



TOWN OF
VICTORIA PARK

Ordinary Council Meeting Minutes – 21 April 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** was held at **6:30 pm** on **Tuesday 21 April 2020** as an electronic meeting accessible at victoriapark.wa.gov.au.

Her Worship the Mayor Karen Vernon
22 April 2020



Table of contents

Item	Page no
1 Declaration of opening	4
2 Announcements from the Presiding Member	4
3 Attendance.....	8
3.1 Apologies	8
3.2 Approved leave of absence	8
4 Declarations of interest.....	9
5 Public question time.....	9
5.1 Response to public questions taken on notice at the Ordinary Council Meeting held on 17 March 2020.....	9
5.2 Public question time	13
6 Public statement time	13
7 Confirmation of minutes and receipt of notes from any agenda briefing forum	14
8 Presentation of minutes from external bodies.....	15
9 Presentations	15
10 Method of dealing with agenda business.....	15
11 Chief Executive Officer reports	16
11.1 Resolutions from the 2020 Annual Meeting of Electors	16
11.2 Quarterly reporting - April 2020.....	29
12 Chief Community Planner reports.....	42
12.1 Economic Development and Community.....	42
12.2 Scheme Amendment for Additional Use (Cafe and/or Office) at 53-55 Canning Highway	58
12.3 Draft Local Planning Strategy.....	72
12.4 Amendment No. 56 to Town Planning Scheme No. 1– Lots 1003-1005 on South-Eastern Side of Roberts Road and Miller Street Adjacent to Miller’s Crossing, East Victoria Park and Carlisle – Option to Purchase Land.....	77
12.5 Revision and Informal Adoption of Draft Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' in Response to the Ongoing Economic Impacts of the COVID-19 Pandemic.....	94
13 Chief Operations Officer reports	101
13.1 Surrender of HISP Pty Leases and Proposed disposal of the Town's Leisure Facilities Cafe Spaces	101

13.2 Naming of ROW 80.....	110
13.3 Town of Victoria Park Waste Reform Submission.....	114
14 Chief Financial Officer reports.....	118
14.1 Schedule of Accounts for February 2020	118
14.2 Financial statements for the month ending 29 February 2020.....	121
14.3 TVP/20/04 - Provision of Insurance Services	124
14.4 Options for providing relief to ratepayers in the 2020-21 financial year in response to COVID-19.....	131
15 Committee Reports.....	136
15.1 Adoption of Policy 005 - Acting Chief Executive Officer.....	136
15.2 Adoption of Policy 022 - Elected Member Professional Development	141
15.3 Adoption of Policy 024 - Event Attendance	152
15.4 Review of Policy 054 Access to reserve funds	157
15.5 Review of Policy 111 Commemorative Recognition	160
15.6 Review of Policy 351 Parking Permits.....	164
15.7 Minor review of the policies of Council	174
15.8 Internal Audit Program.....	183
15.9 CEO Review of Systems and Procedures (Reg. 17) - Update on Outstanding Actions	189
16 Applications for leave of absence.....	193
17 Motion of which previous notice has been given	194
17.1 Cr Brian Oliver - Capital Works Program.....	194
18 Questions from members without notice.....	198
19 New business of an urgent nature introduced by decision of the meeting	198
20 Public question time.....	198
21 Public statement time.....	198
22 Meeting closed to the public.....	198
22.1 Matters for which the meeting may be closed	198
22.2 Public reading of resolutions which may be made public.....	198
23 Closure.....	198

1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6.30pm.

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Electronic meeting

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

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

2.2 Recording and live streaming of proceedings

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

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

2.3 Public question time and public statement time

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

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

2.5 Mayor's report

I would like to recognise and formally thank Town employee David Gibbs, who works in Parks and Recreation. On 1 April, Ross Hodgetts was knocked off his bicycle near the causeway underpass at McCallum Park and sustained a large gash to his arm. David rendered first aid to Mr Hodgetts until help arrived. Mr Hodgetts was taken to Royal Perth Hospital where he received nine stitches. David also secured Mr Hodgetts' bike, until he could collect it a few days later. Mr and Mrs Hodgett wrote to me describing David as "awesome" and an "asset to Vic Park Council".

On behalf of the Council, I would also like to thank our community for the positive and inspiring way they have responded to the extraordinary circumstances we find ourselves in. Despite the fear and uncertainty, neighbours are supporting each other, residents are supporting local businesses, local businesses are giving back to vulnerable members of the community, and community groups are finding new ways to maintain social connections within our community.

To all those frontline workers in our community who are risking their own health and wellbeing to ensure that essential services can continue, your dedication and efforts are greatly appreciated, and we cannot thank you enough.

Finally, thank you to the Town's management and staff for the enthusiasm with which you have embraced this altered reality, your contributions to maintaining as many existing services as possible for our community, and your commitment to finding new ways to support our community. What you do matters, and we are very grateful to you.

Since our last Council Meeting on 17 March, coronavirus has turned everything upside down, so this report will be quite different given every community event I was invited to attend was cancelled!

There's been plenty of other work to do since then.

On 19 March, I filmed the Town's first public video update on the impact of COVID-19, announcing the closure of key community facilities that day.

On 20 March, I had two meetings with the Chief Executive Officer (CEO) to discuss the impact of COVID-19 on the Town's operations. Later that day I attended a webinar briefing by the Minister for Local Government

for Mayors and CEOs hosted by WALGA. At that stage, extensive restrictions had not been imposed by the Commonwealth or State governments, but were being foreshadowed.

I met with the CEO on 23, 25 and 26 March to discuss preparation of Council's response to the impacts of COVID-19 on the community.

On 25 March, I also had a fortnightly meeting with the Manager Stakeholder Relations to discuss communication plans. Later that day, I had a briefing meeting with the Chief Operations Officer, the Chief Financial Officer and Manager Technical Services ahead of a special meeting of Mindarie Regional Council.

On 26 March, I met with the Place Manager and Manager Stakeholder Relations to discuss economic support for local businesses.

On 27 March, I filmed a video launching the Town's online business directory and support resources for businesses. Then I had a meeting with the Manager Governance and Strategy to discuss new legislation for holding electronic council meetings, and a strategy session of responses to COVID-19. Later that day, I met with the Chief Operations Officer to discuss community concerns regarding the accessibility of outdoor recreation areas. Following that meeting, I attended a webinar briefing with the Premier of WA and the Minister for Local Government hosted by WALGA.

From this time on, all of my meetings were held by electronic means.

On 30 March, the CEO and I had a meeting with Dominique Mecoy, CEO of Leadership WA, discussing leadership training for elected members.

On 31 March, I met with the Manager Governance and Strategy to discuss the procedure for holding Council meetings electronically, and the pending special council meeting. That afternoon, the CEO and I met with representatives of West Coast Eagles to discuss various milestones related to the redevelopment and lease of Lathlain Park. That evening, Elected Members participated in a great workshop on responses to the impact of COVID-19.

On 1 April, the Deputy Mayor and I held our regular monthly meeting to discuss issues affecting elected members.

On 2 April, I met with the Manager Governance & Strategy to discuss electronic meetings, concept forums, upcoming policies, and the need to develop an overarching strategic approach to planning community-wide relief and recovery actions for COVID-19. That same day I also met with the Manager Technical Services to discuss Mindarie Regional Council special council business. I also had my weekly meeting with the CEO that afternoon. That evening I attended a special meeting of Mindarie Regional Council, held electronically for the first time.

On 3 April, I attended a COVID-19 briefing webinar with the Minister for Local Government and the Deputy Commissioner of Police hosted by WALGA. Later that day I met with the Manager Stakeholder Relations to discuss pending communications actions for the following week.

On 6 April, I attended my regular weekly meeting with the CEO. Later that day I had a meeting with the Chief Financial Officer to discuss rates issues ahead of the special council meeting.

On 7 April, I filmed a video message promoting physical and mental wellbeing for the community during COVID-19 restrictions. Later that day, the Council held a special council meeting, our historic first ever

electronic public meeting, which we also live-streamed. Council adopted a number of financial measures designed to support ratepayers, residents and community groups in response to the impact of COVID-19. It went very smoothly! An hour after it finished we held our second ever electronic public meeting with the Agenda Briefing Forum.

On 8 April, the Deputy Mayor and I met with the CEO and Manager Governance & Strategy to discuss planning for an overarching strategy or framework for making decisions to support our community during COVID-19 and beyond.

On 9 April, I met with the Manager Community Development and her staff regarding commemorations for Anzac Day. Then I attended a COVID-19 briefing webinar with the Minister for Local Government and the Minister for the Environment hosted by WALGA. Later that day, the Deputy Mayor and I met with the Place Manager to discuss updates on strategic place –planning projects for elected members.

On 14 April, I had my regular weekly meeting with the CEO. On 15 April I had my regular fortnightly meeting with the Manager Governance & Strategy.

On 17 April, the Deputy Mayor and I met with the CEO and Manager Governance & Strategy to plan the workshop for Elected Members to develop the Town's strategic response to COVID-19. Following that meeting, I attended a meeting with representatives of eight local community service organisations and Ben Wyatt, Member for Victoria Park to discuss how the Town and the local MP can help them continue to deliver services to our community.

Later that day I filmed a video message for Anzac Day. Later that afternoon I attended a COVID-19 briefing update webinar with the Minister for Local Government and the Minister for the Arts hosted by WALGA.

Yesterday, I had my regular weekly meeting with the CEO. Last night, Elected Members participated in a workshop to develop our overarching strategy to guide the Town in planning responses to the impact of COVID-19.

Today is six months since I was sworn in as Mayor. Despite the extraordinary challenges of the last six weeks, which were unimaginable a couple of months ago, I've been having a great time and I thank everyone who has helped me along the way. I look forward to working with Councillors, Town staff and the community over the next six months to achieve the best outcomes for our community on the road to better times ahead.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Cr Claire Anderson
Cr Ronhhda Potter
Cr Wilfred Hendriks
Cr Luana Lisandro

Jarraah Ward

Deputy Mayor Bronwyn Ife
Cr Vicki Potter
Cr Brian Oliver
Cr Jesvin Karimi

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Mr Ben Killigrew

Chief Financial Officer

Mr Michael Cole

Chief Community Planner

Ms Natalie Martin Goode

Manager Development Services

Mr Robert Cruickshank

Manager Governance and Strategy

Ms Danielle Uniza

Secretary

Ms Amy Noon

3.1 Apologies

Nil.

3.2 Approved leave of absence

Nil.

4 Declarations of interest

Declaration of financial interest

Nil.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Name/Position	Cr Luana Lisandro
Item No/Subject	12.4 - Amendment No. 56 to Town Planning Scheme No. 1 - Lots 1003-1005 on South-Eastern Side of Roberts Road and Miller Street Adjacent to Miller's Crossing, East Victoria Park and Carlisle - Option to Purchase Land
Nature of interest	Impartiality
Extent of interest	Creator of a petition on Miller's Crossing which was submitted at the February 2020 Ordinary Council Meeting.

5 Public question time

5.1 Response to public questions taken on notice at the Ordinary Council Meeting held on 17 March 2020

Herb Rowe

1. I hope they don't leave Carlisle North to last.

The Carlisle North project area has been divided into three zones.

Zone 1 is estimated to commence in Q1 2020 and estimated to be completed in Q3 2020.

Zone 2 is estimated to commence in Q1 2020 and estimated to be completed in Q4 2020.

Zone 3 is estimated to commence in Q2 2020 and estimated to be completed in Q2 2021.

Work has commenced as of today, 30 of March 2020, in Zone 1. A notice from the Western Power contractors has been provided to residents in the affected area.

For a map showing the breakdown of each zone in the Carlisle North project area, please see link below from our website:

<https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/State-Underground-Power-Program/SUPP-Carlisle-North>

Graham Ferstat

1. Why has the Town given my information to a third party again without my authorisation?

The Town understands that your email address was inadvertently included in the cc. (carbon copy) line of an email sent by an Environmental Health Officer, rather than being blind copied into the email (bcc). This was an error on the part of the officer concerned. The officer, realising the error, attempted to recall the message, but was unable to do so.

The officer then sent a further email correctly including the email address of all persons in the bcc. line.

We hope that you can accept that this was a genuine error and will accept the Town's apology.

Vince Maxwell

1. Can the Town prepare a list of capital works expenditure done in that area for the five year period, with dates of when they were completed?

The total spend for the Mactivation Project in the 2019 and 2020 financial years is \$1,114,001.71. A summary of expenditure for the John Macmillan Park area from 2015 – 2020 is provided below.

Year	Asset name	Project name	Expenditure type	Actual spend
2015	Leisure Life	Air-conditioning Replacement	Renewal	\$ 39,117
		Minor Furniture & Equipment	Renewal	\$ 9,103
2016	Leisure Life	Security Doors etc	Renewal	\$ 11,980
		Fencing	Renewal	\$ 11,695
		Ventilation - Sports Hall Fans/Louvres	New	\$ 63,219
		Fire Panel	Upgrade	\$ 49,780
		Minor Furniture & Equipment	New	\$ 21,006
		Kitchen Exhaust Unit	Renewal	\$ 7,303
	Library	Security Doors /Entrance	Renewal	\$ 3,001
2017	Leisure Life	Emergency Management Switchboard	Renewal	\$ 4,545
		Roof & Ceiling - Part Replace	Renewal	\$ 37,880

		Squash courts - Renew	Renewal	\$ 56,180
		Aerobics Room - Floor Resurfacing	Renewal	\$ 32,558
		Sports Courts - Backboard Replacement	Renewal	\$ 62,906
		Gym & Other Equipment Replacement	Renewal	\$ 61,376
	Library	Refurbishment and Repaint	Renewal	\$ 102,547
2018	Leisure Life	Flooring Resurfacing - Kitchen/Courts	Renewal	\$ 70,911
		Court Lighting Replacement	Renewal	\$ 25,097
		Emergency Exit Doors	Renewal	\$ 18,700
		Energy Efficiency Initiatives	Renewal	\$ 42,675
		Signage Replacement	Renewal	\$ 25,798
		Flooring Replacement - Gym	Renewal	\$ 53,915
		Ceiling works	Renewal	\$ 8,225
		Squash courts - Renew - Court 3 & 4	Renewal	\$ 58,180
		Furniture & Equipment - Bingo/Café	New	\$ 9,833
		Equipment - Sporting & Cleaning Equi	New	\$ 36,501
	Library	Facility Lighting - Energy Efficient	Renewal	\$ 44,665
		Fire Panel Replacement	Renewal	\$ 32,857
		Flooring (Public Area)	Renewal	\$ 13,820
		Minor Equipment	New	\$ 17,995
McMillan Reserve	Toilet part refurbishment	Renewal	\$ 4,755	
Vic Park Bowls Club	Toilet Refurbishment/Upgrade	Renewal	\$ 55,738	
2019	Leisure Life	Floor reseal - Drama room	Renewal	\$ 3,438
		Air-conditioning Replacement	Renewal	\$ 111,420
		Changeroom & Toilet Refurbishment/ UAT	Renewal	\$ 275,774

		Gym & Other Equipment Replacement	Renewal	\$	111,455
		Carpark Lighting Improvements- Grant funding	Upgrade	\$	63,091
	Library	Security Improvements	Upgrade	\$	6,697
		IT - Management System Upgrades	Upgrade	\$	23,760
	John Macmillan Park - Redevelopment	Parks	Upgrade	\$	607,491
2020	Vic Park Bowls Club	Grandstand Replacement	Renewal	\$	22,650
	Leisure Life	IT Hardware & Software System Upgrades	Renewal	\$	79,503
	Library	IT - Management System Upgrades	Renewal	\$	54,160
	John Macmillan Park - Redevelopment	Parks	Upgrade	\$	227,330
	John Mactivation - Public Art "Portal"	Public Art	New	\$	150,000
	John Mactivation - Public Toilet Renewal	Toilet Replacement	Renewal	\$	87,390
	John Mactivation - Carpark Renewal	Engineering	Renewal	\$	41,861
			TOTAL	\$	2,918,020

2. Town staff are putting forward the view that these buildings are in a state of repair that will require them to be replaced within the next five years and they're basing that information on the findings in the NS Group report, which they will not provide because they are saying it's in draft form.

At the time of the OCM, the Chief Operations Officer advised that report is in draft format and there is a need to brief elected members on the report before it is finalised and provided to the public on the Town's website.

It was then confirmed your question was how you were expected to provide your views without the report. The Strategic Asset Plans are currently being prepared to brief Elected Members within the next week. Once

this review is completed the Town will provide them to the public to view. It is anticipated these will be available in the next few weeks. Once made public, yourself and the public will be able to review the documents and provide any questions via the normal communication channels the Town offers.

If you are also referring to the Macmillan Precinct Masterplan, the draft Community Charter which outlines the community vision developed from the vision engagement activities, has been released to Elected Members and participants of the engagement from Saturday 4 April. If you had contributed to the visioning exercises you will be notified by email how you can provide feedback on the document.

If you would also like to participate in the next phase of the project, the Place Design Forum, please register via Your Thoughts and you will be notified of how you can be involved.

Mike Lanternier

1. Why were Vic Park Collective given grants for \$20,000 and \$4,196?

The Vic Park Collective received two place grants valued at \$10,000 each to undertake the Streets Ahead – Albany Highway Public Realm Study in Victoria Park and East Victoria Park.

The Vic Park Collective were also issued a community grant in 2018/19 for \$4,196 to undertake the Park Flix Outdoor Film series.

5.2 Public question time

Nil.

6 Public statement time

Rowena Skinner

I would ask that council again defer this item to allow time to negotiate with the WAPC taking into account the contribution council has already spent on maintenance (\$300,000) and potential for a land swap. For instance the Lathlain Kindergarten site, which is now leased to the state government I believe for 20 years, could be negotiated to waive any lease fees and give to state government after a period of time or immediately.

Previous council decisions have all supported retaining the land for POS. In June 2016 the Town provided the WAPC with data that indicated a lack of public open space in the Lathlain and Carlisle areas (6.65% and 5.58% respectively) and therefore the importance of the lots being retained as public open space.

In May 2017 the Town was advised that the Minister required modifications to the Amendment such that Lots 1003, 1004 and 1005 be rezoned Residential R30 and not reserved for "Parks and Recreation". This modification was then publicly re-advertised and a total of 97 submissions were received, with 96 of these objecting to the modified Amendment.

In November 2017 Council resolved to not support the Minister's request, and to reiterate Council's April 2012 resolution to rezone Lots 1003 – 1005 to "Parks and Recreation" and advised the WAPC accordingly.

I am concerned that the decision not to acquire it is purely based on economics and does not apply the triple bottom line of environment and social needs to this decision including the social benefits of parkland and trees and environmental benefits of increasing tree canopy and wildlife habitat. It also would form part of the wildlife and green corridor through to Kent St. Bushland and support the aims of the Urban Forest Strategy.

The last consultation on this showed of the total of 214 submissions received the preferred development option was Option 2 – Acquire all lots for public open space (148 submissions or 69.2%). A further 6% of people preferred acquiring some of the land for POS. Therefore 75% of the submissions supported acquiring all or some of the land.

I understand that 2.9 million dollars is a substantial amount of money. I would ask that the council consider at least purchasing some of the land. Lot 1003 is 1.14 million, Lot 1004 is 805,000 and lot 1005 is 750,000.

I wouldn't support increasing rates or deferring other capital works to do this, the community would not support an increase in rates at this time. The best option, in my opinion, would be either a loan, reserve funds or land swap.

I therefore ask again for a deferral to negotiate with WAPC the purchase of all or at least a portion of the lots.

Sam Zammit

The Swansea Street Market site is up for sale again as the previous deal has fallen through. The Town should seriously look at purchasing this lot as part of their land acquisition because of the size of the lot, its location and because it is going at a bargain price.

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

COUNCIL RESOLUTION (361/2020):

Moved: Cr Claire Anderson

Seconded: Cr Vicki Potter

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 17 March 2020.
2. Receives the notes of the Agenda Briefing Forum held on 7 April 2020.
3. Confirms the minutes of the Special Council Meeting held on 7 April 2020.

CARRIED (9 - 0)

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

Against: nil

8 Presentation of minutes from external bodies

COUNCIL RESOLUTION (362/2020):

Moved: Cr Vicki Potter

Seconded: Cr Claire Anderson

That Council:

1. Receives the minutes of the Special Mindarie Regional Council meeting held on 2 April 2020.
2. Receives the minutes of the Metro Central Joint Development Assessment Panel meeting held on 6 April 2020.

CARRIED (9 - 0)

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

Against: nil

9 Presentations

9.1 Petitions

Nil.

9.2 Presentations

Nil.

9.3 Deputations

Nil.

10 Method of dealing with agenda business

COUNCIL RESOLUTION (363/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That items 14.1, 14.2, 15.1, 15.4, 15.5, 15.6, 15.7, 15.8 and 15.9 be adopted by exception resolution, and the remaining items be dealt with separately.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

11 Chief Executive Officer reports

11.1 Resolutions from the 2020 Annual Meeting of Electors

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

Recommendation

That Council:

1. Receives the six resolutions carried at the Annual Meeting of Electors held on 10 March 2020.
2. Endorses the following actions in response to the resolutions.

Resolution	Action
<p>Resolution 1 That Council utilise temporary fixtures with trees to trial and evaluate a safe active street for a period of three years along Rutland Avenue between Bishopsgate and Goddard Streets in Lathlain.</p>	<p>That Council proceeds with the design of the Principal Shared Path (PSP) project as planned, utilising \$2.2 million from the Department of Transport, excluding a safe active street option between Miller Street and Bishopsgate Street which was not part of the original scope.</p> <p>That Council consult further with the local community to investigate options for the development of trial temporary street fixtures with consideration of "safe active street" outcomes.</p>
<p>Resolution 2 That Council redesign and repair, as soon as possible, the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre and an appropriate amount be provided in the 2020/2021 budget for the completion of those works.</p>	<p>That the redesign and renewal of the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre be considered as a priority road renewal project in the 2020/2021 annual budget process.</p>
<p>Resolution 3 That ROW60, the laneway between Leonard Street and King George Street be cleaned up, the wheelie bins removed and extra lighting at the Leonard Street end.</p>	<p>That the cleaning, removal or relocation of wheelie bins and provision of extra lighting in ROW60 laneway between Leonard Street and King George Street be further investigated with outcomes to be considered either administratively or through the 2020/2021 annual budget process</p>

<p>Resolution 4 That Council develop a schools and youth community outreach program to educate youth about the role of local government.</p>	<p>That the development of a Youth Plan for the Town of Victoria Park to be considered in the 2020/2021 annual budget process.</p>
<p>Resolution 5 That Council provide easily accessible guidelines on meeting procedures and how to write motions for members of the community.</p>	<p>That the development of guidelines relating to Council meetings be managed administratively and completed by September 2020.</p>
<p>Resolution 6 That Council investigate the prospect of the purchase of a portable CCTV solution and to allocate budget for this purpose to combat crime within the Town.</p>	<p>That the CCTV Partnership Program funding be increased as part of the 2020/2021 annual budget process.</p>

Purpose

For Council to receive the resolutions from the Annual Meeting of Electors held on 10 March 2020 and endorse the resulting actions.

In brief

The Annual Meeting of Electors was held on 10 March 2020.

Six resolutions were carried by electors at the meeting.

These resolutions and their resulting actions are being presented to Council, as per Policy 053 – Meeting of electors.

The proposed actions vary, but it is recommended that some items be dealt with administratively, with others being considered as part of the 2020/2021 annual budget process.

Background

1. The Annual Meeting of Electors was held on 10 March 2020.
2. There were 16 electors present at the meeting.
3. Six resolutions were carried by electors. These resolutions were:

That Council utilise temporary fixtures with trees to trial and evaluate a safe active street for a period of three years along Rutland Avenue between Bishopsgate and Goddard Streets in Lathlain.

That Council redesign and repair, as soon as possible, the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre and an appropriate amount be provided in the 2020/2021 budget for the completion of those works.

That ROW60, the laneway between Leonard Street and King George Street be cleaned up, the wheelie bins removed and extra lighting at the Leonard Street end.

That Council develop a schools and youth community outreach program to educate youth about the role of local government.

That Council provide easily accessible guidelines on meeting procedures and how to write motions for members of the community.

That Council investigate the prospect of the purchase of a portable CCTV solution and to allocate budget for this purpose to combat crime within the Town.

4. These resolutions and their resulting actions are being presented to Council, as per Policy 053 – Meeting of electors.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	The Annual Meeting of Electors provides electors with the opportunity to raise motions that are related to the responsibilities and functions of local government.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The resolutions included in this report were raised by electors of the Town. For these items to be resolved, the majority of electors present had to vote in favour of the item.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Through having their ideas or concerns considered by Council, electors may feel empowered and part of the community, as they were involved in the process.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Provided proposed actions and comments for resolutions one, two and three.
Place Planning	Assisted with proposed actions and comments for resolution one.
Project Management Office	Assisted with proposed actions and comments for resolution two.
Parking Services	Assisted with proposed actions and comments for resolution three.
Community Development	Provided proposed actions and comments for resolutions four and six.
Governance and Strategy	Provided proposed actions and comments for resolution five.

External engagement

Stakeholders	Electors
Period of engagement	Tuesday 10 March 2020 from 6pm to 7.25pm
Level of engagement	3. Involve
Methods of engagement	Annual Meeting of Electors
Advertising	The Annual Meeting of Electors was advertised using the following methods: <ul style="list-style-type: none"> • Public notice in The West • Public notice in the Southern Gazette • Social media – Facebook and Twitter • Town of Victoria Park website – public notice and event • Announcements from the Presiding Member at March 2020 Agenda Briefing Forum
Submission summary	A total of seven motions were raised at the meeting. Six of the motions were carried and one was lost.
Key findings	The summary of information is provided in the analysis below.

Legal compliance

[Part 5, Subdivision 4 of the Local Government Act 1995](#)

[Part 3 of the Local Government \(Administration\) Regulations 1996](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception and reduction in willingness to engage with the Town if resolutions are not supported by Council.	Minor	Likely	Moderate	If items are not supported, reasons to be given as to why that is the case.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Future budget impacts may need to be considered if proposed actions are endorsed. Details of these are included in the officer comment and proposed further actions for each resolution.

Analysis

5. Each resolution from the Annual Meeting of Electors has been considered by the Town. Officer comments and recommendations for further action are listed below.

Resolution 1

That Council utilise temporary fixtures with trees to trial and evaluate a safe active street for a period of three years along Rutland Avenue between Bishopsgate and Goddard Streets in Lathlain.

FOR: 13 AGAINST: 0 ABSTAIN: 2

Officer comment

This section of Rutland Avenue will be modified as part of the Principle Shared Path (PSP) project between Great Eastern Hwy and Miller Street which has attracted state funding for 2020/21.

Swapping this section for a Safe Active Street (SAS) was not supported by the Department of Transport because they are seeking a consistent treatment to this route between Armadale and the Perth CBD which forms part of the highest priority cycle routes in Perth. A SAS also was not favoured by many users, who prefer the safety of an off-street path.

These were both key issues raised from the Rutland Avenue SAS public consultation undertaken in April 2018, however staff will review the details of the consultation outcome.

Whilst the design criteria should be maintained as conditioned by the Department of Transport through the Principal Shared Path Program funding totalling \$2.2 million, officers will review the PSP design to determine if these requests can be accommodated. Alternatively, officers will investigate how temporary fixtures may complement the PSP project. The Town recommends conducting further consultation with affected residents to assess support for the project details that were not part of the original Lathlain Precinct Traffic Management Plan community consultation process. Furthermore, a change in scope could impact the level of funding and delivery timelines.

Proposed further action

That Council proceeds with design of the Principle Shared Path (PSP) as planned, utilising funding of \$2.2 million from the Department of Transport, excluding a safe active street option between Miller Street and Bishopsgate Street which was not part of the original scope.

That Council consult further with the local community to investigate options for the development of trial temporary street fixtures with consideration of "safe active street" outcomes.

Resolution 2

That Council redesign and repair, as soon as possible, the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre and an appropriate amount be provided in the 2020/2021 budget for the completion of those works.

FOR: 12 AGAINST: 0 ABSTAIN: 4

Officer comment	Proposed further action
<p>Officers are currently in discussion with Hawaiian regarding potential future works at this entrance. The renewal of the damaged kerb and asphalt at this entrance is envisaged to be completed within the 20/21 financial year</p> <p>A budget of \$15,000 to be allocated in the 20/21 capital works budget to allow for asphalt renewal works at this located and the necessary design and project scoping works associated with potential improvements for pedestrian crossing and vehicle entry/exit facilities.</p>	<p>That the redesign and renewal of the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre be considered as a priority road renewal project in the 2020/2021 annual budget process.</p>

Resolution 3

That ROW60, the laneway between Leonard Street and King George Street be cleaned up, the wheelie bins removed and extra lighting at the Leonard Street end.

FOR: 13 AGAINST: 0 ABSTAIN: 3

Officer comment	Proposed further action
<p>The ROW is being monitored for additional sweeping rounds as required to ensure that the necessary sweeping works are done and any illegal dumping issues are attended to.</p> <p>Officers are in discussion with the affected businesses regarding the use of smaller bins as a shorter term solution while the Town assesses the viability of accommodating some of the bins within the adjacent car park.</p> <p>Lighting upgrade for the light pole near the Leonard St and ROW60 intersection and new light pole(s) alongside the ROW are being investigated and Western Power will be requested to undertake the required upgrade subject to the lighting investigation outcome.</p>	<p>That the cleaning, removal of wheelie bins and extra lighting in ROW60 located between Leonard Street and King George Street, be managed administratively.</p>

Resolution 4

That Council develop a schools and youth community outreach program to educate youth about the role of local government.

FOR: 12 AGAINST: 0 ABSTAIN: 4

Officer comment

The Town will engage young people to determine its role in youth development. The engagement will occur through the development of a Youth Plan which will inform the Town's strategic approach to facilitating, supporting and/or delivering youth development programs and activities in the community. The development of the Youth Plan is planned for 20/21, pending budget endorsement.

In 2019 the Town worked with Curtin University to conduct research into the design and delivery of a youth engagement strategy. A participatory action research design was adopted. Young people aged 12-25 were recruited as co-researchers to report on how they experience life in the Town, how they participate in activities, programs and events in the Town, and to contribute ideas on how the Town can engage more meaningfully with young people.

The key findings in Curtin University's final report included:

- An appreciation of the green spaces within the Town, the vibrancy of the Albany Highway strip and the 'small Town', friendly feel of the community
- A concern for personal safety, particularly around the train stations, certain parks and when out in the community during the evening
- A desire for the Town to be more welcoming and inclusive of young people, and for young people's ideas to be heard
- The importance of using a variety of ways to engage with young people, including through social media, face-to-face opportunities, within events and/or through establishing formal roles in the Town e.g. a youth ambassador program

Proposed further action

That the development of a Youth Plan for the Town of Victoria Park be considered in the 2020/2021 annual budget process.

The Town intends to act on the recommendations in Curtin University's report. The Town will engage young people more broadly through the suggestions provided by the co-researchers to develop a Youth Plan.

No funds currently exist in the 19/20 budget to develop a Youth Plan. Consultancy fees have been requested in the 20/21 budget to develop the Youth Plan. The Youth Plan will articulate the Town's strategic approach to the ongoing engagement and development of young people in the community.

Resolution 5

That Council provide easily accessible guidelines on meeting procedures and how to write motions for members of the community.

FOR: 12 AGAINST: 0 ABSTAIN: 4

Officer comment

The Town will be improving the governance-related information on the Town's website, by September 2020. This will include a restructure of the content so that it is more user focused and the community are able to find what they need. The aim is to help the community understand Council meetings and how to participate in them. It will also cover legislatively required registers. The requested information will be provided as part of this work.

Proposed further action

That the development of guidelines relating to Council meetings be managed administratively and completed by September 2020.

Resolution 6

That Council investigate the prospect of the purchase of a portable CCTV solution and to allocate budget for this purpose to combat crime within the Town.

FOR: 15 AGAINST: 0 ABSTAIN: 1

Officer comment

The Town's Safer Neighbourhoods Officer conducted research to purchase a portable CCTV. The most common portable CCTV solution in the marketplace is a CCTV Trailer.

Purchasing a CCTV Trailer would cost between \$30,000 and \$80,000, depending on quality and specifications.

The following table indicates purchase costs from other metropolitan local governments that have portable CCTV solutions.

Local government	Purchase cost	Notes
City of Canning	\$34,000	CCTV only
	\$42,000	Includes Variable Message Trailer, on lease agreement
City of Melville	\$50,000	Custom made to order
City of South Perth	\$50,000	Purchased second hand, ex demo
City of Stirling	\$80,000	Purchased new

Purchasing a trailer would be a simple process however resourcing the trailer deployment and pick up would require allocated FTE. The deployment requires an appropriate vehicle with

Proposed further action

That the CCTV Partnership Program funding be increased as part of the 2020/2021 annual budget process.

tow ball and towing capacity, and an officer who is trained in towing and setting up the trailer. Reviewing and retrieving footage would be resource intensive.

The Town currently does not have the required resources to purchase and actively monitor the CCTV trailer. This would require allocation in the 20/21 budget and additional FTE allocated to the program.

Public Open Space CCTV has no evidence of preventing or reducing crime.

WA Police Force support CCTV to assist in collecting evidence to investigate crimes. The Town currently works closely with the Western Australian Police Force with its CCTV Partnership Program, this current successful program has an extensive CCTV network throughout the Town.

For the same cost of the CCTV Trailer the expansion of the CCTV Partnership Program would establish between 40 and 106 additional community CCTV partnerships (currently 100) giving a far greater CCTV coverage in the Town with no additional FTE required.

The Town's recommendation would be to increase the existing successful CCTV Partnership Program funding in the 20/21 Budget to increase Town coverage of CCTV in partnership with the Western Australia Police Force.

There was one further resolution from the meeting that was lost. This is due to decisions needing to be carried by simple majority. Simple majority occurs when the number of electors voting the same way on a matter is more than 50% of the members present at the time of voting. The details of this resolution are below however, as the motion was lost, no further action will be taken.

Resolution 7

That the Chief Executive Officer develop 71 Oats Street, Carlisle for immediate use as a temporary public open green space while land purchases take place to close gaps in public open space in Carlisle.

FOR: 8 AGAINST: 0 ABSTAIN: 8

Following endorsement by Council, an update on the status of actions will be provided at the Annual Meeting of Electors held for the purpose of the 2019/2020 Annual Report.

Relevant documents

[Policy 053 – Meeting of electors](#)

[Annual Meeting of Electors minutes – 10 March 2020](#)

Further consideration

The following information was requested at the Agenda Briefing Forum on 7 April 2020

1. Further comments about the content of a youth plan and how it relates to the resolution

The development of a Town Youth Plan will ensure we are considered and consistent in our approach to engaging young people. It is acknowledged that young people are current and future leaders of the Town, it is imperative that they have a voice in the way this plan is developed to ensure they have buy in and are empowered to participate as active members of the community.

Inclusive of this there will be focus on developing an outreach Youth in Governance program around educating youth about the role of local government.

The Town will be focusing on the development of Young People in Governance by seeking a number of young people to join a Youth in Governance team to be mentored by Elected Members regarding Local Government governance, the team will then be supported by the Town's Officers to lead an education program educating their peers in local schools about the role of local government.

AMENDMENT:

Moved: Cr Brian Oliver

Seconder: Cr Claire Anderson

That the action for resolution six be amended to read:

6. That Council give consideration to increasing the CCTV partnership program funding as part of the 2020/21 annual budget process.

CARRIED (9 - 0)

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

Against: nil

Reason:

To ensure consistency in projects and initiatives being put forward as part of the budget setting process and to not commit Council to any fixed decision in isolation.

COUNCIL RESOLUTION (364/2020):**Moved:** Mayor Karen Vernon**Seconded:** Cr Ronhda Potter

That Council:

1. Receives the six resolutions carried at the Annual Meeting of Electors held on 10 March 2020.
2. Endorses the following actions in response to the resolutions.

Resolution	Action
<p>Resolution 1 That Council utilise temporary fixtures with trees to trial and evaluate a safe active street for a period of three years along Rutland Avenue between Bishopsgate and Goddard Streets in Lathlain.</p>	<p>That Council proceeds with the design of the Principal Shared Path (PSP) project as planned, utilising \$2.2 million from the Department of Transport, excluding a safe active street option between Miller Street and Bishopsgate Street which was not part of the original scope.</p> <p>That Council consult further with the local community to investigate options for the development of trial temporary street fixtures with consideration of "safe active street" outcomes.</p>
<p>Resolution 2 That Council redesign and repair, as soon as possible, the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre and an appropriate amount be provided in the 2020/2021 budget for the completion of those works.</p>	<p>That the redesign and renewal of the exit from Sussex Street onto Moorgate Street at the Park Centre shopping centre be considered as a priority road renewal project in the 2020/2021 annual budget process.</p>
<p>Resolution 3 That ROW60, the laneway between Leonard Street and King George Street be cleaned up, the wheelie bins removed and extra lighting at the Leonard Street end.</p>	<p>That the cleaning, removal or relocation of wheelie bins and provision of extra lighting in ROW60 laneway between Leonard Street and King George Street be further investigated with outcomes to be considered either administratively or through the 2020/2021 annual budget process</p>
<p>Resolution 4 That Council develop a schools and youth community outreach program to educate youth about the role of local government.</p>	<p>That the development of a Youth Plan for the Town of Victoria Park to be considered in the 2020/2021 annual budget process.</p>
<p>Resolution 5 That Council provide easily accessible guidelines on meeting procedures and how to write motions for members of the community.</p>	<p>That the development of guidelines relating to Council meetings be managed administratively and completed by September 2020.</p>

Resolution 6

That Council investigate the prospect of the purchase of a portable CCTV solution and to allocate budget for this purpose to combat crime within the Town.

That Council give consideration to increasing the CCTV partnership program funding as part of the 2020/21 annual budget process.

CARRIED (9 - 0)

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

Against: nil

11.2 Quarterly reporting - April 2020

Location	Town-wide
Reporting officer	Joshua Norris
Responsible officer	Anthony Vuleta
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Corporate Business Plan Report [11.2.1 - 66 pages] 2. CBP COVID-19 Impacts [11.2.2 - 31 pages] 3. EDS Quarterly Reporting Table- Appendix- April 2020 [11.2.3 - 13 pages] 4. UFS Quarterly Reporting Table- Appendix- April 2020 [11.2.4 - 12 pages] 5. 2019-2020 Capital Works Progress Report [11.2.5 - 4 pages] 6. Five Year Capital Works - Assets [11.2.6 - 3 pages] 7. Five Year Capital Works - Engineering [11.2.7 - 6 pages] 8. Five Year Capital Works - Fleet [11.2.8 - 7 pages] 9. Five Year Capital Works - Parks [11.2.9 - 4 pages] 10. Strategic Projects Summary - Council Report March 2020 [11.2.10 - 1 page]

Recommendation

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

- a. Corporate Business Plan
- b. 2019/2020 Annual Strategic Project Plan
- c. Five year capital works program
- d. Economic Development Strategy 2018-2023
- e. Urban Forest Strategy
- f. Reconciliation Action Plan
- g. Disability Access and Inclusion Plan

Purpose

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

In brief

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

Background

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

That Council requests that the Chief Executive Officer:

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
 2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
 3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town's following plans and strategies:*
 - a. *Corporate Business Plan*
 - b. *2019/2020 Annual Strategic Project Summary*
 - c. *5 Year Capital Works Program*
 - d. *Economic Development Strategy 2018 – 2023*
 - e. *Urban Forest Strategy*
 - f. *Reconciliation Action Plan*
 - g. *Disability Access and Inclusion Plan*
2. The quarterly written progress reports were requested to enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions, and be able to take action to address any issues that arise. They were also requested to give Council and the community a higher level of transparency and accountability relating to strategic actions, plans and projects.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Council are provided with the information that they have requested in the way they determined is best for them.
CL02 - A community that is authentically engaged and informed in a timely manner.	The community are regularly informed of progress on projects, plans and strategies undertaken by the Town.

Engagement

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

Community Development	Community Development coordinate the progress reports for the Reconciliation Action Plan and Disability Access and Inclusion Plan.
-----------------------	--

Legal compliance

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

Risk management consideration

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

Financial implications

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

Analysis

Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.

3. These reports on the actions, projects and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.
4. The Reconciliation Action Plan, Disability Access Inclusion Plan and Urban Forest Strategy have been included within the Town's corporate reporting system. All further quarterly reports will see those plans and strategies reported upon in a format that is consistent with the Corporate Business Plan.

Corporate Business Plan

The Corporate Business Plan (CBP) spans from 2017-2022 and contains a total of 201 actions for delivery by the Town.

Several actions from the Corporate Business Plan have been impacted by the COVID-19 public health crisis. Specific information on affected actions can be found in the CBP attachment. A summary of items impacted is as follows:

Strategic outcome	Total impacted	No. of in progress actions impacted	No. of not started actions impacted
Social	6	6	0
Environment	4	3	1
Economic	13	13	0
Civic Leadership	7	6	1

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

Strategic outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Social	26	7	14	5
Environment	61	10	39	12
Economic	18	6	7	5
Civic Leadership	101	23	41	37

2019/2020 Annual Strategic Project Summary

Public Open Space Strategy

The Public Open Space Strategy (POSS) was approved by Council at the December 2019 OCM. The POSS is complete and can be implemented.

Town of Victoria Park Place Plans

A review of the Town's Strategies and Plans has been undertaken and refined list of actions for the Town's discrete neighborhoods compiled. The list has been reviewed by Elected Members and with the benefit of this feedback Place Leaders are now authoring the Place Plans in preparation to present to Elected Members.

Higgins Park Master Plan

Designers, Place Laboratory were procured to prepare the Masterplan and Stage 1 of the project has been completed with a Project Summary and Engagement Report received. Stage 1 included extensive online and one-on-one engagement and the first of three workshops. The project (specifically the engagement) is now be re-designed in the context of the Covid-19 pandemic restrictions.

Local Planning Strategy

The draft Local Planning Strategy has been completed and will be presented to Elected Members at the April OCM. Council will be asked to endorse the Local Planning Strategy being sent the Western Australian Planning Commission for consent to commence advertising to the Town of Victoria Park community.

ROW 52

Project completed in January 2020.

Zone 2 & 2X and associated Zone 7 car parking construction

Practical Completion on 20 December 2019, now in the twelve-month contract defects rectification and twenty-four months new planting maintenance period. A pedestrian ramp to the footpath and a pedestrian crossing at the "T" junction of Planet Street and Roberts Road, removal and make good of redundant crossovers, works to street verges surrounding Zone 2X, footpath repairs all in design; Stormwater drainage connection commenced; finalisation of Zone 2X basin landscaping to follow; existing tree maintenance to commence, wayfinding signage to be designed, revised parking restrictions and parking signage installed. Issue with noise from basketball backboards to be resolved. Light spill from court floodlights to be resolved.

LAOS – Ed Millen Heritage Adaptive Re-Use Redevelopment

The Detailed Design tender for the Edward Millen Park master plan has been released. There was a minor delay with Council requesting some Water Park options for inclusion, a variation was provided to Hassell to investigate the impact and provide some options to incorporate into the master plan. The Expression of Interest documentation is being finalized to release to the market, though complications with COVID-19 will be taken into consideration for timing. Currently finalising the Grant offer from the Federal government. Providing requested documents, such as Business Case, PSI, HAZMAT, Engineering desktop analysis, market research and any further information as required.

GO Edwards – Stage 4 & 5

Due to the additional design work required and confirmation of the final levels in the right of way abutting GO Edwards Park, the Town is going to delay some of the stage 4 works so they can be done in conjunction with the ROW upgrade.

This should make the areas integrate better as well as cost savings in construction and lighting installation. It is anticipated the work will go ahead in the new financial year with Stage 5 works programmed also. New lake aerators for stage 4 have been ordered.

Higgins Park Tennis Club

Timeline for works set out with clubs. Major works commenced on 23 March. Meeting with Town staff and clubs to discuss court lighting configuration. Site survey carried out to locate all infrastructure and reticulation. Work commenced onsite 23/3/2020. Pegging out completed, trees transplanted and cricket nets disassembled.

2019 – 2020 Capital Works Progress Report

The report outlines all 2019 – 2020 Capital Works projects, the current budget expenditure and progress of each project.

Five Year Capital Works Program

The draft Five-Year Capital Works Programs for Fleet, Parks, Transport and Property have been attached. This relates to proposed new, renewal and upgrade capital works for the next five financial years across all the Town's asset classes.

The draft data does require some refinement and fine-tuning, with the majority of projects costed as estimates only at this time. Year one will be further developed and presented to Elected Members during the 2020-2021 budget process. Years two to five are indicative only of projects required and will be adjusted in accordance with outcomes of asset management principles and practices.

Macmillan Precinct Masterplan

The Macmillan Precinct Masterplan has concluded stage 1 – vision development with the draft community charter being presented to Elected Members in March for preliminary comments before being released to the public. The draft community charter brings together the values and priorities of the community to guide the concept option development in stage 2. Its contents have been drawn from surveys, meetings, interviews and workshops with sporting clubs, community groups, service providers and local residents. Stage 2 will commence in May with the Place Design Forum, which will likely be delivered online due to the COVID-19 pandemic.

McCallum Park Active Area

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

In December 2019 and January 2020, the Town sought community feedback on the first draft concept design. 504 people visited the project page and 107 people provided feedback online and at the Christmas pop up event. This community input helped influence the refinement of the design and was collated into the McCallum Park Active Area Community Consultation & Concept Design report.

We are now seeking community feedback on the finalised draft Concept Report and 3D Visualisations for McCallum Park Active Area through a public comment period online.

Etwell Street Local Centre Revitalisation Project

The Etwell Street Revitalisation Project aims to transform the Etwell Street Local Centre into an important hub and local meeting place. The project was initiated by a self-forming group of local residents who joined with business owners, landowners, Town of Victoria Park staff and Elected Members to form a Design Reference Group that were guided through a design process to establish a shared vision for the desired future of the Etwell Street Local Centre.

The Town is now progressing the project to the next stage of design, prior to a construction Request for Tender, to ensure sufficient detail is available for the Tender scope and budgeting process. Ecoscape consultants have been appointed to deliver the detailed design and specification documentation.

Economic Development Strategy 2018 – 2023

Strategic outcome	Total actions	No. of actions in progress
Pathway 1: Leadership	4	4
Pathway 2: Identity	2	2
Pathway 3: Local to Global Connections	5	5
Pathway 4: Smart Town- Digital Innovation	7	4
Pathway 5: Creating an Enabling Business Environment	8	7

Pathway 6: High Value Precincts	6	5
Pathway 7: High Value Sectors	18	12
TOTAL	50	39

A description of the progress for each action over the last quarter is included in the April 2020 EDS Quarterly Performance Report (Attachment 3).

Urban Forest Strategy

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

Strategic outcome	Total actions	No. of actions in progress
Strategic Outcome 1 Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	15	11
Strategic Outcome 2 Maximize community involvement and collaboration in its implementation.	8	6
Strategic Outcome 3 Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife	3	2
Strategic Outcome 4 Maintain high standard of vegetation health	5	3
Strategic Outcome 5 Improve soil and water quality	3	2
Strategic Outcome 6 Improve urban ecosystems	5	2

A description of the progress for each action over the last quarter is included in the April 2020 UFS Quarterly Performance Report (Attachment 4).

Reconciliation Action Plan

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

Category	RAP Action	Deliverable (outputs)	Outcomes
Relationships	Participate in and celebrate national Reconciliation Action Week	<p>Participate in NRW with the support of local businesses and organizations In the Town for the Reconciliation Banner Project</p> <p>Promote NRW throughout the Town via media articles, website and the organizations to increase its significance and role</p>	<p>The Town secured film rights to show Putaparri and the Rain Makers on Reconciliation Action Week. Putaparri is an Aboriginal directed and produced documentary about an Aboriginal man living in Fitzroy Crossing in Western Australia that maps out his ancestors' spiritual connection to the land and his family's continuing custodianship of it. The Town intended to invite community to join this free screening and collaborated with the Victoria Park Centre of the Arts to showcase several local Aboriginal Artist works for purchase. Due to COVID this event has been postponed to a later date and the Town intends to acknowledge this week via a social media campaign.</p> <p>The Town will display nine banners in acknowledgement of Reconciliation Action week along various points of Albany Highway. Two Banners have been sponsored by the Town and will include the Towns logo.</p>
Relationships	Establish a RAP working group	RAP working group to meet quarterly to support the	The Town's Aboriginal Engagement Advisory Group continues its

		development, implementation and ongoing management of the Town's ongoing RAP deliverables	work to inform and advise on ways in which we can work together through the framework of the RAP and its continuing actions and outcomes. Face to face meetings have been postponed due to COVID however contact with the group continues digitally.
Relationships	Raise awareness of our RAP	Liaise with Reconciliation WA on implementing the RAP	The Town has consulted Reconciliation WA on the progress of the Town's RAP. It has been recommended to the Town by Reconciliation WA that the Town roll their current RAP over for a period of 12 months to two years to ensure all deliverables can be met and imbedded in all Town practice in a meaningful way. Additional advice is being sought from Reconciliation Australia with a report to be submitted to Council for consideration.
Relationships	Develop and continue Aboriginal and Torres Strait Islander partnerships in the Town	Collaborate with business and community service providers to support and/or deliver initiatives	In partnership with the Victoria Park Center for Arts the Town collaborated local Aboriginal Artists to display their works for purchase at the Reconciliation Week event which has been postponed due to COVID.
Respect	Celebrate and recognize Aboriginal and Torres Strait Islander Cultures	Engage Aboriginal and Torres Strait Islander youth and Elders to	During Arts Season the Town approached local Aboriginal Artists to

		foster the sharing of stories, values and their engagement in sport, music and the arts	hold art events and programs. One initiative was the Sand Art mural on the Victoria Park foreshore where students from local primary schools had the opportunity to engage in art and culture through traditional local story telling.
Respect	Investigate Aboriginal and Torres Strait Islander cultural learning and development	Commence cultural awareness training for senior management, Councilors and staff	The Town released an RFQ for the delivery of Cultural awareness Training for all Town Officer and Elected Members. The RFQ has been awarded to Auspire. Training was due to commence in April 2020; this will be postponed till the Town has received COVID clearance.
Opportunities	Investigate Aboriginal and Torres Strait Islander supplier diversity	Develop an understanding of the mutual benefits of procurement from Aboriginal and Torres Strait Islander owned businesses	<p>The Town has met with Roo Force this quarter, an Aboriginal Owned business that provides catering, security and event support. It is intended that the Town enter an MOU with Roo Force and consider their services for all Town events.</p> <p>The Town met with Nyoongar Outreach Services, an Aboriginal Controlled Organization, to discuss provision of culturally appropriate outreach within the Town. The Town is exploring this option and has additionally connected Nyoongar</p>

Outreach to the Hawaiian Group who is also exploring their outreach services.

Disability Access and Inclusion Plan

It is a legislative requirement that Western Australian Local Government authorities have a Disability Access and Inclusion Plan (DAIP) and provide an annual progress report to the Department of Community Services.

The Town of Victoria Park's DAIP 2017 – 2022 contains a total of 31 strategies under seven DAIP outcomes.

DAIP Outcome area	Deliverables (outputs)	Outcomes
Outcome 1 – Collaborative with key stakeholders to identify and facilitate accessible and inclusive services, programs and events	Victoria Park Peer Based Support Group	The Town has supported local community members with disability to form an independent peer-based support group. Meetings will be held monthly, with the Town providing the venue for these to occur. Meetings are led and chaired by community; the first meeting has been postponed due to COVID.
Outcome 2 – People with disability have the same opportunities as other people to access the buildings and other facilities of the Town of Victoria Park	ACROD Parking Initiative	The Town will participate in the National Disability Service ACROD Bay Campaign. The campaign is aimed at raising community awareness regarding the use of ACROD bays to ensure people with disability have access. This has been postponed due to COVID.
Outcome 3 – People with disability receive information from the Town of Victoria Park in a format that will enable them to access the information as readily as other people are able to access it	National Disability Insurance Scheme	In partnership with the Towns NDIS provider Mission Australia, Local Area Coordinators will base at the Library on a weekly basis to provide support to those with disability, families and careers on the NDIS and individual plans. This has been postponed due to COVID.
Outcome 7 – People with disability have the same employment opportunities as other people to obtain and	Revised target of 5% employment of people with disability.	In December 2019 at the Ordinary Council Meeting, a motion was carried stating that Council:

maintain employment with the Town of Victoria Park

1. Adopts the State Government's revised target of 5% employment of people with a disability by 31 December 2025

2. Approves the proposed project strategies and initiatives to meet the 5% Disability Employment Target across the total workforce

3. Requests that the Chief Executive Officer includes a further initiative in the attached Project Proposal associated with Strategy 29 of the Disability Access and Inclusion Plan to work with Curtin University to develop a student and graduate employment program for people with a disability to work in the Town of Victoria

The Town currently has a disability employment percentage of 0.9%.

The Human Resources and Community Development teams have been working with local providers such as Edge Employment and Mission Australia to explore ways to meet the target.

5. As per the Council resolution, progress reports will be presented to Council on a quarterly basis, in October, February, April and July.

Relevant documents

[Corporate Business Plan](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

[Reconciliation Action Plan](#)

[Disability Access and Inclusion Plan](#)

COUNCIL RESOLUTION (365/2020):

Moved: Cr Bronwyn Ife

Seconded: Mayor Karen Vernon

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

- a. Corporate Business Plan
- b. 2019/2020 Annual Strategic Project Plan
- c. Five year capital works program
- d. Economic Development Strategy 2018-2023
- e. Urban Forest Strategy
- f. Reconciliation Action Plan
- g. Disability Access and Inclusion Plan

CARRIED (9 - 0)

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

Against: nil

12 Chief Community Planner reports

12.1 Economic Development and Community

Location	Town-wide
Reporting officer	David Doy Alison Braun Robert Cruickshank
Responsible officer	Natalie Martin-Goode
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council receives the list of economic and community support measures undertaken by the Town in response to the Covid-19 coronavirus pandemic.

Purpose

This report has been prepared in response to Clause 6 of Council's resolution from the 7 April 2020 Special Council Meeting.

In brief

- The Government of Western Australia has declared a State of Emergency and a Public Health Emergency in response to the COVID-19 coronavirus pandemic.
- Since the Western Australian Government declared the emergency the Town has prepared and executed a range of immediate support measures appropriate to what is described as the 'response' phase.
- For the purposes of this report the support measures are separated into two sections:
 - Economic Support Measures: including immediate business support, regulatory adaptations, and information sharing initiatives.
 - Community Support Measures: immediate support and advocacy for service providers, platforms for communication and supporting community by the adaption of services.
- These measures do not detail 'recovery' phase actions or measures. Recovery phase actions will be detailed in further reports and require an understanding of the impacts and opportunities emerging from the COVID-19 coronavirus pandemic.

Background

1. Mayor Vernon presented a motion for the consideration of Council at a Special Council Meeting on 7 April 2020. The motion included the following request:

"6. Requests the Chief Executive Officer to prepare a report to the Ordinary Council Meeting in April 2020 about the actions and measures the Town has implemented to date (including funding sources) in response to COVID-19 to support:

- 1. The community and community service organisations;*

2. Local small businesses; and

3. The relaxation of planning conditions restricting delivery times to local supermarkets, grocery or food businesses.”

2. This request forms a part of a larger motion detailing the Town’s immediate response efforts and exploration of future recovery initiatives after the Government of Western Australia declared a State of Emergency and a Public Health Emergency in response to the COVID-19 coronavirus.
3. The Federal and State Government response to the COVID-19 coronavirus pandemic has resulted in a range of restrictive public health measures that have had a significant impact on the economy and society at large.
4. To assist the Town of Victoria Park community the Town has initiated a range of support measures aimed at our business and resident communities. These support measures have been carefully designed for the response phase of this emergency and do not contravene any of the Federal and State imposed restrictions.
5. The support measures are detailed in the Analysis section of this report.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The immediate business and community support measures have used online and remote methods, which is appropriate given the restrictions currently in action due to the COVID-19 pandemic.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The business and community support measures provide official and relevant information to the local community in an easily accessible and organised way via the Town’s website and social media channels.

Engagement

Internal engagement	
Stakeholder	Comments
Stakeholder Relations	The Communications and Engagement Team has been a critical internal support service in the development and execution of the majority of support measures listed in the Analysis section.

Communities	The Towns Communities Team inclusive of Community Development, Library, Healthy Communities and Digital Hub, have provided expert advice on all community support measures being undertaken by the Town.
Rangers	Advice and data sought relating to trends associated with Rough Sleepers and Homelessness within the Town since the introduction of COVID-19 Federal directives.
Aboriginal Engagement Advisory Group	Advice sought on community culturally appropriate initiatives for Aboriginal and Torres Strait Islander people during a pandemic.
Access and Inclusion Advisory Group	Advice sought on community initiatives that support people with disability during a pandemic.

External engagement	
Stakeholder	Comments
Service Providers	All community service providers that operate within the Town or provide services to the Town have been consulted to determine trends, issues and current or future needs associated with providing services to community during and after COVID-19.
WA Police	Advice and data sought related to Rough Sleeping and Homelessness trends as well as crime and antisocial behavior as a result of COVID-19.
WA Council of Social Services	Advice sought on community support mechanisms that can be provided to communities during a pandemic.
Youth Affairs Council of WA	Advice sought on community support mechanisms that can be provided to service providers and young people during a pandemic.
WA Emergency Relife Network	Advice sought on current initiatives being delivered to support vulnerable community members as well as trends and issues associated with Emergency Relief delivery during a pandemic.
Town Volunteers	Feedback sought on their ability to assist with social and community recovery initiatives.

Legal compliance

Not Applicable

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Providing incorrect information to the community during the COVID-19 Pandemic response phase	Moderate	Likely	High	Careful analysis and diligent and continual review of the restrictions imposed in relation to current and planned business and community support measures.

Financial implications

Current budget impact	<p>An amount of \$12,000 has been reallocated to fund Economic Response Support Measures from the cancelled End of Financial Year business event and one business training session that was not able to be transferred to an online format.</p> <p>An amount \$9,825 has been expended on Community Response Support Measures from within the Events general ledger from postponed and cancelled events.</p>
Future budget impact	To be determined following recovery planning

Analysis

- The support measures are separated into Economic Response Support Measures and Community Response Support Measures.
- The Economic Response Support Measures that have been initiated (up until April) are listed in the table below:

Table: Economic Response Support Measure

Support Measure	Purpose	Current Status
Dedicated COVID-19 business support 'one stop shop'	Provide a 'one stop shop' for all business COVID-19 support, including advice from other agencies and organisations, and an online space to update businesses with other initiatives the Town is undertaking.	<p>Completed and can be viewed at https://www.victoriapark.wa.gov.au/Business/Business-support-during-COVID-19 (with ongoing updates as more information becomes available)</p> <p>Online marketing hub has been added to provide information and support for businesses looking to take advantage of social media and other platforms.</p>

		<p>Online form is available for people to submit their business support ideas.</p>
<p>#StillOpenForBusiness campaign</p>	<p>Digital marketing campaign, promoting businesses who have shifted to an online delivery of sales or services.</p> <p>An online business register has been created housing businesses who have shifted online https://www.victoriapark.wa.gov.au/Around-town/StillOpenForBusiness-directory.</p> <p>Residents and businesses are encouraged to use the hashtag on social media so the Town can share their content across our platforms.</p>	<p>Launched (with ongoing updates to the business register)</p> <p>Total number of businesses currently on the directory: 104</p> <p>From 21 March, the #StillOpenForBusiness campaign and business support hub have been promoted across a number of the Town's social media platforms, including:</p> <ul style="list-style-type: none"> • Three Facebook posts with reach of more than 39,000. • 26 business posts shared in Instagram and Facebook stories. • Two posts on LinkedIn and one on Twitter. <p>Paid targeted digital advertising of the business directory is starting from 10 April.</p> <p>Visit Perth blog post promoting the overall directory and several businesses that have shifted to online sales is now live: https://www.visitperth.com.au/blog/shopping-local-in-vic-park-during-social-isolation</p>
<p>One-on-one business advisory service</p>	<p>Provide free one-on-one advice and support over the phone or via video chat, outside of standard business hours through Business Foundations. Businesses can book one of three sessions available (each with a different topic/focus) or</p>	<p>Support service now available.</p>

	can book all three for up to three hours of free advice.	
Place Leader business support phone conversations	Phone calls to businesses within each of the places to 'check in' on businesses, see if there is any support they need, and make sure they are aware of the services the Town are providing in the business support space.	Underway
Expansion of roll out of Draft LPP 41 - Exemption from Development Approval for Changes of Use and Activities Carried out from Existing Buildings	<p>At the March OCM, Council resolved to advertise for public comments, draft LPP41 which would have removed the development approval requirement (including the need to comply with car parking requirements) for changes of use for various retail, food and service industry land uses, located within the Albany Highway Precinct only.</p> <p>Advertising of draft LPP41 has been put on hold, and the draft policy has been amended to respond to the COVID-19 pandemic. The draft revised Policy is included as an agenda item for consideration at this April OCM. Further amendments include expanding the Policy scope to also include changes of use within Local Centre zones throughout the Town; and exempting the need for development approval for existing food and hospitality premises that have converted to a take-away based service.</p> <p>As part of the adoption of the draft Policy, the WAPC have been requested to grant approval for the draft Policy to be adopted without community</p>	To be considered at the Ordinary Council Meeting on 21 April 2020.

	<p>consultation. This will allow for the immediate adoption of the Policy.</p>	
<p>Exemption from Planning requirements – Emergency Order by Minister for Planning</p>	<p>Legislation passed on 20 March 2020 [State Emergency Coordinator and Commissioner of Police Direction under the Emergency Management Act 2005 (WA)] that allows deliveries to shops at any time, notwithstanding any planning approval conditions that restrict delivery hours.</p> <p>On 3 April 2020, an amendment to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> was gazetted. The amendment provides power for the Minister to order that requirements of a planning scheme be suppressed during a state of emergency, such as : requirements for development approval; requirements relating to conditions of approval; requirements relating to consultation, advertising, and time limits.</p> <p>Utilising these powers, the Minister issued an order on 11 April 2020 (see attachment).</p> <p>Town staff provided feedback to the DPLH on both the draft amendment to the Regulations, as well as the draft order.</p>	<p>Order by the Minister for Planning on 11 April 2020. At the time of writing this report, the order and actions to be taken are still being considered.</p>

8. The Community Response Support Measures that have been initiated (up until the 15th of April) are listed below:

Table: Community Response Support Measure

Support Measure	Purpose	Current Status
Volunteer review	To conduct a review of all registered volunteers of the Town to identify their skill set. This information will be used to reach out to and mobilise Town volunteers for various initiatives during the isolation and recovery phase of COVID.	In progress, all Town Volunteers have been contacted to complete a short online survey. https://www.surveymonkey.com/r/BKDNZKZ
ToVP Community Connect @ Home Conversations	<p>A local phone support service ToVP @ Home Conversation has been developed to contact all members of Town Leisure Centres, Aqualife Leisurelife, Library, Digital Hub and the Towns working groups. The program offers practical support and information of Town services and national information regarding COVID – 19 and assisting the Towns members with social isolating and identifying those in our community that require additional support during COVID19 isolation period. The program will establish contact with the member and provide updated information on the Towns services and national support if required. The program provides additional contact through the ToVP Community Connect @ Home Conversations if requested.</p> <p>A contact register has been established and a nominated Town staff member assigned to provide ongoing support.</p>	<p>Anticipated commencement date of the 20 April 2020.</p> <p>2124 members will be contacted in phase one of this initiative. This phase is high risk members 60 and above.</p> <p>Library - 1222 Healthy Community - 215 Leisurelife and Aqualife - 687</p>
Report to Council Community Donations Funding	<p>A specific COVID19 community funding round to support not-for-profits and charitable organizations.</p> <p>Community Donation/Community Funding program would be accessible via an expression of interest for applications up to \$10,000. Expressions of Interest (EOI) must be from registered not-for-profit and charitable</p>	A Report to be presented at the May 2020 Ordinary Council Meeting.

	organisations active within the Town of Victoria Park	
Jazz in your Back Garden	Supporting local musicians to provide a web-based music session each Sunday that can be live streamed on Town social and media channels.	In progress, will occur every Sunday at 3pm. First event reached 2,851 people and was attended by 1,138.
Neighbour to Neighbour	Provide the Village Hub with administrative support to expand their Neighbour to Neighbour initiative to support vulnerable elderly people within the community.	Underway
Community Outreach	Town Officers working with Uniting Care West (UCW) assisting with the increase outreach footprint due to redeployment of staff. The Safer Neighbourhoods and Youth, Families and Homelessness Officers are working with UCW and Hawaiian to explore this option further, as a response to rough sleeping and homelessness within the Town during COVID-19.	Awaiting confirmation from UCW and Town on the number and location of identified rough sleepers and homeless peoples requiring support. It has been noted that the number of Rough Sleepers and Homeless peoples has decreased within the Town since COVID-19 restrictions have come into place.
Success Series - COVID19 series	Development and delivery of a Free online series of workshops designed at building capacity of Town groups services and small businesses.	Underway, first of three sessions will launch the 14th of April 2020. Sessions include: <ul style="list-style-type: none"> • Tools and Technology • Grant Writing • Steps to Marketing during a crisis https://www.victoriapark.wa.gov.au/Around-town/Community-development/Success-Series-Online
Kedar Edge Banners	A series of uplifting community messages to be displayed via the Towns Kedar Edge banners.	Underway - Awaiting Graphic Design To be installed 28/04/2020.
Community Benefit Strategy (CBS) – Player Hours	As a part of the CBS, the Town and the West Coast Eagles (WCE) have developed a range of ‘prominent player’ messages supporting local businesses and community messages to be	Soft launch 9/4/2020 Campaign to Launch 14/4/2020

	delivered via the Towns and WCE Social Media channels, to send a positive message to community and support local businesses.	
Community Social Media Campaign	Daily messages relating to health, mental health, working from home, activities, service providers, safety, diversity, art and access and inclusion will be provided to community via social media and Officers via Viki.	In progress – ongoing Several media posts provided to the Communications and Engagement Team per week relating to service providers, physical and mental health, community safety, arts and culture, children and youth, people from diverse backgrounds, people with disability and local, state and national initiatives. Three weeks' worth of posts provided to date. One community post relating to the Town sharing its cleaning and catering stock with The Haven and St Mary's, received over 80 likes and 8 shares making it the most liked post of the Towns Social Media page since 2019.
ToVP Club Support	All sporting clubs within the Town have been contacted and advised that the Town will maintain their reserve and club room bookings at no cost during their COVID – 19 closure period. The Towns Bookings Officer is providing COVID risk management advice and resources to clubs.	In progress – ongoing support as requested.
ToVP Service Provider Support Program	All Non-Government Organisations have been contacted and are being provided weekly touch points with the Town to determine their needs, issues and recovery focus. This information will be used to further develop the Towns response plan with regards to allocation of funding and resources.	In progress – Ongoing Ongoing touch points and detailed data being kept by the Town to inform current and recovery initiatives.
ToVP Service Provider Forum	A fortnightly forum led by the Town made up of Town service providers. This forum was established to bring service providers together to discuss issues and where support can be	In progress – Ongoing First meeting 8/04/2020 attracted 16 service providers. Next meeting 22/4/2020 Guest speakers to TBC

	<p>provided together, as providers and from the Town.</p> <p>The Forum is an evolving network of support where the Town will invite guests to assist with the ongoing support and development of the Towns Service provider networks.</p>	
St Marys Meals Support	<p>St Marys provides additional outreach with free meals to the community. Town Officers have provided urgent ongoing access to the Leisurelife Commercial Kitchen to support St Marys outreach program due to capacity issues in current facility.</p>	In progress – Ongoing
Service Provider Donation	<p>The Town Officers contacted all service providers in the Town through the Service Provider Support Program. Two organisations called for urgent supplies. The Town’s Officers delivered donated urgent supplies to The Haven and St Marys outreach.</p>	Completed
Arts Season – The Recovery	<p>Local artists participating in Arts Season 2020 events which have been postponed due to COVID-19 are being supported to adapt and deliver these programs post COVID-19, as part of the Towns Community Recovery Plan. Program in design.</p>	<p>In program design – Ongoing</p> <p>Will form part of the Town’s Social Recovery Plan</p>
Mental Health First Aid training Grant submission	<p>Grant submission submitted for funding of \$2000 with Neomi National to develop accessible online mental health first aid training for non-for-profit organisations in response to COVID-19 and recovery phase.</p>	In progress – Waiting grant result
ToVP Living Longer Living Stronger (LLLS) Strength for Life Zoom Fitness @ Home Support	<p>The Town has established a platform to communicate with the LLLS community using Zoom as a platform for weekly live 20-30-minute exercise sessions with the LLLS group (aged 60-90 yrs.). These zoom meetings are then converted into a video with</p>	In progress – Ongoing

	<p>subtitles to be accessible for our senior's community via our Community Web Page. A PDF resource will be made to share amongst the LLLS group for future reference and support for those without access to zoom.</p>	
ToVP Post-natal and Family Fitness @ Home Support	<p>A Facebook group has been created for these groups to maintain social connection and as a platform for ongoing support. Including, messages/resources relating to mental health, nutrition and exercise in a supportive and inclusive space.</p>	In Progress - Ongoing
ToVP Platform for Post-natal and Family Fitness Group @ Home Family Fitness	<p>Weekly live streamed exercise videos to maintain regular class routine and support for exercise post-pregnancy these groups via their Facebook group.</p>	In progress, anticipated launch date 17th April 2020
Communities Web Page	<p>Development of an online platform to share information and build the capacity of community now and during recovery. The platform provides resources, support and information from all the Towns community service providers, the services they provide to the community and national support contacts and services.</p>	In progress to Launch 21/04/2020
ANZAC Day Platform	<p>Development of an online platform for ANZAC Day to comply with COVID-19 restrictions whilst celebrating and acknowledging ANZACs.</p>	<p>In Progress – for 25th April Launch</p> <p>https://www.victoriapark.wa.gov.au/Around-town/Events-and-activities/Anzac-Day</p>
Humans of Victoria Park	<p>A photo series with stories from local business owners and residents to create a sense of community connection. This will be an ongoing initiative for the Town by bringing the Towns community to life in pictures creating a sense of community within our community.</p>	<p>In progress</p> <p>To Launch 27/4/2020</p>

Short Story Competition	To give young people an opportunity to be creative and expressive during COVID19. The Youth Week short story competition is an opportunity for young people in the Town to showcase their talents and creativity through creating an original short story. The short story must connect with this year's Youth Week WA theme – Koora, Mila, Yeyi. These three Nyoongar words are translated to mean past, future and present.	In progress - Entries opened 6th of April 2020 and close the 27th of April 2020. https://www.victoriapark.wa.gov.au/Around-town/Facilities/Library/Programs-and-events/Youth-Week-short-story-competition
@ Home digital Service	To continue upskilling the community through one-on-one and group digital literacy training, offered remotely via phone and the internet.	In progress - ongoing
Digital Inclusion Monitoring	To gain an understanding of digital exclusion in the Town of Victoria Park, who is impacted, what this means for them during COVID-19, how other organisations are responding to digital exclusion issues, and to provide recommendations for our response.	In progress – ongoing
Zoom with Friends – Support	Town staff and Volunteers providing tech support and education to Victoria Park Community Centre reg Zoom with Friends educational platform. An educational and skill sharing initiative giving new learners the opportunity to learn how to use Zoom with 1 on 1 phone support helping those isolated to stay connected.	In progress – ongoing
Town Services Directory	Development of local, external and national service providers to provide information and aid the referral and support process during COVID-19.	In progress – ongoing Available via the Towns website https://www.victoriapark.wa.gov.au/Around-town/Community-development/Families-children-and-youth/Emergency-Relief-Support
Town Community Mail Out	An Informative mail out to all Town occupants providing	In progress

	<p>detailed information of local and national support to those who may not have access to social media to keep community connected during COVID-19.</p>	
Inside The Community Team	<p>A short video explaining the Towns Community Development portfolio will be developed to increase community understanding of the provision of information on recovery during COVID-19, to provide confidence in recovery support and to create a human connection to Town staff and their role in the recovery phase.</p>	In development
Online Baby Rhyme Time	<p>The Library has developed a Baby Rhyme time booklet on the Towns webpage to encourage at home participation of the successful library program.</p>	In progress - ongoing
Library Services Social Media Campaign	<p>The Library has established a COVID-19 Social Media Plan keeping within guidelines of one (1) daily post. Daily posts provide the community with information for leisure and e-learning, assisting children with stay at home activities during the school holidays and COVID-19 stay at home focused activities.</p>	<p>In progress - ongoing</p> <p>6 April Youth Week WA 2020 Short Story Competition – reached 1,900, 41 likes</p> <p>7 April Timewarp Tuesday – reached 1,700, 68 likes</p> <p>8 April School holiday activity – reached 216, 12 likes</p> <p>9 April Promotion Overdrive Big Library Read</p> <p>10 April Fun on Friday – activities for children</p>
Universal Class – Online learning platform	<p>This platform offers lifelong learning courses in over 30 subject areas, many of which offer continuing education units.</p> <p>More than 500 courses will be available, and all are designed and led by professional instructors to build deeper understanding and mastery of the subject matter. Universal Class includes videos, assignments, quizzes, tests, and options for social media interaction with other learners.</p> <p>Patrons may take multiple classes and learn at their own pace.</p>	In Development – LAUNCH 17/4/2020

Ancestry Library Edition - Online	Ancestry Library Edition is a genealogy research tool that provides library members instant access to a wide range of resources for genealogical and historical research. This was previously only available within the Library and now has been adapted to deliver to the community online at home.	In progress - ongoing
Better Beginnings Family Literacy Program	Better Beginnings is a YouTube channel delivering Family Literacy Program and is an initiative of the State Library of Western Australia, delivered in partnership with WA public libraries, including Town of Victoria Park library. Delivering a YouTube page with over 100 different rhymes and stories to view.	In progress - ongoing https://www.youtube.com/user/betterbeginnings

Relevant documents

Nil.

AMENDMENT:

Moved: Cr Vicki Potter

Seconded: Cr Claire Anderson

That a second point be added to read:

That Council notes the reference to Victoria Park Community Centre in relation to this project and acknowledges that the community service organisation that is involved with the delivery is Connect Victoria Park.

CARRIED (9 - 0)

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

Against: nil

Reason:

To provide accuracy in the naming of the community organisation that is currently presenting the Zoom with Friends program.

COUNCIL RESOLUTION (366/2020):

Moved: Cr Jesvin Karimi

Seconded: Cr Claire Anderson

That Council:

1. Receives the list of economic and community support measures undertaken by the Town in response to the Covid-19 coronavirus pandemic.
2. Notes the reference to Victoria Park Community Centre in relation to this project and acknowledges that the community service organisation that is involved with the delivery is Connect Victoria Park.

CARRIED (9 - 0)

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

Against: nil

12.2 Scheme Amendment for Additional Use (Cafe and/or Office) at 53-55 Canning Highway

Location	Victoria Park
Reporting officer	Sturt McDonald
Responsible officer	Robert Cruickshank
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Scheme Amendment Request FINAL - 53 - 55 Canning Hwy, Victoria Park [12.2.1 - 52 pages] 2. Schedule of submissions [12.2.2 - 18 pages]

Landowner	Kingsfort VP Pty Ltd
Applicant	Element
Application date	16/12/2019
DA/BA or WAPC reference	DA 10.2019.85.1
MRS zoning	Urban Zone and Primary Regional Road Reserve
TPS zoning	Residential
R-Code density	R80
TPS precinct	Precinct Plan P4 – McCallum Precinct
Use class	'Restaurant/Café' and 'Office'
Use permissibility	'X' (prohibited)
Lot area	1,392m ²
Right-of-way (ROW)	Not applicable
Municipal heritage inventory	Not applicable
Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Residential development located between Canning Highway and McCallum Park and Taylor Reserve. Public carpark in close proximity at the southern end of McCallum Lane. Street parking also available along Taylor Street and Garland Street.

Recommendation

That Council:

3. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 85) to the Town of Victoria Park Planning Scheme No. 1 as follows:
 - a. Insert the following into Schedule C: Additional Uses of the Scheme Text:

REF NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
A57 57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741	<ul style="list-style-type: none"> • Restaurant/Café (AA) 	<ol style="list-style-type: none"> 1. Additional Use is restricted to the ground floor at the corner of Taylor Street and McCallum Lane. 2. Additional Use must address the street to the satisfaction of the Town. 3. The maximum net lettable area of any Restaurant/Café uses shall be 120m² in aggregate. 4. The Additional Use of Restaurant/Cafe shall be deemed to be an "AA" use for the purposes of the Scheme. 5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.

- b. Modify Town Planning Scheme No. 1 Precinct Plan P4 'McCallum Precinct' by applying to the properties known as Nos. 53 & 55 (Lots 31, 32 & 33) Canning Highway, Victoria Park the notation 'A57' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.
4. Considers Amendment No. 85 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'standard amendment' in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) for the following reasons:
 - i. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
 - ii. Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
5. Authorises the Chief Executive Officer and Mayor to execute the Town Planning Scheme No. 1 Amendment No. 85 documents.

6. Forwards Amendment No. 85 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
7. Advertises Amendment No. 85 for public comments for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.

Purpose

A formal request has been submitted for Council to amend Town Planning Scheme No. 1 (TPS1). This amendment would assign an 'AA' (discretionary) use permissibility to the land uses of 'Restaurant/Café' and 'Office' at Nos. 53-55 Canning Highway, Victoria Park (the subject site). The land uses of 'Restaurant/Café' and 'Office' are currently an 'X' (prohibited) land use in a 'Residential' zone under TPS 1.

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

In brief

- The proposal seeks to amend Schedule C of TPS1 by including the land uses of 'Restaurant/Café' and 'Office' as Additional Uses at the subject site. By listing these uses as Additional Uses for the site, the uses are capable of being approved by the Town as part of a future application for development approval.
- The intent is for the subject site to be developed as per the Joint Development Assessment Panel approval for 23 Multiple Dwellings and for the ground floor 'communal lounge' depicted on the approved plans to instead be used for the proposed Additional Uses (refer to approved plans within Appendix A of Attachment 2).
- In accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals', preliminary consultation on the proposal was undertaken with three submissions being received. These three submissions oppose the proposal, primarily due to carparking issues.
- While supportive of the proposed Additional Use of 'Restaurant/Café' the proposed Additional Use of 'Office' is not supported. It is considered that an Office use would not offer the same level of activation, and potentially place a greater demand upon available nearby parking given the likely long-term use of car bays by office tenants.
- It is considered that the Scheme Amendment will be consistent with the strategic direction envisaged for the McCallum Precinct and will provide opportunity for an improvement to streetscape amenity, activation and passive surveillance.
- It is recommended that the Scheme Amendment be initiated subject to conditions and excluding the proposed Additional Use of Office.

Background

1. On 19 September 2018 the first of several Design Review Panel (DRP) Meetings took place between the Town, the DRP and consultants representing the landowner in relation to a concept development at the subject site. Feedback from the DRP prompted changes to the initial sketch design, removing one of two garage doors to the McCallum Lane frontage and replacing it with an active communal space. A 'Café' or equivalent was discussed as desirable from a street activation/surveillance standpoint. This land use, however, was also noted as an 'X' (prohibited) land use in the Residential zone under TPS1.
2. On 20 May 2019, a development application for 23 Multiple Dwellings (apartments) was lodged with the Town for 53-55 Canning Highway, Victoria Park. At its meeting held on 15 August 2019 the Metro Central Joint Development Assessment Panel (JDAP) conditionally approved the proposal. The approved plans feature a 'Communal Lounge' (for use by residents) at the lower ground floor corner of Taylor Street and McCallum Lane. This is in addition to other communal facilities on the upper ground floor.
3. On 16 December 2019 the Town received a proposal from a planning consultant acting on behalf of the landowner for a 'standard' Amendment to Town Planning Scheme No. 1 to permit the Additional Uses of 'Restaurant/Café' and 'Office' at Nos. 53-55 Canning Highway, Victoria Park (subject site).

Summary

4. This request proposes to amend TPS1 to include Additional Uses of 'Restaurant/Café' and 'Office' on the subject site, making them 'AA' (discretionary) use. These land uses are currently 'X' (prohibited) land uses on the subject site given the applicable 'Residential' zoning.
5. The Amendment, as proposed by the applicant, includes three Development Standards/Conditions that will apply to the use of the land. Development standards proposed by the applicant limit the scope and scale of the additional use, ensuring that these additional uses form a proportionally small component of the overall development and are located in a ground floor location.
6. The landowner is taking steps to pursue and commence construction of the JDAP approved apartments. It should be noted, however, that the Development Approval for the subject site does not compel the landowner to undertake the approved works. The Development Standards/Conditions must function irrespective of whether the approved development takes place. This, at least in part, explains why the recommended limitation of tenancy floor space exceeds the area depicted for this space on the approved development application plans.

Applicant's submission

7. The JDAP approved a development for 23 multiple dwellings on the subject site in August 2019. Following feedback received from the Town's Design Review Panel (DRP) on an initial development concept, it was made clear that the ground plane interface of the development with the adjacent public realm needed to be enhanced.
8. This request proposes to amend TPS1 to include Additional Uses of 'Restaurant/Café' and 'Office' on the subject site. This amendment will facilitate the future development of a commercial tenancy on the corner of the subject site, within the approved residential development. This tenancy will improve the approved development's interface and activation of the public realm leading into McCallum Park.
9. To ensure this, it is proposed that the Additional Uses be restricted to the ground floor and be required to address the street.
10. The applicant outlines that specific land uses will be subject to future planning processes, which at minimum would consist of a Development Application. Details of the proposed activity will be discussed and considered in greater detail as part of that Development Application.

11. Although noting that details will be considered in separate processes, the applicant contends that the land uses that are proposed to be facilitated in this location will have an acceptably low impact in terms of car parking. This argument, in part, relies on the likely users of a future commercial tenancy being existing users of McCallum Park and the Swan River (passing foot/cycle traffic) or existing members of the adjacent residential community. Under this scenario, there would be a limited impact upon car parking in the area.
12. The applicant has also noted that a large amount of public car parking is also provided within proximity to the site, suggesting that between this and other factors, there is sufficient supply to meet demand.

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Town Planning Scheme No.1 (TPS1) • TPS1 Precinct Plan P4 – ‘McCallum Precinct’
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas • Local Planning Policy 23 – Parking Policy • Local Planning Policy 37 – Community Consultation on Planning Proposals
State planning documents	<ul style="list-style-type: none"> • Perth and Peel @3.5 million: Central Sub-regional Planning Framework

Legal compliance

Part 5 ‘Local Planning Schemes’ of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, Regulations 50 and 51.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

13. In accordance with clause 17 of TPS1, the Council can initiate an Amendment to the Scheme to permit a prohibited use on a site by listing it within Schedule C – Additional Uses. Clause 17 requires that Council, if/when initiating such an Amendment, is to have regard to the orderly and proper planning of the locality, the conservation of its amenities and the Statement of Intent set out in the relevant Precinct Plan. The Council is also required to consider whether the proposed Amendment is likely to have any adverse effect on the occupiers and users of the development, the properties or inhabitants of the locality, or the future development of the locality. These and other matters are considered in the following report section “General matters to be considered”.
14. To resolve a potential anomaly, advice received from the Department of Planning is that designating the uses as “AA” (discretionary) uses within a Development Standard will serve the intended purpose of, making each of the land uses “AA” (discretionary) uses, as opposed to being ‘permitted uses’. This approach has been utilised by a number of other local governments.

General matters to be considered

<p>TPS precinct plan statements</p>	<p>The following Statements of Intent contained within the Precinct Plan are relevant to consideration of the application:</p> <p><i>"The McCallum Precinct's role as a major node of recreational and leisure activity, with adjacent commercial and residential uses will be enhanced. Further development will also serve to enhance and promote the precinct as a tourist attraction on the basis of its waterfront setting.</i></p> <p><i>Development will be concentrated in two areas. Further commercial development will be encouraged in the area centered around Berwick Street/Canning Highway intersection. Uses such as offices and showrooms are considered to be appropriate. High density, high quality residential uses will be encouraged in the second area which follows the alignment of Canning Highway, and backs onto the Park."</i></p>
<p>Local planning policy objectives</p>	<p>The following objectives of Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas are relevant in determining the application.</p> <p><i>(a) to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties</i></p> <p><i>(b) to provide for non-residential uses which serve the needs of the community;</i></p> <p><i>(d) to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses;</i></p> <p><i>(e) to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage;</i></p> <p><i>(f) to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access legs, and the protection of visual privacy when considering applications for non-residential development;</i></p>
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following are relevant matters to be considered in determining the application:</p> <p><i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i></p> <p><i>(g) any local planning policy for the Scheme area;</i></p> <p><i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</i></p>

- (n) the amenity of the locality including the following -
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development.
- (s) the adequacy of -
 - (i) the proposed means of access and egress from the site; and;
 - (ii) arrangements for the loading, unloading, manoeuvring of vehicles;
- (y) any submissions received on the application

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The ability for Council to consider development applications for a Café or Restaurant in this location is considered to align with making a desirable place for commerce, tourism and employment.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The ability for Council to consider development applications for Café or Restaurant is considered to align with putting people first in urban design by enhancing the amenity and vibrancy of this area.

Engagement

External engagement	
Stakeholders	Owners and occupiers of surrounding properties
Period of engagement	14 January 2020 – 5 February 2020 (21 days)
Level of engagement	2. Consult
Methods of engagement	Written submissions, notification signage on-site and Your Thoughts (the Town's online engagement tool)
Advertising	Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties (within 100m radius).
Submission summary	Three (3) submissions have been received, all opposing the proposal.

Key findings	<p>Submissions received raise concerns/objections as follows:</p> <ul style="list-style-type: none"> • Provision of car-parking is insufficient; • A river side Café is already envisioned/planned for at the northern end of Taylor Street. A café on this subject site is surplus to requirements and/or contrary to the riverside café vision. • An Office land use would not provide passive surveillance <p>See Attachment 2 for the full schedule of submissions.</p> <p>Responses to the objections raised are discussed in the Officer comments section of this report.</p>
--------------	--

Engagement with internal and external stakeholders was undertaken as part of the Development Application for 23 Multiple Dwellings. Comments and feedback were taken into consideration in the assessment and determination of that proposal. Under Local Planning Policy 37, no additional stakeholder consultation (other than that listed above) has been undertaken for this proposal at this point.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution.	Moderate	Unlikely	Moderate	Provide sufficient justification for the proposed Amendment

Financial implications

Current budget impact	Nil
Future budget impact	Nil

Analysis

15. Clause 17 of TPS1 requires the Council to have regard to a number of factors. The applicant has provided a response to each of these factors in their submission. These responses, and the ToVP Officer comment in relation to each, is detailed below:

Cl. 17 (3) – The Council is not to initiate an amendment under subclause (2) unless it is satisfied that –

LPS1 provision	Applicant response	Officer comment
<i>a) a development involving the proposed additional use would be consistent with -</i>		
<i>i) the orderly and proper planning of the locality;</i>	The activation of the corner of the approved residential building has been recommended by the Town's DRP. The proposed scheme amendment will facilitate a more holistic development of compatible uses in a prominent urban corridor. The proposed amendment is consistent with State planning direction for mixed use, high density development along urban corridors.	Support
<i>ii) the conservation of the amenities of the locality; and</i>	The proposed amendment will facilitate the future activation of the corner of this site, which directly fronts onto McCallum Park. The proposed amendment will facilitate a use that will provide mutual benefit afforded by the amenity of McCallum Park in that it will facilitate the optimal use and enjoyment of the park.	Support
<i>iii) the statement of intent set out in the relevant precinct plan.</i>	Refer above	Support
<i>b) the use of the specific site for that purpose would not have any undue adverse effect on -</i>		
<i>i) the occupiers and users of the development;</i>	The proposed uses of a 'restaurant/café' and 'office' have been presented in this scheme amendment because they will not have any adverse effect on the residential dwellings in the approved development or surrounding residential precinct. These uses are commonly accommodated in multistorey residential buildings to provide the desired street activation because they do not produce significant noise, odour or vibrations.	Support but not including the use of 'Office' for the reasons described further below. Car parking is discussed below.
<i>ii) the property in, or the inhabitants of, the locality; or</i>	The future development of a café, restaurant or office is considered to provide a positive service to current and future landowners in the area. The tenancy will be based on local demand and servicing the needs of the surrounding community. The proposed uses will not	As revealed in community consultation, concerns exist amongst nearby residents in relation to the availability of car parking. This is discussed below.

have any adverse impacts on the surrounding community.

iii) the likely future development of the locality.

The activation of the corner of the approved residential building has been recommended by the Town's DRP as a part of the approval of a multi-storey residential development on the site. The proposed scheme amendment will facilitate the future development of the site in a manner that provides increased amenity to the community. Support

16. Broadly speaking, the recommendation to Council reflects a view that the Scheme Amendment is consistent with the strategic direction envisaged for the McCallum Precinct and will provide opportunity for an improvement to streetscape amenity, activation and passive surveillance.

Office land use

17. Support for Additional Uses on the site is principally based upon benefits that can be delivered in terms of street activation and providing a service that offers a convenience and benefits users of the park and river foreshore.
18. While agreeing that the proposed uses of Restaurant/Café will deliver such benefits, it is not agreed that an Office use will do so. In particular an Office use will not provide any benefits to users of the park and foreshore.
19. Furthermore an Office use is likely to place a greater demand upon available car parking in the area, with the likelihood that office staff will occupy car bays for a more extended duration.
20. Accordingly it is recommended that Council not support Office as an Additional Use.

Taylor McCallum Concept plan

21. Submitters have referred to the Taylor McCallum Concept Plan and its depiction of a possible restaurant location at the northern end of Taylor Street as a reason to refuse the proposed Scheme Amendment. This view is not supported for a number of reasons, including the following:
 - The Taylor McCallum Concept Plan does not include 53 & 55 Canning Highway within its defined 'subject site' area. It is also not a binding statutory document. The proposed Scheme Amendment must be assessed on its merits. It must also be evaluated in the context of relevant planning documents. One such document is 'Perth and Peel and 3.5 Million' which promotes urban consolidation and designates this area as an 'urban corridor'.
 - Even if the Taylor McCallum Concept Plan *were* a binding document, it is noteworthy that the annotated 'Key activity node' at the end of Taylor street is followed by '(Restaurant / Lookout)'. The exact nature of the works in this area is yet to be determined. It could, potentially, be a decked viewing platform. The concept plan's flexibility in this regard is appropriate as the requirements of other key stakeholders (particularly the Swan River Trust/Department of Biodiversity, Conservation and Attractions) will influence what can/can't go ahead. Such stakeholder feedback has already impacted on sketch plans that had been prepared by Urbis on behalf of the Town.

- The adoption of a Scheme Amendment to make a Café/Restaurant land use an 'AA' (discretionary) use is not a commitment to approve a Development Application. Furthermore, a Development Approval of a café at the given location would not preclude a restaurant being established at the end of the road. Additionally, the issue of competition and commercial viability is not a relevant planning consideration.
22. Like the applicable Precinct Plan for the area, the Taylor McCallum Concept Plan states a number of objectives for the area. These include:
- Create active and vibrant public spaces;
 - Design spaces in line with Crime Prevention Through Environmental Design CPTED guidelines;
 - Create a distinctive landscape setting and character; and
 - Create connectivity with the river as part of the edge upgrade.

It is considered that the adoption of the Scheme Amendment aligns with these objectives.

Car parking concerns

23. The proposed Scheme Amendment as submitted to the Town on 10/12/2019 (and subsequently publically consulted upon) contained the following development standard:

3. A minimum of one on site car parking bay shall be provided per commercial tenancy.

Following further discussions the applicant has removed this development standard from the proposed Additional Use.

24. Despite the applicant proposing to remove this development standard from the proposal, it is worthwhile discussing its potential effects and intended purpose. As outlined in the 'Background' section of this report, a development application for 23 multiple dwellings with a 'communal lounge' area has been approved by the JDAP. If this development is constructed and the 'communal lounge' is then proposed to become a publically-accessible café, then the approximate number of car bays required under Local Planning Policy 23 (LPP23) for the café would be 14 bays (depending on the extent of the floor area used for dining).
25. In the above scenario a car parking shortfall would result, regardless of whether or not residential visitor bays are proposed to be re-purposed for commercial use. The previously proposed development standard for car-parking requirements would have prevailed over LPP23 (car parking) and would substantially reduce the car parking shortfall as assessed under the planning framework.
26. A Development Application for change of use to Café/Restaurant or Office with a car parking shortfall of one bay rather than a shortfall of fourteen bays would likely be a less contentious proposition. The development standard was therefore intended to reduce the developer's risk that a Café, Restaurant or Office could be refused by the Town/Council at that Development Application (Change of Use) stage.
27. The applicant's report has touched on a number of reasons why they believe a café/restaurant and/or office in this location are be appropriate in terms of car parking. These include the following:
- The parking ratios referred to in LPP23 are generally aimed at larger scale offices and restaurants which customers will travel distances to, as opposed to a local café or small office;
 - The users of a future commercial tenancy are likely to be existing users of McCallum Park or the Swan River, visiting the tenancy while visiting the public open space and therefore not increasing the car; and
 - A large amount of public car parking is provided in close proximity to the subject site.

28. The assertion that the proposed land uses will not function as a vehicular trip-generator is one that has been contested by some of the submissions received. It is also a difficult one to rigorously examine, with a case study type format of analysis being required of other riverside cafes to validate the applicant's assertion.
29. While not inherently opposed to the above described approach, the view taken is that when substantive decisions are being made in relation to car parking, a compelling case should be presented for consideration. While the matters raised by the applicant and stated at paragraph 27 appear reasonable, these arguments have not (at this time) been substantiated into a compelling case. The applicants assertion that car parking "will be assessed at the Development Application stage" (ie, is not a matter for consideration in the scheme amendment) is considered fair and reasonable, on the basis that the applicant will need to submit appropriate reports/justification at this later stage, demonstrating that there is sufficient on-site and/or nearby public parking available to support the proposed use.
30. Accordingly, a new condition 5 is proposed as follows:
- "A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking."*
31. While not recommended, it is open to Council to revert to the original condition proposed by the applicant, particularly if Council is comfortable making a decision on this matter without such technical advice, relying on local knowledge and a general judgement call on the issues. A development application would still be required for any Restaurant/Cafe use proposed. A proposed shortfall of one bay (rather than 14), however, could potentially be determined without the need for extensive consultant reports.

Relevant documents

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

Local Planning Policy 3 – Non-Residential Use in or Adjacent to Residential Areas - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 23 – Parking Policy - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 37 – Community Consultation on Planning Proposals - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Taylor McCallum Concept Plan - <https://yourthoughts.victoriapark.wa.gov.au/50391/widgets/265140/documents/118763>

Perth and Peel at 3.5 Million - <https://www.dplh.wa.gov.au/perth-and-peel-@-3-5-million>

Further consideration

At the Agenda Briefing Forum on 7 April 2020, a question was raised in relation to any intentions the Town may have to implement parking restrictions to the available nearby public parking. The following information has been provided by the Manager Business Services:

- a) There are no plans for parking restrictions for Taylor Street, Garland Street, and/or at the corner of Taylor Street and McCallum Lane
- b) The closest parking restriction exist on McCallum Lane which were installed in response to resident requests. Feedback has been received from local residents both for, and against the current 4 hour parking restrictions.
- c) The Town has no relevant occupancy data nor notable community feedback for the identified streets.

COUNCIL RESOLUTION (367/2020):

Moved: Cr Vicki Potter

Seconded: Cr Jesvin Karimi

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 85) to the Town of Victoria Park Planning Scheme No. 1 as follows:

- (a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

REF NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
A57 57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741	<ul style="list-style-type: none"> • Restaurant/Café (AA) 	<ol style="list-style-type: none"> 1. Additional Use is restricted to the ground floor at the corner of Taylor Street and McCallum Lane. 2. Additional Use must address the street to the satisfaction of the Town. 3. The maximum net lettable area of any Restaurant/Café uses shall be 120m² in aggregate. 4. The Additional Use of Restaurant/Cafe shall be deemed to be an "AA" use for the purposes of the Scheme. 5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.

- (b) Modify Town Planning Scheme No. 1 Precinct Plan P4 'McCallum Precinct' by applying to the properties known as Nos. 53 & 55 (Lots 31, 32 & 33) Canning Highway, Victoria Park the notation 'A57' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.

2. Considers Amendment No. 85 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'standard amendment' in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) for the following reasons:
 - (i) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
 - (ii) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
3. Authorises the Chief Executive Officer and Mayor to execute the Town Planning Scheme No. 1 Amendment No. 85 documents.
4. Forwards Amendment No. 85 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.
5. Advertises Amendment No. 85 for public comments for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.

CARRIED (9 - 0)

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

Against: nil

12.3 Draft Local Planning Strategy

Location	Town-wide
Reporting officer	Tracy McQue
Responsible officer	David Doy
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Draft LPS Executive Summary and Part A - Strategic Framework [12.3.1 - 62 pages] 2. Draft Local Planning Strategy Part B - Precinct Planning [12.3.2 - 123 pages] 3. Appendix 1 - Glossary of Terms [12.3.3 - 2 pages] 4. Appendix 2 - Town of Victoria Park Local Profile [12.3.4 - 11 pages] 5. Appendix 3 - Planning Strategy Response to State Planning Policies [12.3.5 - 5 pages] 6. Appendix 4 - Draft Activity Centres Strategy [12.3.6 - 97 pages] 7. Appendix 5 - Analysis of Housing Consumption and Opportunities [12.3.7 - 100 pages] 8. Appendix 6 - Consolidated Table of Planning Strategy Actions [12.3.8 - 30 pages]

Recommendation

That Council endorse the draft *Local Planning Strategy* (April 2020) and Appendices for a public submission period of eight (8) weeks commencing after the Western Australian Planning Commission provides Certification in accordance with regulation 12 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

Purpose

To gain Council endorsement of the draft *Local Planning Strategy* (April 2020) and Appendices for public advertising.

In brief

A Local Planning Strategy (LPS) sets out the long-term planning direction for the Town. It guides the Town's strategic planning priorities for the next five (5) years and informs the development of a new Local Planning Scheme No.2 and other statutory planning instruments.

The Council must endorse the draft LPS for public advertising, and the Western Australian Planning Commission also gives permission for advertising.

The LPS provides a blueprint for managing growth of an additional 18,000 dwellings over the next 30 years and development of the Town's activity centres.

Background

1. A Local Planning Strategy (LPS) guides the long-term planning and development of the Town. It is prepared according to the *Planning and Development Act (Local Planning Schemes) Regulations 2015* Part 3. It provides:

- (a) A plan for managing growth of the Town from 17,000 dwellings (2016 Census) to 35,000 dwellings by 2050 (+ 18,000 dwellings approximately) to meet the State government’s infill dwelling targets.
 - (b) The rationale for zones, residential densities and development requirements for a new Local Planning Scheme No.2.
 - (c) Confirmation the Town is applying State Planning Policies.
 - (d) Direction for implementing the Town’s Informing Strategies (eg Public Open Space Strategy, Urban Forest Strategy) through the planning framework where necessary.
2. A previous draft LPS was prepared in 2018 and adopted by the Council in August 2018 for public advertising. The draft LPS (2018) was sent to the Department for Planning, Lands and Heritage (DPLH) for initial assessment prior to advertising. The DPLH requested more definitive recommendations for proposed zones and residential densities for the new Local Planning Scheme No.2 before they would give permission to advertise the draft LPS (2018). They required the draft LPS to adequately demonstrate it had addressed the State government’s requirements for meeting the Town’s infill dwelling targets, as well as proposals for higher densities in activity centres and urban corridors as outlined in the metropolitan planning strategy, *Perth and Peel @3.5 Million Central Sub-Regional Planning Framework* (WAPC, 2018).
 3. The DPLH feedback has resulted in a significant increase in analysis and re-writing of the draft LPS, and the Town has been in regular contact with the DPLH to seek further clarification and direction as required.
 4. The new draft LPS (April 2020) comprises:
 - (a) Part A – This part lays out the strategic planning framework and makes recommendations on planning topics that relate to the Town as a whole (eg housing, activity centres, transport).
 - (b) Part B – This part makes recommendations for zones, densities and development requirements on a precinct-by-precinct basis.
 - (c) Part C – This part contains Appendices with a range of supporting information and analysis.
 5. The *Planning and Development Act (Local Planning Schemes) Regulations 2015* sets out the legislative requirements for public advertising and finalisation of the LPS. The minimum advertising period is 21 days; however, this report recommends advertising for eight (8) weeks. Following advertising, the submissions will be analysed and will inform a modified LPS, if required. The modified LPS is presented to Council for further consideration and “support”. The modified LPS is then sent to the WAPC who has 60 days to “endorse” the modified LPS or propose further modifications or refuse the LPS. The Regulations also allow extension of this time period by the Minister or an authorised person.
 6. The formal preparation of a new Planning Scheme will commence after the modified LPS has Council’s support and the Town has sufficiently resolved any outstanding issues with DPLH.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The LPS addresses urban infrastructure planning and funding where relevant to the planning framework.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The LPS meets the requirements of the Planning and Development (Local Planning Schemes) Regulations.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The LPS addresses housing diversity and affordability and neighbourhood character.
EN04 - A clean place where everyone knows the value of waste, water and energy.	The LPS address environmentally sustainable design.

Engagement

Internal engagement	
C-Suite	Project updates and support for key directions. Chief Community Planner (CCP) review of draft LPS text.
Urban Planning	Review of draft LPS text.
Place Planning	Liaison regarding place-specific recommendations.
Other business units	Liaison regarding implementation of Informing Strategies through the planning framework, where relevant.
Elected Members	Project updates and support for key directions.

Other engagement	
Department for Planning, Lands and Heritage	Ongoing liaison regarding compliance with Planning Regulations, application of State Planning Policies and strategy, LPS scope and structure.
Water Corporation	Liaison regarding gaps in sewer and plans to address.
Department of Water and Environmental Regulation	Liaison to clarify flood data and policy.

Legal compliance

Not applicable.

Risk management consideration

Risk consequence	and	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance - Does not comply with Planning Regulations.		Minor	Unlikely	Low	Further liaison with DPLH. Advocacy by CEO and CCP to DPLH Director General.
Reputational - Complexity of document scope and length is constraint to community understanding.		Major	Possible	High	Simple and clear communications material delivered via multiple methods (digital, traditional). Clarify and respond to queries during advertising, adjust communications if required.

Financial implications

Current impact	budget	Sufficient funds exist within the annual budget to address this recommendation.
Future impact	budget	Proposed budget for 2020-21 has been made to enable the project to be finalised – including advertising and engagement, printing, graphic design, cartography, analysis of submissions.

Analysis

7. The community's expectations for future growth are clearly outlined in the *Strategic Community Plan 2017-2032* (refer to page 29 "Preferred Areas of Density"). These strategic directions were developed during extensive community engagement in 2016-17 and are still current given the 30-year time period to accommodate an additional 18,000 dwellings (approximately) to 2050.
8. For most of the Town, the LPS recommends no change to existing zones and residential densities, as the current planning framework provides satisfactory management of any development to meet the community's growth expectations as outlined in the *Strategic Community Plan*. A large portion of the Town is within the Residential Character Area which is currently the subject of work to update the planning framework. Other areas of the Town have already undergone infill development (ie re-subdivision of original large lots) and are not suitable for further densification.
9. As such, areas that may be suitable for further densification and development, and which may require updates to the planning framework, have been identified as "Strategic Investigation Areas" that include:
 - Empire Hotel Site and surrounds
 - Burswood South (previously Causeway Local Planning Policy 20 area)
 - Commercial zones at along Canning Highway
 - Albany Highway

- Carlisle Town Centre and Station
 - Oats Street Station
 - Technology Park
10. The Town will progressively investigate these areas as separate projects over the next five (5) years. This is because these areas are inherently more complex and require a considerable degree of time and resources to make informed recommendations for change, including engagement with landowners and community.
 11. The LPS also recommends the Town undertake a number of "Strategic Planning Studies", again, to progressively investigate a number of other complex planning subjects including – affordable housing, environmentally sustainable design, stormwater management / water sensitive urban design, social infrastructure, and infrastructure funding.
 12. Should the Council resolve to endorse the draft LPS (April 2020) and the WAPC 'certifies' the draft for public advertising, then community and stakeholder submissions will be open for eight (8) weeks via the Town's on-line engagement portal Your Thoughts. Communications will be via traditional and digital means, including newspaper adverts as required by the *Planning Regulations*. Submissions will be analysed by the project team and may result in modifications to the draft LPS, which will be presented to Council for endorsement at a future Ordinary Council Meeting.
 13. If the Covid-19 pandemic and consequent social distancing rules are still active by the time the WAPC provides permission to commence advertising then the Town will either proceed with digital and online engagement or delay the commencement of the engagement period until after social distancing rules have been relaxed.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (368/2020):

Moved: Cr Ronhhda Potter

Seconded: Mayor Karen Vernon

That Council endorse the draft *Local Planning Strategy* (April 2020) and Appendices for a public submission period of eight (8) weeks commencing after the Western Australian Planning Commission provides Certification in accordance with regulation 12 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

CARRIED (9 - 0)

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

Against: nil

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

Location	Carlisle
Reporting officer	Jess Gannaway
Responsible officer	David Doy
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Town of Victoria Park Public Open Space Strategy [12.4.1 - 1 page] 2. To VP POS Strategy - Appendix A [12.4.2 - 22 pages] 3. To VP POS Strategy Appendix B [12.4.3 - 35 pages] 4. To VP POS Strategy - Appendix C [12.4.4 - 73 pages] 5. Proposed Development Options Communication and Engagement Report June 2018 [12.4.5 - 54 pages] 6. Options Analysis [12.4.6 - 7 pages]

Recommendation	
<p>That Council:</p> <ol style="list-style-type: none"> (a) Resolves to not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis. (b) Advises the Western Australian Planning Commission of the Town’s intention to require a local development plan for the subject site to address access, landscaping and building envelopes. (c) Advises the Western Australian Planning Commission of the decision. 	

Purpose

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

In brief

- The Town has been given the opportunity to purchase the three lots of land known as the Miller’s Crossing Open Space from the Western Australian Planning Commission (WAPC).
- Council has been presented with five (5) options to consider relating to the purchase of the subject land.
- At its Ordinary Council Meeting in August 2018, Council decided to delay its decision until the Public Open Space Strategy was complete.
- Following the adoption of the completed Public Open Space Strategy in December 2019 the Town has prepared five (5) options, including a recommended option, for Council’s consideration and determination.
- The Town recommends that Council resolve to not purchase the three lots of land known as the Millers Crossing Open Space as outlined below and in Attachment 5.

Background

1. The lots the subject of this report (subject land) total 4,581m² in area as follows:
 - (a) Lot 1003 (No. 7) Raleigh Street, Carlisle – 2,081m²;
 - (b) Lot 1004 (No. 6) Raleigh Street, Carlisle – 1,343m²; and
 - (c) Lot 1005 (No. 45) Bishopsgate Street, Carlisle – 1,157m².
 2. The subject land is owned by the WAPC and was formerly part of the 'Other Regional Roads' reservation of Miller Street and Roberts Road. The land is surplus to the 'Other Regional Roads' reservation following construction of the Miller's crossing railway overpass.
 3. The subject land is identified as partly No Zone and Residential R30 under the provisions of the Town Planning Scheme No.1 (TPS1). Despite its zoning, the land is used by the Town's residents as part of the public open space network and has been landscaped and maintained by the Town since completion of the Miller's crossing railway overpass in 2004. The subject land is known as Miller's Crossing open space.
 4. Amendment 56 (as initiated by the Town in November 2011) proposed that the whole of Lots 1002, 1003, 1004 and 1005 (the land) be reserved for 'Parks and Recreation' under Town Planning Scheme No. 1, to ensure their continued use as a recreational corridor and passive open space for residents of the surrounding medium density residential area.
 5. Between February and April 2012, the Amendment was advertised for 42 days with 5 submissions being received (3 supporting and 2 arguing in favour of a residential zoning of Lot 1004 by and on behalf of the owner of 8 Raleigh Street).
 6. In April 2012, after considering submissions Council resolved to support the Amendment and the Amendment documents were subsequently forwarded to the WAPC for endorsement.
 7. In February 2013, the WAPC requested further justification for Amendment 56 having regard to a number of matters that were considered by the Department to make the subject land preferable for Residential zoning.
 8. In July 2013, Town planning staff provided the WAPC with detailed justification for the proposed "Parks and Recreation" reserve (please refer to *Appendix 4 - 14 November 2017 OCM Council Report* for details).
 9. In May 2016 the Town received a letter from the WAPC advising that (summarised):
 - (a) As the landowner the WAPC plans to sell the land for infill development;
 - (b) The lots are not considered to have any public open space benefit;
 - (c) The WAPC will not donate the land to the Town for public open space and has an obligation to sell the land at market value;
 - (d) The WAPC will agree that Lot 1002 be reserved and that this lot be created a Crown Reserve to be placed under the management of the Town of Victoria Park to continue its use as part of John Bissett Park.
 10. In June 2016 the Town provided the WAPC with data that indicated a lack of public open space in the Lathlain and Carlisle areas (6.65% and 5.58% respectively) and therefore the importance of the lots being retained as public open space.
 11. In May 2017 the Town was advised that the Minister required modifications to the Amendment such that Lots 1003, 1004 and 1005 be rezoned Residential R30 and not reserved for "Parks and Recreation". This modification was then publicly re-advertised and a total of 97 submissions were received, with 96 of these objecting to the modified Amendment.
-

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

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

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

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

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

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

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

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

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

Lot details	Estimated summary valuation range
Lot 1003 (No. 7) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$1,020,000 Scenario 2 – wholly reserved as POS = \$105,000
Lot 1004 (No. 6) Raleigh Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$725,000 Scenario 2 – wholly reserved as POS = \$65,000
Lot 1005 (No. 45) Bishopsgate Street, Carlisle	Scenario 1 – wholly zoned 'R30' = \$625,00 Scenario 2 – wholly reserved as POS

= \$60,000

18. At its Ordinary Council Meeting in August 2018 Council was presented with the outcomes of the public consultation (which are further detailed within the Engagement section of this report) and resolved to request an extension of time from the WAPC to consider the purchase of Lots 1003-1005 until the completion of the Towns Public Open Space Strategy.
19. In December 2019, Council adopted the Public Open Space Strategy which is included as an attachment to this report (Attachment 1, 2, 3, and 4). In relation to Miller's Crossing, the Public Open Space Strategy outlines:

(a) Background information

- (i) The subject land is classified as a 'local park', being a small space that provides for the day to day recreation of the immediate residential population.
- (ii) The subject land functions as passive open space with a traditional setting. This means that it is open space without organised sporting facilities and areas of open turf, trees, and places for respite.
- (iii) That Carlisle as a whole suburb has gaps in the supply of accessible public open space (within a 400m walkable catchment) for its residents. The gaps in supply do not exist in the area of the subject land and would not be created in that area by removing the open space provided by the subject land. Section 3.0 and 4.5 of Appendix A of the Public Open Space Strategy outlines the current supply gaps.
- (iv) Carlisle is currently undersupplied with public open space having 2ha of public open space per 1000 persons in lieu of the recommended 3.36ha per 1000 persons. It is forecast that this shortfall will increase to 0.5ha of public open space per 1000 persons by 2036.

(b) Overarching strategies

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

(c) Specific Recommendations

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

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

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

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

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

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

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

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

Strategic alignment

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

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

Engagement

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

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

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

Legal compliance

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

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

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

Risk management consideration

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

Financial implications

Current budget impact	<p>The Option chosen by Council will determine the budget requirements, as shown below:</p> <ol style="list-style-type: none"> Option 1 – No cost to Council, estimated future annual rate revenue in the order of \$21,000 if the land is developed by the WAPC into 13 residential lots; Option 2 – Land acquisition cost between \$2.37 million to \$2.9 million, continuation of annual maintenance expense (already budgeted); Option 3 – Land acquisition cost between \$0.625 million to \$1.6 million, continuation of some annual maintenance expense (already budgeted) and future annual rate revenue (dependent on configuration of lots acquired); Option 4 – Land acquisition cost between \$2.37 million to \$2.9 million, estimated initial profit of \$0.5 million, estimated future annual rate revenue in the order of \$21,000; and
------------------------------	---

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

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

Action	Comment
Reduce current budget allocations on other projects	One option is for service reduction/removal of (up to) \$2.9 million dollars which is a significant reduction. Another option is for a reduction in capital works which would have the impact of increasing Council’s asset renewal gap.
Change the purpose of Reserve fund holdings	Council does not have a Reserve Fund specifically for this purchase (unless the purchase is for revenue generation i.e. development). Other options include a repurposing of Reserve Funds, which requires a one month advertising period during which time members of the community may be vocal of their level of support, or non-support, regarding the change of use of Reserve Funds.
Reducing transfers to Reserve Funds	Council could choose not to direct funds to Reserve and instead purchase this land.
Undertake loan borrowings	Interest rates are at the lowest they have ever been and would be fixed for the life of the loan. Council is already borrowing \$10 million this year for Underground Power, although these loans should not influence the Debt Ratio as they are non-municipal funded (i.e. paid for directly by benefiteres of the Underground Power).
Increase in rates	\$2.9 million (worst case cost) represents and approximate six percent (6%) increase in rates. A Specified Area Rate could be applied if the likely benefiteres/users of the land are able to be readily determined. This could be used to fund a loan over a number of years.
Crowd funding	One scenario for crowd funding could be that 2,900 people would need to contribute \$1,000

	<p>each. It is unclear whether this could be achieved, and Town staff do not have significant experience in the effectiveness of these schemes.</p>
Increased Revenue	<p>State, Federal, Lotterywest grants may be available. How quickly they can be sourced may present an issue.</p> <p>Philanthropic individuals may also be an option.</p> <p>Fees and charges – not an option.</p> <p>Service Charges – not an option.</p> <p>Asset Disposal – Council could sell a parcel/s of land to purchase this</p>
Deficit Budget	<p>Council could choose to operate a deficit budget for a period of time. Eventually though the budget should be returned to balance.</p>
Negotiate with WAPC on price	<p>There is the potential for the Town to enter into discussions with the WAPC over price. Having regard to the fact that the WAPC are gifting Lot 1002 to the Town which is over 5000m² in area, the Town is not in a strong negotiating position however the Town will certainly attempt to reduce the price and refer to the Town's maintenance costs of approximately \$300,000 over the last 12 years. The WAPC's approach is likely to be to maximise the amount they can sell the land for so there is no guarantee that the Town's attempts to negotiate a reduced price will be successful.</p> <p>Not unlike local government, it is likely that State Government would be required to undertake some process to allow the land to be sold below market price. This would be something staff would need to discuss with the WAPC once Council have formed a position.</p>

Other options exist, such as seeking developer / private business partnerships, however these are not readily within the control of Council at this time.

Future budget impact

The Option chosen by Council will determine the total asset management requirements, as shown below:

- (a) Option 1 – No additional asset management cost to Council (once fully developed, asset management costs will be reduced);

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

Analysis

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

Relevant documents

Not applicable.

Further discussion

32. The following questions were asked at the Agenda Briefing Forum at 4 February 2020 that were taken on notice. Answers are provided below:

Question	Answer																																																																
Does the Council own the land identified for acquisition/development in Carlisle in the Public Open Space Strategy?	There are 21 sumps located in Carlisle. The ownership details of these sumps are as follows:																																																																
	<table border="1"> <thead> <tr> <th data-bbox="727 568 895 741">Asset ID</th> <th data-bbox="904 568 1062 741">Location</th> <th data-bbox="1072 568 1230 741">Ownership</th> <th data-bbox="1240 568 1398 741">Identified by POSS for development</th> </tr> </thead> <tbody> <tr> <td data-bbox="727 750 895 815">SUMP_017</td> <td data-bbox="904 750 1062 815">26 Raleigh Street</td> <td data-bbox="1072 750 1230 815">TOVP</td> <td data-bbox="1240 750 1398 815"></td> </tr> <tr> <td data-bbox="727 824 895 958">SUMP_018</td> <td data-bbox="904 824 1062 958">166 Rutland Avenue (rear)</td> <td data-bbox="1072 824 1230 958">TOVP</td> <td data-bbox="1240 824 1398 958"></td> </tr> <tr> <td data-bbox="727 967 895 1032">SUMP_021</td> <td data-bbox="904 967 1062 1032">91 Planet Street</td> <td data-bbox="1072 967 1230 1032">TOVP</td> <td data-bbox="1240 967 1398 1032">*</td> </tr> <tr> <td data-bbox="727 1041 895 1106">SUMP_022</td> <td data-bbox="904 1041 1062 1106">76 Planet Street</td> <td data-bbox="1072 1041 1230 1106">TOVP</td> <td data-bbox="1240 1041 1398 1106">*</td> </tr> <tr> <td data-bbox="727 1115 895 1180">SUMP_023</td> <td data-bbox="904 1115 1062 1180">140 Mars Street</td> <td data-bbox="1072 1115 1230 1180">TOVP</td> <td data-bbox="1240 1115 1398 1180"></td> </tr> <tr> <td data-bbox="727 1189 895 1254">SUMP_049</td> <td data-bbox="904 1189 1062 1254">8 Mars Street</td> <td data-bbox="1072 1189 1230 1254">TOVP</td> <td data-bbox="1240 1189 1398 1254"></td> </tr> <tr> <td data-bbox="727 1263 895 1328">SUMP_050</td> <td data-bbox="904 1263 1062 1328">28 Mars Street</td> <td data-bbox="1072 1263 1230 1328">TOVP</td> <td data-bbox="1240 1263 1398 1328"></td> </tr> <tr> <td data-bbox="727 1337 895 1402">SUMP_051</td> <td data-bbox="904 1337 1062 1402">27 O'Dea Street</td> <td data-bbox="1072 1337 1230 1402">TOVP</td> <td data-bbox="1240 1337 1398 1402"></td> </tr> <tr> <td data-bbox="727 1411 895 1476">SUMP_052</td> <td data-bbox="904 1411 1062 1476">6 Paltridge Avenue</td> <td data-bbox="1072 1411 1230 1476">TOVP</td> <td data-bbox="1240 1411 1398 1476">*</td> </tr> <tr> <td data-bbox="727 1485 895 1619">SUMP_053</td> <td data-bbox="904 1485 1062 1619">220 Orrong Road/30 Satellite place</td> <td data-bbox="1072 1485 1230 1619">TOVP</td> <td data-bbox="1240 1485 1398 1619">*</td> </tr> <tr> <td data-bbox="727 1628 895 1722">SUMP_054</td> <td data-bbox="904 1628 1062 1722">10-12 Gemini Way</td> <td data-bbox="1072 1628 1230 1722">TOVP</td> <td data-bbox="1240 1628 1398 1722"></td> </tr> <tr> <td data-bbox="727 1731 895 1825">SUMP_055</td> <td data-bbox="904 1731 1062 1825">39 Marchamley Street</td> <td data-bbox="1072 1731 1230 1825">TOVP</td> <td data-bbox="1240 1731 1398 1825"></td> </tr> <tr> <td data-bbox="727 1834 895 1899">SUMP_056</td> <td data-bbox="904 1834 1062 1899">3A Apollo Way</td> <td data-bbox="1072 1834 1230 1899">TOVP</td> <td data-bbox="1240 1834 1398 1899"></td> </tr> <tr> <td data-bbox="727 1908 895 1973">SUMP_057</td> <td data-bbox="904 1908 1062 1973">64-68 Star Street</td> <td data-bbox="1072 1908 1230 1973">TOVP</td> <td data-bbox="1240 1908 1398 1973"></td> </tr> <tr> <td data-bbox="727 1982 895 2047">SUMP_058</td> <td data-bbox="904 1982 1062 2047">53 Solar Way</td> <td data-bbox="1072 1982 1230 2047">TOVP</td> <td data-bbox="1240 1982 1398 2047"></td> </tr> </tbody> </table>	Asset ID	Location	Ownership	Identified by POSS for development	SUMP_017	26 Raleigh Street	TOVP		SUMP_018	166 Rutland Avenue (rear)	TOVP		SUMP_021	91 Planet Street	TOVP	*	SUMP_022	76 Planet Street	TOVP	*	SUMP_023	140 Mars Street	TOVP		SUMP_049	8 Mars Street	TOVP		SUMP_050	28 Mars Street	TOVP		SUMP_051	27 O'Dea Street	TOVP		SUMP_052	6 Paltridge Avenue	TOVP	*	SUMP_053	220 Orrong Road/30 Satellite place	TOVP	*	SUMP_054	10-12 Gemini Way	TOVP		SUMP_055	39 Marchamley Street	TOVP		SUMP_056	3A Apollo Way	TOVP		SUMP_057	64-68 Star Street	TOVP		SUMP_058	53 Solar Way	TOVP	
Asset ID	Location	Ownership	Identified by POSS for development																																																														
SUMP_017	26 Raleigh Street	TOVP																																																															
SUMP_018	166 Rutland Avenue (rear)	TOVP																																																															
SUMP_021	91 Planet Street	TOVP	*																																																														
SUMP_022	76 Planet Street	TOVP	*																																																														
SUMP_023	140 Mars Street	TOVP																																																															
SUMP_049	8 Mars Street	TOVP																																																															
SUMP_050	28 Mars Street	TOVP																																																															
SUMP_051	27 O'Dea Street	TOVP																																																															
SUMP_052	6 Paltridge Avenue	TOVP	*																																																														
SUMP_053	220 Orrong Road/30 Satellite place	TOVP	*																																																														
SUMP_054	10-12 Gemini Way	TOVP																																																															
SUMP_055	39 Marchamley Street	TOVP																																																															
SUMP_056	3A Apollo Way	TOVP																																																															
SUMP_057	64-68 Star Street	TOVP																																																															
SUMP_058	53 Solar Way	TOVP																																																															

	SUMP_059	57 Asteroid Way	TOVP	
	SUMP_060	45 Mercury Street	TOVP	
	SUMP_WC 13793	188 Star Street	WATER CORPORATI ON	
	SUMP_WC 13756	74 Jupiter Street	WATER CORPORATI ON	
	SUMP_063	8 Lion Street	TOVP	
	SUMP_WC 13757	91-97 Bishopsgate Street	WATER CORPORATI ON	
	<p>In addition to the above noted sumps, the POSS identifies 71 Oats Street for purchase/development. This land is a vacant block owned by the Town that used to be an infant health centre, and is incorrectly categorised as a drainage basin in the POSS. It is Administrations view that 71 Oats Street should not be considered for future public open space as it is identified in the Land Asset Optimisation Strategy (LAOS). Reference to 71 Oats Street has been removed from the report.</p>			
Are there any implications if Council delay a decision on the item to the March 2020 meeting?	<p>The WAPC has indicated that should the Council defer their decision to the March 17 Ordinary Council Meeting, that they would likely still have scope to meet the June 30 2020 deadline to present their report with the Towns recommendation on the purchase of the land to the Minister for Planning. Should the WAPC not have enough time to prepare their report, it is possible that they would seek a further extension in time from the Minister on behalf of the Town to provide their recommendation.</p> <p>Whilst it would be in their rights to progress their decision on Amendment 56 without a recommendation from the Town on the Purchase of Miller's Crossing the WAPC have indicated that they would be unlikely to do so as they wish to have resolution from the Town on the matter.</p>			

33. At the 18 February 2020 OCM Council resolved to defer a decision with relation to the subject land until the 17 March 2020 OCM. Council resolved that the decision should be deferred until the extraordinary election for the vacant Banksia Ward seat is filled.
34. At the 17 March 2020 OCM Council resolved to defer a decision with relation to the subject land until the 21 April 2020 OCM.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Brian Oliver

The officer's recommendation be amended to insert the following additional paragraphs:

4. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 detailing a plan, inclusive of costs and timing, for the Town to develop and deliver the following Town-owned properties for use as public open space:
 - (a) 91 Planet St, Carlisle
 - (b) 76 Planet St, Carlisle
 - (c) 6 Paltridge Avenue, Carlisle
 - (d) 30 Satellite Place, Carlisle

5. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 outlining the Town's efforts to advocate to the WAPC:
 - (a) for the imposition of a condition on any subdivision requiring a Local Development Plan;
 - (b) for the retention of all mature trees on the subject lots as a condition of any future subdivision of the lots for development; and/or
 - (c) for consideration of the transfer of ownership of a sufficient portion of Lot 1003 to the Town to enable retention of the significant tree in the corner of that lot closest to the railway underpass, and for an indication of any associated costs thereof.

6. Directs the Chief Executive Officer to continue to include an annual maintenance allowance for Miller's Crossing in the Town's budget until such time as the WAPC sells or subdivides the lots for development.

CARRIED (8 - 1)

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

Against: Cr Luana Lisandro

Reason:

The proposed amendment is sought to ensure that:

1. A positive outcome is achieved towards increasing the public open space in Carlisle in line with the Public Open Space Strategy.
2. There is a commitment to developing those properties identified in the report in a timely manner.
3. The costs of the development of those properties can be prioritised by Elected Members during the budget process for 2020/2021.
4. All efforts are made to advocate for the preservation of the significant trees on each of the lots in line with the Urban Forest Strategy.

COUNCIL RESOLUTION (369/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

That Council:

1. Resolves to not purchase Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle from the Western Australian Planning Commission as identified in Option One in the attached Options Analysis.
2. Advises the Western Australian Planning Commission of the Town's intention to require a local development plan for the subject site to address access, landscaping and building envelopes.
3. Advises the Western Australian Planning Commission of the decision.
4. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 detailing a plan, inclusive of costs and timing, for the Town to develop and deliver the following Town-owned properties for use as public open space:
 - (a) 91 Planet St, Carlisle
 - (b) 76 Planet St, Carlisle
 - (c) 6 Paltridge Avenue, Carlisle
 - (d) 30 Satellite Place, Carlisle
5. Requests the Chief Executive Officer to report to the ordinary meeting of Council in July 2020 outlining the Town's efforts to advocate to the WAPC:
 - (a) for the imposition of a condition on any subdivision requiring a Local Development Plan;
 - (b) for the retention of all mature trees on the subject lots as a condition of any future subdivision of the lots for development; and/or
 - (c) for consideration of the transfer of ownership of a sufficient portion of Lot 1003 to the Town to enable retention of the significant tree in the corner of that lot closest to the railway underpass, and for an indication of any associated costs thereof.
6. Directs the Chief Executive Officer to continue to include an annual maintenance allowance for Miller's Crossing in the Town's budget until such time as the WAPC sells or subdivides the lots for development.

CARRIED (5 - 4)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Brian Oliver, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: Cr Vicki Potter, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks

12.5 Revision and Informal Adoption of Draft Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' in Response to the Ongoing Economic Impacts of the COVID-19 Pandemic

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft LPP 41 - Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings [12.5.1 - 7 pages] 2. Minutes of Ordinary Council Meeting held on 17 March 2020 consenting to advertising of Draft LPP 41 [12.5.2 - 6 pages] 3. Draft LPP 41 - Exemption from Development Approval for Changes of Use within the Albany Highway Precinct - presented to the 17 March 2020 OCM [12.5.3 - 5 pages] 4. Model Draft Local Planning Policy - Department of Planning, Lands and Heritage recommended template [12.5.4 - 4 pages] 5. Signed- Notice-of- Exemption [12.5.5 - 10 pages]

Recommendation

That Council:

1. Adopts Draft Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out From Existing Buildings' (Draft LPP 41), (as contained in Attachment 1), following its advertising on the Town's website for 7 days.
2. Agrees to the continued participation of the Town of Victoria Park in the Department of Planning, Land and Heritage's 'Action Plan for Planning Reform' pilot program to test a fast track / exemption from development approval policy for small, low impact businesses.
3. Waives the Written Zoning Query/Planning Advice fee, in relation to the adopted Schedule of Fees and Charges for 2019/20, where a landowner/applicant seeks an exemption from development approval under the Minister for Planning's Exemption Notice dated 8 April 2020 or Local Planning Policy 41, effective from 22 April 2020.

Purpose

The purpose of this report is for the Town's Elected Members to consider the adoption of revised draft LPP41 as part of its response to the impacts of the COVID-19 pandemic:

In brief

- At the Ordinary Council Meeting held on 17 March 2020, the Council consented to the advertising of a draft local planning policy exempting a range of commercial land uses from the requirement for development approval along Albany Highway for a 12-month trial period. This has resulted from the Town's participation in a pilot program as part of the Inner-City Council Planning Working Group. Advertising of the draft Policy has been put on hold.
- The economic impacts of the COVID-19 pandemic and the restrictions imposed on businesses by the State and Federal Governments to mitigate and contain the virus spread, have resulted in existing businesses having to progressively alter and transition their activities in order to continue operating, where permitted to do so.

The restricted operations (particularly for existing food and hospitality businesses) may mean they are not technically conducting activities consistent with the approved use of their premises.

- The COVID-19 pandemic has already and will continue to have significant economic impacts on the viability of existing businesses, resulting in the significant loss of local employment within the Town and the decline in activity of the Town's main streets and activity centres.
- Draft LPP 41 provides an opportunity to support existing businesses and the recovery of the Town's main streets and activity centres in the medium to long term, by reducing the administrative burden of the Town's local planning framework and maximising the flexibility and capacity of businesses to establish, move and expand within existing commercial buildings.
- Draft LPP 41, previously proposed for the Albany Highway Precinct only, has been expanded in its scope to apply to a range of compatible commercial land uses in the Town's Local Centre Zones (these include Etwell Street, Archer Street and Lathlain Place), to support business recovery and continuity in these localities.
- A further provision has been added allowing approved food and hospitality businesses (i.e. Small Bars, Hotels, Cafes/Restaurants) to conduct activities consistent with a Service Industry and/or Fast Food Outlet use without requiring development approval in all zones throughout the Town, to enable them to continue their operations in the certainty they are not breaching local government planning controls, subject to any overriding restrictions imposed by the State or Federal Governments.
- It is recommended that revised Draft LPP 41 be adopted as a priority measure as part of the Town's response to the continuing economic impacts of the COVID-19 pandemic.

Background

1. The Town of Victoria Park is part of the Inner-City Council Planning Working Group, which consists of representatives from planning services areas at the Town and the Cities of Perth, Subiaco, Vincent and South Perth.
2. The Department of Planning, Lands & Heritage have selected the local governments of the Inner-City Council Planning Working Group to be involved with a pilot program to make it easier for small businesses wishing to establish or expand into existing buildings in town centres and main street café/retail strips (activity corridors), such as Albany Highway.
3. A draft model Local Planning Policy has been developed in partnership to provide a framework for exempting 'change of use' development applications in certain areas in inner-city Perth, for a 12-month trial period.
4. The draft model policy was further modified to apply to specified changes of use within the Albany Highway Precinct only, with additional provisions to provide clarity in relation to car parking requirements, the provision of accessible car parking bays and the upgrade of existing premises that may be required in order to satisfy National Construction Code and *Disability Discrimination Act 1992* requirements that may be triggered through changes of use that result in a change of building classification. This was presented to the 17 March 2020 Ordinary Council Meeting where consent was granted to publicly advertise the draft policy.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review and development of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Policies.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development of LPPs that support the economic viability of the Town's main streets and activity centres, encourage local employment opportunities and incentive improved access and facilities for people with disabilities.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Have been consulted and have helped to inform the further changes to the draft policy recommended for adoption.

The above builds on the internal engagement already conducted with the Place Planning, Building and Community Development Business Units carried out in relation to the initial form of Draft LPP 41 considered by the Council at the 17 March 2020 Ordinary Council Meeting.

Legal compliance

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

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

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

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

However the Exemption Notice issued by the Minister for Planning on 11 April 2020 enables local governments to adopt a LPP such as LPP41 without the need to follow the advertising requirements outlined in deemed clause 4.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
----------------------	--------------------	-------------------	-----------------------	------------------------

<p>Compliance The policy is perceived to discriminate established businesses or result in excessive levels of competition resulting in the reduced viability of local businesses.</p>	<i>High</i>	<i>Low</i>	<i>Low to Moderate</i>	<p>The economic impacts of the COVID-19 pandemic and the need to support business development and economic recovery make these unlikely outcomes. Proceeding to public advertising will help inform Council of potential adverse impacts. As it is recommended that the policy be the subject of a 12 month trial following adoption, it will have the opportunity to be later reviewed and refined following the trial period. It is therefore recommended to proceed with the immediate informal adoption of the policy and progression of the formal policy adoption process.</p>
<p>The policy results in the establishment of a large number of new and/or expanded businesses with significantly increased demand for car parking and traffic generation and associated adverse impacts.</p>	<i>High</i>	<i>Low</i>	<i>Low to Moderate</i>	

Financial implications

<p>Current budget impact</p>	<p>Sufficient funds exist within the annual budget to address this recommendation.</p>
<p>Future budget impact</p>	<p>The proposed policy will reduce the development application fees that would otherwise be received by the Town for those changes of use not currently exempt from the requirement for development approval, if adopted. Based upon previous years, it is estimated that development application fees would reduce by around \$4000 to \$5000 within a 12 month period. However, the reduction in potential fees is now difficult to estimate given the economic impacts and later recovery phase of the COVID-19 pandemic. There will also be administrative costs in terms of staff time and resources used to administer the policy, providing confirmation of change of use exemptions in writing to business proprietors (requiring a level of assessment) and the input of exemption requests into the Town's electronic system as they are received and confirmed to ensure the Town has a method of tracking and analysing the outcomes of the policy trial and reporting this back to the Council and Inner-City Council Planning Working Group.</p>

Analysis

- Following Council's previous consent of 17 March 2020 to advertise Draft LPP41 for public comments, several changes are proposed to Draft LPP 41 in response to the progressively unfolding economic (and social) impacts of the COVID-19 pandemic on the Town's activity centres and local business community. These include:

- a) Expanding the exemptions for changes of use within the Albany Highway Precinct to a similar range of uses in all of the Town's Local Centre zones, with the exclusion of the exemptions for Amusement Parlours and Small Bars. The Local Centre zones include the Etwell Street, Archer Street and Lathlain Place local activity centres. Other zones have not been listed in Table 1 given the unintended impacts that could occur to streetscapes or amenity (particularly residential) if a whole suite of commercial land uses were suddenly exempt in these other zones. (Refer to modified Table 1 under Clause 1(a)) ;
 - b) Clarifying that the change of use exemptions do not apply to the conversion of residential development to a commercial land use. This will effectively limit commercial uses to ground floors and possibly first floors for offices etc., and avoid the unintended potential adverse impacts that could arise from the conversion of upper floor multiple dwellings to commercial land uses. (Refer to modified Clause 1(b)ii.) ;
 - c) A new clause to exempt approved food and beverage related businesses throughout the Town (e.g. Cafes/Restaurants, Lunch Bars, Small Bars, Hotels and Taverns) on any zoned land to conduct activities consistent with a Service Industry and/or Fast Food Outlet use for a temporary period of 6 months. This will enable these businesses to operate primarily as takeaway food and beverage businesses, as well as food catering and home delivery businesses, subject to any overriding and/or further restrictions imposed by the State and Federal Governments. (Refer to new Clause 3) ;
 - d) Amending the definition of 'Existing Building' to include the words "legally authorised and constructed" to rule out the potential use or conversion of unauthorised buildings or structures (Refer Definitions) ;
 - e) Minor amendments to the Introduction, Scope and Objectives to suit its expanded scope and applicability across the Town; and
 - f) Retitling the draft policy to suit its expanded scope and altered provisions.
6. The above changes will provide certainty to existing hospitality businesses that have effectively been restricted in their operations to takeaway food and beverage businesses only, under the State and Federal Government restrictions currently in force at the time of preparing this report.
7. The changes will also support business continuity and recovery efforts during the economic recovery phase in the medium to longer term once State and Federal Government COVID-19 restrictions have been gradually eased and eventually lifted, by reducing the administrative burden of the Town's local planning framework and maximising the flexibility and capacity of businesses to establish, move and expand into existing commercial buildings, in the following ways:
- a) Exempting a range of compatible commercial uses from development approval, resulting in a reduction in fees and time required (approximately 1 to 2 months depending on whether public advertising would be required) in order to establish or expand a business;
 - b) Relaxing car parking requirements for these uses (provided existing authorised car parking remains unaltered except to the extent permitted by the policy) thereby allowing existing buildings to be used and adapted for a range of potential uses without being hindered by varying car parking requirements specific to each change of use that occurs over time; and
 - c) Incentivising compliance with current standards for accessibility for people with disabilities (in particular the provision of accessible car bays) without requiring further development approval due to a one car bay reduction on site due to the conversion of two standard car bays to a single accessible car bay.
8. In view of the above, it is recommended that the Council adopt revised Draft LPP 41 for a 12 month trial period.

Relevant documents

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

Further consideration

9. On 11 April 2020, the Minister for Planning issued a Notice of Exemption to provide specific guidance to both proponents and local government on a range of temporary exemptions for certain approvals and requirements within the local planning framework. These exemptions will remain in effect until 90 days after the end of the State of Emergency. A copy of the Notice is contained at Attachment 5.
10. Given the short period time available between the issuing of the Notice and the finalisation of this report, staff are still reviewing the Notice and its full implications for the Town.
11. However the following matters are observed:
 - (a) the Notice provides for proponents to seek an exemption from development approval for a change of use to uses including Shop, Restaurant/Cafe, Consulting Rooms and Office. This is generally consistent with Clause 1 of the Town's draft LPP41.
 - (b) the Notice encourages local governments to add other uses as exempt uses through an LPP. This is what the Town has done through draft LPP41.
 - (c) the Notice permits local government to adopt an LPP which exempts certain uses from development approval, without the normal advertising requirements and processes, subject to the LPP being advertised on the local government's website for a minimum of 3 days. In view of this, the report and recommendation has been amended to reflect this aspect of the Notice, and to allow for the LPP to be adopted more rapidly.
 - (d) there may be a need for further modifications to be made to the LPP once the Notice has been reviewed in further detail.
12. An amendment has been made to the draft LPP to clarify the relationship between the Policy and the Minister's Exemption Notice. See red text on page 2 of the draft LPP.]
13. To relieve any financial pressures on businesses seeking exemptions from development approval for a change of use, it is proposed to waive the normal fee that would apply in such an instance. Part three of the recommendation has been added to achieve this.

COUNCIL RESOLUTION (370/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

That Council:

1. Adopts Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings' (Draft LPP41), as contained in Attachment 1, with the policy being advertised/notified to the public (as advised by the Department of Planning, Lands and Heritage) on the Town's website for 7 days.
2. Agrees to the continued participation of the Town of Victoria Park in the Department of Planning, Land and Heritage's 'Action Plan for Planning Reform' pilot program to test a fast track / exemption from development approval policy for small, low impact businesses.
3. Waives the Written Zoning Query/Planning Advice fee, in relation to the adopted Schedule of Fees and Charges for 2019/20, where a landowner/applicant seeks an exemption from development approval under the Minister for Planning's Exemption Notice dated 8 April 2020 or Local Planning Policy 41, effective from 22 April 2020.

CARRIED (9 - 0)

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

Against: nil

13 Chief Operations Officer reports

13.1 Surrender of HISP Pty Leases and Proposed disposal of the Town's Leisure Facilities Cafe Spaces

Location	East Victoria Park
Reporting officer	Peter Scasserra
Responsible officer	Jon Morellini
Voting requirement	Absolute majority
Attachments	Nil

Recommendation

That Council:

1. Accepts the surrender of the following leases between the Town of Victoria Park and Hospitality Industry Service Providers Pty Ltd effective as of 31 March 2020
 - a. Aqualife Café
 - b. Leisurelife Café
2. Authorises the Chief Executive Officer to waive rent from 1 March to 31 March for the Leisurelife Café lease and rent from 1 March to 31 March for the Aqualife Café lease.
3. Authorises the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal, to effect the surrender of lease for the Aqualife café and Leisurelife café, subject to the following conditions:
 - a. all lease payments are paid in full up until 31 March 2020;
 - b. all utility reimbursements are paid in full up until 31 March 2020;
 - c. the premises are left in good condition and all necessary maintenance, not caused by general wear and tear, is rectified.
4. Authorises the Chief Executive Officer to advertise by public notice within the next 12- 24 months of the intention to dispose of the Leisurelife Café and Aqualife Café by lease for a social enterprise to operate from the premises under Policy 114 Community Funding Policy, subsection Operating subsidy.
5. Authorises the Chief Executive Officer to consider all submissions and select the preferred proponent/s for the Leisurelife Café and Aqualife Café.
6. Authorises the Chief Executive Officer to prepare lease documents for the Leisurelife Café and Aqualife Café under Policy 310 Leasing Policy, subsection Community facilities.
7. Delegates the Chief Executive Officer and Mayor the authority to execute all leasing documents under the Town's Common Seal.

Purpose

To advise Council that Hospitality Industry Services Providers Pty Ltd (HISP Pty Ltd) have requested to surrender the lease of Leisurelife Café and Aqualife Café as of 31 March 2020 due to unmet commercial performance requirements to remain feasible; to waive one months rent for the month of March for both the Leisurelife Café lease and Aqualife Café lease; and to present Council with an alternative option for the future use and lease of the Leisurelife Café.

In brief

- Council approval is required for the surrender of lease because it will effect the premature termination of a contract endorsed by Council and an amendment to the budget. Additionally, the execution of this document must be under Common Seal and all contract matters requiring the Towns Common Seal currently require Council approval.
- Historically the Town operated the cafes at Aqualife and Leisurelife with an annual loss of approximately \$50,000, resulting in the Council endorsed decision to test the market for interest in the lease opportunities within the facilities, resulting in the appointment of HISP Pty Ltd.
- HISP Pty Ltd currently lease the Café's located at Leisurelife and Aqualife, East Victoria Park, from the Town.
- HISP Pty Ltd is a commercial business and are paying market rental that has been discounted by 50% for the first year of the term, of \$6,250.00 per annum (exclusive of GST) per Café location.
- Despite making continuous efforts to increase revenue through sales, HISP Pty Ltd have not been able to meet projected sales targets from both Café locations and are currently operating at a loss, rendering their business operations at these locations unviable.
- HISP Pty Ltd have requested to surrender the leases at Leisurelife Café and Aqualife Café in order to release their obligations, being effective from 31 March 2020.
- The lease terms for both Leisurelife Café and Acqualife Café are from 1 July 2019 until 30 June 2020.
- Due to the evolution of the COVID-19 Pandemic, the number of people visiting both Leisurelife and Aqualife significantly declined in March.
- Directions issued by the Western Australian Government in response to COVID-19 also forced both recreational facilities to close in March.
- HISP Pty Ltd have requested for rent relief by waiving their March rent invoices.
- Under the circumstances, the Town supports the surrender of both leases and the waiver of rent for the month of March for both leases.

Background

1. HISP Pty Ltd operate several cafés across the Perth Metroplitan area and currently lease the Leisurelife Café and Aqualife Café, from the Town.
2. The leases commenced 1 July 2019 and are due to expire 30 June 2020, with options of four further one year terms.
3. In 2017 a licensed valuer determined the market rental value of each café as \$12,500.00 per annum (plus GST). However, due to the Leisurelife Café operating at minimal capacity in house and the Aqualife Café having been out of operation for more than two years prior to the commencement of the current tenancy, the Town resolved to offer a lease at a rate for the first year of the lease lower than the

market rental value as determined by a licensed valuer. Additionally, there was a lack of submissions from other reputable operators.

4. It was further recognized HISP Pty Ltd would need to build up patronage due to the cafes being out of service for a number of years. The first year of each current lease was discounted by 50%.
5. The current lease rental is \$6,250.00 per annum (exclusive of GST) per Café location and was scheduled to increase to \$12,500.00 per annum (exclusive of GST) per Café location from 1 July 2020 provided HISP Pty Ltd executed their further term options.
6. HISP Pty Ltd have requested that their leases for the Leisurelife Café and Aqualife Café be surrendered effective from 31 March 2020 due to the inability to continue operating at a profit, and will pay rent up until the surrender date.
7. As part of the request to surrender these leases, HISP Pty Ltd have acknowledged the requirement to continue to meet their obligations under each lease until after the surrender date, including but not limited to maintenance, repair and cleaning and rent and other payments.
8. The Town met with HISP Pty Ltd to discuss whether the Town could offer any assistance to ensure the continued operation of the Leisurelife and Aqualife Café's.
9. HISP Pty Ltd advised they needed the number of visitors attending the Town's Leisure Facilities to increase in order to increase sales, and the Café's to be relocated to the entrance of each facility in order to increase exposure.
10. The café lease area within the Aqualife building is 60m². Access is provided to indoor and outdoor seating areas which are not within the lease area. There is no direct access to the lease area from the exterior of the building. Included in the lease area are a cool room, dry storage room, hot water system, fixed benches, commercial exhaust wall fans, tables and chairs.
11. The café lease area within the Leisurelife building is 24m². Access is provided to indoor and outdoor seating areas which are not within the lease area. There is no direct access to the café lease area from the exterior of the building. The café is a fully equipped café facility with all kitchen facilities including benches and sink. There is a servery onto the public seating area adjacent to the basketball arena.
12. Due to the current zoning of 'Parks and Recreation' the commercial kitchen contained within the Leisurelife property can only be utilised for the preparation of food that is consumed within the Leisurelife complex.
13. In response to the COVID-19 Pandemic the Western Australian Government recently issued directions under the Emergency Management Act 2005 and Public Health Act 2016, requesting the closure of various establishments to the public, these include local government venues and facilities.
14. In order to comply with the requirements prescribed within the Emergency Management Act 2005 and Public Health Act 2016, the Town has proceeded to close its facilities including the Leisurelife and Aqualife recreational facilities subsequent to this request being raised by HISP ty Ltd.
15. As COVID-19 is a unique event and the circumstances associated with this event as continually changing it is uncertain when the recreational facilities will reopen and when these spaces will be leased.

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	HISP Pty Ltd intend to vacate the Leisurelife Café space and Aqualife Café space prior to the end of each lease term, therefore the Town is recommending to surrender each lease. The Town is investigating alternative options for either or both properties to be occupied, with preference given to tenants that provide a benefit to the community.

Social	
Strategic outcome	Intended public value outcome or impact
S3- An Empowered Community with a sense of pride, safety and belonging.	Empower people facing barriers to inclusion and upwards social mobility through meaningful employment opportunities which provide hands-on experience and training within the hospitality industry.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Café facilities will be available within a clean, safe, accessible environment.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The café areas are in compliance with EN05 and any new tenant will be required to maintain the cafes at a high standard to the benefit of community members who visit the facilities.

Engagement

Internal engagement	
Stakeholder	Comments
Project Manager Social Impact	Project Manager Social Impact, identified the opportunity to align to the Town's Social Outcomes of fostering an empowered community where everyone has the opportunity to thrive, by opening up the opportunity for a social/ environmental impact business (social enterprise) to operate from the Leisurelife Café under the Town's Operating Subsidy Program.

Property Development Manager	Discussed future options for this property and expectation of a financial return being able to be received. The existing situation is one which shows a lack of commerciality, advised to work with the Lessee to try and resolve any issues however these were not easy to overcome.
Leisure Facilities Program Manager	A Lessee for the cafes is needed to meet customer expectations
Community Development	The Community Development team support the notion of a social enterprise operating form Leisurelife Centre café.

Other engagement	
Stakeholder	Comments
Impact Seed <i>*Impact Seed is Western Australia's peak market builder for impact investment and social enterprise development.</i>	<p>Impact Seed believes that in an increasingly challenging and uncertain future, all businesses will need to consider and track their social impact in a way that moves beyond simply a social license to operate. The rise of social impact business models (and the demand for them) demonstrates that citizens and consumers are no longer willing to accept the status quo. Further, the evidence tells us that consumer choice is now driven by conscience, with 92% of those under the age of 40 believing a business's purpose extends beyond profit (Deloitte, 2012).</p> <p>The Town's operating subsidy program and the opportunity for a purpose driven Social Enterprise to operate from Leisurelife café would provide market leadership in this area. Further, the Town's investment can be marketed as an impact-first impact investment, whereby the Town foregoes revenue for the cafe space in return for the social outcomes that may exist in a social enterprise employing people experiencing vulnerability and disadvantage. The potential exists to attract additional impact investment from aligned parties, further positioning the Town as a market leader in impact investment and supporting social enterprise.</p>

Legal compliance

Section 3.58 of the Local Government Act 1995

Surrender of the leases would not be subject to any procedural requirement under s3.58 of the Act.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Property Surrender of the current leases could	Moderate	Likely	High	Put suitable security measures in place to protect the properties from anti-social behaviour.

lead to the properties being vacant until a suitable alternative use is determined.				Investigate potential occupation of the properties.
Financial Surrender of the current leases would result in a revenue loss for the Town.	Moderate	Almost Certain	High	With the inability to commercially lease out the café spaces, the Town will aim to achieve a social return from the spaces by providing a service for the community.
Financial Allowing a period of up to 24 months to re-advertised the disposal of property does not guarantee whether anyone will be interested in occupying the property as the impact of COVID-19 is uncertain.	Minor	Likely	Moderate	Determine an alternative use or management approach for these spaces such as a booking fee arrangement for adhoc bookings by community groups and sporting clubs.
Reputational Failure to secure a suitable Lessee to meet customer expectations.	Moderate	Possible	Moderate	Secure a suitable Lessee to ensure service provision for customers.

Financial implications

Current budget impact	<ul style="list-style-type: none"> The Town currently receives rent of \$6,250 per annum (exclusive of GST) per café location from HISP Pty Ltd. Should Council accept the recommendation, the revenue for this financial year will be adjusted as required.
Future budget impact	<ul style="list-style-type: none"> Given the current zoning of both Acqualife and Leisurelife with limited permissible land uses and the current rental demand and supply situation in the market, it is unlikely that an alternative tenant would be found to lease the premises at the current rent, therefore no revenue is forecast at this stage for future financial years

- Should a Social Enterprise enter a lease or license agreement with the Town under the Operating Subsidy, peppercorn lease/ license program, the Town will be forgoing revenue in return for social outcomes.
- There may be a financial impact related to making the café spaces compliant and suitable to meet various requirements including accessibility compliance requirements.

Analysis

16. A social enterprise is a hybrid business model which “joins the social purpose traditionally associated with the not-for-profit sector, with the economic rationality and market based approach traditionally associated with for-profit firms (Wilson & Post, 2013, p 715) to drive social and/or environmental change.
17. Examples of Perth based Social Enterprises which have a social mission to support people who are marginalized or experiencing financial hardship to achieve upwards social mobility through employment and skill development are;
 - [The Underground Collaborative](#)- Ground + Co
 - [MICHA Projects](#) with Hope Street Café and Hope on Boundary Café
 - [Workpower](#) with 1905 Catering and Blue Bean Cafe
18. In addition to raising revenue through product sales, social enterprises have the capacity to leverage a range of funding sources including philanthropic funding, grant funding, donations etc, which can help ensure financial viability and sustainability.
19. The trend towards ‘conscious consumer spending’ may positively enhance the opportunity for a social enterprise to thrive at Leisurelife Café.
20. Due to the nature of operation, leases associated with Café businesses fall within the legislative requirements of the Commercial Tenancy (Retail Shops) Agreements Act 1995. This Act provides tenants of retail shops an entitlement to a minimum five year lease term should they so desire it, this matter is presented to Council for consideration of whether to enter into any potential new lease arrangements in the knowledge that a minimum five year term is entirely at the tenants option.
21. A Licence in accordance with the standard tenure arrangements under Policy 310 Leasing, may be considered as an alternative agreement to manage the use of these Café locations.
22. HISP Pty Ltd have indicated they no longer require the use of the Leisurelife Café and Aqualife Café beyond 31 March 2020 and acknowledge there are no break clauses in the current leases. HISP Pty Ltd have offered to pay rent up until 29 February 2020, even though the existing leases expire on 30 June 2020.
23. The Town is currently investigating options for alternative uses for the Aqualife Café in addition to a lease or a Social Enterprise, these include for the delivery of community programs.

Relevant documents

Policy 310 – Leasing

Policy 114- Community Funding, subsection Operating subsidy

Reference:

Wilson, F & Post, J 2013, 'Business models for people, planet (&profits): exploring the phenomena of social business, a market-based approach to social value creation', Small Business Economics, vol.40, no.3. pp,715-737.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Wilfred Hendriks

That point five be amended to read:

5. Authorises the Council to consider all submissions and select the preferred proponent/s for the Leisurelife Café and Aqualife Café.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

COUNCIL RESOLUTION (371/2020):

Moved: Cr Vicki Potter

Seconded: Cr Luana Lisandro

That Council:

1. Accepts the surrender of the following leases between the Town of Victoria Park and Hospitality Industry Service Providers Pty Ltd effective as of 31 March 2020
 - a. Aqualife Café
 - b. Leisurelife Café
2. Authorises the Chief Executive Officer to waive rent from 1 March to 31 March for the Leisurelife Café lease and rent from 1 March to 31 March for the Aqualife Café lease.
3. Authorises the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal, to effect the surrender of lease for the Aqualife café and Leisurelife café, subject to the following conditions:
 - a. all lease payments are paid in full up until 31 March 2020;
 - b. all utility reimbursements are paid in full up until 31 March 2020;
 - c. the premises are left in good condition and all necessary maintenance, not caused by general wear and tear, is rectified.
4. Authorises the Chief Executive Officer to advertise by public notice within the next 12- 24 months of the intention to dispose of the Leisurelife Café and Aqualife Café by lease for a social enterprise to operate from the premises under Policy 114 Community Funding Policy, subsection Operating subsidy.
5. Authorises the Council to consider all submissions and select the preferred proponent/s for the Leisurelife Café and Aqualife Café.
6. Authorises the Chief Executive Officer to prepare lease documents for the Leisurelife Café and Aqualife Café under Policy 310 Leasing Policy, subsection Community facilities.
7. Delegates the Chief Executive Officer and Mayor the authority to execute all leasing documents under the Town's Common Seal.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

13.2 Naming of ROW 80

Location	East Victoria Park
Reporting officer	Peter Scasserra
Responsible officer	Ben Killigrew
Voting requirement	Absolute majority
Attachments	1. ROW 80 [13.2.1 - 1 page]

Recommendation

That Council:

1. Endorses the name selected for Right of Way (ROW) 80 to become "Benton Lane".
2. Approves the Chief Executive Officer to undertake the process to name the Right of Way in Recommendation 1.

Purpose

To endorse the names selected by the Town for the purposes of naming ROW 80.

In brief

4. Following a Council resolution and a request from community members, the Town has been investigating the requirements to name Rights of Way (ROW) throughout the Town upon request.
5. The Town is required to undertake the Landgate process to name ROW to ensure the Standards of the Geographic Naming Policy are applied.
6. Local Governments are responsible for the numbering process for ROW and may also propose names for ROWs, however the suggestions need to be submitted to the Geographic Names Committee at Landgate who approve the official name.

Background

1. Requests to assign names to the Town's Rights of Way (ROW) are received frequently from residents having difficulty directing visitors, delivery drivers and trades people to property facing a Right of Way. These requests have become more frequent due to the increase in urban development. Consequently, the orientation of properties with primary access and frontages on a ROW has resulted in many requiring names for addressing purposes.
2. In addition to several community requests at the December 2019 Ordinary Council Meeting, Council endorsed the following resolution:
"That Council:
 - a. Notes that Benton Lane as a suitable name for a different right of way"
3. There is currently one ROW with requests to be named (ROW 80) bound by Mint Street, Carnarvon Street, Lake View Street and Shepperton Road, that is seeking to be addressed within this report.

Strategic alignment

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

Engagement

Internal engagement	
Property Team	Input into report and the process to undertake naming of ROWs, Parks and Reserves.
Elected Members	Item 12.4 OCM December 2019. "That Council: Notes that Benton Lane as a suitable name for a different right of way."

Legal compliance

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

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town may result if the ROW is not named and further inconveniences residents.	Minor	Possible	Moderate	Consistent approach to apply for naming of Rights of Way as requests are made to ensure inconveniences are minimised.
Compliance Non-compliance of names applied to ROWs, Parks and Reserves if proper process is not applied	Major	Unlikely	Moderate	This approach will ensure the correct process is undertaken and names are lodged and registered with the appropriate authorities.

Financial implications

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

Analysis

4. Assigning names to Rights of Way (ROW) ensures street addresses are compliant with the Geographical Standards for Rural and Urban Addressing (AS/NZS 4819:2011). The Standards take into consideration access points, street orientation and consistency to improve the efficiency of, for example, emergency service vehicles attempting to locate a dwelling with a frontage to a ROW.
5. Prior to submitting any names to Landgate. Commemorative naming needs to comply with the Australian/New Zealand Standard – Rural and Urban Addressing AS/NZS 4819:2011 as well as pass Landgate’s Geographical Names Committee preliminary validation assessment in accordance with their Policies and Standards for Geographical Naming in Western Australia.
6. The Geographical Naming Policy requires the following provisions to be satisfied:
 - a. Posthumously;
 - b. Permission of the immediate family must be obtained;
 - c. Based on demonstrated record or achievement;
 - d. Having a direct and long term association with the location and made a significant contribution to the area;
 - e. The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located;
 - f. Such application is in the public interest;
 - g. There is evidence of broad community support for the proposal.
7. Public advertising of the proposed name to the community prior to the submission to the Geographical Names Committee is not required by Landgate however the Town will notify the adjoining landowners by letter of the name including its origin and meaning.
8. The Town has selected the name of a prominent woman from the Town of Victoria Park for the proposed naming of ROW 80. The naming is proposed as below:
 - ROW 80 to be named Benton Lane
9. Ellis May Benton was born and lived in Victoria Park. She was enlisted in World War II in May 1942, aged 19 years, and served in the Air Force as a Corporal until she was discharged in April 1946.
10. The name ‘Benton’ was selected based on past reports recommending the naming of Rights of Way, suggesting names for Rights of Way were sought from the previous Culture and Local History Working Group and the Local History Coordinator. As the group no longer exists, suggested names were sought from the Local History Officer. The recommended name is on a list of Prominent

Women from Victoria Park who were either enlisted and served in World War II or were a registered nurse or midwife.

11. The name 'Benton' aligns with the precedent set by the Town which has historically names a number of roads after nurses or midwives who worked in the local area, as well as servicemen from Victoria Park who served in World Wars I and II.
12. The name proposed in this report passed Landgate's preliminary validation assessment and can proceed to the Geographical Naming Committee for approval.
13. A map has been included as an Attachment displaying the location of ROW 80.
14. Once the preferred name has been endorsed by Council, the assignment of the name by Landgate, once submitted by the Town, will occur within 10 business days.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (372/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That Council:

1. Endorses the name selected for Right of Way (ROW) 80 to become "Benton Lane".
2. Approves the Chief Executive Officer to undertake the process to name the Right of Way in Recommendation 1.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

13.3 Town of Victoria Park Waste Reform Submission

Location	Town-wide
Reporting officer	Brendan Nock
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Draft Waste Plan - Town of Victoria Park [13.3.1 - 27 pages] 2. Waste plan queries to DWER - details required [13.3.2 - 5 pages]

Recommendation
That Council endorses the Town’s submission to the State Government on Waste Reform.

Purpose

To provide Council with an overview of the Town’s Waste Reform Submission and seek its endorsement.

In brief

- On 20 February 2020 the State Government released for community comment two waste reform consultation papers to guide Western Australia's waste management future - 'Closing the loop: waste reforms for a circular economy' and 'Review of the waste levy'.
- The Town has reviewed the 'Waste Reforms for a Circular Economy – consultation paper' and the 'Review of the Waste Levy' and will make a submission to the Department of Water and Environmental Regulation (DWER), major commentary of which is within this report.

Background

1. On 20 February 2020 the State Government released for community comment two waste reform consultation papers to guide Western Australia's waste management future - 'Closing the loop: waste reforms for a circular economy' and 'Review of the waste levy'.
2. These potential reforms guide the future of waste management in the State.
3. The proposed reforms support implementation of the State Governments' 'Waste Avoidance and Resource Recovery Strategy 2030', which aims to have at least 75 per cent of waste generated in the State being reused or recycled by 2030.
4. 'Closing the loop: waste reforms for a circular economy' outlines legislative proposals to improve waste management in WA including:
 - reforming landfill and solid waste storage facility licensing under the Environmental Protection Act 1986.
 - reviewing the application of the waste levy at waste facilities, including new measures to reduce long-term solid waste stockpiling.
 - targeting illegal waste disposal through new compliance and enforcement mechanisms and
 - strengthening of waste reporting and tracking in WA to ensure the proper disposal of waste.

5. The 'Review of the waste levy' canvasses broader strategic issues related to the waste levy's design, including the geographical area of the levy, and a schedule of future levy rates.
6. Consultation link: <http://www.dwer.wa.gov.au/consultation/waste-reform-consultation>

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	Submission that will be help inform the development of future waste reforms within the State, for the benefit of our community.

Engagement

Internal engagement	
Stakeholder	Comments
Operations	Reviewed the respective papers. Contributed commentary, integrated into this report.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative perception if the Town does not make a submission.	Moderate	Unlikely	Moderate	The Town provides a submission to the Committee.

Financial implications

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

Analysis

1. The Town has reviewed the Waste Reforms for a Circular Economy – consultation paper and the Review of the Waste Levy. Officers' commentary on these respective papers form the basis of the Town's submission to the State Government as provided below.
2. The Town is generally supportive of the waste reforms proposed in Waste Reforms for a Circular Economy – consultation paper and the Review of the Waste Levy. Given that Local Government is the closest point of contact with the community, and within the already limited resources with which most Local Governments operate, it is crucial that any legislative changes that require actioning by Local Government is supported with appropriate resourcing and training by the State Government.
3. Detailed below is commentary from the Town on the proposals explored in the respective papers:
 - The Waste Reforms for a Circular Economy – consultation paper proposes to amend the Environmental Protection Act (EP Act) to incorporate waste avoidance resource recovery objectives. Amongst the amendment options is strengthening the relationship between the EP Act, WARR Act and Waste Strategy 2030:

- i. *Ensure waste objectives are **discretionary** considerations in assessments and the setting of implementation conditions under Part IV of the EP Act.*

The Town is uncertain about the *discretionary* consideration of waste objectives. The Town believes that this should be a mandatory consideration, given the weighting given to the WARR Act and Waste Strategy 2030.

- *For Category 89 Landfills – Local Government, it states that rural landfills will require a licence under the proposed "waste disposal to land" categories and will no longer be registerable under regulation 5B of the EP Regulations. However, in other Australian jurisdictions, there are licensing exclusions for older, local government landfills servicing a small rural population, or where local government landfills are outside the levy area (e.g. Victoria, NSW). Certain Category 89 landfills would not require a licence if such exclusions were in the EP Act. Supporting guidelines or regulations could be formulated to ensure these landfills are correctly sited and constructed, to minimise potential environmental or health risks...*

The Town is unsure as to the rationale why certain landfills will not require a licence. A landfill, no matter the size or location, poses a risk to environment and human health. The Town believes that all landfills should require a licence, for consistency of process and operational requirements.

- The Waste Reforms for a Circular Economy – consultation paper refers to minimising waste stockpiles at storage premises, through imposition of a waste levy. The Town agrees with this proposal. For those products that can be re-used or re-purposed, there needs to be awareness of market demand for said products and hence the speed with which those products can be shifted from stockpile.
- For the Waste Levy, there are different legislative regimes operating to collect and administer the funds collected from levies on waste. However, the Town notes there is a wide disparity between Australian States.
- Only a small proportion of the waste levy is dedicated to funding initiatives or programs designed to promote waste reduction, best practices etc.
- The Western Australian scheme currently provides 25% of the total waste levy income generated to be put into the waste levy fund – of that some 10% is used for expenditure on DWER direct and indirect expenditure, leaving some 15% of the waste levy being available for funding initiatives for programs on waste management.
- By comparison, Victoria has a similar scheme that allows for 60% of the total levy made available for funding initiatives on waste management.

- Fortunately, the Western Australian legislation is flexible in that the 25% allowance can be increased (the 25% allocations always made are a minimum under the relevant legislation). The Town believes that the minimum allocation for funding waste initiatives or programs should be increased.
 - One such area of needs is the significant financial assistance required to facilitate the transformation of the Regional Resource Facility of Mindarie Regional Council to align with the State Government's requirement to process FOGO in future instead of solid municipal waste. This would also result in improved employment opportunities in the FOGO industry during the economic dark times ahead.
7. In conjunction with the review of these two papers, Officers have been working with DWER and have finalised the Town's draft Waste Plan. The Town forwarded the attached copy of the draft Waste Plan to DWER in March 2020 for their comments. This, together with further feedback from Elected Members, will culminate in a final Waste Plan completed later this year for adoption by Council before submitting to DWER.

Relevant documents

[*Closing the loop: Waste reforms for a circular economy – consultation paper*](#)

[*Review of the waste levy – consultation paper*](#)

Strategic Waste Management Plan of the Town

<https://www.victoriapark.wa.gov.au/About-Council/Council-documents/Strategic-Waste-Management-Plan?BestBetMatch=waste%20management%20plan|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

COUNCIL RESOLUTION (373/2020):

Moved: Mayor Karen Vernon

Seconded: Cr Jesvin Karimi

That Council endorses the Town's submission to the State Government on Waste Reform.

CARRIED (9 - 0)

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

Against: nil

14 Chief Financial Officer reports

14.1 Schedule of Accounts for February 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Updated Payment Summary Listing - February 2020 [14.1.1 - 9 pages]

Recommendation

That Council:

1. Confirms the accounts for 29 February 2020, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgment of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 29 February 2020.

In brief

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

Background

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

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608739 – 608751	47,825
Creditors – EFT Payments		5,898,249
Payroll		1,043,051
Bank Fees		2,319
Corporate MasterCard		5,001
		6,996,445

Strategic alignment

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

Legal compliance

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

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

Risk management consideration

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

Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.
---	--------------	------	----------	--

Financial implications

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

Analysis

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](#)

Further considerations

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

- 1548.1617-01 6-Feb-20 Victoria Park Carlisle Bowling Club Hire Charges 12,815.00
- 1559.1617-01 20-Feb-20 Victoria Park Carlisle Bowling Club Hire Charges 3,700.00
- 1564.1617-01 27-Feb-20 Victoria Park Carlisle Bowling Club Hire Charges 8,400.00

All three of the above payments are in relation to a payment from the Town contributing to the upgrade of the grandstand seating and shade at the Bowling Club. This was endorsed by council at the OCM on 17th December. Resolution Number 279/2019. The standard description provided within the report as "Hire Charges" was incorrect and has been amended to reflect the correct nature of the payment.

COUNCIL RESOLUTION (374/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That Council:

1. Confirms the accounts for 29 February 2020, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgment of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

14.2 Financial statements for the month ending 29 February 2020

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Financial Statements for the month ending February 2020.docx [14.2.1 - 36 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 29 February 2020, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 29 February 2020.

In brief

- The financial activity statement report is presented for the month ending 29 February 2020.
- The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
 - (a) Revenue
Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.
 - (b) Expense
Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.
3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts

are:

1. **Period variation**
Relates specifically to the value of the variance between the budget and actual figures for the period of the report.
2. **Primary reason(s)**
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. **End-of-year budget impact**
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Financial impact Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.

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

Financial implications

Current budget impact	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

- The Financial Activity Statement Report – 29 February 2020 complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Activity Statement Report – 29 February 2020 be accepted.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (375/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That Council accepts the Financial Activity Statement Report – 29 February 2020, as attached.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

14.3 TVP/20/04 - Provision of Insurance Services

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Michael Cole
Voting requirement	Absolute majority
Attachments	Nil

Recommendation

That Council:

1. Approves the Chief Executive Officer to enter into a contract and become a member of the mutual insurance scheme (WALGA) for a period of 3 years (plus possible extension of 2 x 1 year) with Local Government Insurance Services Western Australia (LGISWA) (ABN: 59 780 338 975) for the provision of insurance and risk management services associated with Tender TVP/20/04.
2. Accepts the contract price for the expenditure for insurance and risk management services of \$774,729, subject to the points outlined within the report in relation to property, motor vehicle and plant and event contingency premiums, for 2020/2021 renewal period.

Purpose

To seek council approval to appoint the preferred candidate to provide insurance and risk management services to the Town.

In brief

TVP/20/04 Provision of Insurance Services was advertised in the West Australian Newspaper and via Tenderlink on Wednesday 4th March 2020

The tender submission deadline closed at 2pm on Thursday 19th March 2020

The Town engaged Risk Advisory Services (RAS) to facilitate the tender, including evaluation and contract negotiations to ensure a non-bias opinion, as well as utilising the specific knowledge required for insurance policies and premiums

The Town received two submissions.

An evaluation of the tender submissions against prescribed criteria and the Town's risk profile was conducted by RAS and they provided a report outlining their findings and recommendation.

Based on their independent tender evaluation RAS has recommended the Town engage Local Government Insurance Services (LGIS).

The contract is for the appointment of LGIS to act for the Town of Victoria Park for a period of three years (plus possible extension of 2 x 1 year), to arrange insurance and risk management services with a variety of insurance companies, including LGIS own insurance schemes, each year and provide satisfactory service levels between annual renewals.

Annual renewals will be provided and negotiated each year and calculated based on the required protection and updated information to inform the price (e.g. payroll estimates for workers compensation, asset values for property and fleet)

All costings within this report are ex GST

The renewal price for Year 1 is expected to total \$774,729.00 and will contain cover and premiums as outlined below. RAS and the Town's administration will be required to finalise the contract and premium negotiations for the first year. The prices are not expected to change materially.

- \$240,711.00 for Workers Compensation
- \$212,756.00 for Professional and Products Liability
- \$7,730.00 for Crime (Fraud Protection)
- \$40,634.00 for Management Liability
- \$6,600.00 for Cyber Liability
- \$750.00 for Corporate Travel
- \$100.00 for Journey Injury (Top up)
- \$425.00 for Personal Accident – Volunteers & Councilors
- \$200.00 for Marine Transit (Transport of Goods)
- The Year 1 renewal price for property premium will be finalised based on the Town's comprehensive revaluation of its assets, which is currently being undertaken. The quoted price of \$212,638 is based on property data provided at the time of tender. This price is not expected to change significantly and has been included in the year 1 total to give Council an indicative figure.
- The Year 1 renewal price for motor vehicle and plant premium will be finalised based on the Town's comprehensive revaluation of its assets, which is currently being undertaken. The quoted price of \$49,727 is based on motor vehicle and plant data provided at the time of tender. This price is not expected to change significantly and has been included in the year 1 total to give council an indicative figure.
- The Year 1 renewal price for contingency event cancellation will be finalised following the adoption of the 2021 budget allowing for clarity on planned Town events requiring contingency insurance. The quoted price provided by LGIS of \$2,458.00 was formulated based on data from the Town's 2019-2020 event schedule. The price is not expected to change significantly and has been included in the year 1 total to give council an indicative figure.
- The results from the Town's comprehensive asset revaluation currently occurring was not able to be provided to inform the submissions due to timing restrictions in order to ensure continuation of insurance. Renewals need to be confirmed in May, revaluation figures are expected to be reconciled and available for 30th June 2020. The Town will continue to be protected under the policies this affects (property, motor vehicle and plant) and adjustments will be made after the revaluation is completed.
- Casual hirers liability has been included within the scheme at no cost.
- Pollution legal liability has been included within the scheme at no cost

Background

1. The Town of Victoria Park has been a member of the Local Government Insurance Services (LGIS) scheme and therefore have not previously gone out to tender for the provision of insurance services.

2. There has been considerable discussion in the community about LGIS and whether local governments should call for tenders. This year the Town made the decision to conduct a formal public tender process to assess the market for the provision of insurance and risk management services.
3. To ensure an unbiased opinion of the evaluation process and due to the complicated nature of insurance services the Town engaged Risk Advisory Services (RAS) to facilitate the tender.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure transparency and accountability in the procurement of goods and services in order to obtain best value for money and quality of services to the Town.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure legislative requirements for procurement and appropriate insurances (i.e. workers compensation) are met.

Engagement

Internal engagement	
Asset Planning	Comments
Human Resources	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process
C Suite	A report was provided to C suite in order to provide information in relation to current insurances and providers and to gain approval to go to tender
Elected Members	Information provided through EM Portal

Legal compliance

[Section 3.57 of the Local Government Act 1995](#)

[Part 4 Division 2 of the Local Government \(Functions and General\) Regulations 1996](#)

[Workers' Compensation and Injury Management Act 1981](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial The Town will be uninsured in comparison to risk profile or will miss required policies	Major	Rare	Low	The Town has engaged a consultant with risk management and insurance experience to ensure the Town is adequately insured in relation to its risk profile and required insurances.
Service Interruption Council does not endorse the officer's recommendation	Moderate	Unlikely	Moderate	Officers have worked to tight timeframes in order to ensure the Town will be covered by the successful tenderer from 1 July 2020. Should the recommendation not be endorsed then the Town would be required to go out to tender again with extended timeframes (at additional costs) and extend the contract and policies with the current provider to ensure continuation of appropriate insurance coverages.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Sufficient funds will be allocated in future budgets to allow for continuation of insurance premiums.

Analysis and Evaluation

4. The Town received 2 submissions. They were received from:
 - (a) Local Government Insurance Services (LGIS) and
 - (b) AON
5. RAS ensured that possible candidates were directed and informed of the public tender. A total of 6 other companies were contacted and their reasons for not providing a submission are below:
 - (a) Not submitting based on a public tender (internal policy or stance)
 - (b) No interest in the Local Government Sector
 - (c) Acquisition of the company by a candidate already supplying a submission

6. Both LGIS and AON attended a Q and A session with the Town and RAS prior to their submissions as per the tender documentation.
7. The assessment of the submissions received was undertaken by Risk Advisory Services (RAS) based on the criteria below.

Criteria	Weighting
<u>Service Model</u> <ul style="list-style-type: none"> • Provide detail of how you will service the account, including information on your proposed service framework; • How you propose to manage insured claims; • Details of your account management tools; • Please attach Schedule A – Services as an appendix to your proposal, including any proposed additions or amendments. 	30%
<u>People and Team</u> <ul style="list-style-type: none"> • The executive who will be responsible for managing the Town’s account (nominated principal point of contact), including details of the other accounts they currently work on; • The personnel who will support the principal point of contact; • The experience of your nominated team in managing similar organisations; • Please complete Schedule B – Specified Personnel (of the draft insurance services agreement) and attach as an appendix to your proposal. 	25%
<u>Insurance and Risk Management Program Design</u> <ul style="list-style-type: none"> • Your recommendation on how the current insurance program can be improved; • The marketing tactics that you will adopt; • Provision of any risk management services to compliment the insurance program (if applicable) • Your expected premium for 2020/2021, including taxes and charges for insurance policies detailed in the 2019/2020 program summary. 	30%
<u>Remuneration and KPI’s</u> <ul style="list-style-type: none"> • A fixed fee for service for each of the next 3 years including, robust and measurable KPI’s that you propose to meet and their impact on your fee for service; • Please complete Schedule C – Remuneration and Schedule D – Key Performance Indicators (of the draft insurance services agreement), including any proposed additions or amendments. 	10%
<u>Terms of Trade and General</u> <ul style="list-style-type: none"> • Your willingness to be bound by the Terms of Trade contained in the draft insurance services agreement. Please provide a full statement of all amendments sought or limitations, giving reasons. • Understanding of the business • Quality of proposal • Innovation 	5%

8. The submission provided by LGIS was lower than the submission from AON.

9. Despite the submission from AON being lower for the workers compensation policy component, RAS believes it is unlikely that any meaningful saving could be achieved by having a standalone workers compensation insurance cover with another provider, given the doubling of provider fees, risk management service costs and the provided rating formulas and service levels.
10. There were a number of adjustments which were required to be made by RAS to the proposal received from AON in order to achieve a like-for-like comparison including additional funds added to the liability quoted cost due to a drastic reduction in the liability cover (only \$50m provided) and event cancellation contingency and management liability not quoted.
11. AON were unable to obtain anything higher than a \$50m liability limit, which is felt to be inadequate for the Town's need and risk model.
12. The prices quoted within the proposal from LGIS in the areas of property and service fees were substantially less and exhibit the most savings between the proposals.
13. Commissions obtained were required to be provided. Non scheme commissions for LGIS stated \$16,339.00. AON stated \$24,750.00
14. A qualitative comparison using a weighted average score system in line with the outlined criteria above was conducted by RAS. LGIS scored 76.2 and AON 67.4
15. Additional commentary provided by RAS on the weighted average score is contained in a confidential attachment to this report.
16. LGIS have offered estimates of the risk management services that are available to councils should they enter the scheme. The Town has taken full advantage of these services in the past, so they outline a true saving and benefit. Since 2015 the Town has used over 600 hours of LGIS risk consulting and training programs and have accessed \$43,402 in health and wellness funding from third party services providers for items such as skin screens, stress management, health assessments and flu vaccinations.
For the 2021 renewal year these benefits have been estimated by LGIS at \$51,150.
These include value add services and a suite of other support services tailored to the needs of the local government sector.
 - (a) Scheme Risk Management Services (estimated) \$25,000
 - (b) Allied Health Services (estimated) \$15,700
 - (c) Health and Wellbeing Fund (estimated) \$10,450
17. Councils who are a full member of the scheme and participate in eligible portfolios of the scheme (liability, workers compensation and property) are also entitled to a scheme member benefit credit. In the 2020 financial year as members of the scheme the Town received \$75,862.00
18. Councils who are a full member of the scheme are also entitled to a 40% cash rebate/refund for providing accurate and comprehensive insurable revaluation data for property and motor vehicle and plant schedules. As the town is currently conducting a revaluation, we requested the valuers provide these figures separately in their quote to ensure this can be called upon in the event we engage LGIS. This service would have been requested regardless of the successful candidate to ensure accurate renewal premiums. Based on the figure provided by the valuers to include this service the Town would be entitled to a rebate of \$8,600.00 under the scheme from LGIS.
19. Given the above, administration recommends the contract for insurance and risk management services be awarded to Local Government Insurance Services Western Australia.

Relevant documents

[Procurement Policy and Management Practice](#)

COUNCIL RESOLUTION (376/2020):

Moved: Cr Brian Oliver

Seconded: Cr Claire Anderson

That Council:

1. Approves the Chief Executive Officer to enter into a contract and become a member of the mutual insurance scheme (WALGA) for a period of 3 years (plus possible extension of 2 x 1 year) with Local Government Insurance Services Western Australia (LGISWA) (ABN: 59 780 338 975) for the provision of insurance and risk management services associated with Tender TVP/20/04.
2. Accepts the contract price for the expenditure for insurance and risk management services of \$774,729, subject to the points outlined within the report in relation to property, motor vehicle and plant and event contingency premiums, for 2020/2021 renewal period.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

14.4 Options for providing relief to ratepayers in the 2020-21 financial year in response to COVID-19

Location	Town-wide
Reporting officer	Michael Cole
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council, in response to COVID-19 and to provide relief to ratepayers in the 2020-21 financial year, endorses the following changes to rates interest charges and related fees for the 2020/2021 Annual Budget:

- (a) A reduction in instalment interest to 2.0%p.a.
- (b) A reduction in interest payable on overdue rates to 4.0%p.a.
- (c) A reduction in instalment charges to \$7.00 per instalment 2, 3 and 4, ie a total of \$21.00
- (d) A reduction in the administration fee payable for alternate repayment arrangements to \$21.00
- (e) An extension for alternative payment arrangements to 30 June 2022.

Purpose

To present options for providing relief to ratepayers in the 2020-21 financial year.

In brief

- At its Special Council Meeting of 7 April 2020, Council requested the Chief Executive Officer to prepare a report to Council in April 2020 outlining the options for providing relief to ratepayers in the 2020-21 financial year, including but not limited to:
 - a. extending the time for payment of rates;
 - b. waiver, removal or reduction of the interest rate charged on rates instalments;
 - c. waiver, removal or reduction of the administration fee charged on rates instalments.
- Those options are included in this report.

Background

1. Before COVID-19, the Town has been preparing the draft 2020/2021 Annual Budget.
2. Several options had already been presented to Elected Members in a budget workshop held in March, addressing interest for instalments and interest payable on the balance of outstanding rates.
3. This report has further revised those options.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The Town will need sufficient cash flow to maintain levels of service for the community. Offering incentives for payment of rates in full will help ensure sufficient cash is received in the first six months of the financial year.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The community will be expecting the Council to display civic leadership in responding to COVID-19 and these options will provide some certainty prior to the adoption of the 2020/2021 Annual Budget.

Engagement

Internal engagement	
Finance Services	Finance staff were consulted in the development of these options.

Legal compliance

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

[Section 6.45 of the Local Government Act 1995](#)

[Section 6.51 of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town may result if the interest payable and fees associated with rates remain the same in 2020/2021.	Moderate	Likely	High	Council endorse a significant reduction in interest and fees payable for rates payment options for 2020/2021.

Financial implications

Current budget impact	This report relates to the future budget for 2020/2021. Therefore, there are no budget impacts this financial year.
------------------------------	---

Future budget impact

The options outlined in this report will impact the 2020/2021 annual budget due to less revenue being received from instalment fees and interest payable on instalments and overdue rates. As a result of the proposed options, the following reductions in revenue in 2020/2021 are expected:

- (a) Instalment Interest \$165,460
- (b) Overdue Interest \$111,360
- (c) Instalment Fees \$135,000
- (d) Administration Fees \$35,000

Total - \$446,820

Analysis

4. In preparing for the pre-COVID 19 draft 2020/2021 Annual Budget, a review of interest payable for payment of rates was undertaken.
5. Section 6.45 of the Act provides for ratepayers to pay their annual rates by 4 equal instalments and for the local government to impose an additional interest charge. Regulation 68 of the *Local Government (Financial Management) Regulations 1996* prescribes the maximum interest component that may be charged is 5.5%.
6. Section 6.51 of the Act provides interest that may be imposed on any rate or service charge that remains unpaid after becoming due and payable. Regulation 70 of the *Local Government (Financial Management) Regulations 1996* prescribes the maximum interest component that may be charged is 11.0%.
7. During 2019/2020, the Town charged the maximum interest payable.
8. A review of similar local governments in the metropolitan area showed that the majority charged the same maximum amounts as the Town of Victoria Park.
9. There were 2 exceptions:
 - (a) The City of Melville charged 4% for instalments and 8% for overdue rates.
 - (b) The City of Canning charged 3.25% for instalments and 10% for overdue rates.
10. Interest on instalments is otherwise known as "lost potential interest". That is interest earnings the Town could have obtained had these rates been paid in full. Current interest on the Town's investment portfolio ranges from 1.4% to 2.0%.
11. Interest on overdue rates has historically been similar to the prevailing bank overdraft rate. By way of comparison, the current bank overdraft rate is 8.93%.
12. Interest paid on outstanding Emergency Services Levy is set by the State Government and is currently 11% in line with the maximum charged under Section 6.51 of the Act. The Department of Fire and Emergency Services has recently surveyed local governments and a reduction in this rate is anticipated for 2020/2021.

13. Several ratepayers have questioned the amount of interest charged by the Town given the relatively low interest rates applicable today.
14. Based on the above, the Town had proposed to halve its interest charges for rates for 2020/2021 as follows:
 - (a) Reduce instalment interest from 5.5%p.a. to 2.75%p.a.
 - (b) Reduce interest on overdue rates from 11.0%p.a. to 5.5%p.a.
15. To assist the community in responding to COVID-19, the Town is now proposing further reductions to interest charges for rates 2020/21, as follows:
 - (a) Instalment interest of 2.0%p.a. for 2020/2021 (a further 0.75% reduction)
 - (b) Interest on overdue rates of 4.0%p.a. (a further 1.5% reduction)
16. The reason for still imposing some form of interest charge is to incentivise payment of rates in full, by the due date for those that can afford to do so. In addition to this, it is worth noting that there is a loss of investment income when rates are paid by instalment; the rate of 2.0% p.a. reflects the highest interest currently being earned by the Town. In terms of the proposed interest charge for overdue rates, the amount of 4.0% p.a. is significantly lower than that offered by other local governments and provides an incentive for ratepayers to pay via the four instalments option.
17. In addition to the above, instalment fees in 2019/2020 were \$14.00 for instalment reminder 2, 3 and 4, (i.e. a total of \$42.00 per ratepayer). For 2020/21 it is proposed to halve those amounts to \$7.00 per instalment (i.e. a total of \$21.00 per rate payer). This cost will cover part of the cost to administer these instalment options.
18. For those ratepayers wishing to enter into an alternate payment arrangement, the Town previously charged a \$41.00 administration fee. It is proposed to reduce this to \$21.00 in line with the total cost of instalment options.
19. Finally, the current delegation for agreement to pay rates is to 30 June of each financial year. It is proposed to extend this period for payment arrangements beyond the 2020/2021 financial year to 30 June 2022.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (377/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Jesvin Karimi

That Council, in response to COVID-19 and to provide relief to ratepayers in the 2020-21 financial year, endorses the following changes to rates interest charges and related fees for the 2020/2021 Annual Budget:

- (a) A reduction in instalment interest to 2.0%p.a.
- (b) A reduction in interest payable on overdue rates to 4.0%p.a.
- (c) A reduction in instalment charges to \$7.00 per instalment 2, 3 and 4, ie a total of \$21.00
- (d) A reduction in the administration fee payable for alternate repayment arrangements to \$21.00
- (e) An extension for alternative payment arrangements to 30 June 2022.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

15 Committee Reports

15.1 Adoption of Policy 005 - Acting Chief Executive Officer

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

Recommendation from the Policy Committee

That the Policy Committee recommends that Council adopts Policy 005 Acting Chief Executive Officer, as attached, inclusive of the following changes:

1. That clause 11 be amended to read:

Unless Council otherwise resolves and the acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates.

- a. *80% of the substantive CEO's base salary if acting for less than 5 weeks; or*
- b. *90% of the substantive CEO's base salary if acting for more than 5 weeks.*

2. That 9e be added to read:

- a. *'e. is suspended or terminated'*

3. The policy be renumbered accordingly.

Purpose

To prescribe the processes for the appointment of an Acting CEO in ordinary and extraordinary circumstances.

In brief

- The Chief Executive Officer has the delegation to determine acting arrangements for the filling of the CEO position when vacant for periods up to 3 months.
- The guidelines included in the delegation however are dependent to the availability of the Chief Executive Officer to make the decision as to the Chief Officer who will act in the role.
- A risk exists in these procedures regarding situations where the Chief Executive Officer is not only unavailable to perform his role but is also unavailable to decide on the acting arrangements.
- The attached Policy has been developed to address this risk and to provide guidelines for dealing with unexpected leave situations.

Background

1. Pursuant to Section 5.36 of the *Local Government Act 1995*, it is a requirement that the Council employ a person to be the CEO to enable the functions of the Local Government and the functions of the Council to be performed. The manner of the recruitment is prescribed in the *Local Government Act 1995 and the Local Government (Administration) Regulations Act 1996*.
2. Due to the passage of the *Local Government Legislation Amendment Act 2019*, section 5.39C was inserted into the *Local Government Act 1995*. This section requires each Council to adopt a policy that sets out the process to be followed by the local government in relation to the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.
3. Sub-Section 5.39 (1a) of the *Local Government Act 1995*, recognizes that an employee may act in the position of a CEO for a term not exceeding one year without a written contract for the position in which he or she is acting.
4. The Chief Executive Officer (CEO) is contractually entitled to certain leave conditions as outlined in his or her employment contract. Acting arrangement for the position of Chief Executive Officer for leave periods less than 3 months is at the discretion of the CEO in accordance with the relevant delegation (Delegation 1.1.29).
5. These arrangements however apply primarily to scheduled leave and do not cover procedures for dealing with unexpected leave, or the unexpected vacating of the position by the CEO. To maintain business continuity for the position of Chief Executive Officer procedures have been developed to address these vacancy situations and included in draft Policy 005 Acting Chief Executive Officer.
6. The proposed Policy 005 Acting Chief Executive Officer provides contingency arrangements for situation of unforeseen leave for the position of Chief Executive Officer.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL05 - Innovative, empowered and responsible organisational culture with the right people in the right jobs.	Adopting clear procedures for the filling of the CEO position will maintain continuity of Town administrative leadership.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Adopting clear procedures for the filling of the CEO position will maintain continuity of Town administrative decision making.

Engagement

Internal engagement	
Stakeholder	Comments
Governance & Leadership	Guidance on risk management concerns.
Elected Members	Feedback of proposed guidelines

Other engagement	
Stakeholder	Comments
WALGA	The Town engaged with WALGA and received advice on the forthcoming changes to the Local Government Act.
Other Local Governments (2)	The Town approached 2 other council and got feedback on related local government policies.

Legal compliance

[Section 5.36 of the Local Government Act 1995](#)

[Section 5.39\(1a\) of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town should the position of CEO be vacant for any period.	Moderate	Likely	High	Council adopts an Acting CEO Policy
Compliance The Town is does not have an acting CEO policy as required.	Moderate	Unlikely	Moderate	Council adopts some form of an Acting CEO policy.
Service Interruption An unexpected vacancy in the office of CEO arises and there is no standing process to appoint an Acting CEO to convene a Council Meeting to fill the vacancy.	Catastrophic	Rare	Moderate	Under section 5.5 of the Act, only the CEO may convene a Council meeting. If the office of CEO falls unexpectedly vacant, there is no way for the Council to met. By having a line of succession that is set out in policy, this situation is addressed.

Financial implications

Current budget impact	Not applicable.
------------------------------	-----------------

Analysis

7. The Town has procedures included in delegation 1.1.29 dealing with acting arrangements for the position of Chief Executive Officers when it becomes temporarily vacant due to approved leave arrangements. These delegations have been included in the proposed Policy 005.
8. As these delegated procedures do not provide for situations where the vacancy of the Chief Executive Officers position is unexpected, or the CEO is unavailable to decide on any acting arrangements, a risk was identified regarding continuity in leadership for the Town
9. WALGA were contacted regarding possible guidelines for dealing with unforeseen vacancies but could only advise that they were aware of 2 other councils that have Council policies for dealing with vacancies in the position of Chief Executive Officers. Both councils were contacted however their policies dealt only with the filling of the vacancy, not temporary acting arrangements.
10. The proposed policy contains 5 key sections:
 - a. CEO Leave Entitlements
 - b. Appointment of an Acting CEO – Expected leave periods under 3 months
 - c. Appointment of an Acting CEO – Leave periods in excess of 3 months but no more than 12 months
 - d. Appointment of an Acting CEO – Unexpected leave or vacancy
 - e. Salary and conditions of Acting CEO

CEO Leave Entitlements

11. This section recognizes that the CEO has certain contractual leave entitlements that would be accessed as required and approved as outlined in the contract. The filling of any vacancy would be determined by the CEO in accordance with delegation 1.1.29.

Appointment of an Acting CEO – Expected leave periods under 3 months

12. This section contains the details of delegation 1.1.29 and the requirement that acting arrangements are advised in writing.

Appointment of an Acting CEO – Leave periods in excess of 3 months but no more than 12 months

13. For periods in excess of 3 months there must be council approval for the acting arrangements to occur. The process is also subject to Section 5.40 (a) of the *Local Government Act 1995* that requires that employees are to be selected and promoted in accordance with the principles of merit and equity.
14. This section also addresses the requirement of *Local Government Legislation Amendment Act 2019*, section 5.39C that each Council adopt a policy that sets out the process to be followed by the local government in relation to the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Appointment of an Acting CEO – Unexpected leave or vacancy

15. This section deals with situations where the position of CEO may become vacant due to unforeseen circumstances. It provides for a process for the filling of the vacancy until such time as council can decide on any ongoing acting arrangements.

Salary and conditions of Acting CEO

16. This section provides guidance to the issue of the determination of remuneration for any acting arrangements until such time as council decides on any ongoing acting arrangements.
17. Current management practice provides remuneration at the rate of 80% of the substantive CEO's salary component for periods less than 5 weeks, and 90% of the substantive CEO's salary component for periods in excess of 5 weeks.

Relevant documents

Not applicable.

Further consideration

Resulting from the Policy Committee meeting held 18 March 2020, the following additional information is provided.

18. The order of succession was based on subject matter expertise of the 3 chief officer positions and the extent that the individual roles impacted on the operations of the Town as a whole.
19. Changes to the policy, as recommended by the Committee, are indicated in red within the attached policy.

COUNCIL RESOLUTION (378/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Policy Committee recommends that Council adopts Policy 005 Acting Chief Executive Officer, as attached, inclusive of the following changes:

1. That clause 11 be amended to read:

Unless Council otherwise resolves and the acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates.

- a. *80% of the substantive CEO's base salary if acting for less than 5 weeks; or*
- b. *90% of the substantive CEO's base salary if acting for more than 5 weeks.*

2. That 9e be added to read:

- a. *'e. is suspended or terminated'*

3. The policy be renumbered accordingly.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

20.

15.2 Adoption of Policy 022 - Elected Member Professional Development

Location	Town-wide
Reporting officer	Amy Noon
Responsible officer	Danielle Uniza
Voting requirement	Absolute majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council:

1. Adopts Policy 022 – Elected Member Professional Development, as attached, effective from 1 July 2020, inclusive of the following changes:
 - a. Clause 5 be amended to read: Council will allocate \$25,000 in the annual budget for the costs associated with individual professional development.
 - b. Clause 13 be amended to read: Council will allocate \$20,000 in the annual budget for costs associated with group training professional development.
 - c. That an additional clause be added after Clause 4 to read: Council will allocate funds in the annual budget for costs associated with mandatory professional development.
 - d. The policy be renumbered accordingly.
2. Repeals Policy 022 – Conference expenses – Elected members, effective 1 July 2020.
3. Adopts the amendments to Policy 021 – Fees, expenses and allowances – Elected members and ICMs, as attached, effective from 1 July 2020.
4. Requests the Chief Executive Officer to develop an Independent Committee Member Policy and report back to Council by September 2020.

Purpose

To adopt a policy relating to elected member professional development and consolidate similar existing policies.

In brief

- Following the *Local Government Legislation Amendment Act 2019* being passed by Western Australian Parliament, local governments are required to develop a policy relating to elected member professional development.
- The proposed Policy 022 – Elected Member Professional Development outlines the guidelines for participation and entitlements available to elected members for professional development, in accordance with relevant legislation. It also enables equity and accessibility to professional development opportunities for elected members to fulfil their role.
- The proposed policy covers key focus areas, delivery methods, expenses related to professional development and reporting requirements.
- The contents of the policy will be used to inform the development of the 2020/2021 annual budget if it is adopted by Council. Related policies would also then be amended/repealed.
- Information about professional development for independent committee members is proposed to be incorporated into a new policy, following the removal of professional development detail from Policy 021 – Fees, expenses and allowances – Elected members and ICMs.

Background

1. On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed by the Western Australian Parliament, coming into effect on 6 July 2019.
2. Division 10 of the *Local Government Act 1995* came into operation on 9 August 2019, requiring local governments to develop a policy relating to elected member professional development.
3. At the December 2019 Ordinary Council Meeting, Council resolved to request the Chief Executive Officer to develop and present an Elected Member Professional Development Policy by March 2020.
4. The proposed scope and content of the policy was discussed at the January 2020 Concept Forum. At the meeting, elected members expressed that:
 - (a) it was preferred that key focus areas be included in the policy rather than specific professional development courses
 - (b) professional development should be the umbrella term that incorporates training and conferences
 - (c) group and individual professional development opportunities should continue to be made available to elected members
 - (d) an allowance of up to \$2,500 could be allocated to elected members for individual professional development each year
 - (e) the current conditions for approval were reasonable.
5. Feedback on skills gaps of individual elected members and Council as a whole was requested on the Councillor Portal in late January 2020.
6. The policy was then developed with this feedback in mind and placed on the Councillor Portal at the end of February 2020 to provide an opportunity for elected members to provide further feedback. No feedback was received.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Provisions within the policy provide the Town with guidance to assist with budgeting for elected member professional development. The need for interstate and international conferences to be approved through Council, including any cash allowances, provides an opportunity for finances to be managed transparently, elected members to have budget oversight and community benefits to be communicated.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The proposed policy enables objective decision-making through setting conditions of approval and budget allocations.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Mandatory training and the continuing professional development of elected members is required under the <i>Local Government Act 1995</i> .

Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Feedback from elected members was received at the January 2020 Concept Forum. Feedback was also requested on the Councillor Portal in late January 2020 and late February 2020.

Other engagement	
Other local governments	A desktop review of similar policies from other local governments was undertaken to inform the development of the policy. These examples were provided to elected members at the Concept Forum to assist with providing feedback.

Legal compliance

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

[Division 10 of the Local Government Act 1995](#)

[Part 10 of the Local Government \(Administration\) Regulations 1996](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance If the policy is not adopted, the Town is in breach of the <i>Local Government Act 1995</i> .	Minor	Unlikely	Low	Council adopt Policy 022 – Elected Member Professional Development.
Financial impact The absence of consistent financial guidance in relation to professional development may result in the budget being overspent.	Minor	Likely	Moderate	Policy 022 – Elected Member Professional Development includes an allocation for individual professional development to be used when considering requests.
Financial impact The absence of key focus areas for professional	Minor	Likely	Moderate	Policy 022 – Elected Member Professional Development includes key focus areas to be used when considering requests.

development may result in the budget being overspent.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.												
Future budget impact	<p>\$22,500 would be required for elected member individual professional development in the 2020/2021 annual budget, if Council adopt the proposed policy.</p> <p>The following professional development allowances are offered at other local governments.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #1a3d4d; color: white;"> <th style="text-align: left;">Local government</th> <th style="text-align: left;">Amount per elected member</th> </tr> </thead> <tbody> <tr> <td>City of Albany</td> <td>\$4,000</td> </tr> <tr> <td>City of Kwinana</td> <td>\$4,000</td> </tr> <tr> <td>City of Melville</td> <td>\$4,750</td> </tr> <tr> <td>City of South Perth</td> <td>\$5,000</td> </tr> <tr> <td>Town of Cambridge</td> <td>Mayor - \$5,000 Councillors - \$3,000</td> </tr> </tbody> </table> <p>Budget will also be required for group professional development and travel expenses.</p> <p>In the 2018/2019 financial year, approximately \$24,000 was spent on group professional development for elected members.</p> <p>The total elected member professional development budget for the 2020/2021 will be determined as part of budget setting process.</p>	Local government	Amount per elected member	City of Albany	\$4,000	City of Kwinana	\$4,000	City of Melville	\$4,750	City of South Perth	\$5,000	Town of Cambridge	Mayor - \$5,000 Councillors - \$3,000
Local government	Amount per elected member												
City of Albany	\$4,000												
City of Kwinana	\$4,000												
City of Melville	\$4,750												
City of South Perth	\$5,000												
Town of Cambridge	Mayor - \$5,000 Councillors - \$3,000												

Analysis

- Policy 022 – Elected Member Professional Development is proposed to outline the guidelines for participation and entitlements available to elected members for professional development, in accordance with the *Local Government Act 1995 and Local Government (Administration) Regulations 1996*. The proposed policy will also enable equity and accessibility to professional development opportunities to enable elected members to fulfil their role.

8. The proposed policy covers key focus areas, delivery methods, expenses related to professional development and reporting.

Key focus areas

9. When announcing the requirements for elected member training, the Department of Local Government, Sport and Cultural Industries (DLGSCI) stated that in deciding the content of the policy, Council should consider any skill gaps among the Council as whole and the needs of individual Councillors.
10. At the January 2020 Concept Forum, Council expressed that their preference was for the policy to include broad key focus areas for professional development rather than including specific courses or conferences in the policy. Feedback was then provided on the Councillor Portal that skills gaps that could be included in the policy were effective decision making, meeting procedures, risk assessment, CEO performance review and KPI setting.
11. The DLGSCI outlines the role of an elected member [on their website](#). Themes from this snapshot have been included in the proposed focus areas as professional development opportunities are made available to elected members to enable them to fulfil their role.
12. Combining the feedback on skills gaps and the outline of the role of an elected member, the key focus areas that have been included in the proposed policy are:
 - (a) community leadership
 - (b) communication between the community and Council
 - (c) determining and reviewing policy
 - (d) planning for the future
 - (e) managing assets
 - (f) governing finances
 - (g) cultural optimisation
 - (h) effective decision-making
 - (i) meeting procedures
 - (j) risk oversight and assessment
 - (k) managing the performance of the Chief Executive Officer
 - (l) town planning practices
 - (m) Advocacy
13. All elected member professional development, regardless of delivery method, is to relate to the key focus areas. This is a condition for approval.

Delivery methods

14. Three delivery methods for professional development have been included in the policy – mandatory, individual and group.

Mandatory training

15. Mandatory training has been included to comply with the requirement for mandatory elected member training to be completed, pursuant to the regulation 35 of the Local Government (Administration) Regulations 1996.

Individual professional development

16. Individual professional development gives elected members access to professional development that focusses on their individual needs and skills gaps. The proposed policy outlines budget allocations, approval conditions and the process for organising and administering requests for professional development.
17. The reasons for the clauses are included in the table below.

Clause	Proposed	Reason
5	Council will allocate \$2,500 per elected member in the annual budget for the costs associated with individual professional development.	Setting an annual amount in the policy gives the Town guidance for the budget setting process. It also encourages equitable access to opportunities.
6	An elected member who wishes to attend individual professional development held intrastate must apply in writing to the Chief Executive Officer, setting out how it relates to the key focus areas and how it will assist the elected member in the discharge of their duties.	The need to apply in writing to the Chief Executive Officer is an existing clause in Policy 022 – Conference expenses – Elected members. Relating the request back to key focus areas helps to ensure that professional development relates to the role of an elected member and what Council considers to be priority skills or current gaps.
7	The Chief Executive Officer may determine any requests for individual professional development held intrastate, subject to their relevance to key focus areas and available budget.	Chief Executive Officer approval is an existing clause in Policy 022 – Conference expenses – Elected members. Relating the request back to key focus areas helps to ensure that professional development relates to the role of an elected member and what Council considers to be priority skills or current gaps. The need to specify requests being subject to available budget is due to the individual professional development allocation of \$2,500.
8	Elected members may nominate to attend interstate and overseas individual professional development through a notice of motion to Council. Authorisation is to be through a resolution of Council, subject to relevance to key focus areas and available budget.	The requirement for approval for interstate and overseas individual professional development to be approved by resolution of Council is an existing clause in Policy 022 – Conference expenses – Elected members. It is proposed that elected members request approval through a notice of motion to Council to make the process more efficient, with elected members including the information needed for Council to make an informed decision, straight to the Council agenda. The Town can then comment on the cost of attending, including whether there is available budget, as an officer comment.

9	Booking arrangements and payments for all individual professional development, including conference costs, official conference networking functions and meals and tours/inspections that are relevant to the interests of the Town, are to be made by the Chief Executive Officer.	This is an existing clause in Policy 022 – Conference expenses – Elected members.
10	The Chief Executive Officer is authorised to determine a substitute elected member to attend any professional development in lieu of the elected member approved, in the event that the approved elected member is unable to attend.	This is an existing clause in Policy 022 – Conference expenses – Elected members.
11	Where an elected member has an electoral term of less than three months to complete, such elected member shall be ineligible to attend professional development, unless it is determined by the Council that attendance by an elected member who is within three months of completion of their term of office would be of specific benefit to the Town, and approval is granted by resolution of Council.	This is an existing clause in Policy 022 – Conference expenses – Elected members.

Group professional development

18. Group professional development allows Council to consider and improve any skills gaps among the Council as a whole. The proposed policy outlines budget allocations, the process for requesting group professional development and approval conditions.
19. The reasons for the clauses are included in the table below.

Clause	Proposed	Reason
12	Group professional development opportunities are to be organised for Council as a whole.	As individual professional development is available for elected members to develop their own skills, group professional development is to be organised with all of Council in mind.
13	Council will allocate an amount in the annual budget for the costs associated with group professional development.	Council being able to set the budget for group professional development annually allows for consideration to be given to what training is needed and how much it will cost, prior to the budget being set. This may differ from year to year.
14	Elected member requests for group professional development will be sent by the Mayor, in writing to the Chief Executive Officer, setting out how it relates to the key	This clause encourages elected members to have a coordinated approach to requesting group professional development, with views of all elected members considered.

	focus areas and how it will assist elected members in the discharge of their duties.	
15	The Chief Executive Officer may determine any requests for group professional development, subject to their relevance to key focus areas and available budget.	This clause is consistent with the approval process for individual professional development requests.
16	Booking arrangements and payments for all group professional development are to be made by the Chief Executive Officer.	This clause is consistent with the process for individual professional development.
17	All efforts are to be made to schedule group professional development at a time when all elected members are available to participate.	Although it is usual practice for training to be organised when all elected members are available, this clause highlights the importance.

Expenses related to professional development

20. The proposed policy covers travel expenses, accommodation expenses, cash allowances for meals and incidentals, costs for accompanying persons and costs for accompanying carers.
21. These expenses are covered by existing Policy 022 – Conference expenses – Elected members. Feedback was received from elected members that they were largely satisfied with the relevant clauses however, some changes have been proposed to provide further clarity or improvements. These changes are outlined in the table below.

Clause	Proposed	Reason
19	Travel, accommodation and any cash allowances will be in addition to the annual professional development allowance of \$2,500.	<p>The \$2,500 allowance is a new entitlement that is being proposed by this policy. This clause provides clarity for elected members about what their allowance includes.</p> <p>If these costs were to be included in the allowance, an elected member may not be able to undertake all of the professional development they require to be able to successfully fulfil their role.</p>
25	Where in particular circumstances, elected members desire to travel intrastate or interstate by private motor vehicle, they will be reimbursed for actual accommodation costs which are receipted and vehicle costs in accordance with the local government kilometre allowance, up to an equivalent amount that would have been expended, had arrangements been made at the time of	This clause is largely included in the existing policy. The additional words "at the time of request" have been added to outline when the cheapest form of air travel is to be determined. This will enable consistency.

	request to travel by the cheapest form of air travel.	
31	Cash allowances for interstate and international professional development will be determined by Council resolution, at the time of considering the request to attend.	These allowances are currently determined by the Chief Executive Officer. As approval for interstate and international conferences must be given by Council, it is considered appropriate for Council to set the amount that they consider appropriate to be spent on meals and incidentals. This will also result in further transparency for the community.

Reporting

22. The *Local Government Act 1995* requires local governments to prepare a report each financial year on training completed by council members in that year. This must then be published on the local government's official website within one month after the end of the financial year.
23. A commitment to publishing any professional development undertaken by elected members as it occurs has been included in the proposed policy. This will increase transparency and demonstrate the ongoing commitment that Council has to developing and maintaining their ability to fulfill the roles in which they are elected.

Next steps

24. If this policy is adopted by Council, the contents will be used to inform the development of the 2020/2021 annual budget. As the budget for the current financial year has already been set, and some funds already spent, it would not be possible to deliver all commitments in this financial year.
25. With all of the content from Policy 022 – Conference expenses – Elected members then being captured by the proposed new policy, Policy 022 will be repealed.
26. Amendments would then be made to Policy 021 – Fees, expenses and allowances – Elected members and ICMs, to refer to the new policy for details relating to professional development expenses and allowances.
27. The recommendation for this report also includes a request for the Chief Executive Officer to develop an Independent Committee Member Policy. After removing professional development detail from Policy 021 – Fees, expenses and allowances – Elected members and ICMs, it became apparent the similar information for independent committee members would be best placed in a policy dedicated to the roles themselves. This would create one document that covers all processes, responsibilities and entitlements for the roles. This policy is proposed to include the process for appointment of independent committee members after there being no guidance for this process during the recent recruitment of the roles.

Relevant documents

[Policy 001- Policy management and development](#)

[Departmental circular 8 2019 – Council member training and candidate induction](#)

[The role of a council member](#)

Further consideration

Resulting from the Policy Committee meeting held 8 March 2020, the following additional information is provided.

28. An Independent Committee Member (ICM) policy will be developed in the next financial year.
29. Allocation of funding for individual training should be a pooled budget, rather than being allocated per elected member. The budget that was originally proposed has been increased to ensure there is a sufficient allocation for all elected members to undertake training that will facilitate the performance of their roles.
30. A budget amount of \$20,000 has been set for the group training, and provisions to ensure that a separate budget is set for mandatory training.
31. Changes to the policy, as recommended by the Committee, are indicated in red within the attached policy.

AMENDMENT:

Moved: Cr Ronhhda Potter

Seconder: Cr Jesvin Karimi

That the following amendments be made to Policy 022 Elected Member Professional Development:

1. Clause 5 be amended to read: *'Council will allocate up to \$25,000 in the annual budget for the costs associated with individual professional development.'*
2. Clause 13 be amended to read: *'Council will allocate up to \$20,000 in the annual budget for costs associated with group training professional development.'*

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

Reason:

By making a minor amendment by inserting the words "up to" into this clause it will give Elected Members the opportunity to reduce the proposed amounts in the annual budget for Elected Member Individual and Group training, reflecting the needs and circumstances of Elected Members and our community at the time.

For example, with COVID 19 and all the measures our Council are taking to support our community, if the opportunity arises for us through the budget process to reduce our training costs these minor amendments will allow for this.

COUNCIL RESOLUTION (379/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Vicki Potter

That Council:

1. Adopts Policy 022 – Elected Member Professional Development, as attached, effective from 1 July 2020, inclusive of the following changes:
 - a. Clause 5 be amended to read: Council will allocate up to \$25,000 in the annual budget for the costs associated with individual professional development.
 - b. Clause 13 be amended to read: Council will allocate up to \$20,000 in the annual budget for costs associated with group training professional development.
 - c. That an additional clause be added after Clause 4 to read: Council will allocate funds in the annual budget for costs associated with mandatory professional development.
 - d. The policy be renumbered accordingly.
2. Repeals Policy 022 – Conference expenses – Elected members, effective 1 July 2020.
3. Adopts the amendments to Policy 021 – Fees, expenses and allowances – Elected members and ICMs, as attached, effective from 1 July 2020.
4. Requests the Chief Executive Officer to develop an Independent Committee Member Policy and report back to Council by September 2020.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

15.3 Adoption of Policy 024 - Event Attendance

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

Recommendation from the Policy Committee

That the Policy Committee recommends that Council adopts Policy 024 Event attendance, in accordance with section 5.90A of the *Local Government Act 1995* as attached.

Purpose

To adopt an event attendance policy as required under section 5.90A of the *Local Government Act 1995*.

In brief

The *Local Government Act 1995* was amended in 2019 to require each Council to adopt an event attendance policy.

An event attendance policy enables certain approved events to not be considered a gift, for the purpose of the conflict of interest provisions of the *Local Government Act 1995*, while still having to be declared on the gift register.

A policy has been drafted based upon elected members feedback, consideration of departmental guidelines and versions adopted by other local governments.

At this time, no events are recommended for pre-approval and, therefore, exemption from gift disclosure.

Background

1. At its meeting held on 17 December 2019, Council resolved to request that the Chief Executive Officer develop an event attendance policy to be presented to the Policy Committee at its March 2020 meeting. As it is a legislative requirement, this policy response aligns with section 6(a) of Policy 001 Policy management and development.
2. Due to the passage of the *Local Government Legislation Amendment Act 2019*, section 5.90A was inserted into the *Local Government Act 1995*. This section requires each Council to adopt an event attendance policy. When read in conjunction with section 5.62 of the Act, Council, through the adoption of an event attendance policy, can opt to pre-approve attendance to an event so that it may be excluded from disclosures of interest requirements that apply to 'gifts'.
3. The Department of Local Government, Sport and Cultural Industries released [Local Government Operational Guideline – Attendance at events guideline](#) (the Guidelines) on 20 December 2019 relating to an attendance at events policy. This guideline contains an example policy, along with further detail on what an 'event attendance policy' should be comprised of.
4. Elected members, via the Councillor Portal, were asked to complete a survey containing key elements of the Guidelines to aid the Town in understanding their general position on event attendance. Based on results of the survey and further research undertaken by the Town, a policy was drafted. This draft policy was placed on the Councillor Portal for further feedback.

5. In conducting its research, the Town looked at Councils in the inner-metropolitan area, as well as the cities of Stirling and Fremantle, whom have both adopted an event attendance policy prior to the publication of the Guidelines.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Adopting an appropriate event attendance policy will ensure accountable governance and objective decision-making by elected members and the CEO.

Engagement

Internal engagement	
Stakeholder	Comments
Elected members	4 elected members responded to the survey – all indicated that no event attendance should be pre-approved under the policy.

Other engagement	
Stakeholder	Comments
Department of Local Government Sport and Cultural Industries	The Town sought advice from the Department to clarify guidelines, and seek further views on appropriate policy settings to be contained within the Town's own policy.
WALGA	The Town sought advice from WALGA to clarify the guideline, and seek further views on appropriate policy settings to be contained within the Town's own policy.
Inner-City Local Governments	The Town has been in discussion with other inner-city local governments (Perth, South Perth, Vincent and Subiaco) in developing the proposed policy.

Legal compliance

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

[Section 5.90A of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Act required Council to have an event attendance policy.	Minor	Possible	Moderate	Council adopts an event attendance policy.
Reputation Council resolves to pre-approve an event, and the donor later has a decision before Council decision. Perceived bias may occur during that decision-making process.	Minor	Possible	Moderate	Council carefully considers any decision to pre-approve an event and ensures it is appropriate, and is of benefit to the local government and the community.

Financial implications

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

Analysis

6. The Town has combined feedback received from elected member (both during the initial survey stage and once the draft was placed on the Councillor Portal) and the Guidelines to draft the proposed Event Attendance Policy. The policy contains four key sections:
 - (a) The register of event attendance
 - (b) The pre-approval of events by Council
 - (c) Event invitations or tickets addressed to the Town
 - (d) Purchase of event tickets by the Town

The register of event attendance

7. A core focus of this policy is to ensure transparency in events attended by elected members in their civic capacity. To meet this, the Town proposes that an event attendance register be developed. This register will require elected members to disclose invitations received and events attended in their civic capacity – this can include anything from attendance to school assemblies to events held by key stakeholders in the Town. As part of the policy, elected members will be required to declare their attendance to events (as defined in the policy) within 10 days. This register will live-update and be published to the Town website. Should the policy be adopted, it is proposed that the register

commence from 1 May 2020 to allow the Town sufficient time to create the register and declaration system.

8. In line with the Act, it is to be noted that only events attended under the value of \$300, or less than \$300 within a 12-month period, will be recorded in this register. Event attendance that are valued at \$300 or more are required to be disclosed as a gift, and will be included in the Town's gift register.

The pre-approval of events by Council

9. The purpose of section 5.90 of the Act is to allow Council to remove the 'interest relating to a gift', where the event is pre-approved within the policy. Based upon elected member feedback, this policy does not recommend that any events be pre-approved at this time. However, should Council deem at a later stage that some events be pre-approved, this can be done by resolution of Council. The policy does not allow the retrospective approval of event attendance.
10. Although no events are recommended for pre-approval, section 5.68 of the Act allows Council to resolve to allow an elected member to participate in debate and vote on an item (despite a 'closely associated person' interest being declared) so long as the value of the event attended is not more than \$1000.
11. Despite any pre-approval, an event attended that is over \$300 in value must still be declared on the gift register.

Event invitations or tickets addressed to the Town

12. There are times when the Town (not a specific person or elected member) are provided with invitations or tickets. These are currently dealt with on an ad hoc basis. To allow for a consistent approach, this policy proposes that the allocation of those invitations/tickets should be determined by the Mayor in line with options included in the draft policy.

Purchase of event tickets by the Town

13. The policy allows the Chief Executive Officer to purchase tickets to an event where appropriate, and in line with section 11 of the proposed policy.

Next steps

14. Should Council resolve to adopt this policy, an events attendance register will be rolled out in 1 May 2020.

Relevant documents

[Local Government Operational Guideline – Attendance at events guideline](#)

Further consideration

Resulting from the Policy Committee meeting held 8 March 2020, the following additional information is provided.

15. The creation of an event attendance register, although not legislatively required, was supported by the Committee to demonstrate further transparency.
16. Although no events are pre-approved at this time, Council may, under section 5.68 of the Act, set aside an elected members' interest relating to a gift provided that the value of the gift is not greater than \$1000.

COUNCIL RESOLUTION (380/2020):

Moved: Cr Ronhhda Potter

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council adopts Policy 024 Event attendance, in accordance with section 5.90A of the *Local Government Act 1995* as attached.

CARRIED BY ABSOLUTE MAJORITY (9 - 0)

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

Against: nil

15.4 Review of Policy 054 Access to reserve funds

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

Recommendation from the Policy Committee

That the Policy Committee recommends that Council receives the review of Policy 054 Access to reserve funds as attached.

Purpose

To present findings of the review conducted on Policy 054 Access to reserve funds.

In brief

- Policy 054 was adopted by Council in April 2000 and has remained substantially unchanged since then.
- The policy requires an officer report be prepared where a notice of motion is seeking to make an expenditure from the reserve fund. This is current practice with all notices of motion received.

Background

1. At its meeting held on 17 September 2019, Council adopted a work plan to complete the review of a number of policies. Policy 054 Access to reserve funds was one of the policies identified for review.
2. Policy 054 was adopted by Council in April 2000 for the purpose of ensuring any elected members' notice of motion expending reserve funds received a council report prior to any decision being made. The stated reason for the policy being to ensure "Councillors [are] aware of any legal, financial and other relevant implications associated with accessing such funds before adopting such a motion."
3. While in 2000 the standing orders allowed the CEO to provide a report to Council on a notice of motion, an examination of the minutes of Council from this period show that a report against a notice of motion was uncommon.
4. Since then, the Town has changed its existing practice to ensure that an officer comment is provided in response to each notice of motion. This comment includes financial and legal implications, as well as a risk assessment of the potential decision.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring a continuous process of policy review demonstrates sound governance.

Engagement

Internal engagement	
Stakeholder	Comments
Financial Services	Financial services have no concerns relating to this Policy.

Legal compliance

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

[Meeting Procedures Local Law 2019](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial Elected members decide to through a notice of motion to expend a significant amount of a reserve fund without receiving officer advice.	Major	Possible	High	The Town will continue to provide an officer comment against all notices of motion proposed by elected members.

Financial implications

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

Analysis

- In conducting the review of this policy, the Town has considered it against the following criteria:
 - How does this policy align with current practice?
 - Is a policy the most effective way to meet the policy objective?
 - Is the policy a "Strategic direction adopted by Council"?
- The Town has additionally looked across the inner-city local governments (Perth, South Perth, Vincent and Subiaco) to see if any of those local governments have a similar policy in place. It was found that none of the Councils included in either policy, or their meeting procedures, the provisions within Policy 054.
- The Town's current practice in the way notices of motion are responded to has changed significantly since the adoption of the policy in 2000 to present time. In 2000, it was uncommon for an officer

comment to be provided in response to any notices of motion. Resulting from the Town's review of officer report templates, the notice of motion template was revised to ensure that it included a requirement for an officer comment, and further comment on legal and financial implications, to ensure elected members have sufficient information to make a decision. In cases where the subject of the notice of motion is complex (not only those relating to the access of reserve funds), elected members typically ensure that their notice of motion includes a request for a further report to be provided by the Chief Executive Officer. As such, current practice, not only aligns with the policy, but exceeds it.

8. In examining the effectiveness of this policy, the Town has considered the process in which the policy is to be implemented. An elected member is required to submit any notice of motion within 3.5 working days of the meeting to the Mayor, in accordance with the Meeting Procedures Local Law. Where an elected members' notice of motion requests expenditure of reserve funds without seeking an officer report, the Mayor may advise the elected member that their notice of motion is non-compliant with the policy. In this process, the policy effectively achieves its objective.
9. It is worth noting, however, that the policy only extends to notices of motion and there are other ways in which an elected member can seek to expend from the reserve funds – e.g. an amendment or an alternate motion. In these circumstances, that motion, whilst accompanied by a reason provided by the elected member, will not include officer comment relating to its legal and financial implications.
10. Under Policy 001 Policy Management and Development policies are intended to provide "strategic direction adopted by Council." As this policy deals with the expenditure of reserve funds, it aligns with Council's setting of a strategic direction on how elected members may opt to deal with those funds.
11. In conducting its review, the Town deems that the policy aligns with current practice, is effective in its current form, and is in line with Council's role to set a strategic direction in relation to the expenditure of reserve funds. It is proposed that the policy remains as-is and is retained. That said, should future circumstances arise where the policy is not being adhered to in notices of motions' submitted by elected members, Council may consider amending the *Town of Victoria Park Meeting Procedures Local Law 2019* to further its enforceability during the course of a Council meeting by allowing such a notice of motion to be ruled as out of order.

Relevant documents

[Policy 054 Access to reserve funds](#)

[Meeting Procedures Local Law 2019](#)

COUNCIL RESOLUTION (381/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Policy Committee recommends that Council receives the review of Policy 054 Access to reserve funds as attached.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

15.5 Review of Policy 111 Commemorative Recognition

Location	Town-wide
Reporting officer	Ruth Schofield
Responsible officer	Alison Braun
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee

That the Policy Committee recommends that Council adopts amendments to Policy 111 Commemorative Recognition, inclusive of the following changes:

1. Clause 5.a.ii be inserted as follows: "planting of trees with a plaque"
2. Clause 5.b.i be amended to insert "trees," following "fountains,"
3. Clauses 6(c) and 7(c) be amended so that the word 'three (3)' is replaced with 'one (1)'
4. Clauses 6(a) and 7(a) be deleted
5. The policy be renumbered accordingly

Purpose

That the Policy Committee recommends that Council adopts the amendments to Policy 111 Commemorative Recognition.

In brief

- In May 2019 Policy 111 Commemorative Recognition was agreed to be delivered to the April 2020 Ordinary Council Meeting.
- The purpose of the policy is to provide criteria to guide the administration of requests of commemorative recognition items on property invested in, managed or owned by the Town of Victoria Park.

Background

1. At the Ordinary Council Meeting held on 21 May 2019, Council resolved to adopt Policy 001 – Policy Management and Development and to request to the Chief Executive Officer conducts a review of full policy manual by June 2020, including renumbering GEN4 to 111 - Commemorative Recognition.
2. In March 2019 Council resolved:
 1. *"That Council: Requests the CEO to investigate the viability of implementing a Memorial/Commemorative Tree Planting Program that:*
 - i. *Allows the public to make an application for a tree to be planted within the Town for commemorative or memorial purposes*
 - ii. *Aligns with the Urban Forest Strategy*
 2. *Requests the Chief Executive Officer to present a further report back to Council at its July 2019 Ordinary Council Meeting outlining:*
 - i. *The costs associated with implementing a Memorial/Commemorative Tree Planting Program*

ii. *The possibility of developing and implementing a Memorial/Commemorative Tree Planting Program by June 2020*

3. In response to questions and feedback on the report presented at the Agenda Briefing Forum on 2 July 2019 regarding the Commemorative Tree Planting Program the need for a Commemorative Recognition policy to be developed before the implementation of a Commemorative Memorial Tree Planting Program was identified.
4. Research was undertaken of Councils across Australia who had Commemorative Recognition policies and guidelines with the view of establishing a robust policy with user friendly guidelines and application form.
5. The policy amendments aim to:
 - a. Clearly define small memorials including memorial trees
 - b. Clearly define large memorials
 - c. Establish simple criteria for each memorial category

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Provide the community the opportunity to feel part of the collective memory of the Town by nominating persons/organisations/events for commemorative recognition.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Provide the community with strong links to the history of the Town.

Engagement

Internal engagement	
Infrastructure Operations	Discussions have been undertaken in the development of the Policy review.
Property Development	Discussions have been undertaken in the development of the Policy review.

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational persons nominated for commemoration must be deceased and poses a reputational risk after nominated.	Insignificant	Rare	Low	Maintaining policy recommendation that all persons nominated for commemoration must be deceased. Extensive research and approvals if council choose to acknowledge prior to deceased.

Financial implications

Current budget impact	There is no current budget impact.
Future budget impact	Future funding may be required if large memorials applications are received and approved by Council.

Analysis

1. In review of the current policy *111 Commemorative Recognition* it was identified that the policy provided insufficient criteria and guidance for the Town to make appropriate decisions relating to memorial requests received from the community.
2. Research was undertaken of Councils across Australia with Commemorative Recognition policies and guidelines to establish a policy with comprehensive guidelines and detailed application form.
3. An extensive internal consultation was conducted with service areas receiving community requests for memorials such as streets, rights-of-way and street furniture. As a result of the engagement and research the following was decided:
 - a) To clearly define and categorise the types of memorials covered in the policy
 - b) To clearly define the selection criteria for each category of memorial
 - c) To include memorial trees in the policy
 - d) That applications would be considered for inclusion into the Victoria Park Dictionary of Biography (the Victoria Park Dictionary of Biography is an online resource that aims to tell the stories of the individual citizens of the suburbs within the Town of Victoria Park. In the dictionary you will find interesting, concise and enlightening descriptions of the lives of significant and representative persons in the history of Victoria Park).
 - e) That the Policy and Standards for Geographic Naming in Western Australia (Landgate) would be taken into consideration
 - f) That the Australia/New Zealand Standard for Rural and Urban Addressing AS/NZS 4819:2011 would be taken into consideration
 - g) That the policy would avoid duplicating the memorial facilities and services provided by the Metropolitan Cemeteries Board

4. The policy covers all small and large memorials ensuring minimum criteria is met pending the memorial request.
5. Town Officers will present all large memorial request that meet the outlined criteria in a report to Council making recommendations and seeking a decision.
6. Any cost associated with a request for commemorative recognition will be included in the Town's Schedule of Fees and Charges.
7. It is recommended other than under exceptional circumstances approved by Council, the subject of the memorial (i.e. person nominated) shall be deceased.
8. It is recommended that the Policy Committee recommends that Council adopts amendments to Policy 111 Commemorative Recognition.

Relevant documents

[Policies and Standards for Geographical Naming in Western Australia](#)

[West Australian Metropolitan Cemeteries Board](#)

Further consideration

9. The Policy Committee at its meeting on 18 March 2020 made the following changes:
 - a) trees with plaques could be a form of memorial recognition
 - b) the residency requirement should be removed so that the basis of a memorial is not considered on length of residency alone
 - c) a single sector of contribution should be acceptable for consideration for memorialisation
 - d) a commemorative tree program is not necessarily a memorial.
10. The policy attached now shows as tracked changes the proposed amendments of the Policy Committee.

COUNCIL RESOLUTION (382/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Policy Committee recommends that Council adopts amendments to Policy 111 Commemorative Recognition, inclusive of the following changes:

1. Clause 5.a.ii be inserted as follows: "planting of trees with a plaque"
2. Clause 5.b.i be amended to insert "trees," following "fountains,"
3. Clauses 6(c) and 7(c) be amended so that the word 'three (3)' is replaced with 'one (1)'
4. Clauses 6(a) and 7(a) be deleted
5. The policy be renumbered accordingly

**CARRIED CARRIED BY EXCEPTION RESOLUTION (9
- 0)**

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

Against: nil

11.

15.6 Review of Policy 351 Parking Permits

Location	Town-wide
Reporting officer	Amadeus Rainbow
Responsible officer	Luke Ellis
Voting requirement	Absolute majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee

1. That the Policy Committee recommends that Council adopts the amendments to Policy 351 Parking Permits as attached.
2. Request the CEO report to Council on recommendations for Permits for businesses without onsite parking to the June OCM.

Purpose

To recommend amendments to Policy 351 Parking Permits.

In brief

On November 11 2019, Council resolved to review Policy 351 Parking Permits at the 16 March 2020 Policy Committee.

This report recommends three (3) amendments:

1. Aligning the policy with the State Planning Policy 7.3 Residential Design Codes (R Codes);
2. Removing inequity in eligibility requirements; and
3. Adding Event Permits for Burswood Peninsula.

Based on Elected Member feedback at the Concept Forum held 24 February 2020 options for Permits for businesses without onsite parking will be presented to the June OCM.

Background

1. Policy 351 Parking Permits, provides residents with one or less parking bays on their property eligibility for a Permit to park longer than the signposted time-restriction on their street.
2. Council adopted this Policy on the 9 October 2012. Since adoption, the Town has issued 23 annual permits and declined 3 applications. The following table shows when these permits were issued and declined.

Table 1. Total Number of Permits

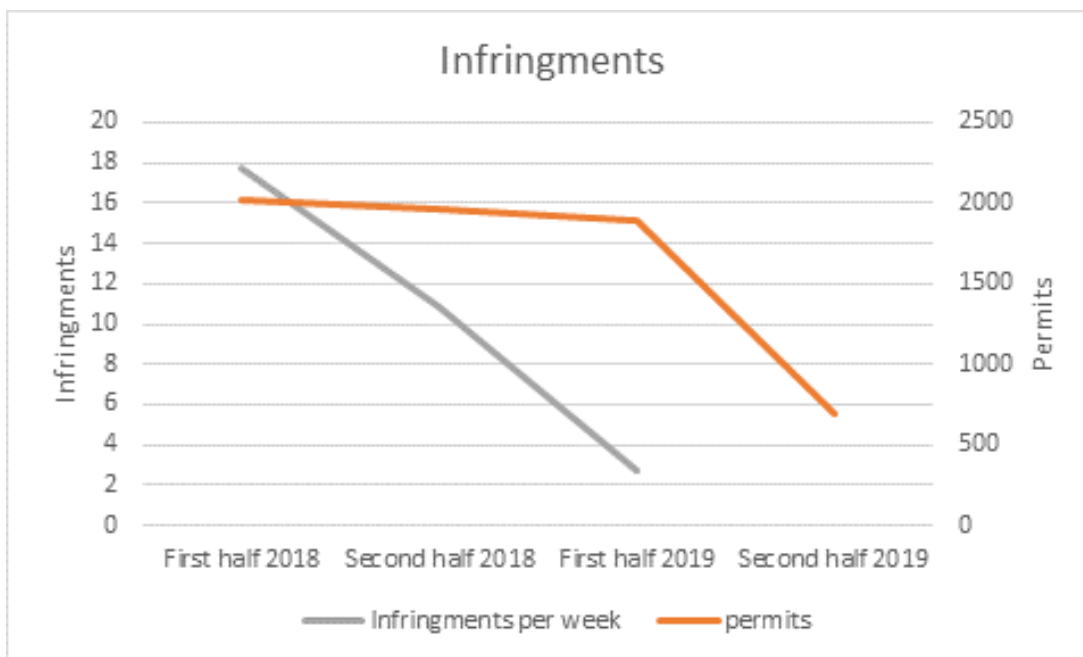
Financial Year	No. Permits Issued	No. Permit Applications Declined
2013-14	9	1
2014-15	0	2

2015-16	3	0
2016-17	5	0
2017-18	5	0
2018-19	1	0

Event Permits

3. In 2018-19 the Town implemented a temporary parking permit system to assist in the parking management of the Burswood Peninsula area to coincide with the opening of the new stadium.
4. This permit trial enabled the Town to monitor the impact of the new stadium on neighboring areas and develop parking management solutions.
5. Figure 1 shows;
 - (a) the issuing of the four rounds of permits,
 - (b) how the volume of permits has reduced over time and,
 - (c) that there was a steep reduction in permit related parking infringements issued as compliance improved.

Figure 1. Number of Permits and Infringements



6. The Town consulted with the Community in November 2019 the intent to either:
 - (a) Commit to a permanent permit system for the Burswood Peninsula area; or
 - (b) Wind-up the temporary permit system due to the improved parking compliance, as shown in the graph above.
7. To align with the Town's Permit Policy and the City of Perth's Permit system in East Perth, the engagement specifically outlined that a permanent permit parking solution will require:
 - (a) An annual fee payable by applicable residents

- (b) Permits limited to one specific vehicle per residence
- (c) Permits linked to specific streets within the Peninsula
- (d) Permits will only be valid/required on days were there are events at Optus Stadium

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Maintain availability of the Town's limited parking, to support commerce and tourism, by keeping the number of permits to a minimum.
EC02 - A clean, safe and accessible place to visit.	Maintain availability of the Town's limited parking, for visitors, by keeping the number of permits to a minimum.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Providing convenient parking for residents with limited private parking.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Maintaining the option for residents, with limited private parking, to use a private vehicle.

Engagement

Internal engagement	
Stakeholder	Comments
Street Improvement	Support amendments and additions
Customer Relations	Support amendments and additions
Urban Planning	Recommended alignment with R Codes
Place Planning	Support amendments and additions

External engagement	
Stakeholders	Business owners and residents in the Burswood Peninsular.
Period of engagement	29 November 2019 till 16 December 2019
Level of engagement	2. Consult
Methods of engagement	Online survey and written submissions

Advertising	Towns website and email notifications
Submission summary	13% responded, with 88 responses out of 670 Letters sent to Business owners and residents in the Burswood Peninsular.
Key findings	<ul style="list-style-type: none"> • 42% of respondents are in favour of a permanent permit parking system • 34% of respondents didn't support any of the three proposed options • 17% of respondents are in favour of the current minimal timed parking restrictions, with no permits • 7% of respondents are in favour of expanded timed parking restrictions, with no permits

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance If changes requested by elected members are not made, the current policy may not be complied with.	Minor	Possible	Moderate	Amended policy that takes into account elected member feedback is adopted.
Reputational If changes requested by elected members are not made, the residents of Burswood Peninsula will lose trust in the Town	Moderate	Likely	High	The Town will keep the residents of the Burswood Peninsula informed on the process
Health If changes requested by elected members are not made, the amount of dangerous parking may increase Burswood Peninsula	Moderate	Possible	Moderate	The Town will maintain the Temporary Permit System in the Burswood Peninsula

Financial implications

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

Future budget impact

The fee for Event Permits will be on a cost recovery basis, which is proposed to be \$30 per permit.

Based on the parking permit trial, the Town expects about 640 applications for Event Permits. This equates to about \$19,200, which has been included in the proposed budget for 2020-2021.

Analysis

8. Internal consultation found that this policy is effective at achieving its objective. Which is to keep permits to a minimum to enable equitable access to the Towns limited parking resources while supporting residents with limited parking on their property.
9. The Town recommends that this policy should align with the State Planning Policy 7.3 Residential Design Codes (R Codes). This will enable residents whos properties do not meet the minimum number of on-site parking bays required by the R Codes, to apply for a permit.
10. The following excerpt from the R Codes specifies the minimum on-site parking requirements:

Deemed-to-comply

*Development satisfies the following **deemed-to-comply** requirements (C)*

C3.1 The following minimum number of on-site car parking spaces is to be provided for each **single house, grouped dwelling** and **special purpose dwelling** comprising the following number of bedrooms:

Type of dwelling	Car parking spaces	
	Location A	Location B
1 bedroom dwelling	1	1
2 + bedroom dwelling	1	2
Aged persons' dwelling	1	1
Ancillary dwelling	nil	1

A = within:

- 800m of a train station on a **high frequency rail route**, measured in a straight line from the pedestrian entry to the train station platform to any part of a **lot**; or
- 250m of a **high frequency bus route**, measured in a straight line from along any part of the bus route to any part of a lot.

B = not within the distances outlined in A above.

- 11.
12. To align with the R Codes, the Town recommends:
 - (a) Reducing the eligibility of permits, to residents whose properties do not comply with R Codes; and
 - (b) Reducing the eligibility of residents to one permit.

5.3 Site planning and design

13. The following table lists the recommended amendments:

Clause	Proposed	Reason
4. An eligible residential property with no onsite parking may apply for a maximum of two Residential Permits	5. An eligible residential property, which does not comply with the on-site parking requirements of the State Planning Policy 7.3 Residential Design Codes (R Codes), may apply for a maximum of one Residential Permit	Align with R Codes
5. An eligible property with space for one onsite parking bay may apply for a maximum of one Residential Permit.	Delete Clause	Align with R Codes
6. Properties with 2 or more onsite parking bays are ineligible for a Residential Permit.	6. Properties are ineligible for a Residential Permit if: <ul style="list-style-type: none"> a. They comply with the on-site parking requirements of the State Planning Policy 7.3 Residential Design Codes (R Codes); or b. The development approval concedes less than the required number of on-site parking bays under the R Codes. 	Align with R Codes. Clause 6.b ensures that developers cannot request approval for developments with inadequate parking, and then apply for Residential Permits to make up for the shortage of parking in their development.
11. One application form can be submitted for up to 2 permits.	Delete Clause	Align with R Codes

14. Due to resident feedback, the Town also recommends removing in-equity in the Policy by deleting the following clauses:

- (a) 19. Residents of strata titled properties consisting of 4 or more individual dwellings are not eligible for a permit.
- (b) 20. Residents who move into the Town after the date that this Policy is adopted will not be eligible for a permit.

15. The following table lists the recommended amendments:

Clause	Proposed	Reason
19. Residents of strata titled properties consisting of 4 or more individual dwellings are not eligible for a permit.	Delete Clause	To maintain equity between all residents.
20. Residents who move into the Town after the date that this Policy is adopted will not be eligible for a permit.	Delete Clause	To maintain equity between all residents.

Event Permits

16. Based on the external engagement, the Town recommends the following amendments, to implement a permanent Event Permit system for the Burswood Peninsula:

Clause	Proposed	Reason
Types of permits 1. Residential Permits 2. Transitional Permits	Types of permits 1. Residential Permits 2. Transitional Permits 3. Event Permits	<i>Consistent with the Town's other permits</i>
New Heading	Terms and conditions of Event permits	
New Subheading	Purpose	
New Clause	70. To provide residents and businesses with an exemption to access parking near their properties, on dates which are published on the Optus Stadium website, for events held at Optus Stadium.	<i>Consistent with the Town's other permits</i>
New Subheading	Maximum Number	
New Clause	71. An eligible residential or commercial address may apply for a maximum of one permit	<i>Consistent with the Town's other permits</i>
New Subheading	Application Process	

New Clause	72. To obtain an Event Permit the applicant must complete the required application form.	<i>Consistent with the Town's other permits</i>
New Clause	73. The application form will not be accepted without payment of the applicable fee.	<i>Consistent with the Town's other permits</i>
New Clause	74. Documents demonstrating that the applicant resides or is registered at the address stated in the application form, are required to be provided along with the application form.	<i>Consistent with the Town's other permits</i>
New Clause	75. A replacement or transfer form is required to be completed and submitted with the required documentation and fee before a replacement permit will be issued.	<i>Consistent with the Town's other permits</i>
New Subheading	Eligibility Criteria	
New Clause	76. The applicant must reside or be a registered business in the Burswood Peninsula, in Town of Victoria Park's local government area, and the indicated zone.	<i>All streets within the Burswood Peninsula residential area, are within 1km of Optus Stadium</i>
New Clause	77. Event Permits will not be issued to: a. Heavy or Long Vehicles, b. Caravans, c. Boats, d. Trailers, e. Taxi's, or f. Buses.	<i>Consistent with the Town's other permits</i>
New Subheading	Terms and Conditions	
New Clause	78. Each Event Permits is valid for one year.	<i>Consistent with the Town's other permits</i>
New Clause	79. Event Permits cannot be used in parking bays where time restrictions apply or where parking fees are payable.	

New Clause	80. Event Permits can only be used in the streets or areas as stated on the permit.	<i>Consistent with the Town's other permits</i>
New Clause	81. All Event Permits expire 12 months after the date of issue.	<i>Consistent with the Town's other permits</i>
New Clause	82. A permit does not guarantee the holder a parking bay.	<i>Consistent with the Town's other permits</i>
New Clause	83. Lost or stolen permits will be replaced on application subject to the payment of the applicable fee.	<i>Consistent with the Town's other permits</i>
New Clause	84. Permits must be displayed at all times.	<i>Consistent with the Town's other permits</i>
New Clause	85. Each permit can only be used on the vehicle shown on the permit.	<i>Consistent with the Town's other permits</i>
New Clause	86. Permits will be revoked if misused, copied or sold to a third party	<i>Consistent with the Town's other permits</i>
New Subheading	Applicable Fees	
New Clause	87. The application fee as stated in the Town's Schedule of Fees and Charges is required to be paid before an application will be accepted.	<i>Consistent with the Town's other permits</i>
New Clause	88. The application fee will not be refunded for incomplete or unsuccessful applications.	<i>Consistent with the Town's other permits</i>
New Clause	89. The replacement or transfer fee as stated in the Town's Schedule of Fees and Charges is required to be paid before a replacement permit will be issued.	<i>Consistent with the Town's other permits</i>
New Clause	90. Refunds do not apply for unused permits	<i>Consistent with the Town's other permits</i>
New Subheading	Discretionary Authority	

New Clause	91. Notwithstanding any other provisions which restrict the number of Event Permits that may be issued, the Chief Executive Officer may approve the issue of additional Event Permits, to any resident or business, under such conditions as the Chief Executive Officer considers necessary.	<i>Consistent with the Town's other permits</i>
------------	---	---

Relevant documents

Policy attached, with tracked changes

Further consideration

17. The Policy Committee at its meeting on 18 March 2020 considered the following:
- a. The Committee discussed the Town's parking permit program, its origins, uptake and purpose, and how:
 - i. The Town currently only issues around 20 parking permits a year
 - ii. Permit holders almost never seek to renew
 - iii. The event permits are specifically for the Burswood Peninsula to deal with the number of persons who seek to park in the area during a game day at Optus Stadium.

COUNCIL RESOLUTION (383/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

1. That the Policy Committee recommends that Council adopts the amendments to Policy 351 Parking Permits as attached.
2. Request the CEO report to Council on recommendations for Permits for businesses without onsite parking to the June OCM.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

15.7 Minor review of the policies of Council

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

Recommendation from the Policy Committee

That the Policy Committee recommends that Council:

1. Endorses minor amendments, in line with Policy 001 Policy Management and Development, to the following:
 - a. Policy 001 Policy management and development
 - b. Policy 023 Provision of information and services – elected members
 - c. Policy 052 Audio and video recording and live streaming of Council meetings, Agenda Briefing Forums, committees and electors meetings (to become Policy 052 Recording and live streaming)
 - d. Policy 112 Visual art, inclusive of changes to clause 4 being made to read: *"Any visual art purchased by the Town must be in accordance with Policy 301 Procurement and the relevant procedures, unless otherwise resolved by Council."*
 - e. Policy 115 Public art inclusive of changes to clause 4 being made to read: *"Any public art purchased by the Town must be in accordance with Policy 301 Procurement and the relevant procedures, unless otherwise resolved by Council."*
 - f. Policy 256 Mowing of street verges
 - g. Policy 402 Extended trading permit applications – Licensed premises
 - h. ADM2 – Long Service Leave (to become Policy 007 Long service leave)
2. Requests that the Chief Executive Officer conducts a review of the following policies and provides further report back to Council as outlined below:
 - a. Policy 212 Graffiti removal management by July 2020 Ordinary Council Meeting
 - b. Policy 255 Street trees by July 2020 Ordinary Council Meeting
 - c. Policy 002 Appeals against Council policy by August 2020 Ordinary Council Meeting
 - d. Policy 023 Provision of information and services – Elected members by August 2020 Ordinary Council Meeting
 - e. Policy 201 Canvass awnings by September 2020 Ordinary Council Meeting
 - f. Policy 451 Transitional use by September 2020 Ordinary Council Meeting
 - g. Policy 011 Caretaker by October 2020 Ordinary Council Meeting
 - h. Policy 012 Street listing of owners and occupiers by October 2020 Ordinary Council Meeting
 - i. Policy 013 Electoral signs by October 2020 Ordinary Council Meeting
 - j. Policy 206 Temporary vehicle stands at building sites by November 2020 Ordinary Council Meeting
 - k. Policy 224 Fences between Town property and adjoining property by November 2020 Ordinary Council Meeting
 - l. Policy 254 Remnant native vegetation by November 2020 Ordinary Council Meeting
 - m. Policy 204 Plant containers on commercial paved areas by December 2020 Ordinary Council Meeting

- n. Policy 209 Paving of verges in commercial paved areas by December 2020 Ordinary Council Meeting
- o. Policy 210 Free trade area by December 2020 Ordinary Council Meeting
- p. Policy 205 Vehicle crossovers by March 2021 Ordinary Council Meeting
- q. Policy 304 Disposal of disused equipment, machinery and other materials by March 2021 Ordinary Council Meeting
- r. Policy 207 Paths – Locations within road reserves by April 2021 Ordinary Council Meeting
- s. Policy 208 Street verges – reinstatement of lawns following works by April 2021 Ordinary Council Meeting
- t. Policy 202 Directional signs by May 2021 Ordinary Council Meeting; and
- u. Policy 203 Stormwater run-off containment by May 2021 Ordinary Council Meeting.

Purpose

To conduct a minor review of the policies of Council and set a policy review workplan for the 2020-2021 financial year.

In brief

At its meeting held on 20 August 2019, Council resolved to conduct the first minor review of the Town's policy manual. During this process, Council requested the Chief Executive Officer to conduct a further review of 23 policies in the 2019-2020 financial year.

In line with Policy 001 – Policy Management and Development, a minor review of the policy manual has been conducted. This '[entailed] a broad review of the content of each policy to allow for minor amendments, including changes to formatting, spelling and grammar, rewording of sections to increase clarity, standardisation of terms used, and the updating of references to relevant legislation and other documents. Any amendments arising from a policy review should not alter the purpose or objective of the policy'.

As comprehensive minor review was undertaken in 2019, this review has resulted in significantly less changes than the prior year.

During the minor review process, 21 policies have been identified for a full review.

Background

1. At its meeting held on 21 May 2019, Council resolved to adopt Policy 001 – Policy Management and Development and to request that the Chief Executive Officer conducts a review of the full policy manual. The first minor review was presented to Council on 20 August 2020. As a result of this minor review, Council requested 23 policies to undergo a further review in the 2019-2020 financial year.
2. In line with Policy 001 - Policy Management and Development, which requires a minor review to be undertaken annually, the Town has reviewed the full policy manual and is proposing minor changes to eight policies.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The annual review of policies ensures that policies set by Council support clear, consistent and effective direction for both the community and the Town's administration.

Engagement

Internal engagement	
Stakeholder	Comments
Managers and Service Area Leaders	Feedback was sought from Managers and Service Area Leaders to help identify policies that required minor review changes, and policies that required a more thorough review.

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Policies are not adhered to.	Moderate	Possible	Moderate	The Town is appropriately educated, and supported, to understand its responsibilities in relation to Council policies.

Financial implications

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

Analysis

- As comprehensive minor review was undertaken in 2019, there are significantly less changes proposed during this minor review than the prior year. In conducting the minor review, 21 policies have been identified for a full review. A workplan to conducted the review of those 21 policies in the 2020/2021 financial year has also been recommended.
- The following minor review changes are proposed below:

Policy	Proposed	Reason
Policy 001 Policy development and review	Amend policy review to minor policy review Amend policy manual to policies of Council	To provide clarification that the annual review of the policies of Council is a minor policy review. A formal policy manual is no longer maintained. Policy are instead separated individually on the website to increase accessibility.
Policy 023 Provision of Information and Services – Elected Members	Amend description of Concept Forum	Amended to align with Policy 051 in relation to information only items at Concept Forum.
Policy 052 Audio and video recording and live streaming of Council meetings, Agenda Briefing Forums, committees and electors meetings	Shorten title	This policy has the longest title of all the polices of Council. It is suggested that a much shorter title of “Recording and live streaming” be adopted.
Policy 112 Visual art	New clause	A clause is proposed to be inserted to clarify that the Town can acquire visual art in accordance with the Procurement Policy.
Policy 115 Public art	New clause	A clause is proposed to be inserted to clarify that the Town can acquire public art in accordance with the Procurement Policy.
Policy 256 Mowing of street verges	Amendment of typographical error	A typographical error was found in clause 3.
Policy 402 Extended trading permit applications – Licenced premises	Amendment of title	This policy references in clause 3 the Director Business Life. This position no longer exists. It is proposed to replace this with “Town”.
ADM2 – Long Service Leave	Reformatted	A scope and objective has been added, and the document has been reformatted.

5. The tracked changed version of policies with minor amendments are attached to this report.

6. The following policies are proposed for a full review in the next financial year.

Policy	OCM Consideration	Reason
002 – Appeals against Council policy	August 2020	This policy does not appear to have changed since 1999, it is unknown at this time if an appeal has ever been submitted.

011 – Caretaker	October 2020	To ensure that best practice to a 'caretaker policy' is adopted, it is proposed that this policy be further reviewed. There is also a lack of clarity if this policy applies to both ordinary and extraordinary elections.
012 – Street listing of owners and occupiers	October 2020	Other than a clarification amendment in 2019, this policy has remained unchanged since 1999. The Town does not actually maintain records of occupiers of property, only a rates record. The right of elected members to access a copy of the electoral roll is set out in the Act and Regulations. This policy is recommended for further review to assess its relevance.
013 – Electoral signs	October 2020	This policy has been remained unchanged since 1994. Given some difficulties experienced at the previous ordinary election relating to electoral signs, it is proposed that a further review be considered to clarify and strengthen the policy.
023 – Provision of information and services – Elected members	August 2020	Due to issues raised by the executive and elected members regarding the policy, it is proposed that the policy be reviewed further.
201 – Canvass Awnings	September 2020	This policy has been unamended since 1994 when it would have been carried across from the City of Perth. A large amount of change has occurred in planning and building law since then. A review is recommended to enable reconsideration of this policy.
203 – Stormwater run off containment	May 2021	This policy was last properly reviewed in 2015 as such a new review is timely.
205 – Vehicle crossovers	March 2021	This policy was last properly reviewed in 2015 as such a new review is timely.
206 – Temporary vehicle stands at building sites	November 2020	Once a reviewed parking local law has been passed by the Town, it would be appropriate for the Town to review this policy for consistency.
210 – Free trade area	December 2020	This policy was last properly reviewed in 2015 as such a new review is timely.
212 – Graffiti removal management	July 2020	The Graffiti Vandalism Act 2016 was adopted after this policy was last amended. It is recommended that this policy be reviewed considering this.

224 – Fences between Town property and adjoining property	November 2020	Once a reviewed fencing local law has been passed by the Town it would be appropriate for the Town to review this policy for consistency.
254 – Remnant native vegetation	November 2020	This policy was last properly reviewed in 2015 as such a new review is timely.
255 – Street trees	July 2020	This policy has not been amended since the adoption of the Urban Forest Strategy.
304 – Disposal of disused equipment, machinery and other materials	March 2021	This is one of the last remaining finance policies that has not been reviewed in the last few years. As such it is recommended for review.
401 – Smoking restriction – Town property	December 2020	This policy was last properly reviewed in 2015 as such a new review is timely.
402 – Extended trading permit application – licensed premises	December 2020	This policy was last properly reviewed in 2015 as such a new review is timely.
403 – Management of noise emissions from events at Belmont Racecourse – Other than horse racing	April 2021	This policy was last properly reviewed in 2015 as such a new review is timely.
404 – Fireworks management	April 2021	This policy was last properly reviewed in 2015 as such a new review is timely.
406 – Temporary Food Businesses and Itinerant Food Vendors	March 2021	Council resolved that a review occur within 18 months of the introduction of the policy.
451 – Transitional use	September 2020	This policy was adopted as an interim measure three years ago. It is recommended that it be replaced as a local planning policy.

Relevant documents

Not applicable.

Further consideration

Resulting from the meeting of the Policy Committee held on 18 March 2020, the following additional information is provided:

7. The changes recommended for ADM2 are only relating to minor formatting to ensure it aligns with the current standard.

8. As the Policy Committee's tenure expires on 30 June, a report will be presented to Council reviewing the Committee's Terms of Reference and to consider extending the Committee's tenure. If it recommended to continue, a workplan for the Policy Committee will also be presented.
9. Changes to Policies 112 and 115, recommended by the Policy Committee, are indicated in red and attached to this report.
10. As requested by the Policy Committee, the Town has identified a further 9 policies for review and a proposed workplan in the table below. Some policies have had their review date adjusted to accommodate this. The further identified policies are highlighted in bold below.

Ordinary Council Meeting	Policies to be reviewed
July 2020	<ul style="list-style-type: none"> • 204 – Plant containers on commercial paved areas • 209 – Paving of verges in commercial areas • 255 – Street trees
August 2020	<ul style="list-style-type: none"> • 002 – Appeals against Town Policy • 014 – Appointments to outside bodies • 023 – Provision of information and services – Elected members
September 2020	<ul style="list-style-type: none"> • 201 – Canvass Awnings • 212 – Graffiti removal management • 451 – Transitional use
October 2020	<ul style="list-style-type: none"> • 011 – Caretaker • 012 – Street listing of owners and occupiers • 013 – Electoral signs
November 2020	<ul style="list-style-type: none"> • 206 – Temporary vehicle stands at building sites • 224 – Fences between Town property and adjoining property • 254 – Remnant native vegetation
December 2020	<ul style="list-style-type: none"> • 210 – Free trade area • 401 – Smoking restriction – Town property • 402 – Extended trading permit applications – Licenced premises
March 2021	<ul style="list-style-type: none"> • 006 – Gratuity payments to employees • 205 – Vehicle crossovers • 304 – Disposal of disused equipment, machinery and other materials
April 2021	<ul style="list-style-type: none"> • 403 – Management of noise emissions from events at Belmont Racecourse – Other than horse racing • 404 – Fireworks management • 406 – Temporary food businesses and itinerant food vendors

May 2021	<ul style="list-style-type: none"> • 112 – Visual art • 115 – Public art • 203 – Stormwater runoff containment
June 2021	<ul style="list-style-type: none"> • 257 – Waste removal – Residential properties • 258 – Waste removal – Commercial properties • 259 – Recycling collection – Residential and commercial properties

11. Due to the ongoing public health state of emergency the Town's Environmental Health Service Area may be called into the service of the state. As such the review of policies 401 – 404 and 406 may be delayed depending on the length of the disruption.

COUNCIL RESOLUTION (384/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Policy Committee recommends that Council:

1. Endorses minor amendments, in line with Policy 001 Policy Management and Development, to the following:
 - a. Policy 001 Policy management and development
 - b. Policy 023 Provision of information and services – elected members
 - c. Policy 052 Audio and video recording and live streaming of Council meetings, Agenda Briefing Forums, committees and electors meetings (to become Policy 052 Recording and live streaming)
 - d. Policy 112 Visual art, inclusive of changes to clause 4 being made to read: "*Any visual art purchased by the Town must be in accordance with Policy 301 Procurement and the relevant procedures, unless otherwise resolved by Council.*"
 - e. Policy 115 Public art inclusive of changes to clause 4 being made to read: "*Any public art purchased by the Town must be in accordance with Policy 301 Procurement and the relevant procedures, unless otherwise resolved by Council.*"
 - f. Policy 256 Mowing of street verges
 - g. Policy 402 Extended trading permit applications – Licensed premises
 - h. ADM2 – Long Service Leave (to become Policy 007 Long service leave)
2. Requests that the Chief Executive Officer conducts a review of the following policies and provides further report back to Council as outlined below:
 - a. Policy 212 Graffiti removal management by July 2020 Ordinary Council Meeting
 - b. Policy 255 Street trees by July 2020 Ordinary Council Meeting
 - c. Policy 002 Appeals against Council policy by August 2020 Ordinary Council Meeting
 - d. Policy 023 Provision of information and services – Elected members by August 2020 Ordinary Council Meeting
 - e. Policy 201 Canvass awnings by September 2020 Ordinary Council Meeting
 - f. Policy 451 Transitional use by September 2020 Ordinary Council Meeting
 - g. Policy 011 Caretaker by October 2020 Ordinary Council Meeting
 - h. Policy 012 Street listing of owners and occupiers by October 2020 Ordinary Council Meeting
 - i. Policy 013 Electoral signs by October 2020 Ordinary Council Meeting
 - j. Policy 206 Temporary vehicle stands at building sites by November 2020 Ordinary Council Meeting

- k. Policy 224 Fences between Town property and adjoining property by November 2020 Ordinary Council Meeting
- l. Policy 254 Remnant native vegetation by November 2020 Ordinary Council Meeting
- m. Policy 204 Plant containers on commercial paved areas by December 2020 Ordinary Council Meeting
- n. Policy 209 Paving of verges in commercial paved areas by December 2020 Ordinary Council Meeting
- o. Policy 210 Free trade area by December 2020 Ordinary Council Meeting
- p. Policy 205 Vehicle crossovers by March 2021 Ordinary Council Meeting
- q. Policy 304 Disposal of disused equipment, machinery and other materials by March 2021 Ordinary Council Meeting
- r. Policy 207 Paths – Locations within road reserves by April 2021 Ordinary Council Meeting
- s. Policy 208 Street verges – reinstatement of lawns following works by April 2021 Ordinary Council Meeting
- t. Policy 202 Directional signs by May 2021 Ordinary Council Meeting; and
- u. Policy 203 Stormwater run-off containment by May 2021 Ordinary Council Meeting.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

15.8 Internal Audit Program

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

Recommendation from the Audit Committee

That the Audit Committee recommends that Council:

1. Receives the report into the investigation of establishing a regular internal audit program;
2. Endorses the proposed amendments to the Audit Committee's Terms of Reference to include functions relating to internal audit;
3. Gives consideration to allocating resources for the purpose of delivering a regular internal audit program in the 2020/2021 Annual Budget;
4. Requests that the Chief Executive Officer presents a further report back to the Audit Committee with a proposed internal audit program to be undertaken in the 2020/2021 financial year by July 2020; and
5. That the 'Audit Committee' be renamed to the 'Audit and Risk Committee' and the Terms of Reference be amended accordingly.

Purpose

To present the Audit Committee with the Town's findings on its investigation into the establishment of a regular internal audit program.

In brief

- At its meeting held on 17 September 2019, Council, on recommendation from the Audit Committee, resolved to request the Chief Executive Officer to investigate the establishment of a regular internal audit program and report back to the Audit Committee by March 2020.
- In conducting the Chief Executive Officer (CEO)'s review on systems and processes, in accordance with Regulation 17 of the Audit Regulations, the lack of an internal audit program has been highlighted as a 'further action' for improvement.
- To take a best practice approach to internal audit, it is proposed that the Audit Committee's Terms of Reference (ToR) be amended to include oversight capacity over this function, inclusive of reviewing an internal audit program to be undertaken in the 2020/2021 financial year.

Background

2. At its meeting held on 17 September 2019, Council, on recommendation from the Audit Committee, resolved to request the Chief Executive Officer to investigate the establishment of a regular internal audit program and report back to the Audit Committee by March 2020.

3. Although not a statutory requirement under the Act, the [Local Government Operational Guidelines on Audit in Local Government](#) (the Guidelines) describes internal auditing as an 'independent objective assurance and consulting activity designed to add value and improve an organisation's operations by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls, and governance processes.' It further stipulates the Audit Committee's role in internal audit to:
 - help Council form an opinion on the local government's audit requirements by recommending a course of action that ensures any internal audit processes adopted are appropriate, accountable and transparent
 - determine the scope of an internal audit with input from the CEO
 - review the appropriateness of special internal audit assignments undertaken by the internal auditor at the request of Council or the CEO
 - review the level of resources allocated to internal audit and the scope of its authority
 - review reports on internal audit, and monitoring the implementation of recommendations made by the audit, and review the extent to which Council and management reacts to matters raised
4. Although internal audit is undertaken by many local governments (inclusive of the inner-city Councils, such as City of Perth, City of Vincent, City of Subiaco and the City of South Perth), the Town's practices in internal audit is limited. To better understand the evolution of internal audit within the Town, the background is outlined below:
 5. From 2015 to 2017, an officer was employed by the Town, primarily, to manage the Town's audit and risk functions, and to provide some governance support. The Town, through this resource, undertook one internal audit relating to a [Performance Audit of Records Management](#). This area of audit was identified internally through the Town's strategic and operational risk register. The findings of the audit were presented to the Finance and Audit Committee for receiving at its September 2017 meeting, but was never presented to Council.
 6. In March 2019, Council resolved to request the Chief Executive Officer to review the Finance and Audit Committee's Terms of Reference (ToR), resulting from the wider review of the Town's Committee structure.
 7. In April 2019, the CEO's review of systems and procedures relating to legislative compliance, in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* (the Regulations), was presented to Council alongside further actions for the purpose of continuous improvement. Among these actions were to 'develop an internal audit program with a focus on assessing areas of risk, strategic significance and ethics/integrity issues' and to 'ensure the internal audit program is appropriately resourced'.
 8. In May 2019, the review conducted on the Finance and Audit Committee's Terms of Reference, which was requested by Council in March 2019, was presented. That report, which recommended the refocusing and renaming of the, then, Finance and Audit Committee to the, current, Audit Committee, stated that 'further additions to the original TOR were proposed to include functions relating to internal audit and ethical responsibility'. However, as result of discussion at a Committee workshop, these functions were not included in the ToR presented to Council for adoption in May 2019.
 9. In August 2019, a report was presented to the Audit Committee to receive the results of the Regulation 17 review on internal controls. This review, similar to the review on 'legislative compliance', resulted in further actions relating to the development and implementation of an internal audit program. At the

Committee meeting, an amendment was moved to request that the Chief Executive Officer investigate the establishment of an internal audit program – which is the subject of this report.

- Subsequently, as part of the adoption of the Town’s Strategic Risk Register at its February 2020, resulting from discussion held at the Audit Committee relating to internal audit, an additional ‘Risk Treatment Action’ was identified to review the current Audit Committee’s ToR with due consideration being given to its role in internal audit.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Having a robust internal audit program, with oversight from the Audit Committee, will enable the Town to have a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls, and governance processes.

Other engagement	
Stakeholder	Comments
Inner-City Working Group – Internal Audit Subcommittee	As part of the Inner-City Working Group MoU, the Town has had preliminary discussions with participating Councils on the possibly of sharing an internal audit contract to save on costs.

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Not amending the ToR for the Audit Committee means that internal audits should not go to the Committee as it is not within its functions, as approved by Council.	Moderate	Likely	High	The ToR for the Audit Committee is amended to include functions relating to internal audit.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	As part of the officer's recommendation, it is proposed that Council gives consideration to the allocation of resources for the purpose of establishing a regular internal audit program as part of the 2020/2021 Annual Budget.

Analysis

11. In response to Council's resolution to investigate the establishment of an internal audit program, the Town has since undertaken research, which has resulted in the following proposal:
- Amend the Audit Committee's Terms of Reference to include internal audit
 - Allocate sufficient resource for the delivery a 'regular' internal audit program
 - Authorise the Audit Committee to review and recommend a 2020/2021 internal audit program to Council

Role of Audit Committee in internal audit

To ensure that the Town's internal audit function is in line with industry practice and the Department's Guidelines, it is proposed that the Audit Committee's existing ToR be amended to include an additional section as follows:

2.5 Internal Audit

- (1) *help Council form an opinion on the local government's audit requirements by recommending courses of action which ensure that internal audit processes are appropriate, accountable and transparent*
- (2) *Review the scope of internal audits with input from the CEO and recommend an annual internal audit program to Council*
- (3) *review the appropriateness of special internal audit assignments undertaken by the internal auditor at the request of Council or the CEO*
- (4) *review the level of resources allocated to internal audit and the scope of its authority*
- (5) *review internal audit reports and make recommendations to Council on its results*
- (6) *oversee and monitor the implementation of internal audit recommendations*

Such changes will ensure that the Town's internal audit program, unlike the previously implemented program, has appropriate oversight from both Council and the Audit Committee. The intent of the above clause is to ensure that the Audit Committee has an end-to-end role in internal audit – from the identification of internal audits to be conducted to receiving the results of such reviews. The proposed amended Audit Committee Terms of Reference is included as Attachment 7.1.1

Appropriate sufficient resource for the delivery a 'regular' internal audit program

Since the lack of an internal audit function was first identified in the CEO's review of processes and systems relating to legislative compliance, the Town has sought to identify opportunities to address this function by leveraging its partnerships within the sector.

As part of the Inner-City MoU between the Town of Victoria Park, City of Perth, City of South Perth, City of Subiaco and City of Vincent, which Council resolved to support 'in principle' at its February 2019 meeting, a sub-committee relating to internal audit was created. While still in the early stages of discussion, members of the group have identified an opportunity to collaborate on an internal audit contract, which will see independent internal audits being conducted for the participating local governments.

This approach was identified as an opportunity to reduce costs relating to the contracting out of an internal audit function (which has been the most current practice in the City of Subiaco, City of Vincent and City of South Perth; the City of Perth employs internal auditors within their workforce). Further justification for this approach relates to importance of having a truly 'independent' internal audit function. As discussed previously at a Finance and Audit Committee workshop, having an internal auditor that is employed by, and reports to, the CEO, may result in unintended bias.

Although preliminary discussions have been held, the contracting out of an internal audit function with other inner-city local governments has yet to be progressed. As such, it is proposed that due consideration be given to allocating resources within the 2020/2021 annual budget to trial this approach.

Authorise the Audit Committee to review the proposed internal audit program for 2020/21

As outlined in paragraph 2 of this report, it is proposed that the Audit Committee's ToR be revised to include authority to '*Review the scope of internal audits with input from the CEO and recommend an annual internal audit program to Council*'.

In line with this function, and to progress the establishment of a regular internal audit program, it is proposed that a further report be sought from the CEO outlining a proposed internal audit program for the 2020/2021 financial year by July 2020. The reason for this timeline is to allow sufficient time for an internal audit program to be developed in line with the Town's strategic and operational risk registers, and to ensure that any such program recommended aligns with the adopted 2020/2021 Annual Budget.

Other comments

As amendments to the Committee's ToR are proposed, the Committee may want to reconsider changing its name to from the 'Audit Committee' to the 'Audit and Risk Committee' to more accurately reflect the Committee's role in light of the recent adoption of the Town's Risk Management Framework, and Strategic Risk Register, which requires regular reporting to the Audit Committee. It is to be noted that this name change is not crucial to the establishment of an internal audit program.

Relevant documents

[Local Government Operational Guidelines on Audit in Local Government](#)

Further consideration

Resulting from the 23 March 2020 Audit Committee meeting, the following additional information is provided:

The Committee discussed the current name of the 'Audit Committee' and its functions relating to both Audit and Risk and considered its name change to the 'Audit and Risk Committee'.

COUNCIL RESOLUTION (385/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Audit Committee recommends that Council:

1. Receives the report into the investigation of establishing a regular internal audit program;
2. Endorses the proposed amendments to the Audit Committee's Terms of Reference to include functions relating to internal audit;
3. Gives consideration to allocating resources for the purpose of delivering a regular internal audit program in the 2020/2021 Annual Budget;
4. Requests that the Chief Executive Officer presents a further report back to the Audit Committee with a proposed internal audit program to be undertaken in the 2020/2021 financial year by July 2020; and
5. That the 'Audit Committee' be renamed to the 'Audit and Risk Committee' and the Terms of Reference be amended accordingly.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

15.9 CEO Review of Systems and Procedures (Reg. 17) - Update on Outstanding Actions

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

Recommendation from the Audit Committee	
<p>That the Audit Committee recommends that Council:</p> <ol style="list-style-type: none"> 1. Receives the update on actions resulting from the Chief Executive Officer’s Review of systems and procedures relating to legislative compliance, internal controls and risk management, in accordance with regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>. 2. Requests that the Chief Executive Officer provides a further report to the Audit Committee on the progress of recommended further actions by September 2020. 3. Requests that the Chief Executive Officer provides further information relating to the development of a process in line with item 1.5 of the Update on Outstanding Actions from Reg. 17 Review (attachment 7.2.1), along with an updated status, to the Audit Committee at its June 2020 meeting. 	

Purpose

To present the progress of further actions identified from the Chief Executive Officer (CEO)’s review of systems and procedures relating to legislative compliance, internal controls and risk management, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996 (the Regulations).

In brief

- Regulation 17 of the Regulations require the CEO to conduct a review of systems and procedures relating to legislative compliance, risk management and internal controls on a triennial basis.
- To ensure that a thorough review is conducted, each area was reviewed and reported on individually to the Audit Committee in 2019.
- As a result of the reviews conducted, a total of 24 opportunities for improvement were identified across the three areas of review.
- As resolved by Council, an update on the outstanding actions are presented to the Audit Committee.

Background

1. In 2013, regulation 17 of the Regulations were amended to include a requirement for the CEO to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to risk management, internal controls and legislative compliance on a biennial basis. In

2018, regulation 17 was amended to change the frequency of the review requirement from biennial to triennial.

2. In accordance with regulation 16 of the Regulations, a local government’s audit committee is responsible for reviewing the CEO’s report, before providing a copy of the report and the results of its review to Council. In 2019, the Audit Committee received three separate reports for their consideration, relating to risk management, internal controls and legislative compliance.
3. Upon receiving the results of the review, Council resolved, at its meetings held on 16 April 2019, 17 September 2019 and 17 December 2019, to request that the Chief Executive Officer provide updates to the Audit Committee on the progress of the opportunities for improvement actions identified as part of the reviews.
4. As many actions are already underway, the Town has sought to provide an update on all identified actions, rather than presenting a separate report for each individual area of review.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The Town has a responsibility to ensure that its systems and processes relating to legislative compliance, internal controls and risk management are appropriate and in line with industry best practice.

Engagement

Internal engagement	
Stakeholder	Comments
Corporate Services	Provided response to 1.5 and 3.5
Human Resources	Provided response to 1.3 and 2.2

Legal compliance

[Section 4.20\(4\) of the Local Government Act 1995](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Town’s systems and processes relating to legislative compliance, internal controls and risk	Moderate	Likely	Moderate	Proactively improving processes relating to legislative compliance, internal controls and risk management as identified by the review.

management not meeting requirements

Financial implications

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

Analysis

5. There are currently 24 opportunities for improvement identified as a result of the CEO's review of systems and processes relating to legislative compliance, internal controls and risk management. The status of these actions are summarised below:

Review area	Total actions	No. not started	No. in progress	No. completed
Legislative Compliance	11	0	4	7
Internal Controls	7	0	5	2
Risk Management	6	0	3	3

The full report on each actions, inclusive of officer comments, are attached to this report as Attachment 7.2.1.

Relevant documents

[A Guide to Local Government Auditing Reforms \(DLGSC\)](#)

[Local Government Operational Guidelines No. 9 – Audit in Local Government \(DLGSC\)](#)

Further consideration

Resulting from the 23 March 2020 Audit Committee meeting, the following additional information is provided:

6. The Committee queried the process stipulated in the officer's response to item 1.5 of the Update on Outstanding Actions from Reg. 17 Review (attachment 7.2.1). As a result of the discussion, the Committee discussed the need for further information relating to the process so that it can determine whether this action has been completed.
7. The Committee queries whether the 'legislative change reports' discussed in the response to item 1.8 and 1.9 of Update on Outstanding Actions from Reg. 17 Review (attachment 7.2.1) has been provided to independent committee members. It was noted that the appointment of current Independent Committee Members (ICMs) were only made in February and March this year. To streamline the provision of information to ICMs, the Town is investigating an online portal that is accessible by both elected members and ICMs.

COUNCIL RESOLUTION (386/2020):

Moved: Cr Brian Oliver

Seconded: Cr Ronhhda Potter

That the Audit Committee recommends that Council:

1. Receives the update on actions resulting from the Chief Executive Officer's Review of systems and procedures relating to legislative compliance, internal controls and risk management, in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996*.
2. Requests that the Chief Executive Officer provides a further report to the Audit Committee on the progress of recommended further actions by September 2020.
3. Requests that the Chief Executive Officer provides further information relating to the development of a process in line with item 1.5 of the Update on Outstanding Actions from Reg. 17 Review (attachment 7.2.1), along with an updated status, to the Audit Committee at its June 2020 meeting.

CARRIED BY EXCEPTION RESOLUTION (9 - 0)

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

Against: nil

16 Applications for leave of absence

COUNCIL RESOLUTION (387/2020):

Moved: Cr Luana Lisandro

Seconded: Cr Vicki Potter

That Council rescinds Cr Wilfred Hendriks' leave of absence from 26 May to 8 June 2020.

CARRIED (9 - 0)

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

Against: nil

Reason:

Leave of absence no longer required by the elected member.

17 Motion of which previous notice has been given

17.1 Cr Brian Oliver - Capital Works Program

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

Motion

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

- a) 2019/20 Capital Work projects and their allocated Budget that are not expected to be completed in the 2019/20 financial year; and
- b) All projects from the Parks and Engineering lists of the 5-year Capital Works Program, with a focus on upgrades or renewal, that can be brought forward and able to be delivered in the 2020/21 financial year for consideration by Council in the 2020/21 Budget setting process.

Reason

The reason for my Notice of Motion is to assist Council with the following matters in setting the 2020/21 Budget:

Asset Sustainability Ratio

An extract from the Town's February 2020 Audit Committee agenda states:

In the Town's 2018/19 Audit Report, the Auditor reported the material matter of the significant adverse trend in the financial position of the Town in relation to the Asset Sustainability Ratio. This ratio is below the Department of Local Government for the past 3 years.

While officer's noted that the Town's asset sustainability ratio indicates an improvement in the trend and is expected to meet the Department's standard of 0.9 within the 2019-2020 financial year, it will be helpful for Councillors to have an understanding of where the Town is expected to be at the end of the 2019/20 financial year with regard to delivering of its Capital Work projects and the position of our Asset Sustainability Ratio.

The reason for requesting parks and engineering projects to be brought forward, with a focus on upgrade or renewal, is to further assist Council in meeting its Asset Sustainability Ratio targets in the 2020/21 financial year. Further reasons for the list of projects that could be brought forward are outlined below.

COVID-19

The impact of COVID-19 on all local communities is well documented. While we are not able to respond to COVID-19 in a financial sense like State and Federal Governments, there are ways that we can support our local recovery through our Capital Works Program, as outlined below:

- Improving local amenity:
-
- While the 5-year capital works program outlines a staged approach to our parks and engineering renewal, with more people confined to their homes and local areas during COVID-19, and possibly for an extended period of time post the pandemic, this period provides Council the opportunity to further focus on "place" and bringing forward certain projects which will have direct impact for residents throughout our Town. Our Parks 5-Year Capital Works Program provides a great example of the things that can be brought forward to achieve this.

- Economic stimulus:

If we were to bring forward works, if financial and human resources allowed, it would help support economic stimulus, albeit at a small and local level. As many of the projects on the Parks 5-Year Capital Works Program are what would be considered "small ticket items", these may provide new/increased opportunities for small businesses in what is, and will continue to be, a tough economic climate.

- Employment:

If the Council was to consider a greater focus on its Capital Works Program in 2020/21, it could create an opportunity for the allocation of additional internal resources to support the delivery of the Capital Works Program.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	A report on the progress/expected outcomes of our 2019/20 program, and identified projects from our 5-year capital works program for consideration to be brought, will ensure Council can consider this with all information available.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	A report on the information requested will support Council in setting the 2020/21 Budget.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Delivery of our capital works program assists with improving local amenity.
EC02 - A clean, safe and accessible place to visit.	Delivery of capital works program assists with ensuring our Town is a clean, safe and accessible place.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Delivery of capital works program supports this outcome.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Delivery of our capital works program supports a healthy community.

Officer response to notice of motion

Location	Town-wide
Reporting officer	Jayde Robbins
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Officer comment

The Town is working on several initiatives of a similar nature to the motion leading into the budget for 2020/21 that will be guided by the State Government's "State Recovery Plan" and the Town's local recovery strategy (yet to be endorsed by Council). There is potential for the motion to duplicate some of the efforts in this space.

The Town is able to present a report to the May Ordinary Council Meeting outlining the request from part a) of the motion.

In regard to part b) of the motion, officers request that Council reconsider the wording to ensure that there is scope to raise consideration of all capital works – not just for projects in Parks and Engineering. The limitation to these areas may inhibit consideration of suitable projects in other areas such as Buildings (for example) that Council may also wish to consider.

In the time available, officers will endeavor to provide a list of projects for consideration, however there should still be the option for other projects to be considered during the budget process for 2020/21 as the recovery focus evolves.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Potential for duplication of work with motion and internal actions being undertaken	Minor	Likely	Moderate	Officers to continue to develop budget and capital works planning with a focus on the recovery from COVID-19 in due course

Financial implications

Current budget impact	Nil.
Future budget impact	Budget impacts will be defined by the report to OCM and by adoption of relevant budgets by Council

Relevant documents

Not applicable.

COUNCIL RESOLUTION (388/2020):

Moved: Cr Brian Oliver

Seconded: Cr Jesvin Karimi

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

- a) 2019/20 Capital Works projects and their allocated Budget that are not expected to be completed in the 2019/20 financial year; and
- b) All projects from the Town's list of the 5-year Capital Works Program, with a focus on upgrades or renewal, that can be brought forward and able to be delivered in the 2020/21 financial year for consideration by Council in the 2020/21 Budget setting process.

CARRIED (9 - 0)

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

Against: nil

18 Questions from members without notice

Nil.

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

Nil.

20 Public question time

Nil.

21 Public statement time

Nil.

22 Meeting closed to the public

22.1 Matters for which the meeting may be closed

Nil.

22.2 Public reading of resolutions which may be made public

Nil.

23 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9.23pm.

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

Signed:

Mayor
Karen
Vernon

Dated this:

Day of:

2020