr Vicki Potter returned to the meeting at 7.37pm.

12.2 Review of Development Requirements for Burswood Station East

Location	Burswood
Reporting officer	Place Leader (Strategic Planning)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. Draft Amended Local Planning Policy 40 'Burswood Station East Design Standards and Public Realm Improvements' (Rev A) [**12.2.1** - 64 pages] 2. TPS No. 1 Scheme Amendment 82 - Schedule of Modifications [**12.2.2** - 3 pages] 3. Modified Precinct Plan P2 Sheet A for Burswood Station East Sub-Precinct [**12.2.3** - 1 page]

Recommendation

That Council:

1. Consents to the advertising of draft amended Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements' (as contained in Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Requests the Chief Executive Officer to provide a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether to adopt draft amended Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements' with or without modifications.

Purpose

To consent to public advertising of draft amended Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements' (LPP 40) following a review of the local planning framework applying to land within the Burswood Station East Sub-Precinct (BSE) arising from modifications required by the Minister for Planning to Scheme Amendment No. 82 (Amendment 82) to Town Planning Scheme No. 1 (TPS 1) and the Council's adoption of recent key strategies including the Local Planning Strategy, Integrated Transport Strategy and Parking Management Plan.

In brief

- Soon to be gazetted Amendment 82 establishes the BSE Sub-Precinct within the Burswood Precinct on Precinct Plan P2 Sheet A (the Precinct Plan) of TPS 1 and provides high level development standards and objectives for redevelopment to occur in accordance with the local planning policy adopted for the sub-precinct (i.e. LPP 40).
- LPP 40 was adopted by Council at its Ordinary Council Meeting (OCM) held on 16 March 2021, subject to the gazettal of Amendment 82.
- On 11 March 2022, the Minister for Planning determined to approve Amendment 82 subject to modifications, requiring alterations to, or deletion of, several of the Precinct Plan provisions. Council's administration has modified the Amendment 82 documents further to the Minister's decision, and has been advised by Department of Planning, Lands and Heritage (DPLH) officers that its gazettal is imminent.

- The Administration has reviewed the modifications in light of their impact on the provisions of LPP 40 to ensure compatibility between the LPP and the Precinct Plan, and so the intended outcomes for BSE can continue to be facilitated as envisaged.
- Given LPP 40 was prepared some time ago, some refinements have been required to address minor issues of interpretation/application by Council officers, as well as having regard to the Town's major strategies, including the Integrated Transport Strategy, Parking Management Plan and Local Planning Strategy, adopted since Amendment 82 and LPP 40 were prepared.
- The recommended changes to LPP 40 are considered to strengthen and clarify its provisions and it is recommended that draft amended LPP 40 be advertised for public comment.

Background

1. Amendment 82 and LPP 40 are the culmination of years of strategic planning, master planning and transport investigations that provided a series of built form, development and transport related recommendations that were then translated into these local planning framework instruments. The draft instruments were refined further to extensive community engagement, legal advice and the advice of DPLH officers.
2. Amendment 82 was initiated by Council at the OCM held on 21 May 2019 and adopted for final approval subject to modification at the OCM held on 15 December 2020.
3. LPP 40 was adopted by Council at the OCM held on 16 March 2021, subject to the gazettal of Amendment 82, and provides detailed objectives and development standards for the transition and redevelopment of BSE from a light-industrial and general commercial area to a high density and high amenity, mixed use environment, functioning primarily as a transit-oriented development (TOD) precinct.
4. Council's decision at the 16 March 2021 OCM included the revocation of LPP 35 'Policy Relating to Development in Burswood Station East' (subject to the gazettal of Amendment 82), as this policy becomes redundant upon the coming into operation of adopted LPP 40.
5. On 11 March 2022, the Minister for Planning, on the recommendation of DPLH officers and the WAPC's Statutory Planning Committee, determined to approve Amendment 82 subject to modifications. As the modifications were deemed minor, they were not subject to the requirement for further public advertising or for the Council to pass a resolution in respect to the modified amendment.
6. Council officers have reviewed the implications of the Minister's modifications resulting in proposed changes to LPP 40. The review has also provided the opportunity to consider internal staff feedback on LPP 40 and implementation of the Town's strategic planning directions following recent adoption of the Local Planning Strategy, Integrated Transport Strategy, Parking Management Plan since Amendment 82 and LPP 40 were originally prepared.

Strategic Alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The development and review of Local Planning Policies provides the opportunity for public comment in accordance with State Government regulations and Local Planning Policy 37 'Community Consultation on Planning Proposals'.

Environment	

Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The envisaged transition of BSE to a high amenity, mixed use and transit-oriented development (TOD) in accordance with a responsive and strategically aligned local planning framework.
EN6 - Improving how people get around the Town.	A responsive and proactive approach to transport and car parking provision within BSE which acknowledges its intended development as a TOD, with a diversified transportation network that is not heavily reliant upon private vehicles as the dominant mode of transport.

Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	The review of the local planning framework provisions applying to BSE has been undertaken in close collaboration with Urban Planning officers, who are supportive of the recommended changes to LPP 40. Their feedback has contributed to the refinement of its provisions to improve its readability, interpretation and application.
Place Leader - Transport	The Town has recently adopted a new Integrated Transport Strategy with actions to alleviate travel demand in this precinct. The Town's minimum parking requirements contained in LPP 23 'Parking Policy' have not been updated since the adoption of this strategy and their continued application within BSE would risk inhibiting the Town's ability to achieve the strategic objectives for the precinct. Therefore, the proposed change to LPP 40 to clarify that the minimum parking requirements of LPP 23 do not apply to development within BSE is supported and is aligned with the Town's new Integrated Transport Strategy and Parking Management Plan.
Strategic Projects	Strategic Projects are responsible for the public realm upgrades to occur which will need to consider the impact and restriction of car parking demand in the area. Strategic Projects has set up a Project Control Group for Burswood Station East to ensure sharing of information/interpretation/intent/application of LPP40 is consistent. The officer responsible for public realm upgrades has not raised any significant concerns in relation to the ability of the Town to pursue the envisaged public realm upgrades arising from the proposed changes to LPP 40.

Legal compliance

7. The adoption or amendment of a local planning policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), including the publication of a notice in accordance with deemed clause 87.

8. In accordance with deemed clause 5(2), a local government may amend a local planning policy without publicly advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
9. As per deemed clause 6(b), the revocation of an existing local planning policy takes effect upon publication of a notice by the local government in accordance with deemed clause 87.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Low	Not applicable.
Environmental	Continued application of development standards that seek compliance with outdated LPP 23 and its associated car parking requirements that do not recognise the many adverse environmental and sustainability impacts of car-centric and car-driven forms of development on the built and natural environment.	Moderate	Possible	Medium	Medium	*TREAT* risk by clarifying the provisions of LPP 40 to specify that minimum parking requirements for non-residential land uses do not apply to development within BSE.
Health and safety	As above	Minor	Possible	Low	Low	As above
Infrastructure/ ICT systems/ utilities	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Medium	Not applicable.
Legislative compliance	Failure to update LPP40 to comply with Minister's Notice of Approval could lead to confusion over application of LPP40.	Moderate	Possible	Medium	Low	*AVOID* by amending LPP 40 to specify that minimum parking requirements for non-residential land uses do not apply to development within BSE.

Reputation	Negative perception if TOD parking is not in line with best practice/State Policy recommendations.	Moderate	Possible	Medium	Low	*AVOID* by amending LPP 40 to specify that minimum parking requirements for non-residential land uses do not apply to development within BSE.
Service delivery	Failure to update LPP 40 and continue to use outdated Planning Policies could lead to poor development outcomes.	Moderate	Possible	Medium	Medium	*AVOID* risk by supporting amendments to LPP 40 as recommended by Council Officers.

Financial implications

Current budget impact	Sufficient funds exist in the annual budget to address this recommendation.
Future budget impact	The proposed recommendation is not anticipated to significantly alter the future budget impacts associated with LPP 40 that were detailed in the report to Council at the 16 March 2021 OCM. These were namely: • Bearing responsibility for management of funds that might be received through Public Open Space contributions. • Confirming the expectation that the Town will fund streetscape public realm upgrades within the Burswood Station East sub-precinct, with an estimated value (at the time of the report) in excess of $8.1 million. These works are anticipated to occur in stages over several years. • Naturally increase the rates base of the Town as the precinct accommodates growth and new residents to the Town. These future budget impacts are being accounted for in the review of the Town's Long Term Financial Plan.

Analysis

Proposed Further Changes to Draft LPP40 Resulting from Final Modifications to Amendment 82 to TPS1.

10. The final modifications required to Amendment 82 (refer to Attachment 2) do not compromise the Town's development vision for BSE, however they require further minor and inconsequential changes to LPP 40 to ensure the Precinct Plan and Policy align. The table below summarises the seven (7) modifications required to Amendment 82, implications for draft LPP 40 and further proposed changes to the Policy.

Required Modification to Amendment 82	Analysis and Proposed Further Changes to Draft LPP 40
1. Delete provision 2(b) and reformat provision 2(a).	These provisions refer to federal legislation for Perth airport airspace protection which applies irrespective of reference to it in TPS1. The legislation is already referenced in LPP 40. The change is supported by the Town. There are no further changes proposed to LPP 40 as a result of this modification to Amendment 82.
2. Delete the 'Additional Statement of Intent for including related objectives a) to l).	The additional statement of intent and objectives were already contained in Part 1.2 of LPP 40. The change is supported by the Town. However, Part 1.2 of LPP 40 is proposed to be further altered to reinforce the consideration of these objectives in future development, through the addition of the following new text prior to the listing of objectives a) to l) under Part 1.2: "*In particular, development should seek to achieve the following objectives having regard to its contribution to both the public and private realms:*"
3. Delete provisions '3. Building Setbacks' in relation to - a) Primary and Secondary Streets; b) Laneways and Rights of Carriageway.	*Primary and Secondary Streets setback provisions* These provisions were already contained in LPP 40 in Part 5.3. The change is supported by the Town. *Deletion of Laneways provisions* DPLH officers advised that Amendment 82 documentation lacked the strategic rationale to justify Scheme provisions for the widening of laneways to 7.0m, beyond the standard 6.0m width outlined in the WAPC's *Planning Bulletin 33/2017 – Rights-of-way or laneways in established areas*. Notwithstanding, this Bulletin also provides the ability for local government to refine this guideline in response to local circumstances through Policy. LPP 40 contains Objective 4.4.7 which seeks laneway widening to: *achieve a width of 7.0m to accommodate the proposed streetscape design elements and allow for safe movement by vehicles, pedestrians and bicycles*. The streetscape elements include tree planting and lighting in accordance with the public realm concepts contained in Appendix 2 of LPP 40. These elements cannot be achieved in a standard 6.0m laneway. As such, the strategic rationale for 7.0m laneways remains. As such, further changes to LPP 40 Part 5 are proposed to make specific provision for laneway widening to 7.0m, as follows: • Retitle Part 5.7 'Laneway Design Areas' to 'Laneway Widening and Laneway Design Areas'; • Renumber existing AO5.7.1 and AO 5.7.2 to AO5.7.2 and AO 5.7.3 respectively; • Insert new AO 5.7.1 as follows -

	"***AO5.7.1*** *Development of sites with frontage/s to an adjacent laneway or right of way should be carried out in a manner that makes provision for the adjacent laneway or right of way to be widened to achieve a minimum ultimate width of 7.0m. This is to be achieved by the incremental development and subdivision of sites adjacent to laneways over time by:* *a. Development being setback in accordance with AO 5.3.1 to allow the ultimate 7.0m width to be achieved* *(i.e. if an existing laneway is 5.0m wide, all new development either side of the laneway should be setback a minimum 1.0m from the existing laneway boundary. If land on the opposite side of the laneway to the development site has been redeveloped, and the laneway is now 6.0m in width, the new development should be setback a minimum 1.0m to accommodate the ultimate 7.0m width); and* *b. The resultant ground floor setback area of the development to a laneway, up to 4.5m above ground level being provided as an easement in gross to the Town as a condition of any development approval; and* *c. Development occurring in accordance with an approved Local Development Plan or as otherwise specified by the subsequent Acceptable Outcomes under this part for development located within a Laneway Design Area identified in Figure 4.* • Amend AO 5.3.1.d., sub-parts i. and ii to specify that setbacks for development fronting laneways is to include provision for the widening of laneways to achieve an ultimate width of 7.0 metres (which new AO5.7.1 outlined above makes reference to); and • Amend item 2. listed under the diagram contained in Figure 3D which specifies "*Buildings set back at least 1.0m from the street boundary*" to include the additional wording "*and any land required for laneway widening*".
4. Amend '1. General Provisions' to include- *The following provisions apply to the Burswood Station East Sub-Precinct which comprises the land zoned Office/Residential and coded R-AC0 on Precinct Plan P2 Sheet A.*	This change establishes BSE as a sub-precinct under TPS1 upon which the remainder of the Precinct Plan Sheet 2A development standards and LPP 40 relies upon. The change is supported by the Town. Part 2.1 of LPP 40 to be consistent with this revised terminology.
5. Amend '1. General Provisions' by replacing the text - *in this Precinct Plan, the Scheme Text* – with - *in*	This change was proposed to distinguish the TPS1 Precinct Plan from precinct structure plans which are prepared under the Planning Regulations and approved by the WAPC. However, the Town has pointed out these conflicts with Clause 3 of TPS1 Scheme Text which clearly distinguishes TPS1 as separate documents, including the Scheme Text

this Precinct Plan of the Scheme Text.	and each of the Precinct Plans. As such, DPLH officers have subsequently advised the final Amendment 82 text can be returned to DPLH without this modification for approval of the WAPC and the Minister. There are no further changes proposed to LPP 40 as a result of this modification to Amendment 82.
6. Updating the first paragraph of provision '2. Building Height and Plot Ratio' with the following - *For Multiple Dwelling development and Mixed-Use development, the base maximum building height is 6 Storeys and the base maximum plot ratio is 2.0.*	This change sought to clarify wording. However, the Town has pointed out this wording precludes commercial/wholly non-residential development and so would leave such development without a specified plot ratio and building height limit as an unintended consequence. As such, DPLH officers have subsequently advised the final Amendment 82 text can be returned with a modified wording that includes reference to 'wholly non-residential' development' for approval of the WAPC and the Minister. There are no further changes proposed to LPP 40 as a result of this modification to Amendment 82.
7. Apply an R-AC0 density code to the area zoned Office/Residential on the Scheme Map and identified in the Burswood Precinct on Precinct Plan P2 Sheet A.	This change provides clarity regarding the design and assessment of residential or mixed-use development in accordance with Table 2.1 of the R-Codes – Volume 2, where designation of the R-AC0 density coding requires reference to provisions in any relevant local planning instruments for BSE including Precinct Plan P2 Sheet A, LPP 40 as well as any future adopted Local Development Plan that may be prepared for specified areas within BSE. Refer to comments in relation to modification 4 and the proposed change to Part 2.1 of LPP 40 referencing R-AC0 coded land.

Proposed Further Changes to LPP40 Resulting from a Strategic Review of LPP 40

11. The opportunity to undertake a strategic review of LPP 40's effectiveness to deliver the strategic vision for a transit orientated development (TOD) at BSE has also been undertaken, especially given the Council's recent adoption of key strategies including the Local Planning Strategy (LPS,) Integrated Transport Strategy (ITS) and Parking Management Plan (PMP). Additionally, a review of the relationship between the LPP 40 and Local Planning Policy 23 'Parking Policy' (LPP 23) has been undertaken given the strategic significance of this Policy to development of BSE and ability to achieve TOD outcomes.
12. Amendment 82 includes a car parking provision that specifies a maximum parking ratio of 0.06 bays per square metre of parent lot. The purpose of the maximum parking ratio is to enforce a 'parking cap' in BSE i.e. manage the overall total number of on-site car bays in the precinct. This is a critical policy provision designed to avoid unacceptable traffic congestion and poor levels of service at intersections at full build out given the limited vehicle entry/exit points constrained access from the rail line, Great Eastern Highway and Graham Farmer Freeway, and importantly, the Council's desire to reduce dependence on private vehicles for movement, increase the proportion of trips to active modes (walking, cycling and public transport) and minimise the impact of vehicles on streetscapes.

13. Previous master planning for BSE, which informed Amendment 82, also recommended significant reductions in the minimum on-site car parking requirements for development generally to achieve TOD outcomes. However, rather than specifying reduced minimum on-site parking requirements in Amendment 82, it was determined that market forces should determine the minimum amount of on-site parking, with the view that less parking will be provided on-site over time as the precinct matures and builds out, and the precinct's superior level of public and active transport accessibility and streetscape quality are realised and result in lower parking demand.

14. In addition, when the original maximum parking provisions for Amendment 82 were drafted, it was understood the Amendment 82 provisions would prevail and over-ride any other general local planning policy provisions related to car parking, and so the minimum on-site car parking requirements of LPP 23 would not apply. However, as development enquiries and development applications have been received by the Town and LPP 40 has been applied, a technical ambiguity has arisen where the minimum car parking requirements of LPP 23 can be strictly interpreted as still applying. This is in part due to Part 4(a) of LPP 23 stating that "This Policy applies to the entire area of the Municipality." This is despite wording in LPP 40 stating that to the extent of any inconsistency its provisions prevail over those of any other LPP, because it does not make any reference to minimum car parking requirements. Consequently, as both Amendment 82 and LPP 40 are silent on minimum car parking requirements, minimums in LPP 23 can be technically read as still applying.

15. In view of the above, it is proposed amend LPP 40 to reaffirm the parking maximum of the Precinct Plan and clarify that minimum on-site parking requirements for non-residential development do not apply, including those outlined in LPP 23, as follows:

Policy Area	**Proposed Further Changes to Draft LPP 40**
Part 5.8 Loading Bays	Retitling Part 5.8 from "Loading Bays" to "On-Site Car Parking and Loading Bays". Renumber AO5.8.1 to AO5.8.2 to accommodate a new AO5.8.1. Insert new AO5.8.1 to reaffirm the Precinct Plan parking maximum and provide a single point of reference for on-site car parking within LPP 40 as follows - "*Provision of on-site car parking bays for any development shall not exceed the maximum car parking ratio permitted under the Precinct Plan, being 0.06 bays per m^2 of the parent lot area.*". Insert new AO5.8.3 as follows - "*With the exception of loading bays, the Non-Residential component of any development is not subject to a minimum on-site car parking requirement and is not required to comply with the minimums outlined in Local Planning Policy 23 'Car Parking'.*" Insert new AO5.8.4 as follows - "*Provision of on-site car parking for Residential development should be provided in accordance with the relevant provisions of SPP 7.3 Residential Design Codes WA - Volumes 1 or 2 (as applicable), subject to the maximum car parking ratio provided under the Precinct Plan and as otherwise varied by the Scheme.*"

Proposed Further Changes to Draft LPP40 – Minor Corrections

16. In addition, the following further minor corrections and functionality improvements are proposed to LPP 40:

Policy Area	Proposed Further Changes to Draft LPP 40
Policy Title	Amending the policy title and any reference in the policy from 'Design Guidelines' to 'Development Standards' to give it greater weight and authority as is appropriate for a local planning policy, as opposed to a 'guideline' document.
Duplication	Deletion of Objective 4.2.6 which is a duplication of Objective 4.2.3. Deletion of AO 5.6.1 d. which is a duplication of AO 5.6.1 b. Consolidating the duplicated boundary wall provisions under Part 5.6 by transferring AO 5.6.2 a.vi. to new part f. under the common Street Interface Typologies requirements listed under AO 5.6.1 and replacing the text "Urban Avenue", and deleting existing AO 5.6.2 a. vi., AO 5.6.2 b.iii., AO 5.6.2 c. iii. and AO 5.6.2 d.i.
Referencing Errors	Amending the R-Codes relationships Table under Part 5.3 to include correct reference to the applicable street setback provisions of Volumes 1 and 2 of the R-Codes. Amending existing AO 5.7.3 (now proposed AO 5.7.4) to include reference to Figure 4 as per prior clauses. Amending the Table in Appendix 1 to reflect the correctly referenced R-Codes provisions for 5.3 Street Setbacks and retitled Part 5.7.
Document Formatting	Renumbering of policy part/clause numbers in response to the recommended insertion or deletion of provisions. Correction of minor spelling, grammatical, capitalisation, text alignment/formatting errors. Minor font size, layout, and background image changes to improve readability and consistency of document formatting.

Commentary on Proposed Draft LPP 40 Changes - Impact on Cash-in-Lieu of Parking and Achievement of Strategic Transport Planning Direction

17. The removal of minimum non-residential on-site parking requirements in BSE will remove the Town's ability to collect cash-in-lieu for parking shortfalls where funds may be used to supply public parking or other transport-related infrastructure in the locality. However, to date the Town has made very few decisions to impose cash-in-lieu, and where applied, it has been at a heavily discounted rate. Cash-in-

lieu requirement has been waived in most cases where the Town's officers and/or Council have been satisfied the parking shortfall is acceptable and will not result in significant unacceptable impacts. Decisions have regard to the existing on-site car parking shortfall, reciprocal car parking arrangements, the availability of public transport, cycling accessibility, the provision of end-of-trip facilities, and increasingly the availability and attraction of ride-share services and e-rideables. Recent changes to the Planning Regulations also mean that local governments are now unable to apply a condition for cash-in-lieu until a Contribution Plan has been prepared and endorsed by the WAPC. The Town is yet to progress the preparation of a Contribution Plan for any land within the Scheme Area.

18. The ITS does include the objective for the collection of cash-in-lieu where on-site car parking requirements are not being met for the Town generally, however this is not a specific action identified within the BSE Parking Plan contained in the PMP. Additionally, the ITS recommends the significant reduction in the ratio of required on-site car parking bays for development in the Town to support transition to active transport modes and reduced reliance on private vehicles. Accordingly, the anticipated funds that could be generated from cash-in-lieu is not anticipated to be a major funding source for public car parking or other transport related infrastructure for BSE or the Town generally in the future.

19. Rather, the BSE Parking Plan in the PMP specifies the following measures to address parking demand and facilitate mode shift in the precinct:
    - Short stay on-street parking restrictions.
    - On-street drop off and pick up areas near Burswood Station rather than commuters parking at the station all day.
    - Provision of off-street cycle parking.
    - Regular review of occupancy and turnover of car parking to guide management decisions.
    - Investigation of paid parking once occupancy of time-restricted bays reaches 85%.

20. Even with the removal of minimum on-site car parking requirements, market forces and commercial demand will result in on-site provision of parking for some time (within parking maximums) while current demand for parking in BSE is relatively high. Market demand for on-site residential car parking bays at a rate of at least 1 bay per dwelling remains high across the inner city, although several developments in the City of Perth and other local governments have considered and approved residential developments with lower or no residential bays where they have excellent public transport accessibility and/or include the provision of shared vehicle schemes and/or cycling infrastructure and end of trip facilities. Accordingly, it's anticipated that parking demand in BSE will gradually decline over time as accessibility to, quality, convenience and attraction of active transport modes matures in BSE (and the broader Town and metropolitan Perth).

21. It is also noted that the removal of minimums relates to non-residential parking only. Residential development will continue to be subject to the R-Codes (except as otherwise varied by TPS 1) including residential components of mixed-use developments. It should be noted that draft Local Planning Scheme No. 2 proposes removal of mandatory minimum car parking requirements under the R-Codes (via Clause 26(2)).

22. Notwithstanding the above, development applications submitted to the Town will remain subject to appropriate traffic impact assessment per the WAPC's Transport Impact Assessment Guidelines. These guidelines require developments to address their likely transport impacts and enable the Council to consider the travel demand and impacts such proposals have on the local transport network across all travel modes.

23. BSE is located on the fringe of the CBD in a local government area under significant growth and population pressure, amidst a growing need to consider climate change and sustainability, and a rebalanced model of urban city growth that redistributes the space traditionally occupied disproportionately by roads and private car parking. The Town will need to adapt to this context and

move away from car parking minimums towards an approach that limits or sets car parking maximums. BSE represents the Town's first locality where this inevitable transition can take place and will set a proactive example for the future direction of growth areas and activity centres elsewhere in the Town.

24. Accordingly, the proposed revisions to LPP 40 are considered appropriate and serve as an important signal to the community, landowners and the development industry that the Town is following through on the implementation of its adopted strategic transport planning direction as outlined in the ITS and PMP. The proposed changes will provide certainty to Council's administration and developers/property owners and are aligned with the intended transition of BSE to one of the Town's preeminent TOD areas serviced by the Burswood Train Station, high frequency bus services along Great Eastern Highway and the Rutland Avenue to Goodwood Parade Principal Shard Path (PSP) that links to the Greater Perth PSP network.
25. While entirely consistent with the Town's adopted strategic direction for BSE, key strategic policy areas (planning, transport, climate change, sustainability) and Amendment 82, the proposed further changes to draft LPP 40 are substantive and should be subject to the standard public advertising requirements for an amendment to a LPP in accordance with the Planning Regulations and LPP 37 'Community Consultation on Planning Proposals'. As such, it is recommended that Council approve the public advertising of the draft amended LPP 40 for 21 days.
26. A further report will be presented to Council following 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 amended policy, with or without modifications.

Relevant documents

Existing Local Planning Policy 40 'Burswood Station East Precinct Design Guidelines and Public Realm Improvements'

Local Planning Policy 23 'Parking Policy'

Local Planning Policy 35 'Policy Relating to Development in Burswood Station East'

Local Planning Policy 37 'Community Consultation on Planning Proposals'

Existing Precinct Plan P2 'Burswood Precinct' Sheet A

Local Planning Strategy

Integrated Transport Strategy

Parking Management Plan

Planning and Development (Local Planning Schemes) Regulations 2015

WAPC Planning Bulletin 33/2017 – Rights-of-way or laneways in established areas

WAPC Transport Impact Assessment Guidelines – Volume 4 'Individual Developments'

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

12.3 Victoria Park Carlisle Bowling Club - Request for Rent Relief

Location	East Victoria Park
Reporting officer	A/Community Development Officer – Clubs, Events and Bookings
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. Vic Park Carlisle Bowling Club Damage to Green and Fence Works [**12.3.1** - 3 pages]

Recommendation

That Council

1. Decline the Victoria Park Carlisle Bowling Club Inc. request to waive six months' rent to the value of $3,824.00 (ex GST) for their lease of 18 Kent Street, East Victoria Park.
2. Notes that Town Officers will continue working with the Victoria Park Carlisle Bowling Club Inc. in supporting their financial viability through capacity building endeavours.

Purpose

To consider the request from the Victoria Park Carlisle Bowling Club (VPCBC) in seeking financial rent relief for a six-month period between July 2022 and January 2023.

In brief

- VPCBC's current lease agreement has been with the Town since 2015 at 18 Kent Street, East Victoria Park.
- VPCBC's current annual rent as per the lease agreement is $7,651.00 per annum.
- On 26 January 2022, a group trespassed onto the VPCBC property damaging the playing green. It was estimated by VPCBC that the cost of repairs would be $20,000. VPCBC since advised there were no costs as the works were carried out in-kind by their volunteers.
- VPCBC are requesting rent relief by way of 6 months' gross rent waived by the Town ($3,824.00 ex GST) for the loss of closing retained profits as a result of the green being unable to be used, and a resultant decrease in patronage within the facility while repairs were undertaken.
- The lease agreement outlines that works to repair damage are the responsibility of the Club.

Background

1. The VPCBC have been on a lease agreement with the Town since 2015 at 18 Kent Street, East Victoria Park. Prior to 2015 the Club was known as Vic Park Bowling Club having a lease agreement with the Town from 1958 – 2015.
2. The VPCBC's current rent as per lease is $7,651.00 per annum (ex GST).
3. On 26 January 2022, a group trespassed onto the VPCBC's bowling green for a social soccer game. This caused damage to the subject green, rendering it unusable for the remainder of the lawn bowls season which ended in April 2022.
4. The VPCBC reported the incident to WA Police and have obtained a Police report number to document the incident.

5. The work to repair damage to the green was completed in-kind through the VPCBC. The request for rent relief is due to the inability to use the green resulting in the downturn of the Club's closing retained profits for the time of damage to completion of works. VPCBC are seeking rent relief for the sum of $3,824.00 (ex GST) being a request for the Town to waive six months' rent.
6. VPCBC provided the Town with detailed Profit and Loss Statement for year-end April 2022 and April 2021 being the preceding year for comparison for the Town to formally assess any resultant loss to the Club. A comparison of the statements showed a variance of approximately -9%, or $7,675.12. It is unclear if this difference was directly attributable to the damage caused, or due to other mitigating circumstances associated with Covid 19.
7. Since the incident on 26 January the Town has replaced the fencing (from 900mm to 1.8m high) around the perimeter of the VPCBC to better protect the VPCBC facility, at a cost of $9,624.00 (ex GST) to the Town.
8. The Town proposed assistance to the VPCBC by way of lodgment of an insurance claim on the Town's policy to recoup any financial losses that resulted from the incident. The VPCBC advised that as they had the repairs carried out in-kind, and therefore could not evidence invoices to proceed with any insurance claim, and subsequently declined the Town's offer.
9. Having regard to the above it is recommended that VPCBC's request for rent relief of $3,824.00 (ex GST) for a six-month period is declined.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The report provides elected members and the community with an overview of the current situation and future resource implications associated with the rent waiver request.
CL2 - Communication and engagement with the community.	Presenting information in an open and transparent forum assists the communication and engagement process.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The Bowling Club is a valued community facility that is required to be well maintained to support ongoing access and usage.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The Bowling Club is an important community asset that should be welcoming to all and embracing of diversity.

Engagement

Internal engagement	
Stakeholder	Comments
Coordinator Events, Arts and Funding	Support has been offered to the club regarding capacity building activities and grant funding opportunities to enhance recoup of club costs and associated losses, as well as help to position strongly into the future.
Manager Property Development and Leasing	The recommendation to decline the request for rent relief is supported. VPCBC has not provided evidence of significant financial losses to the VPCBC. In these circumstances, a grant of rent relief may give rise to similar requests from other tenants that if granted will result in further loss of income for the Town.
Club Development Officer	Within this report.
Manager Technical Services	No objection on this approach
Manager Infrastructure Operations	The Town has previously undertaken maintenance work within the VPCBC grounds during Covid 19.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The lessee is unable to meet their financial obligations for the premises, which results in loss of income to the Town. Supporting an adhoc request for financial assistance related to an area of lessee responsibility may lead to further financial	Minor	Unlikely	Low	Low	TREAT risk by referring the lessee to its obligations under the lease.

	implications for the Town.					
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Council does not approve the financial relief which may be seen as unsupportive to a sporting club that contributes to the activation of a facility. Potential reputational risk in future dealings, with the Town to be seen as unwilling to support community groups.	Moderate	Possible	Medium	Low	TREAT risk by referring the lessee to its obligations under the lease.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	There should be no impact on budgets if the rent relief is declined.
Future budget impact	There should be no impact on future budget if the rent relief is declined. Should the request for rent relief be supported by Council, this may establish financial expectations from other groups, creating future budget impacts.

Analysis

10. VPCBC are seeking $3824.00 (ex GST) or 50% waiver of rent as relief for the 2022/23 financial year.
11. The basis of this request follows the resultant damage of one of the two functional bowling greens in January 2022. However, due to the nature of pennant competitions VBCBC were unable to use the green for that function. VPCBC were purported to have made significant financial loss due to the damages.

12. In the VPCBC efforts to recoup its financial loss and facilitate costs of repair to the damaged green – the VPCBC did some private fundraising by way of gofundme.com of up to $4,814.00 and have reportedly received a donation from another community group as shown on their Facebook page.
13. VPCBC provided the Town with their financial statements upon request evidencing their financial loss for the period of approximately -9%, or $7,675.12.
14. As a result of this damage, the Town replaced the exterior security fence to the value of $9,624.00.
15. The Town offered assistance by way of capacity building support to enhance club functioning and income streams, which included an invitation to participate in the Town and West Coast Eagles Community Benefits Strategy - Club Development Program.
16. The Town offered to support VPCBC make an insurance claim on the Town's policy to recoup the losses, however, was unable to follow through due to works already being undertaken in-kind by club volunteers.
17. Clause 4.8 and the Special Conditions of the lease agreement place extensive responsibilities on VPCBC for maintenance, repair and other responsibilities to manage the premises, including:
    a. Maintenance and repairs to the playing greens
    b. Repair any damage caused to the greens, malicious or otherwise
    c. Hold Insurance policies to mitigate undue financial and or legal implications.
18. VPCBC is in the process of seeking Council approval for the execution of sub leases within the facility property boundary, which is anticipated to increase income by way of fees, as well as through additional patronage within the wider facility and associated service offerings.
19. Supporting VPCBC with their fee waiver request may set a precedence within the sector which would have future financial and resourcing implications for the Town, as such, the request for fee waiver is not recommended.
20. The Town will continue to provide support to VPCBC to assist with its club development endeavours and financial viability into the future where requested.
21. The damage caused to the facility is of concern, as too the reported behaviour of groups previously frequenting the VPCBC.
22. The Town had been liaising with WA Police, VPCBC and two community organisations in an effort to engage with the people alleged to have damaged the bowling green to resolve outstanding issues. Unfortunately, these endeavours have not been fruitful at this stage.
23. The Town is open to continue working with all parties in an effort to reach a mutually beneficial outcome.

Relevant documents

Policy 221 – Strategic Management of Land and Building Assets

The Manager Development Services left the meeting at 7.38pm.

Questions and responses

Cr Wilfred Hendriks

1. Does the Bowling Club have any insurance policies that they could claim?

The Manager Property Leasing and Development advised yes and is contained within the report.

2. In regard to point 22, is there anything that can be done to make them accountable for the damage they've caused?

The Manager Property Leasing and Development advised that it has been explored and the position is stated in point 22 of the report.

Mayor Karen Vernon advised that the perpetrators would need to be identified and charged with the damage to the greens but is the least likely outcome.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12.4 West Australian Recreational Water Sports Association CSRFF Application

Location	Burswood
Reporting officer	Coordinator Events, Arts and Funding
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council approves submission of a $83,882 (ex GST) grant application by WA Recreational Water Sports Association to the Department of Local Government, Sport and Cultural Industries through the Community Sport and Recreation Facilities Fund for the development of new changeroom facilities at the Burswood Water Sports Centre, Burswood.

Purpose

To seek Council approval for the WA Recreational Water Sports Association (WARWSA) to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application for $83,882 (ex GST) to the Department of Local Government, Sport and Cultural Industries (DLGSC). The DLGSC application will be submitted by WARWSA by the closing date of 31 August 2022 on the condition that the project is supported by the Town of Victoria Park at the September 2022 Ordinary Council Meeting (OCM). If WARWSA's CSRFF application is successful, WARWSA will receive the funds and not the Town of Victoria Park.

In brief

- The CSRFF, which is administered by the DLGSC, provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- Local governments are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC, upon approval by Council.
- The Town has received a CSRFF Grant application from WARWSA. The total cost of the project is $251,647 (ex GST). WARWSA is seeking one third of the cost from DLGSC, with WARWSA contributing the remaining two thirds for construction of new change room facilities. The new facilities will provide secure and private changerooms for WARWSA female and male members, with the security aspect being of particular importance for many female members.
- With the increase in membership and activity WARWSA believe it will be essential to their operation that they provide a secure and safe environment for their members. WARWSA have over the years had a significant increase in female participation in all their sporting disciplines which supports the reason for these upgrades.
- There are no upfront or ongoing financial implications associated with Council supporting WARWSA's application.
- This is the only CSRFF submission received for this grant round, and as such is ranked 1 of 1.

Background

1. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-used facilities.
2. CSRFF Small Grant Funding is for projects up to $300,000.
3. Other examples of Small Grant Funding projects include new sports courts, cricket nets, small floodlighting projects, sports storage and change room refurbishments.
4. WARWSA submitted a CSRFF application for the same project in March 2022, unfortunately this application was not successful in this round. Feedback from DLGSC indicated that the March 2022 application did meet criteria requirements, however given the number of applicants and the funding requested, the WARWSA application was not supported due to higher priorities.
5. WARWSA are re-submitting their application for the second funding round closing on 31 August 2022. This application follows the previous application submitted to DLGSC on 31 March 2022, the only change to this submission is the construction cost which has risen in the last six months.
6. It is anticipated that the development of the association's current Burswood Water Sports Centre will help ensure it is able to cater for the diverse nature of its membership base and continue to provide a strong community contribution and presence. It will assist in attracting and retaining members, provide much needed privacy and security to group members (particularly female members), and allow for an increase in the number of people who can undertake physical activity at the location.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	New and upgraded facilities, keeping them well maintained, modern, fit for purpose to allow for 'all' community use.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Facilitate inclusive facilities for our diverse Victoria Park community. Promote diversity in community sport through the provision of high-quality playing facilities.

Engagement

Internal engagement	
Stakeholder	Comments
Town of Victoria Park	Town officers have discussed the application and support the submission of the application by WARWSA.

External engagement	
Stakeholders	WARWSA has undertaken engagement with the following stakeholders.
WA Water Ski Association	Project discussed with the WA Water Ski Association who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
WA Speed Boat Club	Project discussed with the WA Speed Boat Club who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
WA Marathon Club	Project discussed with the WA Marathon Club who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
Power Dinghy Racing Club	Project discussed with the Power Dinghy Racing Club who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
Boating Industry of WA	Project discussed with the Boating Industry of WA who have equal share of ownership and equal share of use of the building; are supportive of the project going ahead.
WARWSA Members	Consultation has been conducted by WARWSA with all its members' bodies at their monthly meetings.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and Safety	Not applicable.				Low	
Infrastructure / ICT Systems / Utilities	Not applicable.				Medium	
Legislative Compliance	Not applicable.				Low	

Reputational	Not approving the application will impact the Town and elected members' reputation and relationship with WARWSA.	Moderate	Almost certain	High	Low	Treat risk by Council approving the application for submission to DLGSC.
Service Delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Nil. The project will be fully funded by WARWSA and grant funding.
Future budget impact	Nil. The project will be fully funded by WARWSA and grant funding.

Analysis

7. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, by providing financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation.
8. The DLGSC will assess the total eligible cost of each project (excluding GST) from the information provided as part of the application process.
9. The need for the project has been identified through consultation by WARWSA with the five member bodies and has been recognised, over several years.
10. Currently WARWSA members use the shower/toilet area of the existing toilets as changerooms. This has been an issue for many years with the Club wanting particularly to upgrade the facilities and the security for female members. Currently existing toilets consist of shower cubicles and toilets in the same area, there is no adequate separation between showers and toilets. These toilets are used by WARWSA members as well as guests attending the function centre. This has been an issue over many years and discussed at length by the WARWSA board and members.
11. An assessment of the project has been conducted based on feedback from WARWSA members and users of the facility. The clubs have reported an increase in membership over the past year, largely due to their women in sport programs across all sporting groups, with the WA Marathon Club alone experiencing a 42% increase in their membership overall. With the increase in membership and activity, WARWSA believe it will be essential to their ongoing operation to provide a secure and safe environment for their members.
12. WARWSA have reviewed the feasibility of the project and have access to the required funds with the addition of the CSRFF funding grant to complete this project. The upgrade can be done with minimal impact to the operation of the existing facility.
13. There is no requirement for an application to be submitted to the Metropolitan Regional Scheme for this project. As the works will be constructed under the existing building footprint and is not an extension of the building.
14. The Town is required to rank applications for each round. As one application has been received for this round, this application is ranked 1/1.

15. The total cost of the project is $251,647 (ex GST). WARWSA is seeking one third of the cost from DLGSC, with WARWSA contributing the remaining two thirds.
16. Should the CSRFF grant be unsuccessful, the works will not proceed.
17. Should the application be successful, WARWSA will receive these funds. The Town will not be contributing any funds to this project.
18. Should the application be successful, the works are planned to take place from October 2022 and will be managed by WARWSA.

Relevant documents

Not applicable.

Questions and responses

Cr Peter Devereux

1. Whether there had been any consideration for the increase of users on the environment?

The Chief Community Planner advised that it had not been considered in the relation to the Grant Application but had been in the Burswood Park Masterplan and listed some considerations.

2. With regard to this proposal about a facility, would there be consideration of how the Town's goals might be linked to a community group seeking support for its facilities?

The Chief Community Planner advised that information would be provided under further consideration.

Cr Wilfred Hendriks

1. Is that area Town or Crown land?

The Chief Community Planner advised that it is Crown land.

The Chief Executive Officer advised that is not Burswood Park Board land leased to the Sports Association.

2. Do you know how long it is leased for?

The Chief Executive Officer advised that they were granted a 10-year lease two years ago.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on any consideration of how the Town's goals might be linked to a community group seeking support for its facilities.

12.5 Draft Safer Neighbourhoods Plan 2022-2027

Location	Town-wide
Reporting officer	Community Development Officer - Safer Neighbourhoods
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. Engagement Report - Safer Neighbourhoods Plan 2022-2027 [**12.5.1** - 7 pages] 2. Draft Safer Neighbourhoods Plan 2022-2027 updated [**12.5.2** - 41 pages]

Recommendation

That Council:

1. Approves the advertising of the Draft Safer Neighbourhoods Plan 2022-2027 for public comment, as at attachment one.
2. Requests the Chief Executive Officer to report the outcomes of the public comment period and present the Draft Safer Neighbourhoods Plan 2022-2027 back to Council for final determination.

Purpose

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

In brief

- The Town's Safer Neighbourhoods Plan 2017-2022 expired in June 2022, and work has progressed on development of a new contemporary plan, encompassing the core elements related to relevant theories, practices and approaches that align within a local government context.
- A thorough community and stakeholder engagement process was undertaken from February to June 2022 with these findings directly informing development of the new plan.
- The Town is now seeking approval from Council to release the draft plan for public comment, prior to returning to Council for final endorsement.

Background

1. The Town's Safer Neighbourhoods Plan 2017-2022 expired in June 2022.
2. In October 2021, the Town employed a fixed-term contract Social Policy Specialist to support review of the existing plan and development of a new plan, as well as review of other social plans.
3. In November 2021, work progressed on understanding the current situation using desktop research of state and interstate community safety and crime prevention plans, frameworks, better practice examples, and engagement with WA Police. This information provided a solid platform for review of the existing plan and to inform areas for improvement.
4. Between February and June 2022, community engagement was conducted through a variety of channels with a broad cross-section of Victoria Park stakeholders. Engagement approaches were modified to navigate COVID-19 requirements. Findings from the engagement process are contained in Attachment 2 Safer Neighbourhoods – Engagement Report.

5. The Town has achieved solid progress within several key outcome areas since 2017, which is detailed in the Background Report published on the Your Thoughts page and expressed within the new plan. Progress is also communicated via quarterly reports to Council and community, and via the Town's annual report.

Strategic alignment

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

Social	
Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Developing and implementing a safer neighbourhoods plan allows the Town to proactively plan, facilitate and deliver initiatives aimed at helping people feel safe.
S3 - Facilitating an inclusive community that celebrates diversity.	Developing and implementing a safer neighbourhoods plan allows the Town to proactively plan, facilitate and deliver initiatives aimed at enhancing a sense of inclusivity, that also celebrates diversity within the community.

Engagement

Internal engagement	
Stakeholder Relations Community Development Events, Arts and Funding Library Services Place Planning Street Improvement Assets	A staff workshop was held after the community engagement in order to guide the drafting of this plan. It focused on discussion of potential future actions, including: • Exploring the social impact versus cost of Safer Neighbourhoods initiatives like the CCTV Partnership Program and the Community Outreach Service • Suggesting improvements and refinements of specific initiatives such as the Burglary Cocooning Project • Identifying initiatives in other Service Areas that have a Safer Neighbourhoods element • Identifying opportunities for collaboration internally and with external organisations such as WA Police Force • Discussing draft actions and the roles of each team

Environmental Health	
Technical Services	
Parking and Rangers	
Communications and Engagement	
Leisure Facilities	
Social Impact	
Elected Members	Participation in Concept Forum in February 2022 to set parameters at the start of the project. Participation via Elected Member Portal in August 2022 to consider the draft Plan before being presented at the September OCM for endorsement.

External engagement	
Stakeholders	1. Residents / Ratepayers 2. Broad community 3. Not for profit sector 4. Local Businesses
Period of engagement	February 2022 – June 2022
Level of engagement	2. Consult
Methods of engagement	1) Direct mail-out survey to all residents (300 responses) 2) Your Thoughts Engagement Platform (with supplementary support offered to assist participation) a) Online survey (632 responses) b) Ideas forum (17 ideas) c) Online geographic tool (59 pins) 3) Staff engagement workshops 4) Follow up internal action and resource conversations 5) Feedback from Community Safety Network
Advertising	1. Direct mail out 2. Your Thoughts project page 3. Town website 4. Social media 5. E-VIBE Newsletter 5. Paid Facebook advertising 9. Direct emails to community networks
Submission summary	See Attachment 2 Safer Neighbourhoods Plan – Engagement Report
Key findings	See Attachment 2 Safer Neighbourhoods Plan – Engagement Report

	Crime priorities • Antisocial and threatening behaviour • Burglaries • Property crime • Drugs and alcohol Safety priorities / locations • Poor lighting • Road and pedestrian safety • Shopping centres • Parks • Train stations • Albany Highway and surrounds

Other engagement	
Stakeholder	Comments
WA Police Force – Kensington Station	Priority focus areas for WA Police are to enforce the law; prevent crime; and manage and coordinate emergencies. If more time was available, a greater focus on engaging with the public would occur. WA Police are very supportive of a collaborative approach to improving perceptions and addressing real crime, including sharing hot spot data and other information as appropriate.

Legal compliance

Not applicable.

Risk management consideration

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

Reputation	Not releasing the draft plan for public comment means there is a significant risk that stakeholders are unable to provide feedback which could lead to dissatisfaction with the Town and Council.	Moderate	Likely	High	Low	TREAT risk by approving release of the draft Safer Neighbourhoods Plan 2022-27 for public comment.
Service delivery					Medium	

Financial implications

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

Analysis

6. Safety has been identified as a high priority as part of the recent Vic Vision Strategic Community Plan process. This resulted in the community priority "Helping people feel safe" being included in the Town's strategy for achieving the vision for the future.
7. A Safer Neighbourhoods Plan is used by the Town of Victoria Park to:

    - Define Town priorities, goals, and actions over the short and long term to help people feel safe
    - Support shaping the Town in terms of land use, infrastructure, services and asset management, operations, and planning
    - Inform workforce planning
    - Inform other key strategies and plans such as the Local Planning Strategy
    - Inform the Town's position on crime and safety matters
    - Provide context for staff reports to Council, communications, and events
    - Collect and evaluate performance measures

8. In developing the Plan, Officers have attempted to clarify respective roles and responsibilities to align with the guiding principles, resourcing, capacity / capability of staff, and local government remit to manage expectations.
9. Thirty-nine plans and strategies, mostly from Local Governments in Western Australia (others from WA Police, the Australian Institute of Criminology, Victoria State Government, New South Wales State Government, the United Kingdom, and the United Nations), were comprehensively reviewed for the

purposes of discovering the best practices (and what to avoid) for strategic alignment, structure, theoretical approaches, and innovative crime prevention initiatives.

10. Based on community feedback and research findings, the draft Plan contains five outcome areas.

Outcome	Descriptor
1. Infrastructure and environmental design	Improving lighting was the most requested action by the community, followed by improving roads and pedestrian safety. The Town aims to design public spaces to be safer, brighter, livelier, and more accessible.
2. Security and regulatory initiatives	Through funding and education programs, the Town aims to empower residents, businesses, and community groups to contribute to reducing crime. We will continue to provide visible Ranger Services that focus on community safety concerns.
3. Community connection and social cohesion	The Town aims to build capacity and connections within our community, and in doing so, support vulnerable and at-risk groups. We will engage in and collaborate with other organisations to provide early intervention, outreach, support, and rehabilitation services.
4. Advocacy and partnering	Sharing information and working together was identified as key in addressing Safer Neighbourhoods priorities. The whole is greater than the sum of its parts, so the Town will collaborate with Local, State, and Federal agencies, and encourage community members to report crime and safety issues.
5. Governance and impact	Monitoring and evaluating the outcomes of our programs and initiatives is vital in ensuring that we are making a positive difference in the community, and that we are focused on current crime and safety priorities.

11. Proposed deliverables related to the above Outcome areas are included in the Plan. These will form the nucleus of annual implementation plans. Some actions have been earmarked as high priority, meaning that they will be a focus should resourcing and capacity become challenged in delivery of the wider Plan.
12. The Town will continue to work internally and externally with key partners to ensure deliverables are achieved.
13. The draft Safer Neighbourhoods Plan 2022-27 is now presented to Council for advertising for public comment for a three-week period. During this time, the Town will also seek feedback from the relevant external stakeholders.
14. Upon integration of relevant feedback, the final Safer Neighbourhoods Plan 2022-27 will be presented to Council for formal adoption.
15. The Town will have the plan graphically designed after final endorsement.

Relevant documents

Safer Neighbourhoods Plan 2017-2022

Questions and responses

Cr Wilfred Hendriks

1. Can the feasibility study mentioned for outcome 2.2.5 be brought forward?

The Chief Community Planner advised that information would be provided under further consideration.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on whether the feasibility study mentioned for outcome 2.2.5 can be brought forward.

13 Chief Operations Officer reports

13.1 Deed of Agreement for the Provision and Maintenance of a Community Benefit Space for Lot 115 Vic Quarter

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Partially executed Deed of Agreement for Lot 115 on Strata Plan 77900 [**13.1.1** - 25 pages] 2. SP77900 - Management Statement (Registered By-Laws) [**13.1.2** - 50 pages]

Recommendation

That Council:

1. Approve the Deed of Agreement for the Provision and Maintenance of the Community Benefit Space for Lot 115 on Strata Plan 77900 as per Attachment 1.
2. Authorise the Chief Executive Officer and the Mayor to execute all necessary documents under the common seal to give effect to the subject Deed of Agreement.

Purpose

Council approval is sought to execute and affix the Town's common seal to the Deed of Agreement for the Provision and Maintenance of the Community Benefit Space for Lot 115 on Strata Plan 77900 to facilitate the JDAP approval condition.

In brief

- Approval was granted by the Metro Central Joint Development Assessment Panel (JDAP) on 21 September 2016 for the redevelopment of the site with a mixed-use development of a maximum six-storey height, comprising Shops, Restaurants, Offices, Tavern, 101 Multiple Dwellings and 1 Grouped Dwelling.
- The JDAP granted an amended approval on 11 September 2017 for amendments to the approval, including adding a seventh storey to facilitate four additional dwellings. The approval was issued subject to a condition for the development to include community meeting rooms for the community's use under the Town's supervision.
- The development has been completed. Following negotiations with the developer and strata company, a deed of agreement has been prepared to provide for and regulate the use of the proposed community benefit space.

Background

1. The Fowler Group obtained approval in September 2016 for 101 multiple dwellings and one grouped dwelling on the land formerly known as 646-660 Albany Highway and 1-3 Miller Street Victoria Park.

2. Subsequently, an application to amend the approval inclusive of four additional dwellings within an additional storey (seventh storey) was approved by the Metro Central Joint Development Assessment Panel on 20 September 2017, subject to conditions including the following condition (the Condition):

   "*1. For the life of the building the subject of this approval, the applicant shall provide community meeting rooms for the use of the community under the supervision of the Town on the basis that no rent or occupation charges are to be levied for that community use, but the Town to meet all outgoings otherwise incurred by the applicant in respect of that use*".

3. The applicant sought Council approval to amend the Condition to reduce the time that the community space is required to be provided to a maximum period of 20 years.

4. At the Ordinary Council Meeting held on 20 July 2021, Council resolved to:-

   - Refuse the request for an amendment to the Condition, for the reason that it is considered that the Condition as provided for in the original 20 September 2017 approval is appropriate;
   - Advise the Joint Development Assessment Panel Secretariat of Council's decision.

5. Following negotiations with the developer and strata company, a deed of agreement has been prepared to provide for and regulate the use of a community benefit space. The community benefit space is a meeting room located within Lot 115 on Strata Plan 77900 (Lot 115).

6. Fowler Group is the registered proprietor of Lot 115 and is willing to enter into the attached Deed with the Strata Company and the Town of Victoria Park. The Deed provides for the community benefit space for the lifetime of the development and the rights and obligations of all parties.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The Deed of Agreement will allow for the Town to engage with the community by providing a location for community members and groups to access, opening the ability to collaborate.

Economic	
Community priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The Deed of Agreement will allow for the Town to make accessible a community space for the benefit of local activity and activation.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The Deed of Agreement is to ensure the community meeting room is well maintained and well managed.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Input into the report.
Manager Community	Community bookings associated with the site can be managed through an existing staffing resource. Specifics related to the bookings approach have been delayed due to the ongoing negotiations. Once resolved, this will provide officers the capacity to refine and finalise the process. It is anticipated that this will become a valued community space, due to the lack of currently available hirable spaces for community use within the local area.
Manager Development Services	The Deed of Agreement is supported to ensure compliance with condition 1 of the JDAP's approval of 11 September 2017.
Manager Technical Services	The cost associated with all outgoings and internal maintenance of the room can be accommodated by the current budget.

Legal compliance

s.45 Strata Titles Act 1985

Risk management consideration

Risk impact category			Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	If the Town does not appropriately budget for the upkeep and costs associated with this property, seeing a shortfall in budget.	Insignificant	Unlikely	Low	Low	TREAT risk by ensuring an appropriate budget is allocated for this property.
Environmental	Not applicable.					
Health and safety	A public liability claim could be made by a member of the public if in the instance an injury occurred at the property.	Major	Rare	Medium	Low	TREAT risk by ensuring appropriate Public Liability Insurance is in place and inspections and/or

						maintenance are carried out.
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The use of this facility will entail compliance by the Town and users of the meeting rooms with the Strata Titles Act and the registered By-Laws of the Strata Company.	Minor	Unlikely	Low	Low	TREAT risk by ensuring the Town and its users are familiar with any updates to the Strata Company By-Laws and complies with its obligations. The Town should attach the relevant By-Laws to any hire agreement.
Reputation	Not applicable					
Service delivery	The Town does not enter into an agreement and the community is not able to access the property for its benefit.	Insignificant	Unlikely	Low	Medium	TREAT risk by ensuring the Deed is Agreement is executed and the property is made available for community use.

Financial implications

Current budget impact	Sufficient funds exist in the budget to facilitate the approval of the Deed of Agreement.
Future budget impact	The property will require limited financial commitments by the Town, these will be informed by the ongoing property condition and the By-Laws. Further to the strata levy for annual operating costs, the requirement for a 10 year life cycle plan will determine any increases and capital works required as an additional levy for the reserve fund, as well as outgoings relating to the Lot. The Town should ensure that this property is considered in the annual budget.

Analysis

7. JDAP's decision of 11 September 2017 to approve a seventh storey for the development is subject to the Condition, which requires that the owner provides community meeting rooms for the Town's use for the life of the building.

8. In order to give effect to the Condition, it is advisable for the Town, the lot owner and the Strata Company to enter into a deed of agreement to provide for community meeting space within the building for the life of the building. The attached Deed has been negotiated with the parties to provide for this and for a caveat to be placed on the Certificate of Title. The Deed obligates the Town to manage, pay for outgoings and undertake maintenance.
9. The community meeting space occupies approximately 81% of Lot 115 as the car bays have been excluded. The exclusion of the car bays has been considered in the calculation of the aggregate of unit entitlement for Lot 115 and reflected in the strata budget and levy.
10. Maintenance obligations to the Town outlined in the attachment 13.4.2 registered By-Laws relate to the internal surface boundaries of the lot. The Strata Plan indicates that the external boundaries come under the structural and maintenance responsibilities of the Strata Company in accordance with section 9 of the *Strata Titles Act 1985*.
11. The Town will be required to comply with the Strata Company by-laws and Registered Management Statement as part of the Deed, this includes the allowable operating hours as determined by the local authority and/or not beyond the hours from 7am – 10pm, 7 days a week.
12. The Deed of Agreement will permit the general public to access and use the space for the lifetime of the development, as managed by the Town.
13. As noted, the Deed of Agreement will provide for the community benefit space for the lifetime of the development. If in the future the site is re-developed, then depending on the nature of the redevelopment application and planning policy applicable at that time, there may be an opportunity for the Council to seek continued provision of community benefit space in the new development, as a condition of any approval of redevelopment.
14. The Deed of Agreement provides a means of giving force and effect to the community purpose of the Condition and related community expectations. It is recommended that following the lengthy negotiation process, that the Deed of Agreement for the Provision and Maintenance of the Community Benefit Space associated with Lot 115 on Strata Plan 77900 is approved to enable the delivery of the space for community use.

Relevant documents

Not applicable

Questions and responses

Cr Wilfred Hendriks

1. Can the map be amended to show the community room better?

The Manager Property Leasing and Development advised that the maps will be reviewed.

Cr Luana Lisandro

1. Could there be square meterage of the room be provided?

The Manager Property Leasing and Development advised yes.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Review the maps to show the location of the community room clear.

2. Include information to the size of the community room.

13.2 Victoria Park Carlisle Bowling Club Sub-Lease Street Roller Hockey League

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Executed Sublease - Perth Street Roller Hockey Inc. [**13.2.1** - 75 pages]

Recommendation

That Council:

1. Approve the sublease between the Victoria Park Carlisle Bowling Club Inc and Perth Street Roller Hockey League Inc for a 1362m^2 (approx.) portion of 18 Kent Street, East Victoria Park.
2. Authorise the Chief Executive Officer to execute all documents necessary to give effect to the approval of the sublease for portion of 18 Kent Street, East Victoria Park.
3. Authorise the Chief Executive Officer to execute the BA1 form required to facilitate the construction and installation of an approximately 740.69m^2 concrete roller hockey slab.

Purpose

To approve the sublease agreement between the Victoria Park Carlisle Bowling Club Inc and Perth Street Roller Hockey Inc and the subsequent building application for the installation of a concrete slab at 18 Kent Street, East Victoria Park.

In brief

- The Victoria Park Carlisle Bowling Club occupies 18 Kent Street East Victoria Park pursuant to lease terms and conditions, which permit a sublease arrangement with prior written consent from the Lessor.
- Perth Street Roller Hockey League have submitted a proposal to sublease a portion of 18 Kent Street for the purpose of Roller Hockey.
- The proposal is supported by the Victoria Park Carlisle Bowling Club, and the use aligns with the Public Open Space Strategy.
- The Town provided in-principle consent to the sublease arrangement subject to conditions being satisfied.
- Perth Street Roller Hockey League have provided a sublease agreement that satisfies the conditions imposed by the Town.
- To operate, the PSRHL requires a hockey slab to be constructed within the proposed sublease area.
- Council approval is required to facilitate the sublease agreement between the Victoria Park Carlisle Bowling Club Inc and Perth Street Roller Hockey League Inc and to the required hockey slab to ensure the premises is fit for the intended purpose.

Background

1. The Victoria Park Carlisle Bowling Club Inc (VPCBC) occupies a premises owned by the Town of Victoria Park pursuant to a lease. This lease is subject to a pre-existing sublease arrangement between the VPCBC and Area 5 Football Ltd.

2. On 1 October 2021, the Town was contacted by VPCBC advising that they had formally accepted a proposal from Perth Street Roller Hockey League (PSRHL) to be engaged with the VPCBC and form a sublease.
3. In a letter dated 1 October 2021 from the VPCBC, advised that their members voted unanimously at their Annual General Meeting to accept PSRHL into the premises. The letter advised that the additional sublease arrangement will provide many community benefits, expose the Club to a much younger age group, enhance the Bowling Club concept, and provide a further activation of space. The letter also noted the concept of the Club as being a community hub that is used by many community groups such as Probus, Vic Park Collective, golf clubs, Area 4 Soccer, darts clubs, meetings for a large group of organisations, the Sri Lankan Association and a huge group of social functions such as birthday parties and other celebrations.
4. The terms of the VPCBC lease allow the Tenant to sublease the premises in part with prior written consent from the Landlord. VPCBC have since sought consent from the Town to approve the sublease arrangement with PSRHL, which will run concurrently with the term of the head lease.
5. PSRHL is a not-for-profit, social sports organisation and established league with approximately 1,000 active players. PSRHL currently operates from a dedicated secure space at the Bayswater Bowling and Recreation Club; however, it would like to foster growth within the league by developing a successful partnership with VPCBC and the local community, with a view to promoting exercise and social engagement.
6. On 18 November 2021, the Town provided VPCBC with in principle consent for a sublease subject to conditions including the following:
   (a) The Town reviewing and being satisfied with the sublease agreement;
   (b) The sublease agreements being prepared at the Lessee/Sublessee's cost;
   (c) The inclusion of a redevelopment clause;
   (d) The inclusion of an insurance clause providing adequate insurance coverage (including public liability); and
   (e) The expiry date of the sublease agreement not extending beyond the head lease expiry date on 31 October 2025.
7. Additionally, the Town conveyed the requirement for the Lessee to meet the Town's legal costs should the Town consider that the sublease documents require the Town's own legal review.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Approving the sublease, will invite a new community group into the Town providing a new avenue of engagement with the community.

Economic	
Community priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The objective of the sublease will provide a greater activation of space delivering commerce, employment and entrepreneurship.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The sublease will ensure the facility continues to provide sustainable benefits to the Town.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The sublease will invite a new sporting club to the district providing additional opportunities for the community to engage in activities currently not being provided.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are contained within the report.
Manager Place Planning	The proposal aligns closely with the recommendations of the Town's Social Infrastructure Strategy, Adapt and Act Program, Action #7 - *"Work with community members, groups and stakeholder organisations to monitor active recreation trends and incorporate infrastructure for informal and non-traditional sports (such as parkour, pickleball and street hockey) into Town reserves and facilities in response to demand."* The addition of the Perth Street Roller Hockey League will also provide a positive interim contribution to achieving the Macmillan Hub Precincts priorities of: • *"Creation of a flexible, multi-purpose hub that is welcoming to everyone that lives, works and visits the Town of Victoria Park."* • *"Better integration of youth spaces with the Town Centre within a multi-purpose community setting."*
Manager Community	Expanding the use of the facility to encompass additional clubs/activities such as roller hockey will likely enhance the income potential and longer-term sustainability of the Bowling Cub, as well as enhance the physical, mental and emotional wellbeing of players, spectators and visitors to the Club. This proposal aligns with the approach of supporting the improved financial health of the Bowling Club and aligns with the objectives outlined in the Social Needs Analysis Study of increasing the number of activities/services engaging with young people within the Town. It is pleasing to see the Bowling Club being proactive in seeking new revenue streams and increasing patronage that promotes social inclusion and community connection.

Principal Building Surveyor	The Town supports the proposal, which will require a building permit before any works commence on site.
Manager Development Services	The proposed use for recreation purposes is consistent with the reservation of the land under Town Planning Scheme No. 1.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The head lessee is unable to meet their financial obligations for the Premises which results in loss of income to the Town.	Minor	Unlikely	Low	Low	TREAT risk by approving the sublease to allow for further income stream to the head lessee operations to ensure financial obligations can be met.
Environmental	Failure to utilise an opportunity aimed at minimising adverse environmental impacts from use of resources that are required to maintain turf.	Moderate	Possible	Medium	Low	TREAT risk by allowing construction of the hockey slab to reduce adverse environmental impacts of maintaining large areas of turf (e.g. water usage).
Health and safety	Not Applicable.					
Infrastructure/ ICT systems/ utilities	Not Applicable.					
Legislative compliance	Not Applicable.					
Reputation	The Town does not approve the sublease which may be seen as forgoing the opportunity to	Moderate	Possible	Medium	Low	TREAT risk by approving the sublease to enable the sporting club to

	allow a sporting club to contribute to the activation of a facility. Potential reputational risk on future dealings, with the Town to be seen as unwilling to support community groups.					progress with the delivery of community benefits.
Service delivery	Failure to secure a suitable sublessee to meet community expectations.	Moderate	Possible	Medium	Low	TREAT risk by securing a sublessee who will expand the current recreational offering of the Town.

Financial implications

Current budget impact	None envisaged as the legal costs of review of the sublease have been paid by PSRHL.
Future budget impact	Not Applicable.

Analysis

8. PSRHL's proposal involves playing one-hour games, held throughout the day, on weekends and occasionally in the evenings during the week.
9. The proposed sublease includes an area of approximately 1362m^2 located on the existing C Green. Access to the site would be through the existing passageway behind the clubhouse.
10. As per Annexure B of the sublease, the sublessee requires the installation of a 740.69sqm flat concrete surface for smooth and safe roller skating, with physical barriers around the area of play to protect spectators.

11. There has been a request for the Town to sign the BA1 Application (as the Landlord) to allow for the submission of the building approvals. As per clause 4.7 of the Head Lease, written consent of the Town is required to allow for any building structure or installation, to include the request for approval of the concrete surface.
12. Under the Head Lease and sublease, all fixtures and fittings are to be removed at the end of the term by VPCBC or PSHRL, as the case may be. A concrete slab, however, is of a nature such that it will become permanently a part of the land, and will not constitute a fixture or fitting. Under the existing Headlease and the proposed sublease, the Town will not have the right to require the concrete slab to be removed by either VPCBC or PSRHL. If the Town considers that the concrete slab ought to be removed at some point by either VPCBC or PSRHL, then the current documentation will need to be amended.
13. PSRHL appears to be a respected solvent operator with adequate resources to meet its objectives. Additionally, they appear to have the requisite business experience and skills equal to the VPCBC. Given the nature of their operations, PSRHL will not use the Premises for any other use which is not a Permitted Use under the proposed sublease.
14. 18 Kent Street, East Victoria Park, is currently used for the delivery of services to the community, and the property has been used as a community facility by community groups/sporting clubs for community or recreational purposes.
15. The proposed sublease will activate the space in a way that aligns with the recreational use of the site and the Town's Public Open Space Strategy. The Strategy aims to reduce the spread of turf as it is not considered sustainable, consuming lots of water and financial resources to maintain.
16. The proposed sublease is likely to bring in additional revenue for the VPCBC by use of its services and facilities, exposure to new community members, including a younger demographic and sub-rental income of at least $4,000pa or based on the sublease Turnover clause.
17. The head lease between the Town and VPCBC require the Town's consent in order for the VPCBC to sublet the premises.

18. VPCBC and PSRHL have presented a sublease agreement prepared by the Town's lawyers at the cost of PSRHL and which satisfies the Towns requirements.
19. The VPCBC already shares its premises with numerous community organisations. If the Town provides consent to the proposed sublease, it will enable further sharing of this significant community asset with other users. It is recommended that the Town provides written consent to enable the VPCBC to sublet the Premises at 18 Kent Street, East Victoria Park, on the terms provided for in the sublease attached to this report.

Relevant documents

Not applicable.

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

13.3 Victoria Park Carlisle Bowling Club Sub-Lease Vic Park Collective

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. D 22 46097 Signed sublease - Vic Park bowling Club and The Collective - 18 Kent Street 2022 [**13.3.1** - 42 pages]

Recommendation

That Council:

1. Approve the sublease between the Victoria Park Carlisle Bowling Club Inc and Vic Park Collective Inc for a 60m^2 (approx.) portion of 18 Kent Street, East Victoria Park.
2. Authorise the Chief Executive Officer to execute all documents necessary to give effect to the approval of the sublease agreement for portion of 18 Kent Street, East Victoria Park.
3. Authorise the Chief Executive Officer to execute all documents necessary to allow the lodgment of any application required for the proposed 40ft sea container construction and installation.

Purpose

To approve the sublease agreement between the Victoria Park Carlisle Bowling Club Inc and Vic Park Collective Inc for a portion of the premises located at 18 Kent Street, East Victoria Park.

In brief

- The Victoria Park Carlisle Bowling Club occupies 18 Kent Street East Victoria Park pursuant to lease terms and conditions, which permit a sublease arrangement with prior written consent from the Lessor.
- Vic Park Collective Inc has submitted a proposal to sublease a portion of 18 Kent Street for the purpose of a tool library.
- The Victoria Park Carlisle Bowling Club supports the proposal, and the use aligns with the Social Infrastructure Strategy.
- The Town provided in-principle consent to the sublease arrangement subject to conditions being satisfied.
- Vic Park Collective Inc has provided a sublease agreement that satisfies the conditions imposed by the Town.
- Council approval is required to facilitate the sublease agreement between the Victoria Park Carlisle Bowling Club Inc and Vic Park Collective Inc.

Background

1. The Victoria Park Carlisle Bowling Club Inc (VPCBC) occupies a premises owned by the Town of Victoria Park pursuant to a lease. This lease is subject to a pre-existing sublease arrangement between the VPCBC and Area 5 Football Ltd.
2. On 1 October 2021, the Town was contacted by VPCBC advising they had formally accepted a proposal from Vic Park Collective Inc (VPC) to be engaged with the VPCBC and form a sublease.

3. The terms of the VPCBC lease allow the Tenant to sublease the premises in part with prior written consent from the Landlord. VPCBC have since sought consent from the Town to approve the sublease arrangement with VPC, which will run concurrently with the term of the head lease.
4. VPC is a not-for-profit, incorporated community-based organisation that has been in operation for eight years. It exists to bring residents, community groups, local government and businesses together to develop projects which will benefit the community, including creative collaboration, community connectivity, inclusivity and sustainability.
5. On 18 November 2021, the Town provided VPCBC with in principle consent for a sublease subject to conditions including the following:
    a) The Town reviewing and being satisfied with the sublease agreement;
    b) The sublease agreements being prepared at the Lessee/Sublessee's cost;
    c) The inclusion of a redevelopment clause;
    d) The inclusion of an insurance clause providing adequate insurance coverage (including public liability); and
    e) The expiry date of the sublease agreement not extending beyond the head lease expiry date on 31 October 2025.
6. The sublease documents for the Vic Park Collective have since been prepared by a Solicitor in accordance with the Towns requirements for consideration by Council.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Approving the sublease, will invite a new community group into the Town providing a new avenue of engagement with the community.

Economic	
Community priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The sublease will provide a greater activation of space delivering a community benefit, employment and entrepreneurship.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The sublease will ensure the facility continues to provide sustainable benefits to the Town.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The sublease will invite a community benefit to the district, providing additional opportunities for the

	community to engage in activities currently not being provided.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are contained within this report
Manager Place Planning	The proposal aligns closely with the recommendations of the Town's Social Infrastructure Strategy, Sharing Spaces Program which encourages multi-purpose facilities and sub-leasing opportunities to enable broader users to have ad hoc access to Town facilities (Action #12). The addition of the tool library will also provide a positive interim contribution to achieving the MacMillan Hub Precinct's purpose and priorities, including: • "*To create a vibrant and innovative hub for living, learning, culture, wellness, community and civic opportunities, that forms the social infrastructure 'heart' for the Town of Victoria Park.*" • "*Creation of a flexible, multi-purpose hub that is welcoming to everyone that lives, works and visits the Town of Victoria Park.*"
Manager Community	Expanding the use of the facility to encompass additional groups/activities such as the Vic Park Collective – Library of Things will likely enhance the income potential and longer-term sustainability of the Bowling Cub, as well as enhance the physical, mental and emotional wellbeing of patrons, volunteers, players, spectators and visitors to the club to use this new service. This proposal aligns with the approach of supporting the improved financial health of the Bowling Club. It is pleasing to see the Bowling Club being proactive in seeking new revenue streams and increasing patronage that promotes social inclusion, community connection and reduced cost access to important tools and resources.
Manager Development Services	Development approval will be required for the proposed sea container. The use is considered to be incidental to the primary use of the land for recreational purposes.
Principal Building Surveyor	Building Services are in support of the proposal and confirm a Certified Building Permit (BA1 Application Form) and all associated plans, documents, and fees will be required.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The head lessee is unable to meet their financial obligations for the Premises which results in loss of income to the Town.	Minor	Unlikely	Low	Low	TREAT risk by approving the sublease to allow for further income stream to the head lessee operations to ensure financial obligations can be met.
Environmental	Not Applicable.					
Health and safety	Not Applicable.					
Infrastructure/ ICT systems/ utilities	Not Applicable.					
Legislative compliance	Not Applicable.					
Reputation	The Town does not approve the sublease which may be seen as forgoing the opportunity to allow a community group to contribute to the activation of a facility. Potential reputational risk on future dealings, with the Town to be seen as unwilling to support community groups.	Moderate	Possible	Medium	Low	TREAT risk by approving the sublease to enable the community club to progress with the delivery of community benefits.
Service delivery	Failure to secure a suitable sublessee to meet community expectations.	Moderate	Medium	Possible	Medium	TREAT risk by securing a sublessee who will expand the current community benefit and

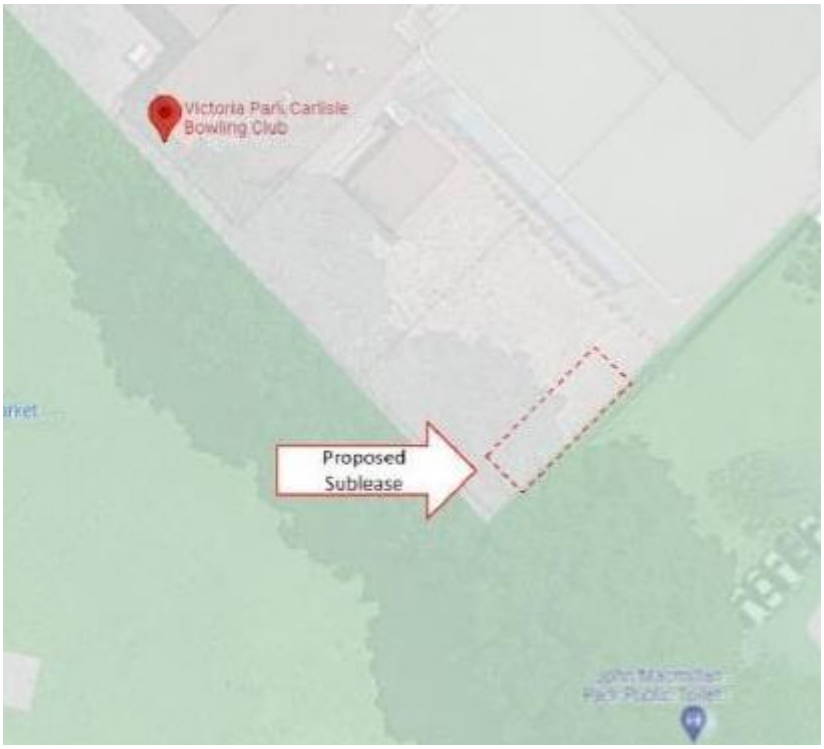
	offering of the Town.

Financial implications

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

Analysis

7. VPC's proposal involves establishing a 'Vic Park Library of Things', which is essentially a tool library where local citizens can borrow tools from a volunteer-run library operating from a converted 40ft sea container that will be open 3 hours, three times a week for drop off and pick up.
8. The sublease area proposed comprises an area of approximately 60m² located on the southwest corner of the Victoria Park Carlisle Bowling Club adjacent to and accessible from the John McMillan Park car park on Sussex Street.



9. The construction of the adapted sea container will involve removing a section of the existing cyclone wire fence and then installing the structure along the fence line, opening out onto the grassed area between the space and Sussex Street and designed to be securely closed when not in use, to maintain the perimeter for the Bowling Club. At the end of the sublease, the VPC are required to make good by reinstating the fencing and removing the sea container.
10. The sea container will be required to comply with the Towns Local Planning Policy No. 34 – Sea Containers to ensure an acceptable standard of development is achieved.
11. 18 Kent Street, East Victoria Park, is currently used to deliver services to the community, and the property has been used as a community facility by community groups/sporting clubs for community or recreational purposes.

12. The proposed sublease is for community use which closely aligns with the recommendations of the Town's Social Infrastructure Strategy. It aims to deliver social benefits and further activate the space.
13. As stated in its request for approval, the VPC believes the proposed sublease will provide several benefits to the community and may bring in additional revenue for the VPCBC by the use of its services and facilities and exposure to new community members, including a younger demographic.
14. Notwithstanding the Town is not a party to the sublease, the head lease terms require the Town to grant consent for the VPCBC to sublet the premises.
15. VPCBC and VPC have presented a sublease agreement prepared by a solicitor which satisfies the Town's requirements.
16. Considering the Town encourages the use of its properties by organisations that provide a benefit to the community for a facility that is shared with other users, it is recommended that the Town provides written consent to enable the VPCBC to sublet the Premises at 18 Kent Street, East Victoria Park subject to the Town's review and satisfaction of the sublease agreement.

Relevant documents

Questions and responses

Cr Peter Devereux

1. Has there had been any consideration for collaboration with the Vic Park Men's Shed?

The Manager Property Leasing and Development advised that the Vic Park Collective has liaised with Men's Shed but there is insufficient space to undertake the Tool Library in the proposed Men's Shed area.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

13.4 Lathlain Park Redevelopment Project Zone 1 – Business Case

Location	Lathlain
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1: Lathlain Zone 1 Business Case 2022 [**13.4.1** - 93 pages] 2. CONFIDENTIAL REDACTED - Attachment 2: Business Case Attachment 1 - Town of Vic Park - Perth Football Club Facility Needs Analysis v 1 (003) [**13.4.2** - 10 pages] 3. Attachment 3: Business Case Attachment 2 - LPRP 2022-04-14 Engagement Summary Report - Lathlain Park Zone 1 [**13.4.3** - 22 pages] 4. CONFIDENTIAL REDACTED - Attachment 4: Business Case Attachment 3 - LPRP 2022-05-18 Lathlain Park - Relocation Strategy Report - Telcos - V 2 [**13.4.4** - 31 pages] 5. CONFIDENTIAL REDACTED - Attachment 5: Business Case Attachment 4 - LPRP 2022-04-04 Demolition Project Plan R 0 (003) [**13.4.5** - 19 pages] 6. Attachment 6: Business Case Attachment 5 - LPRP 2022-06-06 DRAFT DESIGN REPORT [**13.4.6** - 56 pages] 7. CONFIDENTIAL REDACTED - Attachment 7: Business Case Attachment 6 - LPRP 2022-07-16 Lathlain Precinct Redevelopment - Updated Cost Estimate [**13.4.7** - 31 pages] 8. CONFIDENTIAL REDACTED - Attachment 8: Business Case Attachment 7 - LPRP 2022-05-18 Lifecycle Operation Cost Estimate [**13.4.8** - 66 pages] 9. CONFIDENTIAL REDACTED - Attachment 9: Business Case Attachment 8 - LPRP 2022-05-24 Perth Football Club Valuation advice [**13.4.9** - 12 pages] 10. CONFIDENTIAL REDACTED - Attachment 10: Business Case Attachment 9 - LPRP 2022-07-01 Waalitj Valuation Updated [**13.4.10** - 8 pages] 11. CONFIDENTIAL REDACTED - Attachment 11: Business Case Attachment 10 - Perth Demons Management Review and Financial Model V 1 [**13.4.11** - 52 pages] 12. CONFIDENTIAL REDACTED - Attachment 12: Business Case Attachment 11 - Waalitj Foundation Draft Management Review and Financial Model Draft 1 [**13.4.12** - 41 pages]

Recommendation

That Council:

1. Notes Attachments 1 to 12 of this report.
2. Endorses Option 4A as at Attachment 1 as the Town's preferred option.
3. Endorses "Scenario 1: Staged Delivery" from Attachment 1 as the preferred delivery approach and its addition of building location and delivery staging to the concept briefs as endorsed by Council at August 2021 and February 2022.,
4. Approve the Chief Executive Officer to proceed to negotiations with The Waalitj Foundation and Perth Football Club to discuss the following:
   a) establishing confirmed funding
   b) lease term

c) roles and responsibilities for management of the facility

d) asset obligations; and

e) agreed model for local community usage.

5. Approve the Chief Executive Officer to commence a two-week community consultation for the Community Space Scope commencing early October 2022.
6. Approve the Chief Executive Officer to commence stage 1 design development (Football Club and Function Centre) with the approved consultant team.
7. Request the Chief Executive Officer to present a report back to Council by December 2022 on the following:

   a) A progress report on negotiations with The Waalitj Foundation and Perth Football Club.

   b) An updated Engagement Summary Report.

Purpose

Approval is being sought to progress the Lathlain Park Redevelopment Project Zone 1 Project through the endorsement of a preferred business case option.

In brief

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

Background

1. At the OCM in August 2021, Council passed Council Resolution 192/2021. Which included:

(a) That elected members endorse the development of four high-level concept design options for Lathlain Park Zone 1, being:
(b) *Option 1: Low Intervention*
(c) *Option 2: Low Intervention plus future proof*
(d) *Option 3: Medium Intervention*
(e) *Option 4: High Intervention.*
(f) That Elected members endorse the schedule, floor plan and budget for Option 1 as presented at the August 2021 OCM.
(g) Requests the Chief Executive Officer to present back to Council the project briefs to inform the development of Concept Design Options 2, 3 and 4.
(h) Requesting the Chief Executive Officer to continue to explore third-party interest for being involved in the Lathlain Park Zone 1 facility.
(i) Requests the Mayor and Chief Executive Officer to advocate for additional funding to deliver Concept Design Options 2, 3 and 4; and
(j) Requests the Chief Executive Officer to present a report back to Council by April 2022 to consider:
(i) The four Concept Design Options for the Lathlain Park Zone 1 Facility
(ii) Funding options to deliver each of the four concept Design Options for the Lathlain Park Zone 1 Facility.
(iii) Outcomes of third-party interest for involvement in the Lathlain Park Zone 1 Facility
(iv) The recommended management model for the Lathlain Park Zone 1 Facility.

2. The endorsed Option 1 delivers several multipurpose community spaces, including a larger function space, a grandstand, three change rooms, and football operations space.
3. On 16 October 2021, an Expression of Interest was released in response to the August 2021 OCM Council resolution to explore third-party interest and to advocate further funding.
4. The EOI submission deadline was 8 November 2021.
5. The Town received two submissions, with the elected members endorsing the officer's recommendation to shortlist the Wirrpanda Foundation (now known as Waalitj Foundation) to the next stage of negotiations.
6. This successful submission outlined its vision which included the delivery of:
( ) An Arts Hub and Gallery
(a) A Youth Hub
(b) Training Facilities and flexible office space
(c) Catering Facilities
7. This submission proposed a significant financial contribution from the Wirrpanda Foundation and the Banjima Charitable Trust. Additionally, it nominated other avenues to advocate for further funding commitments.
8. Since the EOI submission, the Banjima Charitable Trust has withdrawn from the process. Negotiations and concept design work have continued with the Waalitj Foundation alone.
9. In February 2022 Council endorsed three project briefs for the Lathlain Park Redevelopment Precinct Zone 1 to progress to the concept design phase. This was in addition to the "option 1" project brief that had already been endorsed. It was incorporating Waalitj Foundation's input in response to their successful Expression of interest submission.
10. In February 2022 Council endorsed the project to be split into two stages, ensuring the delivery of stage 1 is consistent with the endorsed Federal Funding Agreement and is aligned with the August 2021 Council endorsed Option 1 Brief.
11. The concept designs have been completed and inform the business case associated with this report. Community engagement occurred in the development of the concepts. However, the public engagement events on site were cancelled due to Covid19 restrictions.
12. Funding Agreements have been fully executed between the Town with the State Government (June 2021) and the Federal Government (December 2021). The Federal Funding Agreement, in particular, has

strict timeframes for delivery and strict delivery outcomes, as the funding was made available primarily to fund the redevelopment of the Perth Football Club.

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

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

Strategic alignment

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

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

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

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

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

Engagement

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

External engagement	
Stakeholders	Local Community / residents / landowners
Period of engagement	March 2021 – Making Space for Culture Survey August – September 2020 – vision and aspirations workshops March 2022 – Online community survey (open day engagement sessions cancelled due to covid restrictions)
Level of engagement	3. Involve
Methods of engagement	Online surveys Workshops
Advertising	Town website and Social Media
Submission summary	66 Submissions received in the March 2022 survey
Key findings	• 69% of respondents are interested in using Function Rooms at LPZ1 • 44% of respondents are interested in using Meeting Rooms at LPZ1 • 38% of respondents are interested in using Classroom/Workshop Space at LPZ1 • 33% of respondents are interested in using Exhibition Space at LPZ1 • 25% of respondents are interested in using the Business hub/Co-working space at LPZ1 • 17% of respondents are interested in using the Medical Consulting Rooms at LPZ1. • Respondents noted a preference for using the majority of spaces above on a monthly or yearly basis.

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

Legal compliance

Not applicable.

Risk management consideration

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

Service delivery	Not applicable.	Medium

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Future budget impact will be known with progression of design, the negotiation of funding contributions and development of management models.

Analysis

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

c. Provision of an adequate development site to the south of the future PFC facility for potential Town development of community facilities such as that proposed in Option 4.

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

Options	Committed Funding	Cost Estimate	Current Shortfall
Option 1A	$14.2m	$17.992m	$3,792,000
Option 1B	$14.2m	$17.212m	$3,012,000
Option 2A	$14.2m	$18.376m	$4,176,000

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

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

Relevant documents

Not applicable.

Questions and responses

Cr Peter Devereux

1. In relation to page 4 in Attachment 1, are the escalation amounts correct?

The Strategic Projects Manager advised that it is a typo and will be amended.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Amend the escalation amount typo on page 4 of Attachment 1.

The Strategic Projects Manager left the meeting at 7.54pm.

13.5 McCallum Park - Causeway Pedestrian and Cyclist Bridge - Landowner Consent

Location	Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. DAP Form 1 - Causeway Bridge [**13.5.1** - 4 pages] 2. MRS Form 1 - Causeway Bridge [**13.5.2** - 4 pages]

Recommendation

1. That Council:

   a. delegates authority to the CEO to provide landowner consent on behalf of the Town of Victoria Park freehold owned lots 501 and 502, to enable the Main Roads WA-led Causeway Link Alliance to submit a development application for the proposed Causeway Pedestrian and Cyclist Bridge.

   b. delegates authority to the CEO to sign the development application form and any other documents necessary to give effect to 1(a) above.

2. Notes that the landowner consent is for the purpose of allowing the development application to be submitted and processed and does not constitute the grant of any property right or other approval to occupy in respect of the Town owned freehold lots.

Purpose

Main Roads WA (MRWA) propose to develop the Causeway Pedestrian and Cyclist Bridge, which is on a significant area of Public Open Space (POS) owned by the Town of Victoria Park, namely McCallum Park.

A formal delegation of authority is sought to authorise the CEO to execute the relevant documents providing Landowner consent for the Town's freehold-owned land to allow the submission of a Development Application by Main Roads WA (MRWA) for the proposed development.

In brief

- The Causeway Link Alliance has been awarded the contract by MRWA, and the project proposal developed to the point where Development Application is to be submitted.
- The proposed development is to be undertaken across several land parcels, including two (2) land parcels owned in freehold by the Town of Victoria Park
- In addition, the proposed development entails the construction of a temporary shared path over a portion of the Garland Street Road reserve, which is Crown land managed by the Town.
- MRWA requires Landowner consent to enable the submission of the Development Application to the Town and the Western Australian Planning Commission (WAPC) for determination by the Metropolitan Inner South Joint Development Assessment Panel (DAP)

Background

1. The signing of an application form is to be undertaken by the Town in the role of the landowner, not as a planning referral agency.

2. The land holdings impacted by the proposal are Lot 501 and Lot 502, Garland Street Road Reserve and 1 Canning Hwy, Victoria Park, known as McCallum Park.
3. Signing by way of Landowner consent of the application form allows MRWA to submit the Development Application for the proposed development to be considered immediately after consent is granted.
4. The nature of the development on Lot 501 over Garland Street is a proposed temporary shared path to facilitate access for the duration of the construction only. This shared path is to be removed, and the area reinstated at the completion of the construction period.
5. The development of Lot 502 over McCallum Park is required for the bridge infrastructure, connecting paths, lighting, and landscaping, to be permanent infrastructure retained by the Town at the completion of the proposed development. This will provide great amenity and benefit in the enhancement of McCallum Park in line with the future ambitions outlined in the Town's Taylor Reserve and McCallum Park Concept Masterplan.
6. Upon receiving landowner consent for the development application to be lodged, MRWA will submit the application to the Town, who will, in turn, forward the application to the WAPC for assessment. The Town has 42 days (or longer period agreed) to provide the WAPC with its recommendation. The Town intends to undertake community consultation for 28 days, as per Local Planning Policy 37, before providing its recommendation to the WAPC. The WAPC will be responsible for assessing the application and providing a recommendation to the Metropolitan Inner South Joint Development Assessment Panel (DAP)

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	To ensure that the proposal does not adversely impact the Town's land assets
CL3 - Accountability and good governance.	To ensure that the nature of the land owner consent has public accountability

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	To improve the function and nature of the McCallum Park area in accordance with the Masterplan
EN6 - Improving how people get around the Town.	To improve the use and connectivity of the Town to the river foreshore and increase the mode shift in line with the Climate Emergency Plan

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments have been incorporated into the report.

	Main Roads are proposing that, in due course, an easement be negotiated over the parts of Lot 502 that will be utilised for the bridge and certain ancillary development. Part of Lot 502 is subject to a Crown Grant reserving the land for recreation purposes. The proposed bridge development will be constructed over a part of Lot 502 that is subject to this Crown Grant. The Town has consulted DPLH Land Management, who have advised that if the Town were to enter into an agreement with Main Roads for an easement or disposal of freehold, the requirements of section 75(6) of the *Land Administration Act 1997* would apply (i.e. Minister's consent required).
Manager Development Services	The signing of the development application form by the CEO is necessary for the application to be a valid application that can be lodged. Without the CEO's signature, the application is incomplete and the development application cannot be lodged.

Other engagement	
Stakeholder	Comments
Main Roads WA	Resolved the extent of the proposed development footprint

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Compliance with the DPLH process to be followed	Minor	Unlikely	Low	Low	TREAT risk by liaising with DPLH on land matters
Reputation	Delay to the bridge project by	Minor	Unlikely	Low	Low	TREAT risk by ensuring full

	withholding consent					Development Approval process is adhered to
Service delivery	Potential impact on the events in McCallum Park	Minor	Possible	Low	Medium	TREAT risk by access to be maintaining access and timing aligned to minimise impacts
	Impact of construction on assets	Minor	Likely	Medium	Medium	TREAT risk by agreeing asset condition and handover process within the construction licence

Financial implications

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

Analysis

7. There is a Water Corporation Easement on Lot 501 which is not impacted adversely for the following reasons:
    a. The permanent works are outside of the easement area, and
    b. Temporary works do not breach the conditions of the easement.
8. A community group utilises a shed on Lot 501, which is not impacted adversely for the following reasons:
    a. The access for the use is not in any way impacted, and
    b. The nature of works is a temporary shared path that can be isolated from any such activity of the community group.
9. Paths are in line with Taylor and McCallum Masterplan and seek to avoid duplication in both the Bridge and the Active Area proposals. An additional safety audit of the arrangement will be undertaken by the Causeway Bridge Alliance design team to demonstrate the conflict points are safe.
10. One (1) palm tree is definitely impacted by the bridge, and all others are to be maintained within the new landscaping arrangements with significant infill with more trees and vegetation as part of the landscaping
11. Further community engagement is required as part of the Development Application process, and ongoing engagement with officers is being undertaken to resolve the asset and landscape design.

12. Planned engagement between the Mindeera Advisory Group and the Alliance team is to occur to align the cultural interpretation for the landscaped areas.
13. The embankment will be 4m at the highest point, with a gentle slope on the path to meet the required gradients, as well as ensure safety of the path users in the event of an incident
14. Lighting for the park and adjoining path network is currently being designed but will ensure the safety of path users in accordance with the lighting levels set out by the Main Roads WA and Austroads guidelines.
15. Traffic and consultation with nearby residents will be addressed during the development application assessment process, and residents within 100m of the development will be notified by letter in addition to the other communications channels for the Development Application
16. While the Chief Executive Officer has delegation to sign the application form, due to the strategic nature of this development on a significant area of McCallum Park it is considered appropriate in this instance for Council to authorise the signing of the relevant forms providing landowner consent to allow MRWA to progress with the Development Application.
17. Following consent by the Town as landowner for MRWA to submit the Development Application, the formal process will commence to include Public Consultation in accordance with Local Planning Policy 37 (28 days).

Relevant documents

Not applicable

Further consideration

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

13.6 Community Sporting and Recreation Facilities Fund (CSRFF) - Forward Planning Grant Application: Higgins Park Lighting

Location	East Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operating Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Approves submission of a $210,000 grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) for lighting upgrades to Higgins Park.
2. Approves the receipt of Community Sport and Recreation Facilities Fund grant funding of up to $210,000, should the grant application be successful.

Purpose

To seek Council approval for the Town to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application for $210,000 to DLGSC by 30 September 2022 and to accept grant funding of up to $210,000 should the Town's application be successful.

In brief

- The CSRFF, which is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), provides financial assistance to community groups and Local Government Authorities (LGA) to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- The LGA are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC on approval by Council.
- The Strategic Assets Advisory Group endorsed the CSRFF grant application at its meeting on 18 August 2022 as a Priority "Club Night Lights" project.
- The Town's Strategic Community Plan 2022-2032 identifies Higgins Park and Playfield Reserve as one of its long-term projects, and the project has been identified to support the increased use of Junior sports.
- The Town's 2022/2023 Annual Budget lists Higgins Park and Playfield Reserve a budget of $650,000 to allow for all necessary upgrades to the lighting system in line with the endorsed Masterplan developed for Higgins and Playfield Reserve.
- The CSRFF conditions require that the project is not commenced before the outcome is known, which is likely to be January 2023 as per the DLGSC timelines, such that the Western Power and design activities are to be funded through Municipal Funds to ensure that these are done urgently.
- The timing implications of the fund allow construction to commence in the 2022/2023 financial year but to be completed in the 2023/2024 period, which will not meet the requirement for the 2023 Football season.

- To fully utilise the new lighting, there is the demolition of an existing cricket pitch, the installation of new football goals, and the installation of two new cricket pitches, which are currently not funded.

Background

1. The CSRFF program aims to increase participation in sport and recreation, emphasising physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.
2. The funding is made available through the *Club Night Lights Program* to develop sustainable floodlighting infrastructure for sport across the State.
3. The maximum grant offered for standard grant applications is one-third of the project's total eligible cost (excluding GST), up to a maximum grant of $2 million. Some applications will be eligible for up to one-half of the project costs. The eligibility is measured against key development principles.
4. Where a local government is the applicant, it must fund two-thirds of the total project cost before CSRFF grant funds are paid in full. The Town is seeking an updated Opinion of Probable Cost but the grant application is limited to the contribution made by the Town which currently stands at $420,000
5. There is still a risk that until the project is tendered the market may drive costs to increase.
6. The Masterplan approved by Council in December 2020 encourages sharing Higgins Park for AFL and cricket whilst accommodating the current number of croquet and tennis courts. The Masterplan provides capacity for a senior AFL oval, a large junior AFL oval, a senior cricket oval and a junior cricket oval.
7. As part of this Masterplan, the lighting needs upgrading. It intends to install new lighting to comply with all relevant Australian Standards and sporting guidelines. This will provide greater opportunities for sporting clubs to train and play at night and encourage greater participation in community sporting events.
8. It is anticipated that the upgraded lighting will encourage female participation and retention in sport and demonstrate the Town's commitment to equality in service provision, as the current arrangements for the training and games for the Junior Girls AFL competition are limited by the current lighting and oval configurations.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Renewed facilities that meet current standards and maximised facility usage through a well-planned project management framework.

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	Facilitates an active lifestyle for members of the community through the provision of quality recreation facilities.
EN5 - Providing facilities that are well-built and well-maintained.	Renewing facilities, keeping them well maintained, modern, and fit for purpose to allow for "all" community use.

Engagement

Internal engagement	
Manager Community	Supportive of application as will increase sports and passive recreation participation opportunities.
Place Leader – Urban Design	Relevant officers have met regularly to discuss capital works requirements and to identify appropriate lighting solutions.
Parks Project Officer	Provides expertise, direction and advice.

External engagement	
Stakeholders	Victoria Park Raiders Junior Football Club, WA Football Commission, Carlisle Windsor Cricket Club, South Perth Junior Cricket Club
Period of engagement	Consulted during the funding application process
Level of engagement	3. Involve
Methods of engagement	Site visits, inspections, meetings, phone calls and written correspondence
Advertising	Email direct to impacted seasonal users
Submission summary	Clubs are supportive of the lighting upgrade to accommodate all sporting groups, in line with industry standards
Key findings	Areas requiring upgrade were subsequently identified, scoped and priced
Other engagement	
DLGSC	Officers have discussed the proposed grant submission with DLGSC when requesting the CSRFF application form and
Electrical Consultants	Development and pricing of the scope of works

Legal compliance

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The upgrade of these lights is a significant investment. Not applying for this grant will leave the Town of Victoria Park short of project funding.	Major	Possible	High	Low	TREAT by applying for the grant
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	The infrastructure on-site is out of date and causing issues for users. Without the additional funding sought from this grant, the lighting upgrade may not be to the standard endorsed in the approved Masterplan.	Moderate	Possible	Medium	Medium	TREAT by applying for the grant
Legislative compliance	Not applicable.					
Reputation	Significant public interest in the project is apparent through the Masterplan project. Not adopting the recommendation may result in reputational damage to the Town as it can be perceived that the Town is ignoring the community's aspirations for the site.	Minor	Possible	Medium	Medium	TREAT by applying for the grant

Service delivery	Not applying for this grant will impact the Town's ability to deliver on an endorsed project as the approved budget may not cover all project requirements.	Moderate	Likely	High	Medium	TREAT by applying for the grant

Financial implications

Current budget impact	The Forward Planning round of 2023/2024 grant funds is distributed in the 2023/2024 financial year. Advice from DLGSC indicates we can commence the project in 2022/2023 and complete it with grant funds in 2023/2024.
Future budget impact	Potential that funds allocated in 2022/2023 may need to be carried forward into 2023/2024 to meet the requirements of the Forward Planning 2023/2024 grant funds

Analysis

9. There is an evidence-based need to upgrade the lighting infrastructure at Higgins Park to contemporary industry standards, as identified in the Masterplan.
10. Council approved the budget of $650,000 for 2022/2023 to cover the estimated total of the lighting upgrade project.
11. To meet the grant funding condition of not commencing before the grant outcome, the Western Power and Design costs will be funded outside through municipal funds of approximately $230,000, which leaves a remaining funding contribution by the Town of $420,000
12. The Town will be required to fund the capital works upgrade, with reimbursement of $210,000 through CSRFF should the grant application be successful.
13. Should the CSRFF grant be unsuccessful, the Town will be required to fund the total capital works costs.
14. Works will commence in the current financial year, likely January 2023, and will be required to be completed in the 2023/2024 financial year.
15. By applying for the Grant the Town is delaying the commencement of the project such that a carry over may be required.
16. A comprehensive capital works project plan will be implemented to ensure the project is managed and delivered successfully.
17. Town Officers will continue to refine its approach to engaging local clubs and understanding priority sports and recreation facility needs that may align with CSRFF criteria, and the Town's capital works program to maximise potential cost sharing/resource leveraging opportunities into the future.

Relevant documents

Higgins Park and Playfield Reserve Masterplan

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

13.7 Gravity sewer extension into Hill View Bushland

Location	East Victoria Park
Reporting officer	Principal Design and Traffic Coordinator
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1 - P 041207 Deposited Plan 41207 - 999 Albany Highway - Edward Millen House [**13.7.1** - 2 pages] 2. Attachment 2(a) [**13.7.2** - 3 pages] 3. Attachment 2 [**13.7.3** - 7 pages] 4. Attachment 3 - Lot 3 384 Berwick St (Berwick EVP Pty Ltd) Outstanding issues [**13.7.4** - 6 pages] 5. Attachment 4 - S C 00213-100 C 201 Rev 4 [**13.7.5** - 1 page] 6. Attachment 5 - Tree Replacement Quote [**13.7.6** - 1 page]

Recommendation

That Council:

1. Authorises the retention of the already constructed 150mm gravity sewer to service Lot 3, 384 Berwick Street East Victoria Park. *[Attachment 4, 4a]*
2. Accepts the restitution and reinstatement agreed by the Developer.

Purpose

To authorise the retention by accepting the restitution on Town property regarding the recently installed gravity sewer outside the bounds of Lot 3, 384 Berwick Street East Victoria Park.

In brief

- The gravity sewer pipeline was installed within Lot 9000, 999 Albany Highway East Victoria Park in an existing easement *[Attachment 1]*, and its new extension of 29m into Lot 1000, 386 Berwick Street, East Victoria Park, to service an approved development on Lot 3, 384 Berwick Street, East Victoria Park.
- This report is regarding matters relating to the compliance of sewer installation without authorisation on the Town's property.
- In September 2021, the Developer proceeded with the construction of the junction pit and installation of the gravity sewer without approval from the Town of Victoria Park.
- The works henceforth would not proceed on the Town's property outside the bounds of Lot 3 without the Town's written approval, subject to an agreement relating to reinstatement and restitution of adversely affected Town property.
- The Water Corporation requires agreement from the Town of Victoria Park to retain the sewer pipeline.

Background

1. During the construction of the gravity sewer pipeline, the Town's property was adversely affected by the Developer. A Notice of Entry was not served to obtain access to the Town's property to facilitate civil works and pipeline installation outside the bounds of Lot 3.
2. Several damages were done to the Town's property by the Developer. The damage included the following; *[Attachment 2]*

a. Mud paths of cultural significance at two locations within Hill View Bushland were partially crushed by mobile equipment used by the contractor on the bushland track.
b. Unauthorised tree removal on Edward Millen Reserve (Lot 9000) - A group of Callistemon Kings Park Special were removed without authorisation from the Parks department of the Town of Victoria Park.
c. The spray bitumen pavement of width 6m was removed to a length of 6m (approximate) from the property boundary during open trench excavation. The excavated earth was stored in a vegetated area in the Edward Millen Reserve in the vicinity of Hillview Bushland.
d. Reinstatement of the excavated bushland is currently incomplete. The excavated area was backfilled. However, the specification of the backfill and the applied hydro-mulch is currently unknown.
e. A 2100mmx2100mm soakwell was installed without the Town's approval in the Hillview Bushland site immediately adjacent to the newly extended sewer pipeline and its easement. *[Attachment 2a]*
f. The levels in the affected land of Lot 9000 and Lot 1000 outside the bounds of Lot 3 are not reinstated.

3. The Town formally addressed the above issues with the Developer by letter on 25 February 2022 *[Attachment 3]*. The directive of the letter was to carry out reinstatement works to the satisfaction of the Town and offer restitution where applicable as determined by the Town of Victoria Park. The letter included the following relating to the sewer realignment within Lot 9000 and its extension into Lot 1000-
   a. For unauthorised tree removal on Lot 9000 (Edward Millen Reserve), a requirement of a ratio of 6:1 replacement along with operating costs for a minimum 3-year establishment period was stated. The applicable compensation of $16,985.03 in total was quoted to be paid in full by the Developer to the Town. *[Attachment 5]*
   b. Requirement for the unauthorised soakwell to be removed and the area reinstated.
   c. Obtain quotes and carry out reinstatement of the damaged mud paths of cultural significance through the approved contractor nominated by the Town to carry out such works.
   d. A report on the methodology was required to be submitted to the Town for approval. It is advised that all reinstatement work relating to the 150mm gravity sewer realignment and its extension on the Town's property (Lot 9000 and Lot 1000) should be carried out as per the steps explained in the methodology approved by the Town.
4. The Town understands that sewer Inspection and transfer of assets to Water Corporation would proceed after fulfilment of the Town's requirements to its satisfaction.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Transparency of matters to do with the unauthorised sewer line construction.

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Limiting future damage to the natural environment.

Engagement

Internal engagement	
Planning	Providing planning advice regarding LDP (Local Development Plan) and conditions of subdivision approval
Property leasing and development	Lease/Land tenure information provided to Engineering regarding easements and other encumbrances on Edward Millen site – Lot 9000
Project Management Office	Provided updates to Blackoak management regarding developer related works impacting the Edward Millen site.
Parks	Costings and details were provided for tree removals.

Other engagement	
Stakeholder	Comments
Water Corporation	Approvals process and asset handover requirements
DBCA	Recommended ground fill specification provided.
DPLH	Currently in mediation at the State Administrative Tribunal
SSO	Currently in mediation at the State Administrative Tribunal

Legal compliance

Water Services Act 2012 Part 8 Division 2 Section 174

Water Services Act 2012 Part 8 Division 2 Section 174

Water Services Act 2012 Part 6 Section 135

Water Services Act 2012 Part 5 Division 3 Section 84(2)

Water Services Act 2012 Part 6 Division 4 Section 151(3)(f)

Land Administration Act 1997

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Further legal disputes may lead to additional costs for the Town.	Moderate	Likely	High	Low	Accept risk – Allow mediation process at SAT to deliver the outcomes sought by the Town and

						provide the necessary direction on any agreements moving forward.
Environmental	Removal of sewer assets within the Hill View Bushland site may have additional impacts on clearing vegetation if open excavations are required.	Major	Possible	High	Medium	Treat risk– Asset could remain in place and be made a redundant service.
Health and safety		NA	NA	NA	Low	
Infrastructure/ ICT systems/ utilities	Maintenance of unathorised structures such as soakwells have ongoing operational costs. if not removed	Minor	Likely	Medium	Medium	Avoid risk – Remove soakwell
Legislative compliance	Compliance with subdivision conditions not being adhered to by the Developer	Moderate	Possible	Medium	Low	Treat risk – Work collaboratively with stakeholders to ensure compliance matters are dealt with through State Administrative Tribunal orders
Reputation	Technical Staff are currently involved in mediation at the State Administrative Tribunal which is ongoing. Any external influence may have negative impacts	Minor	Likely	Medium	Low	Accept risk – The report focuses on the sewer issue; any other compliance matters not relating to the asset will need to be addressed on completion of the SAT process
Service delivery					Medium	

Financial implications

Current budget impact	Most restitution work has been requested to be rectified by the Developer at their cost. Minor drainage works are also required to be undertaken by the Town within the Hill View Bushland site as stormwater needs to be directed away from the development site. The Town proposes to construct a shallow swale at the low point to collect stormwater. The cost for this is in the order of $10,000 to $15,000. A budget amendment request will be lodged with Finance by the end of October 2022 to allocate funds. Legal costs to be advised as mediation is ongoing.
Future budget impact	Longer-term options to divert stormwater from the Hill View Bushland access road will be developed in conjunction with the proponent of the Edward Millen site, and therefore future budget implications will be considered at a later stage. Any options may also impact the future development outcomes for the site.

Analysis

5. Letters have been issued to the Developer that advises the actions required for restitution and reinstatement, including a letter issued on 25 February 2022. The Developer has stated their agreement to the reinstatement and restitution mentioned above. [Refer to Background item 3]
6. The Council's authorisation for the retention of the already-constructed sewer would provide the Developer with a reasonable opportunity to satisfy the requirements and discharge the conditions of their WAPC 1373-21 approval.
7. This sewer pipeline may be able to be used for potential service requirements, should they arise in the future.
8. Removal of the constructed pipeline would cause further damage due to excavations to depths greater than 2m in the unconsolidated and destabilised ground.
9. Town Officers pragmatically support the retention of the existing sewer in its current alignment.

Relevant Documents

Not applicable.

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

13.8 Adoption of Waste Local Law

Location	Town-wide
Reporting officer	Project Officer - Waste
Responsible officer	Manager Technical Services
Voting requirement	Absolute majority
Attachments	1. DWER consent to Waste Local Law [**13.8.1** - 15 pages] 2. DWER correspondence on basis of consent for Waste Local Law [**13.8.2** - 1 page]

Recommendation

That Council:

1. Considers the submissions received in relation to the proposed *Town of Victoria Park Waste Local Law 2022 (Waste Local Law 2022)*; and
2. Makes the *Waste Local Law 2022* as at attachment 1, in accordance with section 3.12 of the Local Government Act 1995; subject to the formal consent of the Department of Water and Environmental Regulation (DWER).
3. Delegates the powers of the local government under the *Waste Local Law 2022* to the Chief Executive Officer.

Purpose and effect

The purpose of this local law is to protect the natural and urban environment and mitigate environmental hazards by ensuring the appropriate disposal of local government waste.

The effect of this local law is to:

(a) Provide for regulation, control and management of waste services; and

(b) Establish the requirements with which any owner or occupier of premises using the Town of Victoria Park waste services must comply.

Purpose

To consider submissions received concerning the proposed *Waste Local Law 2022* and make the *Waste Local Law 2022*.

In brief

- Council resolved on 15 March 2022 to give notice of its proposed *Waste Local Law 2022*. As required by law, consultation commenced on the proposed local law on 05 April 2022, which was closed on 17 May 2022.
- It is recommended the *Waste Local Law 2022* be made as drafted with minor technical amendments proposed and made through the review from DWER.

Background

1. Council, at its meeting on 15 March 2022, resolved to give notice of its proposed *Waste Local Law 2022*.

2. The need for the *Waste Local Law 2022* was identified as part of the review of the Town's *Health Local Law 2003*, the enactment of the *Waste Avoidance and Resource Recovery Act 2007*, and the changes occurring in the overall waste landscape. In particular, the introduction of the Container Deposit Scheme and the future introduction of separation of organics material at the household level meant that the Town's existing local law on health did not adequately cater for control over such waste collection
3. As part of the consultation review, DWER was invited to comment on the proposed local law; prior to the Town seeking formal consent of DWER to enact the local law (such consent being required under the *Waste Avoidance and Resource Recovery Act 2007*). The Minister for the Environment was also advised of the proposed local law.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	For Council to be seen to be responsibly addressing any legal uncertainty for verge and kerbside waste collection.

Environment	
Community priority	Intended public value outcome or impact
EN2 - Facilitating the reduction of waste.	To provide a mechanism to reduce the level of contaminants placed in waste collections; and discourage littering of verge and kerbside bins and general public places, which may have a reduction of amenity in the public arena.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Technical Services are supportive of the proposed amendments.
Environmental Health	EHOs are generally supportive of the greater separation of this local law away from the other health related local laws.

External engagement	
Stakeholders	All community members.
Period of engagement	05 April 2022 to 17 May 2022.
Level of engagement	2. Consult

Methods of engagement	Your thoughts and written submissions.
Advertising	Southern Gazette Social Media Website Public notice boards Your thoughts monthly email.
Submission summary	There were two submissions received supporting the proposed local law.
Key findings	Both submissions supported the proposal, with one having minor concerns over the issue of fines, waste capacity and allowance of verge material for commercial activities. Responses to concerns were concluded to the satisfaction of the submitter.

Other engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries	The Department of Local Government, Sport and Cultural Industries (DLGSCI) provided a submission containing some brief comments regarding the need to draft the local law in line with the template from the West Australian Local Government Association, and to refer it to DWER. These recommendations have been completed, and do not affect the proposed drafting of the local law.
DWER	DWER provided some comments and required two minor technical amendments for its consideration prior to it indicating its willingness to consent to the local law (before submission of the item to council to make the local law). These related to formatting of part of the interpretation clause and a duplication of the enacting paragraph at the conclusion of the local law.
Minister for Environment	The minister acknowledged the draft local law and did not provide any comments.
Kott Gunning	The Town engaged Kott Gunning to provide legal advice in relation to the proposed law.

Legal compliance

Section 3.12 of the *Local Government Act 1995*

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions

Financial	Not adopting an enforceable local law may result in higher contamination levels and increased waste charges.	Moderate	Possible	Moderate	Low	Treat risk by adopting an appropriate local law to better control contamination rates.
Environmental	Higher contamination rates are counterproductive for waste management treatment.	Moderate	Possible	Moderate	Medium	Treat risk by adopting an appropriate local law to better control contamination rates.
Health and safety	Potential for health risks in having an unenforceable local law.	Moderate	Possible	Moderate	Low	Treat risk by adopting local law which contains infringements making it easier to enforce the local law.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	The local law may be seen as excessively onerous and provide legislative power to penalise even minor infractions.	Moderate	Likely	High	Low	Treat risk by emphasis on educational activity for waste management and use of local law infringements for only more serious breaches.
Service delivery	Not applicable.				Medium	

Financial implications

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

Future budget impact	The introduction of the local law may have some potential for additional compliance costs and offsetting infringement income, however, at this stage it is not considered to be material enough to consider for future budget impact.

Analysis

18. In accordance with section 3.12 of the *Local Government Act 1995*, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks. In total, the submission period was open for the required 42 days. In that period, two submissions were received from the public, both in support of the local law, with one having minor concerns which have been addressed in correspondence to the submitter.
19. An extra submission received from DLGSCI contained recommendations that were complied with as part of the consultation undertaken.
20. The DWER submission provided for minor technical amendments to the local law, which have been made. These minor amendments do not alter the draft local law to make it significantly different from what was proposed and advertised in line with section 3.12 of the *Local Government Act 1995*. The local law is therefore proposed to be adopted without having to recommence the local law procedure under section 3.13.
21. The Town has complied with the minor recommended technical amendments from DWER; and received DWER consent to make the local law, with the signature of the Chief Executive Officer of DWER on the final amended draft local law prior to the Town preparing an item to make the local law. The signed document is attached to this item.
22. The reason for DWER giving its consent to making the local law has been noted in its correspondence to the Town. This correspondence is also included as an attachment to this item.
23. It is also proposed that Council delegate the powers of the local government under the *Waste Local Law 2022* to the Chief Executive Officer. This will allow for further changes to be made to internal delegations in the Town's delegated authority manual.

Relevant documents

Not applicable.

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

14 Chief Financial Officer reports

14.1 Schedule of Accounts - July 2022

Location	Town-wide
Reporting officer	Manager Finance
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Payment Summary - July 2022 [**14.1.1** - 7 pages]

Recommendation

That Council:

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

Purpose

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

In brief

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

Background

0. 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*.
1. 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
Municipal Account		
Automatic Cheques Drawn	608884 – 608885	$24,205.12
Creditors – EFT Payments		$5,593,896.98
Payroll		$1,157,181.65
Bank Fees		$9,638.08
Corporate MasterCard		$7,561.35
Cancelled EFTS		($612.75)
Total		**$6,791,870.43**

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of *Local Government (Financial Management) Regulation 1996*.

Legal compliance

Section 6.10(d) of the Local Government Act 1995
Regulation 13 of the Local Government (Financial Management) Regulation 1996

Risk management consideration

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

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

Financial implications

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

Analysis

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

Relevant documents

Procurement Policy

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

14.2 Financial Statements - July 2022

Location	Town-wide
Reporting officer	Finance Manager
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - July 2022 [**14.2.1** - 42 pages]

Recommendation

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

Purpose

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

In brief

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

Background

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

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

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

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

   Period variation

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

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

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

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 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 impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.

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

Financial implications

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

Analysis

4. The Financial Activity Statement Report – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report – July 2022 be accepted.

Relevant documents

Not applicable.

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

15 Committee reports

15.1 Evaluation of Policy 023 - Provision of Information and Services - Elected members

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy 023 - Provision of Information and Services - Elected Members [**15.1.1** - 5 pages] 2. Policy 023 Provision of information and services - elected members (track changes) [**15.1.2** - 6 pages] 3. Policy 023 Provision of information and services - elected members (proposed new policy) [**15.1.3** - 5 pages]

Recommendation from the Policy Committee:

That Council adopts the amended Policy 023 – Provision of Information and Services – Elected Members, as at attachment 3; subject to:

1. Amend clause 15 to add the following words at the start of the sentence: "unless the request is urgent,"

2. Amend clause 24 to include the following words: "Identifying personal information related to any electors, ratepayers or residents of the district included by an elected member in a request will be redacted if a response is to be sent to all elected members."

3. After clause 12, that points 13 to 16 be renumbered as 12.1, 12.2, 12.3 and 12.4 and all further numbers be renumbered.

4. That clause 12 be amended to read as 2.8(1)(f).

5. Add to clause 12.1 the words: "responses will not be sent to all elected members, unless the Mayor and Chief Executive Officer determines it appropriate" and remove clause 12.2 and renumber the remaining points accordingly.

Purpose

To present the evaluation of Policy 023 – Provision of Information and Services – Elected Members and have amendments resulting from the evaluation adopted.

In brief

- Policy 023 – Provision of Information and Services – Elected members was adopted by Council in September 2019 to ensure consistency and equity for the provision of information and services to elected members.
- The policy was identified for evaluation by Council in April 2022.

- The evaluation of Policy 023 was in line with the policy evaluation framework and focused on policy content, implementation, efficiency, equity and strategic alignment.
- Following the evaluation, it is considered that the reasons for the policy existing are still relevant. Amendments are proposed to ensure the objective is clear and the policy statement clearly outlines the process to achieve the objective.

Background

1. At its meeting on 12 April 2022, Council adopted a policy evaluation work plan. Policy 023 – Provision of Information and Services – Elected Members was one of the policies identified for evaluation.
2. A policy evaluation is defined by Policy 001 – Policy management and development as "the examination of the content, implementation or impact of a policy, with the intent of determining its success against reaching its objectives and intended impact."
3. Policy 023 was adopted by Council in September 2019. It has been reviewed and amended multiple times since then, with the last amendments occurring in April 2022.
4. The policy was originally created to address the following:
   ( ) lack of consistency for how elected members request or are provided information
   (a) lack of agreed direction and clarity around how information or services should be requested by elected members
   (b) lack of agreed direction and clarity around how information or services should be provided to elected members
   (c) information not being provided to elected members in a timely manner
   (d) inconsistencies with elected members being equally informed regarding issues and concerns raised, particularly on matters requiring a Council decision
   (e) verbal requests meaning expectations not clear or trackable
   (f) requests not being clearly understood before attempting to address them
   (g) elected members being unsure of who information should be requested from.
5. At the May 2022 Ordinary Council Meeting, Council resolved:
   "*That Council directs the Chief Executive Officer:*
   0. Whenever requested by any Elected Member to provide complete copies of all public submissions received in relation to any matter for Council's decision, to ensure that copies are provided to all elected members;
   1. To refer to Council any dispute about whether an elected member is entitled to complete copies of all public submissions received in relation to any matter for Council's decision;
   2. To bring a report to the Policy Committee by August 2022 for the amendment of Policy 023 Provision of information and Services - Elected Members to include points 1 and 2 above."

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The evaluation of policies and any resulting amendments ensure that policy content aligns to policy objectives.

Engagement

Internal engagement	
Stakeholder	Comments
Town staff	A policy evaluation survey was given to C-Suite and Managers to assist with evaluating the policy. Seven responses were received. Relevant information has been included in the analysis section of this report.
Elected members	A policy evaluation survey was given to elected members to assist with evaluating the policy. Three responses were received. Relevant information has been included in the analysis section of this report.

Legal compliance

Section 2.7 of the *Local Government Act 1995*

Sections 2.8, 2.9 and 2.10 of the *Local Government Act 1995*

Section 5.92 of the *Local Government Act 1995*

6. Although a policy is not currently legally required, upcoming changes to the *Local Government Act 1995* will require the Town to have a policy. The Department of Local Government, Sport and Cultural Industries' website states that "*Local governments will be required to introduce a communications agreement outlining communications process between Councillors and the CEO. It will outline, amongst other things, how information will be requested and received by Councillors.*"

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Policy content doesn't meet needs	Minor	Almost certain	Medium	Medium	TREAT by adopting

	of elected members or the Town.	proposed policy amendments.

Financial implications

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

Analysis

7. The evaluation of Policy 023 focused on policy content, implementation, efficiency, equity and strategic alignment in accordance with the Policy Evaluation Framework.

Policy content

8. There is a shared understanding between elected members and Town staff about why the policy exists and what it is trying to achieve. This can be summarised as setting the framework and process for how information is exchanged between elected members and the Town to ensure consistency and fairness, in line with role responsibilities. The current policy objective and scope communicates this to some well.

9. All elected members that provided feedback believed there is enough information in the policy for it to be implemented. This view wasn't shared by the Town with four out of seven staff believing information was missing. Comments related to this suggested that the policy should better outline what is considered an operational matter and the need to differentiate the role of the Mayor and Deputy Mayor. It is not proposed that further information be included around operational matters as this is already covered by management practices and guidelines but new clauses are proposed to address the exchange of information between the Chief Executive Officer and Mayor.

10. Elected members involved in the evaluation believe it is clear how the policy should be used to achieve the intended objectives. This view is shared by the majority of Town staff involved.

Implementation

11. Two out of three of the elected members believe the introduction of the policy improved the provision of information and services to elected members. Half of Town staff involved in the review believe there was an improvement. Although not all involved were at the Town before there being a policy in place, concerns raised relate to response timelines being unrealistic. This concern can be mitigated through an amendment that has been proposed to extend the timeframe for acknowledging a request and advising of an extension of time. This is to acknowledge that Town staff may not be available in an eight-hour period, may be attending to important issues or may need information from an external party to provide a revised timeframe.

12. All those involved in the evaluation believe the policy has benefits with the main one being directly aligned to its objective – its clarity in outlining the process for elected members to seek information and for Town staff to provide information to elected members.

13. Implementation issues were highlighted. These relate to
    ( ) failures in following the policy

(a) a lack of understanding from the community about the role of an elected member and there being no customer service-related function for elected members
(b) varied levels of quality in responses.

14. The main issues in following the policy are identified as:
( ) information not being provided within the set timeframes
(a) requests not being acknowledged within the set timeframe
(b) responses only being sent to the elected member that made the request
(c) requests for information that is already publicly available
(d) requests for information that has already been provided in response to an elected member request
(e) requests not being copied to the governance email inbox
(f) requests not being relevant to the performance of elected members' functions
(g) all elected members being included in the initial request for information
(h) Managers and Chiefs being included in a request for information
(i) information being requested verbally.

15. In terms of resourcing the policy, in the 2021/22 financial year, there were 231 elected member requests for information. This amounts to four requests in total across the entire organisation per week. On average, elected members each submitted 20 requests. The most sent by one elected member was 98 and the least amount by one elected member was two. Considering this amount of elected member requests, it would seem the Town is resourced sufficiently to carry out the implementation of the policy.

16. Not considering the notification of extensions to the timeframe (as these haven't been consistently recorded), 66% were responded to within three business days. There are concerns amongst Town staff that three working days isn't sufficient time to respond to a request due to increasing workloads, one request potentially containing many parts, resourcing issues and annual/sick leave. To mitigate this, it is proposed that the time for notifying of an extended timeframe be extended to two days to provide more flexibility. This may assist Town staff with following the policy.

17. The breakdown of the number of requests by service area is provided below:
( ) Parking and Rangers – 30
(a) Street Improvement – 29
(b) Urban Planning – 23
(c) Project Management Office – 23
(d) Community Development – 22
(e) Financial Services – 21
(f) Parks and Reserves – 20
(g) Property Development and Leasing – 10
(h) Governance and Strategy – 10
(i) Place Planning – 7
(j) Environment – 7
(k) Waste Services – 5
(l) Events, Arts and Funding – 5
(m) Asset Planning – 5
(n) Leisure Facilities – 4
(o) Communications and Engagement – 3
(p) Street Operations – 2
(q) People and Culture – 2
(r) Environmental Health – 2
(s) Library Services – 1

18. The above figures may indicate the need for areas to provide information more proactively on the portal, or they could be linked to the most common nature of items for Council decision. Either way, it helps demonstrate the impacts on service areas and areas of interest.
19. All elected members that responded to the survey believe that the methods used by the Town for providing information to elected members match their needs. The majority of staff that responded agree that the methods match the needs of the Town.
20. As an unintended consequence of the policy, it was identified that the policy means that elected members are unable to request information in the comments section of the Councillor Portal, despite attempting to do so multiple times. It is the Town's view that opening this avenue to request information will result in another communication channel to be monitored. This will complicate what is considered to be a clear process, increase the opportunity for human error by missing requests and will mean that elected members will have to revisit information posts to stay fully informed.

Policy efficiency

21. The vast majority of both elected members and Town staff believe that the policy content enables the simple achievement of the purpose and objectives. They also believe that the right people are involved in efficiently implementing it.

Policy equity

22. One of the main principles of the policy is to enable equitable access to information. All elected members have an equal opportunity to request information and be informed. It is up to elected members to take advantage of the opportunity. Assessing the data available regarding the number of requests received from each elected member, it is evident that there is not a consistent level of workload that can be expected per elected member. There are many variables that influence this.

Strategic alignment

23. The policy aligns to the community priorities of:
    ( ) CL1 – Effectively managing resources and performance.
    (a) CL3 – Accountability and good governance.
24. It helps to achieve the Town objectives of:
    ( ) Streamlined, modern governance.
    (a) Integrated, fit-for-purpose systems.
25. Possible improvements were suggested during the evaluation to allow for more effective management of resources and performance. Raised elsewhere in this report, the main themes were around elected members not requesting information already publicly available and more time being needed for the Town to respond. There was also a suggestion to better refine the limitations for requests. Although not included in the policy, guidelines for both elected members and staff that expand on suitable requests already exist.
26. All those involved in the evaluation believe that the policy aligns with the Town's values.

Proposed amendments to policy

27. Following the evaluation, it is considered that the reasons for the policy existing are still relevant however, amendments to the policy are proposed to ensure the objective is clear and the policy statement clearly outlines the process to achieve the objective.

Current clause	Proposed clause	Reason
Strategic outcomes supported CL1 – Everyone receives appropriate information in the most efficient and effective way for them. CL7 – People have positive exchanges with the Town that inspires confidence in the information and the timely service provided. CL8 – Visionary civic leadership with sound and accountable governance that reflects objective decision making.	**Strategic outcomes supported** CL1 – Effectively managing resources and performance. CL3 – Accountability and good governance. Streamlined, modern governance. Integrated, fit-for-purpose systems.	To update strategic alignment in line with the Town's new strategic direction.
Policy objective This policy is to identify the process and expectations for the provision of information and services to elected members when performing their roles, outlined in Sections 2.8, 2.9 and 2.10 in the *Local Government Act 1995*.	**Policy objective** This policy is to identify the process and expectations for the provision of information and services to elected members when performing their roles, outlined in Sections 2.7, 2.8, 2.9 and 2.10 in the *Local Government Act 1995*.	Clause 2.7 of the LG Act added to ensure the role of council is covered by the policy.
Clause 5 5. To ensure consistency and integrity in the way requests from elected members are dealt with, requests for information are limited to information that is relevant to the performance of elected members' functions under Sections 2.8, 2.9 and 2.10 of the Local Government Act 1995.	**Clause 5** 5. To ensure consistency and integrity in the way requests from elected members are dealt with, requests for information are limited to information that is relevant to the performance of elected members' functions under Sections 2.7, 2.8, 2.9 and 2.10 of the Local Government Act 1995.	To include Section 2.7 – the role of Council.
Clause 10 10. All requests for information are to be responded to within three working days, unless further time is required, in which case within one working day the request will be acknowledged, and an	**Clause 10** 10. The Town is to endeavour to respond to requests within three working days, unless further time is required, in which case within two working days, requests will be acknowledged, and an estimated time of final response provided.	To acknowledge that it is not always possible to respond to requests within three working days and give Town staff an extra day to acknowledge requests and advise of an extension of time.

estimated time of final response provided.		
New clauses.	**Communication between Mayor and Chief Executive Officer** 12. As stated in Section 2.8 (f) of the *Local Government Act 1995*, the Mayor has a role to liaise with the CEO on the local government's affairs and the performance of its functions. 13. Requests made by the Mayor to the Chief Executive Officer without copying the governance email address will be responded to directly by the Chief Executive Officer. 14. Responses will not be sent to all elected members. 15. Requests from the Mayor to the Chief Executive Officer will be responded to within three working days, unless further time is required, in which case within two working days the request will be acknowledged, and an estimated time of final response provided. 16. In the case of the Mayor being on an approved leave of absence, provisions of this policy related to communication between the Mayor and Chief Executive Officer will extend to the Deputy Mayor.	To clarify the process for communication between the Mayor and Chief Executive Officer and highlight that it falls outside of the elected member information request process.
New clauses.	**Public submissions** 17. Complete copies of all public submissions received in relation to any matter for Council decision are to be provided to all elected members if requested by an elected member. 18. Any dispute about whether an elected member is entitled to complete copies of all public submissions received in relation to any matter for Council's	To include new clauses resolved by Council at the May 2022 Ordinary Council Meeting.

	decision is to be referred to Council.	
Clause 21 (d) (d) will require significant resources to respond and are considered to impose an unfair and excessive burden on the administration.	(d) is considered by the Chief Executive Officer to require significant resources to respond and that it will impose an unfair and excessive burden on the administration.	To clarify that it is the responsibility of the Chief Executive Officer to determine if a request will impose unfair and excessive burden on the administration.
Clause 16 16. A register of elected member requests for information shall be maintained by the Chief Executive Officer, recording the details of all requests for information made by an elected member, including the date of the request, the name of the requesting elected member, a description of the information requested, the date of the response to the request and the name of the officer who responded to the request.	**Clause 23** 24. A register of elected member requests for information shall be maintained by the Chief Executive Officer, recording the details of all requests for information made by an elected member, including: (a) the date of the request (b) the name of the requesting elected member (c) a description of the information requested (d) the number of questions that make up the request (e) the date of the response to the request (f) any communicated extension to the timeframe for response (g) the name of the officer responsible for responding to the request (h) whether the response was within the timeframe outlined in clause 10.	To better communicate items making up the register and include additional fields to enable better tracking and evaluation of the policy.
Clause 18 18. Identifying personal information related to any electors, ratepayers or residents of the district included by an elected member in a request will be redacted if a response is to be sent to all elected members.	Clause removed.	To remove the need for the administration to redact information from a request as elected members are usually already privy to the information and it creates more potential for human error. There are also no major consequences that would result from elected members having full details of a request.

Clause 22 22. Pursuant to Regulation 10 of the Local Government (Rules of Conduct) Regulations 2007, elected members are only to direct the Chief Executive Officer. It is the Chief Executive Officer's responsibility to direct the administration in ensuring that the needs of elected members are being met. That being said, it is acknowledged that elected members require some provision of administrative services to support the performance of their roles.	**Clause 29** 29. Pursuant to Clause 20 of the Code of Conduct for Council Members, Committee Members and Candidates., elected members must not direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee. It is the Chief Executive Officer's responsibility to direct the administration in ensuring that the needs of elected members are being met. That being said, it is acknowledged that elected members require some provision of administrative services to support the performance of their roles.	To reference the Code of Conduct rather than the repealed legislation.
Clause 23(g) (g) IT support	Clause removed.	To remove the requirement for elected members to email IT requests to Governance as these can be submitted directly to the relevant service area to make the process more fit-for-purpose and limit resource requirements.
New clause.	**Clause 32** 32. Where an electronic form exists for administrative purposes, elected members should endeavor to use it to limit administrative burden, for example, IT support should be requested by completing the IT Helpdesk form on the Councillor Portal.	To allow for administrative efficiencies in line with Town objectives.
Relevant documents *Local Government Act 1995 (WA)* *Local Government (Rules of Conduct) Regulations 2007* Code of Conduct for Council Members, Committee Members and Candidates	**Relevant documents** *Local Government Act 1995* Customer Service Charter Code of Conduct for Council members, Committee Members and Candidates	To remove repealed legislation and reference the Town's Customer Service Charter.

Relevant documents

Code of Conduct for Council Members, Committee Members and Candidates
Policy Evaluation Framework

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

15.2 Policy 252 - Nuclear Free Zone

Location	Town-wide
Reporting officer	Project Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Policy-252- Nuclear-free-zone- current version [**15.2.1** - 2 pages] 2. draft Revised Policy 252 Nuclear free zone Tracked [**15.2.2** - 2 pages] 3. Commonwealth Treaties and statues [**15.2.3** - 3 pages]

Recommendation from the Policy Committee:

That Council:

1. Repeals Policy 252 – Nuclear Free Zone as attached.
2. Adopts the amended Policy 252 Nuclear Free Zone as attached as a statement of intent.

Purpose

To request that the Policy Committee recommend that Council adopts the amended Policy 252 Nuclear Free Zone.

In brief

- At its meeting of 28 February 2022, the Policy Committee recommended that Council refer item 7.2 - Review of Policy 252 - Nuclear free zone to a future Policy Committee meeting, after a number of items concerning the Policy were raised.
- In response, Policy 252 – Nuclear Free Zone has been revised.
- The Town is seeking that the Policy Committee repeals the previous iteration of the Policy 252 – Nuclear Free Zone and adopts the amended version.

Background

1. Council last amended Policy 252 on 20 August 2019, Council resolution 148/2019 refers. The amendment included the addition of policy objective and scope to align with the new policy template.
2. The policy's objective is to establish the Town's stance to be a nuclear free zone.
3. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 252 - Nuclear Free Zone was one of the policies identified for review.
4. At its meeting of 28 February 2022, the Policy Committee recommended that Council refer item 7.2 - Review of Policy 252 - Nuclear free zone to a future Policy Committee meeting. This was resolved at the 15 March 2022 Ordinary Council Meeting.
5. The Policy Committee discussed a number of items in relation to the Policy 252 – Nuclear Free Zone. These items, together with the response of the Town, are outlined below:

Item	Response

Clarification on what purpose this policy serves considering that the WA Government is the responsible body	This policy serves to declare the Town's intention to be a nuclear free zone (in response to Council request). It is noted that the Town has no enforcement authority on this matter.
Whether the Town has ever been consulted by the WA Government about the storage or transportation of nuclear material within the Town	No, not that the Town is aware of.
Whether the Town is required to be notified if nuclear material is being stored or transported in the Town	It is the Town's understanding that this would be required, though below certain radioactivity thresholds it is not.
Whether there is evidence that the Town is a potential site for a nuclear power plant or for storage of nuclear material	There is no evidence for this. The policy is a statement of intent, requested by Council at the time.
Whether radioactive material used in medical diagnostics and research qualifies as nuclear material	No. It is assumed that when Council originally requested Policy 252 that this would not include medical practices.
Clarification of the definition of radioactive material in the policy	Agreed, the Town will add this to the policy. Nuclear: Any source material or special fissionable material under the International Atomic Energy Agency Statute (in practice, this means uranium, thorium and plutonium). Radioactive: Having or producing powerful and dangerous energy that comes from the breaking up of atoms
Whether Curtin University stores any radioactive material and how it relates to the policy	The Town assumes that such materials would be for medical practice and research, and therefore would not come under policy 252.
Whether this policy is necessary	As the policy is simply a statement of intent of Council, the Town recognises that it has limited powers and can be overridden by State and Federal legislation.

Whether additional information should be added to the policy.	See attachment.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Given that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment, the policy is a formal position of Council for the Town of Victoria Park to be a nuclear free zone.

Engagement

Internal engagement	
Operations Service Area Leaders	Supportive of the Town's current stance to protect the health and wellbeing of its community and ratepayers; especially when the hazards are man-made and of a nature not visible to human eyes, but are well proven by reputable and experienced scientists and health specialists as having the potential to negatively impact on human health.
Environmental Health	Clear risks to human health should there be any leakage of radioactive radiation on the human population.
Place Planning	No issues.
Planning	No issues.
Community Development	No problems with renewing the policy as it stands.
Safety	Nil.

Legal compliance

Not applicable.

Risk management consideration

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

Reputation	Not applicable if current Policy remains.	Low
Service delivery	Not applicable.	Medium

Financial implications

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

Analysis

6. With consideration of the Policy Committee's discussion items, the Town agrees that Policy 252 - Nuclear Free Zone be revised to provide clarity on definitions, intent and what is encompassed.

7. Please see table below for an outline of these proposed revisions:

Clause	Proposed	Reason
Definitions: Nil.	**Definitions:** Nuclear: Any source material or special fissionable material under the International Atomic Energy Agency Statute (in practice, this means uranium, thorium and plutonium). Radioactive: Having or producing powerful and dangerous energy that comes from the breaking up of atoms.	Addition of definition in the policy, for clarity.
Policy Statement: *1. The Town of Victoria Park accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment of the Town and declares:* *a. That approval will not be given for the building of any*	**Policy Statement:** 0. The Town of Victoria Park accepts that the transport, storage, treatment and use of radioactive substances could involve potential threats to the health and well-being of the residents and environment of the Town. 2. While Council recognises that Federal and State	

nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town; *b. That approval will not be given for the storage of uranium and/or nuclear waste within the Town's boundaries;* *c. That approval will not be given to transport uranium or nuclear waste through the Town's boundaries;*	legislation may negate any power of Council to make decisions in respect to the processing, storage or transport of radioactive materials, this policy provides a statement of intent that Council does not support; *a. the building of any nuclear power stations, enrichment plants, weapons plants, radio-active storage facilities within the Town;* *b. the storage of uranium and/or nuclear waste within the Town's boundaries;* *c. the transport of uranium or nuclear waste through the Town's boundaries;*	Acknowledgement that the Federal and State Government has overarching authority, and clarity that the policy is a statement of intent. Wording changed so that points a, b and c flow on from – and relate to – clause 2.
d. That the responsible use of low levels of radioactive material is acceptable in health facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risks to the community at large;	3. Council is not opposed to the responsible use of low levels of radioactive material in medical practices, educational and research facilities, equipment used in geological, geophysical, forensic investigations, structural engineering and materials analysis, and within smoke detectors as the benefits to residents far outweigh the risks to the community at large.	Wording change so that this clause concerning what Council is not opposed to is separate from those Council does not support. Also, clause now specifies medical practices and educational research facilities.

Relevant documents

Policy 252 - Nuclear Free Zone

Further considerations

1. Below are the questions asked by Elected Members and associated responses:

2. Isn't the WA Government and Radiological Council of WA responsible for approving and licensing:
   a. the construction of any nuclear power facilities within the Town;
   b. the storage of any nuclear material within the Town; and
   c. the transportation of nuclear material through the Town?

3. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* prohibits certain nuclear actions specified in s.22A unless federal approval is obtained. It specifically prohibits nuclear power generation in s.140A. The Act states that the Minister must not approve an action consisting of or involving the construction or operation of a nuclear fuel fabrication plant, or a nuclear power station, or an enrichment plant, or a reprocessing facility.

4. Before any radioactive material can be transported, it must meet the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) Code for the Safe Transport of Radioactive Material. ARPANSA regulates Commonwealth entities that use or produce radiation with the objective of protecting people and the environment from the harmful effects of radiation.

5. Note:
   Commonwealth laws prohibit the use of nuclear energy for electricity generation across Australia, regulate the use of nuclear energy for medical and research purposes, permit uranium mining subject to Ministerial approval, and provide for the local implementation of Australia's international treaty obligations. The overarching provisions of Australia's national nuclear framework are provided under Australia's international treaty obligations relating to nuclear activities, working in concert with key Commonwealth Acts. A selective list of key treaties and statutes that apply in Australia are listed in the table below.

Title	Purpose
Treaties	
Convention on Nuclear Safety	An incentive-based instrument that commits States operating nuclear power plants to establish and maintain a regulatory framework governing the safety of nuclear installations.
Convention on the Physical Protection of Nuclear Material (CPPNM) & and 2005 Amendment	The only legally binding international agreement focusing on the physical protection of peaceful use nuclear materials. The 2005 Amendment legally binds States to protect nuclear facilities and material in peaceful domestic use, storage, and transport. Also provides for expanded cooperation among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.
Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	Focuses on minimising the effects of hazardous radiological materials and promoting an effective nuclear safety culture.
Comprehensive Nuclear-Test-Ban Treaty (CTBT)	Prohibits nuclear weapon test explosions.

International Convention on the Suppression of Acts of Nuclear Terrorism	Covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors. It criminalises the planning, threatening, or carrying out acts of nuclear terrorism.
Treaty on the Non-Proliferation of Nuclear Weapons (NPT)	Aims to limit the spread of nuclear weapons through the three pillars of non-proliferation, disarmament, and peaceful use of nuclear energy.
South Pacific Nuclear-Free Zone (SPNFZ) Treaty of Rarotonga	Prohibits nuclear explosive devices in the South Pacific. It is the second treaty to establish a nuclear weapons-free zone; also bans the testing and use of nuclear explosive technologies.
Statutes	
Environment Protection and Biodiversity Conservation Act 1999 (discussed in detail in Section 2.2.1 below)	Provides a legal framework for the protection and management of matters of national environmental significance, which includes protection of the environment from nuclear actions. A nuclear action requires approval under the Prohibitions Act if it has, will have, or is likely to have a significant impact on the environment. Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility.
South Pacific Nuclear Free Zone Treaty Act 1986 Comprehensive Nuclear Test-Ban Treaty Act 1998	Implements Australia‘s treaty obligations
Nuclear Non-proliferation (Safeguards) Act 1987	Provides the legislative basis for Australia‘s safeguards system. The principal object is to give effect to Australia’s obligations under the NPT, Australia’s Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (IAEA), the Convention on the Physical Protection of Nuclear Material (and its 2005 amendment); and agreements with various countries on the transfer of nuclear material, equipment and technology. Provides for commitments under international treaties to be managed through a system of permits issued by the Australian Safeguards and Non-proliferation Office (ASNO) for the possession of nuclear material, equipment and technology. Regulates the possession, transport and communication of nuclear material, and associated material, facilities, equipment and technology, as well as arrangements for the physical protection of nuclear material and facilities.
Australian Nuclear Science and Technology Organisation Act 1987	Establishes the Australian Nuclear Science and Technology Organisation (ANSTO)a and provides for the development and utilisation of nuclear and associated technologies, in particular, radiation and radioisotope applications in medicine, industry, science and agriculture.

Australian Radiation Protection and Nuclear Safety Act 1998 (and Australian Radiation Protection and Nuclear Safety Regulations 2018) (discussed in detail in Section 2.2.2 below)	Provides for the protection of human health and the environment from the harmful effects of radiation through a regime to regulate the operation and safety of nuclear installations and the management of radiation sources, where these activities are undertaken by Commonwealth Government entities. Establishes the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). Specifically prohibits approval of actions involving the construction or operation of a nuclear fuel fabrication plant, a nuclear power plant, an enrichment plant, or a reprocessing facility. General provisions regulate the transportation of uranium and its by-products relating to radiation hazards. Regulations set out the licensing, inspection and enforcement framework, and specify licence conditions and dose limits. Also require ARPANSA to take into account international best practice in radiation protection and nuclear safety when assessing licence applications.
National Radioactive Waste Management Act 2012	Provides for the selection of a site for a radioactive waste management facility on voluntarily nominated land and the establishment and operation of such a facility on the site to ensure that radioactive waste generated, possessed or controlled by the Commonwealth is safely and securely managed.
Customs (Prohibited Exports) Regulations 1958 (made under the Customs Act 1901)	Regulation 9 requires an export licence for the export of radioactive material including refined uranium, plutonium and thorium.
Source: Legislative Council Environment and Planning Committee (Vic)	

6. If yes, what purpose would a Town policy serve in the process of approval/licensing?

   It would not serve a purpose from a regulatory or approval standpoint. The policy is simply a statement of intent.

7. Has the Town ever been consulted by the WA Government about the storage or transportation of nuclear material within the Town?

   No, not that the Town is aware of.

8. Is the Town required to be notified if nuclear material is being stored or transported in the Town?

   It is the Town's understanding that this would be required, though below certain radioactivity thresholds it is not.

9. What evidence do we have that the Town is a potential site for a nuclear power plant or for storage of nuclear material?

   There is no evidence for this. The policy is a statement of intent, requested by Council at the time.

10. What about radioactive material used in medical diagnostics/research? Does that qualify as nuclear material?

    No. It is assumed that when Council originally requested Policy 252 that this would not include medical practices.

11. Does Curtin University store radioactive material? If so, how does this fit within the policy?

    The Town assumes that such materials would be for medical practice and research, and therefore would not come under policy 252.

12. At the 16 December 2008 Ordinary Council meeting, Council resolved to declare the municipality a "Nuclear Free Zone" and this declaration be included in Council's Policy Manual.

13. Whilst it is noted that the Town has no enforcement authority on with regards to nuclear matters, the Policy:
    a. Is intended to formalise the Town's position on nuclear matters;
    b. Is a declaration of the Town being a nuclear free zone, and is a symbolic statement banning nuclear weapons and nuclear power.

14. There is power in showing public support for a Policy that provides a stance. https://www.wilpf.org.au/australias-peak-local-government-body-calls-on-federal-govt-to-join-the-nuclear-weapons-ban-treaty/

Questions and responses

Cr Jesse Hamer

1. What is the difference between a policy and statement of intent?

The Chief Operations Officer advised that the main difference is that a standard policy contains enforceable requirements and that a policy that constitutes a statement of intent does not.

2. The Town's comfortable with a policy that is not enforceable, is that correct?

The Chief Operations Officer advised yes, on the basis that the Town has no legal authority or power to enforce such activities.

3. Is the Town working on the capacity to make some policies enforceable such as the restrictions on the transport?

The Chief Operations Officer advised no, there are no plans to build up such a capacity.

4. The addition of the thorium nuclear material definition, what is the background of where this has been added from?

The Chief Operations Officer advised that information would be provided under further consideration.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on the background of the thorium nuclear material definition provided in the report.

15.3 Review of Policy 113 Homelessness - the Town's Role

Location	Town-wide
Reporting officer	Community Development Officer – Families, Youth and Homelessness
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. FINAL Report - To VP Homelessness Policy FINAL AUG [**15.3.1** - 64 pages] 2. Policy 113 Homelessness The Town s role tracked changes [**15.3.2** - 5 pages] 3. Policy 113 Homelessness The Town s role revised policy changes accepted [**15.3.3** - 5 pages]

Recommendation from the Policy Committee:

That Council adopts the amended Policy 113 - Homelessness as per attachment 3; subject to inserting the following words at the start of clauses 10 and 11 to read as "Subject to compliance with any requirements of privacy legislation and confidentiality,".

Purpose

For Council to consider the draft revised Council Policy 113 Homelessness – The Town's Role (Policy 113) following targeted consultation.

In brief

- A review of Policy 113 – Homelessness – The Town's Role was requested by Council at the June 2021 Ordinary Council Meeting.
- Shelter WA was engaged to complete the Policy review.
- An amended Policy 113 has changes tracked in response to consultation with local homelessness and related service providers, Elected Members and Town staff.
- Amendments proposed to the Policy 113 include specific mention of Elected Members in the Scope, policy commitments for partnership and collaboration with local services, data collection to include housing growth and diversity and local housing needs and trends, training for frontline staff and reference to the business community to reflect the impact of homelessness and businesses' needs in the space.

Background

1. At the 16 June 2020 Ordinary Council Meeting (CR 436/2020), Council resolved to adopt Policy 113 Homelessness –The Town's Role, replacing the existing policy adopted at the Ordinary Council Meeting on 13 December 2016.
2. Policy 113 was reviewed internally in 2021. At the Ordinary Council Meeting on 15 June 2021, Council resolved to request the Chief Executive Officer to review Policy 113 by June 2022 and report the outcome of the review to Council (CR 125/2021).
3. Due to staffing constraints experienced by the consultant engaged to complete the review, Shelter WA, the review was delayed. This delay was communicated to Council through an Elected Member portal post in mid-May 2022 and through item 12.3 at the Ordinary Council Meeting held on 21 June 2022. At this time Council acknowledged the delay to the policy review (CR 123/2022).
4. Shelter WA carried out the review between May to July 2022, including workshops with Elected Members, local service providers and Town staff.
5. The policy's objective is to guide the Town's commitment to addressing homelessness.
6. Given that a scope of the policy review was provided to Shelter WA early in 2022, and that the policy review commenced in May 2022, the Town's newly introduced Evaluation of a Policy requirements do not apply to this review.

Strategic alignment

Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Providing support to those experiencing homelessness through a compassionate approach from Town staff, ensuring public spaces and amenities are safe and inclusive and liaising with appropriate outreach, will promote their personal safety and reduces broader community concerns about safety.
S2 - Collaborating to ensure everyone has a place to call home.	The overall aim of Policy 113 is to end homelessness, and the policy objectives include methods for the Town to support this aim, including collaborating with service providers and internal Town stakeholders to achieve this goal.

Engagement

Internal engagement	
Communications	The team suggest that information for local businesses would be useful, such as an appropriate toolkit.
Leisure facilities	No changes required for the policy
Place Planning	The Local Planning Strategy includes an action to investigate the Town's role in provision of affordable housing, local demand and planning and non-planning mechanisms to increase affordable housing and what is feasible given limited resources and the cost of providing housing.

Community Development – Safer Neighbourhoods	No changes required for the policy
Community Development – Families, Youth and Homelessness	Feedback incorporated into this report, and within Policy 113 tracked changes.
Libraries	No changes required for the policy
Events	No changes required for the policy
Property Development and Leasing	An audit was undertaken into Council owned land and buildings that could be suitable for social housing, with the outcome of that audit reported to OCM on 15 February 2022. Elected members may wish to refer to the analysis in the OCM report, which goes into some detail as to the Town's position and how it could facilitate social housing. The audit established that there are no Council owned buildings that are suitable for social housing and a small number of land parcels that may be suitable. Any provision of social housing on Council owned land is likely to be modest in terms of the number of homes provided and will not resolve large scale homelessness within the Town's area. There may however be niche areas such as social housing for special needs or disability where the release of a small number of Town owned properties will have a relatively large impact. Council resolved as follows by resolution 9/2022:- *That Council:* *1. Notes the report and defers any decision on selection of property for the development of social housing, pending the outcome of the review of the Town's Land Asset Optimisation Strategy.* *2. Request the Chief Executive Officer to liaise with the Department of Communities (Housing and Assets) to further investigate the proposed terms of a ground lease transaction structure for the provision of social housing.* The selection of (Council owned) property for social housing has therefore been deferred accordingly.
Parking and Rangers	The team requested that any support information provided to people experiencing homelessness is available in various formats to ensure a clear understanding through consideration of accessibility, inclusion and varying literacy levels.
Elected Members	Involved via the workshops and opportunity to provide direct input, as outlined below.

External engagement

Stakeholders	Feedback was received from local homelessness service providers and Town Elected Members
Period of engagement	External engagement was carried out through two workshops, one held online on 13 June 2022, and one held in person on 6 July 2022.
Level of engagement	2. Consult
Methods of engagement	Two workshops, one online and one in-person. Direct contact was made with agencies who expressed interest in providing feedback but were unable to attend the workshops.
Advertising	Local service providers, Elected Members and local businesses were invited by direct email. Businesses were also invited through the Town's business e-newsletter.
Submission summary	Attendees at workshops: • Online Workshop – Mayor Karen Vernon, Cr Jesse Hamer, Star Street Church, Uniting WA, and Headspace Cannington. • In-person Workshop – Cr Wilfred Hendricks, Cr Peter Devereaux, Sussex Street Community Law Centre, Victoria Park Youth Accommodation, Connect Victoria Park, and Mission Australia. • Direct contact with agencies unable to attend the workshops – Ruah Community Services, WA Alliance to End Homelessness.
Key findings	The matters raised through the workshops included: *Policy objective* • The term "Recognising" may not give enough direction or strength to the role the Town can take. Consider strengthening this. • The policy objective does not mention prevention, but the Town can play a role here. *Policy scope* • Inclusion of Elected Members in the policy scope. • Inclusion of all functional areas of Council, not just areas where it affects or relates specifically to homeless programs. • Widening its applicability to be an embedded approach that includes prevention, as it is currently quite open to interpretation. • The scope doesn't incorporate housing in any real way. • Including services that receive funding from Council. • Carry through the goal of ending homelessness from the objective. *Policy principles* • The need for respect to be included as a policy principle. • The need for a whole of community approach to be recognised across the policy. • Ensuring that the policy is applied comprehensively across the Town's activities. *Policy commitments* • Strong inclusion of housing and the urban planning function (consistent with the principle of right to housing) as a policy commitment.

	• Coordinated and collaborative advocacy beyond the Town. • Incorporate the business community into the education, awareness and implementation. • Direct support that is proactive and in-keeping with need. • Inclusion of housing data in collection and a clear statement around what the data will be used for.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	That the Town appears not to be involved in addressing Homelessness.	Moderate	Unlikely	Medium	Low	TREAT through continuing to review and implement the Homelessness Policy and associated Implementation Plan
Service delivery	N/A				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Funds to continue to undertake actions within the Homelessness Policy Implementation Plan July 2020 – June 2023 have been allocated in the Town's 2022-2023 budget.

Analysis

7. The review process involved:
   (a) Engaging a suitably qualified and experienced third party to undertake the review (Shelter WA).
   (b) Understanding the drivers of homelessness and the evidence-based response.
   (c) Understanding the role outlined for local government in the National Housing and Homelessness Agreement and All Paths Lead to a Home: Western Australia's 10-year Strategy on Homelessness (2020-2030) and local governments general competency powers.

(d) Alignment with the Town of Victoria Park's vision and mission, and Strategic Community Plan 2022-2032, effective from 1 July 2022.
(e) Desktop review of four Western Australian local government policies and action plans related to homelessness.
(f) Input from prior engagement undertaken by the Town of Victoria Park during the development of the current policy.
(g) Targeted input from local service providers and Council staff on the strengths and gaps in the current policy.
(h) Review by Town staff of Shelter WA recommendations, and integration of this feedback into the proposed revised Policy 113.

8. Further information on the review process is included in the Shelter WA report - *Attachment 1 – Review of the Town of Vicotria Park Homelessness Policy Report*.

9. Recommended changes arising from the review of Policy 113 have been integrated in *Attachment 2 – Policy 113 with tracked changes* (Shelter WA changes marked in RED); and *Attachment 3 – Policy 113 with changes accepted*.

10. A summary of recommended changes to Policy 113, and the reason for consideration have been provided in the table below.

11. A key recommendation from the policy review is that the term "people experiencing homelessness" is used instead of "homeless people". People-first language is defined as language that puts a person before a diagnosis. By describing someone as "experiencing homelessness" rather than simply "homeless," we are describing something a person is going through rather than defining them by it. The change from 'homeless people' to 'people experiencing homelessness' has been updated throughout the policy and is not identified separately in the table.

Clause	Proposed	Reason
Policy objective	The Town of Victoria Park acknowledges and recognises that it has a social responsibility to play an active role in preventing, minimising the impact of and ending homelessness in the community.	Addition of a reference to Town 'acknowledging' social responsibility in addition to 'recognising'. Workshop attendees requested this change to strengthen the wording. Addition of the Town's responsibility to play a role in preventing homelessness, in response to workshop feedback.
Policy scope	This policy applies to Elected Members, Town staff, contractors, consultants, working groups, services that receive funding or grants from Council and committees of Council who are delivering services or working on any project across all areas of the Town of Victoria Park.	Addition of Elected Members and services that receive funding or grants from Council as having the policy apply to them. Although it may be understood that Elected Members are included in a policy, they are added to mitigate all doubt. Removes reference to the policy applying to a program only affecting or relating to homelessness and adds in that the policy

		covers committees of Council who are delivering services or working on any project across all areas of the Town. This is due to the broad reach of homelessness, to ensure that it is considered in all projects, even if the impacts of the project on homelessness are not initially recognised.
Policy definition	Cultural definition of homelessness added. Definitions of the 'By Name List', 'Social and Affordable Housing' and 'Crisis Accommodation' added. Updated definition of 'At risk of homelessness'.	Addition of Mackenzie and Chamberlain (1992) cultural definition of homelessness, which is widely used across the community sector. Additional definitions provided to assist clarity and consistency of understanding. Addition of other risk factors for becoming homeless: people living with disability, young people and older people on income support who rent privately.
Policy principles	2. Respect: The Town will have due regard for the feelings, needs and rights of people who experience homelessness.	Added Respect as a policy principle, given feedback that this needed to be highlighted and not only included in the 'Compassion' principle.
Policy principles	3. Inclusiveness: The Town encourages and promotes inclusive access to public spaces and amenities, acknowledging the rights of people experiencing homelessness, whilst also acknowledging the responsibility of all community members to respect the rights of others to live in a safe and peaceful environment.	Changed previous principle 'Access to public spaces' to 'Inclusiveness', which is better understood as a policy principle. Addition and acknowledgement of rights of people experiencing homelessness.

Policy principles	5. Partnerships and Collaboration: The Town acknowledges that ending homelessness requires a committed, whole-of-community response. The Town will work in partnership and collaboratively with all levels of government, homeless support services, business, community organisations and neighbouring local governments towards a coordinated, effective and evidence-based approach to ending homelessness in the local community and the greater inner City region.	Changed previous principle 'Whole of community response' to 'Partnerships and Collaboration' to enhance the importance of collaborating with government, services, business and community organisations. Business is added as one of the organisations the Town will work with given their interaction with people experiencing homelessness in the Town. Added that the approach will be evidence-based as a policy principle, not just a policy commitment, to ensure that strategies and plans that will sit under the policy are informed by the evidence related.
Policy commitments	8. The Town will work with community organisations to build their capability and capacity to contribute to preventing and to ending homelessness through the funding and support mechanisms such as a community funding or grant program, access to or use of Council land or buildings, subsidised rent, and/or rate relief, and by facilitating partnerships and coordinating local action.	Added a range of activities that could be considered by Council to partner with and build the capacity of local services. This has been expanded to illustrate a number of ways that this could be progressed.
Policy commitments	10. The Town will collect and share accurate data, including utilising the By Name List, to understand, monitor and respond to trends regarding homelessness in the community.	Addition of a reference to the By Name List To align with the strengthened commitment of the Strategic Community Plan. The By Name List is maintained by external community services providers, accessible through a partnership arrangement.
Policy commitments	11. *Original wording:* The Town will collect and share accurate data on social and affordable housing trends and utilise mechanisms, including town planning policies, and will investigate affordable housing options as outlined in the Local Planning Strategy. *Correct proposed wording:*	This commitment has been added given the role of housing in homelessness. Implementation should be linked to the Town's Local Planning Strategy. This will enable the policy to align with local government's role in the WA Strategy, to utilise land and assets to deliver on the policy objective of ending homelessness. Wording provided by Shelter WA has been updated in anticipation as the

	The Town recognises the important role that a healthy supply of social and affordable rental housing plays in addressing homelessness and will investigate affordable housing options as outlined in the Local Planning Strategy.	Town will preparing an affordable housing study in the coming years.
Policy commitments	12. The Town will facilitate training for staff on how to respond with compassion, care and respect to people experiencing homelessness.	This commitment has been added to strengthen the policy and be consistent with delivering on the policy goal.
Policy commitments	13. The Town will seek to remove the capacity for any negative impacts on people experiencing homelessness through the scheduled review of local laws.	This commitment has been added to reflect the policy principles of compassion, respect and inclusivity. Wording provided by Shelter WA has been updated to ensure that this commitment is executed through the scheduled review of local laws, rather than committing to additional reviews.
Policy commitments	14. The Town will actively partner and collaborate with neighboring local governments, community services, local business, and the broader community to prevent and to end homelessness.	This commitment has been added given that partnerships are a key measure in the new Strategic Community Plan.
Policy commitments	15. The Town will engage in evidenced based advocacy with local, state and federal governments for a collaborative, coordinated approach to prevent and to end homelessness.	Addition that advocacy should be collaborative and coordinated with the aim of preventing and ending homelessness.
Policy commitments	16. The Town will raise awareness of the nature, impacts and challenges of homelessness and how the community, including local businesses, can play a part in minimising the impact of and preventing homelessness in the community.	Addition of reference to the business community given that homelessness can impact on local business and by mentioning them in the policy, they can see their needs reflected.

3. If these policy amendments are adopted, the Homelessness Policy Implementation Plan and associated Management Practice will be updated to reflect the associated changes.
4. It is recommended that going forward Policy 113 – Homelessness – The Town's Role, and the Homelessness Policy Implementation Plan be reviewed once every two years.

Relevant documents

Policy 113 Homelessness – The Town's role
Homelessness Policy Implementation Plan

Further Consideration

5. Following the publishing of the agenda for Policy Committee scheduled for 22 August 2022, an error in Attachment 1 was identified prior to the Policy Committee meeting. The section of the report which references the Town's four pillars of sustainability omitted the Environment Pillar. This error has now been corrected by Shelter WA and the attachment has been updated.
6. Following discussion at Policy Committee the section 'At risk of homelessness' under Policy Definitions has been amended to include 'family separation' and 'older women'.
7. At Policy Committee an amendment raised by Mayor Vernon was passed as follows:

   "Insert the following words at the start of clauses 10 and 11 to read as "Subject to compliance with any requirements of privacy legislation and confidentiality,"

16. After the amendment was passed an issue with the wording of clause 11 was identified as incorrect and had been included by an administrative error. The correct wording that was intended is as follows:

   "The Town recognises the important role that a healthy supply of social and affordable rental housing plays in addressing homelessness and will investigate affordable housing options as outlined in the Local Planning Strategy."

17. The intended wording is considered more effective as it addresses Local Planning Strategy considerations. Administration recommends addressing this error at the September 2022 Ordinary Council Meeting by raising an amendment as follows:

"That Council adopts the amended Policy 113 - Homelessness as per attachment 3; subject to:

1. Inserting the following words at the start of clause 10 to read as "Subject to compliance with any requirements of privacy legislation and confidentiality,".
2. Amend clause 11 to read as: "The Town recognises the important role that a healthy supply of social and affordable rental housing plays in addressing homelessness, and will investigate affordable housing options as outlined in the Local Planning Strategy"

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

15.4 Policy 401- Smoking restriction – Town property

Location	Town-wide
Reporting officer	Acting Principal Environmental Health Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Policy-401- Smoking-restriction- Town-property [**15.4.1** - 2 pages] 2. Attachement 1 comparison between the contents on Policy 401 and the other Managem [**15.4.2** - 6 pages]

Recommendation from the Policy Committee:
That Council revoke Policy 401 'Smoking Restrictions - Town Property'.

Purpose

To review "Policy 401- Smoking Restrictions - Town Property".

In brief

- The Town of Victoria Park as a Local Government Authority has the responsibility for enforcing provisions of the *Tobacco Control Regulations 2006* and *Tobacco Products Control Act 2006*. The *Tobacco Products Control Regulations 2006* were made under the *Tobacco Products Control Act 2006* and prohibit smoking in all enclosed public places including those on licensed premises. These regulations apply to all public premises, including shopping centres, theatres and cinemas, airports, cafes, restaurants, pubs, bars, nightclubs, sporting clubs and public buildings and offices including Council properties.
- The Town's Policy 401 was first formulated in 1994 to assist the Town's staff to enforce the requirements of the Tobacco Act specifically in relation to smoking at Town owned properties. The Town has several properties that are regularly accessed by members of the public. These properties include the Town's Administration Centre, Leisurelife and Aqualife facilities and the Library. Additionally, the Town has several club rooms as well as public open spaces (parks) where they regularly get leased out for short- and long-term use.
- The Town therefore wanted to be on the front foot in ensuring that all the patrons that attend these facilities were kept safe from the harmful effects of secondary smoke. However, the policy has not been used at all as the *Tobacco Control Act 2006* and its subsidiary legislation, other Town policies and the Town's own management practices all adequately cover the matter. After an extended internal and external consultation on the usefulness of this policy, it has been found that the policy can be revoked. Additionally, if this policy is not revoked, it will continuously need to be reviewed every four years when

it is unnecessary to have it. Revoking this policy therefore will not have any impact on the management of smoke issues at the Town.

Background

1. In 2003, the Western Australian Department of Health undertook a review of the operations and effectiveness of the *Health Act 1911* and the *Health (Smoking in Enclosed Public Places) Regulations 1999*. These Regulations were introduced to promote public health by restricting smoking in enclosed public places and creating policies that limit the public places people can smoke to protect the community from the harmful effects of environmental tobacco smoke.
2. On 31 July 2006, the *Tobacco Products Control Act 2006* (TPCA 2006) came into force, which prohibited smoking in all enclosed public places. Enclosed public places such as pubs, clubs and restaurants are required to be smoke free, in addition to the venues that were previously required to be smoke free.
3. In July 1994, the newly found Town of Victoria Park formulated its own smoking policy which was reviewed in August 2006. These were followed by further reviews in 2013, 2015, 2019 and 2022. A copy of the Town's current Policy 401 is contained at Attachment 1.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN1 – Protecting and enhancing the natural environment	The restrictions on smoking have a positive impact on public health and the environment. The proposed revocation of the Policy does not impact upon this, as other legislation will apply.

Engagement

4. Internal engagement has been undertaken as part of this policy review. The various service areas were asked whether they had any objection with this policy being revoked as it is hardly used and most of the restrictions in the policy are already covered under the Tobacco Products Legislation or other Management Practices in the Town. Various Service Areas were asked whether they had any objection with revocation of the policy and below were their responses.

Internal engagement	
Stakeholder	**Comments**
Healthy Community	Heathy Community Service Area Leader (SAL) agreed that the policy should be revoked as most of the challenges with the Town's facilities were covered by the Tobacco Products Legislation.

Safety Coordinator	The Safety Coordinator had no objection to revocation of this policy.
Rangers	The Service Area Leader (SAL) agreed that most of the important items were covered under legislation and saw no reason for the Town to keep the policy.
Place Planning	Place Planning had no objection to revocation
Infrastructure	Infrastructure Service Area Leader (SAL) agreed that this policy can be revoked.
Library Services	Library Services Area Leader (SAL) felt that the only statement not covered by other legislation was the one regarding smoking in the Town vehicles. It was however noted that this had been implemented with the Occupational Safety and Health (OSH) and the Town's vehicle policy. On this basis support was provided for the policy to be revoked
Leisure Facilities	Leisure Facilities Service Area Leader (SAL) agreed that the policy was not required
Fleet Management	Had no objection to revocation
Strategic Assets	Strategic Assets Service Area Leader (SAL) had no issue with revocation.

Other engagement	
Stakeholder	Comments
Metropolitan Environmental Health Managers Group (MEHMG)	All Metropolitan Environmental Managers Group were consulted. Majority of them do not have a Smoking at Council Property Policy, but there was a consensus that this policy was not required as the smoking related nuisances were effectively dealt with within the existing smoking legislation.
Department of Health (Tobacco Branch)	Tobacco Control branch was contacted, and they advised that the Town do not really need to have this policy. They advised that it is a "good to have policy" but not necessary as most LGs now have their Public Health Plans (PHP) in place that discourage smoking, they have OSH policies as well as the Tobacco Act and Tobacco Regulations which can be used for enforcement purposes.

Legal compliance

Town of Victoria Park Local Government Property Local Law 2000

Tobacco Products Control Act 2006

Tobacco Products Control Regulations 2006

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Expose the Town to unnecessary financial risk due to litigation resulting from impacts of Environmental Tobacco Smoke or secondary Smoking.	*Moderate*	*Likely*	*Low*	*Low*	TREAT risk by ensuring that the Authorised Officers enforce Tobacco legislation on Council Property Policy
Environmental	Increased litter and fire risk on the Town's properties	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations, Management Practices and existing policies.
Health and safety	Increased illnesses as a result of Environmental Tobacco Smoke or secondary smoking	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Infrastructure/ ICT systems/ utilities	Damage to Town's property because of smoking	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Legislative compliance	Difficulty in enforcing the smoking legislation	Moderate	Likely	Low	Low	Ensure that there are Authorised Tobacco Inspectors at all times
Reputation	Damage to Town's image	Moderate	Likely	Low	Low	TREAT risk by Using existing legislations and existing Town's Policies
Service delivery	Impact of Secondary Smoke on service deliver	Moderate	Likely	Low	Low	Educate staff and customers relating to the Town's properties and events on the dangers of

Financial implications

Current budget impact	Not applicable.
Future budget impact	Not applicable.

Analysis

5. The aim of smoking restrictions is to reduce community exposure to second-hand smoke (SHS). The health effects of exposure to SHS are well documented and indisputable. Numerous scientific studies have demonstrated that exposure to SHS causes or promotes several illnesses and diseases, including lung cancer and heart disease.
6. A public place means a place or vehicle that:
   a. the public, or a section of the public, is entitled to use; or
   b. is open to, or is being used by, the public, or a section of the public, whether on payment of money, by virtue of membership of a club or other body, by invitation, or otherwise. A public place is an 'enclosed public place' if it has a ceiling or roof and is greater than 50 per cent enclosed by walls, or other vertical structures or coverings.
7. The surface area of walls, or other vertical structures or coverings located under a ceiling or roof as well as those located at or within 1 meter from the perimeter of a ceiling or roof are to be used to determine if a public place is greater than 50 per cent enclosed. The surface areas of windows, doors and other closable openings must also be included when calculating the percentage of vertical surfaces surrounding a place, regardless of whether they are open or closed.
8. An occupier in relation to an enclosed public place, means a person or business that has the management or control, or otherwise overseeing that place. The occupier may be the owner, proprietor, manager or supervisor of an enclosed public place
9. Smoking in a workplace is covered under the *Work Health and Safety Act 2020* which is administered by WorkSafe WA, a division of the Department of Commerce. The provisions in the *Work Health and Safety (General) Regulations 2022* that relate to secondhand tobacco smoke are like the smoking in enclosed public places provisions in the *Tobacco Products Control Regulations 2006*.
10. In relation to an enclosed public place, an "occupier" means a person or business that has the management or control, or otherwise overseeing that place. The occupier of an enclosed public place

may be the owner, proprietor, manager, supervisor and in this case the Town is responsible for its properties.

11. The Town's Service Area Leaders support the current policy being revoked. All the Service Area Leaders felt that there is sufficient legislation, policies, and practices to mitigate any problem that may occur because of patrons or the Town's staff smoking on the Town's properties.
12. Attachment 2 shows various duplication of the clauses within the Council's Policy 401 and the existing Regulations/Acts and Management Practices. Revoking this policy will have little or no impact in the way the Town will continue managing tobacco related issues.
13. The *Work Health and Safety Act 2020* requires an employer, as far as practicable, to provide and maintain a working environment in which employees are not exposed to hazards. Due to the acknowledged health hazards of exposure to ETS, and to comply with legal obligations, it is considered that existing legislation is sufficient to undertake any enforcement by Authorities Officers if needed.
14. After analysing of all relevant tobacco legislation, and the Smoking Practices in the Town, it is recommended that Policy 401 be revoked as it is unnecessary as there is sufficient legislation and other Town Policies that deal with smoking issues.
15. The legislation stipulates that if someone is committing or has committed an offence by smoking in an enclosed public place, the occupier of the place is also deemed to have committed an offence. Occupiers are required to actively enforce the smoking ban, and the legislation provides guidance on the steps an occupier or employee should follow if someone is known to be smoking in an enclosed public place. These include:
    - Informing the person concerned that they are committing an offence;
    - Request the person to stop smoking in an enclosed public place and to extinguish;
    - Properly dispose of tobacco products.
16. It is on this basis that it is recommended that Council revoke this policy and use existing legislation to manage smoke related nuisances at the Town's properties.

Relevant documents

Town of Victoria Park Local Government Property Local Law 2000

Tobacco Products Control Act 2006

Tobacco Products Control Regulations 2006

OSH 002- Smoke-Free Workplace Management Practice

Work Health and Safety Act 2020

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

16 Motion of which previous notice has been given

16.1 Mayor Karen Vernon - World Green City Awards

In accordance with clause 4.3 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, Mayor Karen Vernon has submitted the following notice of motion.

Motion
That Council: 1. Approves Mayor Karen Vernon to attend the AIPH World Green City Awards and the IUCN Leaders Forum from 13 to 15 October 2022 in the Republic of Korea; 2. Authorises the Chief Executive Officer to make the necessary arrangements for Mayor Vernon to attend the Awards ceremony and the IUCN Leaders Forum; 3. Requests Mayor Vernon to make a presentation to an elected member workshop on her learnings from attending the ICUN Leaders Forum.

Reason

On 15 August 2022, I received a letter from the International Association of Horticultural Producers (AIPH) advising that the Town has been selected as a finalist for the 2022 AIPH World Green City Awards in the Living Green for Biodiversity category. The AIPH advised that the Town's entry scored among the highest three in its category and thus stands a chance to be selected as the category winner.

The invitation is to attend the World Green City Awards ceremony on 14 October 2022 during the International Union for the Conservation of Nature (IUCN) Leaders Forum being held from 13 to 15 October 2022 in Jeju, South Korea.

The IUCN Leaders Forum will gather leaders and changemakers from around the world, in-person, to discuss innovative solutions to critical global challenges, make bold commitments, build partnerships, and catalyse action for impactful change in nature conservation and sustainability.

With participation in the IUCN Leaders Forum being by invitation only, AIPH has invited delegations from each of the World Green City Awards 2022 FINALIST cities to also attend the Leaders Forum as an extension of its collaborative partnership with IUCN.

This is an important opportunity to celebrate the achievements of the Town's community led Urban Forest Strategy, and to participate in discussions about how the Town can continue to achieve its strategic goals under the UFS, its Climate Emergency Plan adopted in 2021 and its Strategic Community Plan adopted in 2022.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	International recognition of the Town's UFS in protecting and enhancing the natural environment

	can assist in encouraging our community to become involved in this project. Attending the ICUN Leaders Forum will provide valuable insights to be shared with the Town about refining and improving our current strategy, and the development of new strategies for biodiversity and conservation of the natural environment.

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The local community is aware that the Town's UFS is achieving its goals and being recognised accordingly.

Officer response to notice of motion

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

Officer comment

1. The International Association of Horticultural Producers (AIPH) and the International Union for the Conservation of Nature (IUCN) is hosting its AIPH World Green City Awards in Jeju, Republic of Korea from 13 to 15 October 2022.

2. The Town's entry 'Act Local, Contribute Global to World Biodiversity Conservation' for its Urban Forest Strategy (UFS) has been selected as a finalist in the Living Green for Biodiversity category and has been invited to attend the Awards to receive the Highly Commended certificate and to potentially be selected as the winner of the category.

3. The Town has also been invited to participate in the three day IUCN Leaders Forum.

4. Mayor Karen Vernon has expressed an interest in attending the Awards and Forum.

5. As per Policy 022 - Elected Member Professional Development - elected members may nominate to attend international conferences through a notice of motion to Council. Authorisation to attend an international conference i is to be through a resolution of Council.

6. The AIPH World Green City Awards are intended to recognize and champion ambitious nature-orientated approaches to city design and operation on a global scale.

7. Attending the IUCN Leaders Forum will provide opportunities for participants to convene on key topics for its theme 'Building nature-positive economies and societies'. There will be a number of notable guest speakers presenting including:

    a) Ban Ki-moon – Chairman, Ban Ki-moon Foundation for a Better Future
    b) Elizabeth Maruma Mrema – Executive Secretary, UN Convention on Biological Diversity
    c) Razan Al Mubarak – President, International Union for the Conservation of Nature
    d) Dr Wha-jin Han – Minister of Environment, Republic of Korea

8. The Awards and Forum aligns with the Town's professional development key focus areas of CL2 - Communication and engagement with the community and EN1 - Protecting and enhancing the natural environment.

9. The administration investigated the number of stops and length of available flights and assessed the most value-for-money choice. The flight cost range varies from $3,000 to $7,000 depending on the

number of stops and flight hours. The final cost of flights and accommodation may differ from the approximate costs quoted in the table below.

10. The breakdown of approximate costs are as follows (applicable from Wednesday 12 October to Sunday 16 October 2022):

Item	Approximate costs
Conference registration	No charge for award nominees for 2 to 3 delegates
Flights	(Currently available) $5,400
Accommodation	$1,120
Expenses (food and transport)	$641.50
Total	**$7,161.50**

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Relevant documents

Policy 022 - Elected Member Professional Development

Due to a financial interest, Mayor Karen Vernon left the meeting at 7.56pm.

Deputy Mayor Claire Anderson presided over the meeting.

Questions and responses

Cr Peter Devereux

1. Will the Mayor's findings presentation be open to members of the public?

Deputy Mayor Claire Anderson advised that typically it is done administratively only and does not recall when it was presented to the public.

The Chief Executive Officer advised that it has not been done before but as long as there is no issue with confidentiality and the format of the presentation it can be released to the public.

Deputy Mayor Claire Anderson advised that it could be discussed further with the Mayor.

Cr Luana Lisandro

1. Can the findings presentation also be shared with the Urban Forest Implementation Working Group?

Deputy Mayor Claire Anderson advised that it will be noted.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

Mayor Karen Vernon returned to the meeting at 8pm and resumed presiding.

17 Public participation time

Nil.

18 Questions from members without notice on general matters

Cr Wilfred Hendriks

1. There are roads works on Archer Street is there supposed to be a counter on Roberts Road?

The Chief Operations Officer advised that it is correct the Town are attempting to count traffic flow during the construction phase.

Cr Peter Devereux

1. When will the Integrated Transport Strategy on a page will be completed?

The Chief Community Planner took the question on notice.

Cr Luana Lisandro

1. Referring to the works on Archer Street, what other side roads are being counted for traffic?

The Chief Operations Officer advised it is only Roberts Road.

Mayor Karen Vernon

1. What is the update on the progress of the basketball courts at Koolbardie park?

The Chief Operations Officer advised the Town has received the draft acoustic report and recommendations from the consultant and are considering that advice.

2. Are the courts open during set hours?

The Chief Operations Officer advised that the courts are not locked.

3. Have we received feedback from the community about the use of the basketball courts or is it just on the basis there is no infrastructure they can use except for tennis?

The Chief Operations Officer advised the feedback is that it is being used for tennis only.

Cr Peter Devereux

1. Lately the directional signs on the courts are not there, is that intentional?

The Chief Operations Officer advised that the signs have been removed but not by the Town and will be replaced.

19 Confidential matters

The elected members, Chief Executive Officer, Manager Governance & Strategy and the meeting secretary remained in the chambers as the meeting went behind closed doors at 8.07pm.

19.1 CEO Annual Performance Review 2021/22

The meeting reopened to the public at 8.09pm.

20 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 8:09pm.

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

Signed: ....

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Dated this: ..... Day of: 2022